

# ARTICLE 11. REGULATIONS FOR SPECIFIC USES

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**11.1. PURPOSE.**

11.1.1. The purpose of this article is to regulate and guide the establishment of uses and structures which are not permitted by right in the assigned zoning districts. To promote the public health, safety and general welfare of the citizens of the Town and the extraterritorial jurisdiction, the uses and structures contained in this Article will require the application of specific and supplemental development regulations. This Article contains supplemental development regulations for those uses and structures which are accessory to primary uses, permitted under defined conditions, or permitted by special use permit, as required in individual zoning districts.

- A. Uses with Conditions. Means a use or structure to which specific regulations are applied in order for that use to be located within a certain zoning district. Application for these proposed uses are made with the Zoning Enforcement Officer and may be approved or denied by the Zoning Enforcement Officer in accordance with the provisions in **Article 5- Administrative Permits, Enforcement and Appeals.**
- B. Uses Requiring a Special Use Permit. A land use designated as a "special use" in a particular zoning district is one that because of its nature, extent and external effects, generally is not appropriate in the district, but might be if subject to special standards and review that will ensure it is located, designed and operated in a manner that is in harmony with neighboring development and does not adversely affect the public health, safety and general welfare. Therefore, development associated with a land use designated as a special use is allowed only after a Special Use Permit has been granted as detailed further in **Article 6- Quasi-Judicial Permits, Enforcement and Appeals.**

**11.2. APPLICATION REQUIRED**

No person shall commence or proceed with development within the Town’s jurisdiction without first securing a Zoning Permit from the Town. Unless elsewhere exempted by this ordinance, no use may change, and/or no building, sign or other structure can legally be erected, moved, added to, or structurally altered without a zoning

permit. The Zoning Official will approve or deny the zoning permit based on compliance with the Zoning Ordinance unless evidence exists that there is a violation of the Town's Zoning Ordinances on the property.

- A. Each application for a zoning permit shall be accompanied by such building plans or other information as may be necessary to determine whether the provisions of this ordinance are being observed.
- B. The Town may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.
- C. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

**Statutory Authority – NCGS Chapter 160D-403(a)  
(Ord. 05/31/1977; 154.066)**

### **11.3. SITE PLAN REQUIRED WITH APPLICATION**

11.3.1. A site plan must always be submitted with the application for uses with conditions and those requiring a Special Use Permit. Site plans may be either Minor or Major, as determined by application of regulations contained in **Article 5, Sections 5.4 and 5.5.**

### **11.4. MINIMUM REQUIREMENTS FOR ALL USES WITHIN ALL DISTRICTS**

11.4.1. Screening and Buffering. If the applicant chooses to locate any structure allowed as a use with prescribed conditions within 30' to 100' of the adjacent property line of an existing residential occupied property, he/she must provide screening and buffering in accordance with Article 10, Part III.

11.4.2. Lighting. Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only. See Article 10, Part IV.

11.4.3. Outdoor Storage. Outdoor storage must meet the requirements of **Section 11.42** of this Article.

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

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

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

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

11.4.8. Parking and Loading. See Article 10, Part I.

11.4.9. Signage. See Article 10, Part II.

# Regulations for Specific Uses and Structures

## 11.5. ACCESSORY USES AND STRUCTURES

11.5.1. **Where:** All Districts as a Use with Conditions

11.5.2. **Definition:** Accessory Building/Structure. A detached subordinate building operated and maintained under the same ownership, the use of which is customarily incidental to that of the main building and which is located on the same lot as the main building. Accessory buildings include the following but are not limited to: detached garages, storage buildings, playhouses, and workshops, all of which are totally for personal use. Accessory buildings cannot be a manufactured home.

Accessory Use. A use incidental to and customarily associated with the Use by Right, and located on the same Zone Lot with the Use by Right, and operated and maintained under the same ownership with the operation of the Use by Right.

Some examples of accessory structures and uses include but are not limited to free standing carports, detached garages, storage buildings and detached mother-in-law suites or granny pods. Manufactured homes, tractor-trailers or containers are not considered accessory uses or structures. Accessory structures with any side dimension greater than 12 feet require a Building Permit from the Robeson County Building Inspections Department and must meet the technical provisions of the current North Carolina Residential Code.

11.5.3. **Number of Accessory Structures:**

- A. For residential lots less than 40,000 square feet, two (2) accessory uses shall be allowed; for residential lots 40,000 square feet or more, three (3) accessory uses are allowed; for every additional 20,000 square feet (over 40,000), one (1) additional accessory building shall be allowed.

11.5.4. **Location:**

- A. All accessory buildings shall have an 8-foot setback from side and rear yard lot lines.
- B. In all residential zoning districts, accessory structures and uses may be placed only in back of the principal structure on the lot and must meet the setback requirements for the zoning district.
- C. No accessory structure or building except utility substations shall be erected in any easement.
- D. On any lot in residential zoning districts, all accessory structures and uses shall be at least five (5) feet from any other building on the same lot, and at least twelve (12) feet from any buildings used for human habitation on adjoining lots. No accessory structure or use except utility substations shall be erected in any easement.

***(Ord. 5/31/1977, Section 154.162)***

- 11.5.5. **Height Restrictions:** The height of all accessory structures and buildings shall conform to the height limitations of the zoning district in which it is located.
- 11.5.6. **Lot Coverage:** Accessory structures to a residential use shall not have a ground floor area which exceeds 50 percent of the ground floor area of the principal building.
- 11.5.7. **Expansion of Non-Conforming Use Not Permitted:** If a property is nonconforming under the zoning ordinance, then the addition of an accessory use or structure must not violate and restriction concerning the expansion or change involving the nonconforming features of the site.
- 11.5.8. **Limitation on Construction Features of Accessory Buildings:** No accessory building that involves or requires any construction features which are commercial or industrial in nature or character shall be permitted.
- 11.5.9. **Timing of Buildout.** No accessory building shall be constructed on a lot until the construction of the principal building has commenced.

## **11.6. ADULT BUSINESS AND ENTERTAINMENT ESTABLISHMENTS (INCLUDING BOOKSTORES)**

11.6.1. **Where:** Light Industrial District - Special Use Permit Required

11.6.2. **Defined:** An Adult Establishment/Sexually-Oriented Business means any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10. This includes, but it not limited to, adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult live entertainments, or massage businesses. This provision shall not pertain to massage therapists who are licensed or registered medical professionals or other persons certified by a state or nationally recognized organization; nor shall this apply to any private or public fitness center or nonprofit community recreational fitness and service organization, either of which provides massage therapy as a service incidental to the operation of a fitness center.

### ***Statutory Reference – NCGS 160D-902.***

11.6.3. **General Requirements/Conditions:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.6.4. **Additional Requirements/Conditions:**

**A. Use Separation:**

- (1) Within 250 feet of any lot upon which a residential use is legally occurring or within 250 feet of any property located in a zone permitting residential uses at the time of an application for an adult business permit, whether or not the other use is located within the town;

- (2) Within 500 feet of any church, chapel or other publicly recognized place of worship whether or not the other use is located within the town;
- (3) Within 500 feet of any public or private school (kindergarten through twelfth grade) or child care center whether or not the other use is located within the town;
- (4) Within 500 feet of any park owned by a public entity whether or not the other use is located within the town; or
- (5) Within 200 feet of any existing adult business whether or not the other use is located within the town.
- (6) The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the premises in which the proposed adult business is to be established to the nearest point of the property line of a use or zoning classification listed above.

**(Ord. 5/13/2003; Section 154.197)**

**11.6.5. Hours of Operation:** No sexually oriented business may remain open at any time between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, or during the period from eleven o'clock (11:00) P.M. Saturday until eight o'clock (8:00) A.M. Monday.

**11.6.6. Development Standards:**

The following development standards shall apply to adult businesses:

- A. No adult business shall be located in any temporary or portable structure.
- B. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.
- C. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and all exterior windows shall be covered with opaque covering at all times.
- D. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- E. No landscaping shall exceed 30 inches in height, within 50 feet of any portion of the business except trees with foliage not less than 6 feet above the ground.
- F. The entire exterior grounds, including the parking lot, shall be lighted in a manner that all areas are clearly visible at all times.
- G. Signage shall conform to the standards established for the zone and shall not contain sexually oriented photographs, silhouettes or other sexually oriented pictorial representations.
- H. All entrances to adult businesses shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
- I. No residential structure or any other nonconforming structure shall be converted for use as an adult business.
- J. The adult business shall not conduct or sponsor any activities that create a demand for parking spaces beyond the number of spaces required by this code for the business.
- K. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location

outside the building or area of the establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.

- L. All exterior areas of the adult business, including buildings, landscaping and parking areas shall be maintained in a clean and orderly manner at all times.
- M. Any business license or permit required by this code shall be kept current at all times.
- N. Each adult business shall conform to all applicable laws and regulations.
- O. The adult business shall not operate or be open between the hours of 2:00 a.m. and 6:00 a.m.
- P. The adult business will not conduct any massage, acupuncture, tattooing, acupressure or escort services, and will not allow those activities on the premises.
- Q. At least 1 security guard shall be on duty outside the premises, patrolling the premises, grounds and parking areas, at all times while the business is open. The security guard shall be charged with preventing violations of law, with enforcing compliance by patrons with the requirements of this chapter and with notifying the sheriff of any violations of law observed. Security guard(s) required by this division shall be uniformed in a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this division shall act as a doorman, ticket seller, ticket taker or admittance person while acting as a security guard hereunder.

***(Ord. 5/13/2003; Section 154.198)***

11.6.7. **Screening and Buffering:** See Article 10, Part III.

**11.6.8. Application Required:**

- A. No adult business shall be established until an application for an adult business permit is approved by the Planning Board pursuant to the procedures set forth in this chapter.
- B. An application for an adult business permit shall contain the following information; A written site plan, outlining the following shall be submitted with conditional use permit application:
  - (1) Owner of the parcel, including address and phone contact;
  - (2) Lessee: all parties to the lease;
  - (3) Length of lease;
  - (4) Hours of operation;
  - (5) Number of employees;
  - (6) Floor plan depicting location of proposed uses within the structure;
  - (7) Maximum number of people that will be occupying the structure at 1 time; and
  - (8) A statement listing mechanism(s) that will be used to detect fire arms.
- C. When an adult business permit application is filed, it shall be accompanied by a filing fee in the amount of \$250.
- D. When an application has been accepted as complete, the Planning Director shall set the application for a public hearing before the Board of Commissioners within 60 days from

the date on which the application was accepted as complete. The Planning Board shall approve or disapprove the application within 90 days from the date on which the application was accepted as complete by the Planning Director.

- E. In considering an application for a permit pursuant to this chapter, the Planning Board shall approve the permit if it makes the following findings:
  - (1) The adult business is consistent with the location and development standards contained in this chapter;
  - (2) The adult business is located in a zone classification which lists the adult business as a permitted use; and
  - (3) Except as specifically provided in this chapter, the adult business complies with the development requirements prescribed in this chapter.
- F. Issuance or denial of the permits is subject to administrative appeal as set forth in this chapter.

**(Ord. 5/13/2003; Section 154.200)**

**11.6.9. Existing Adult Businesses:**

- A. Any adult business lawfully operating or permitted on the effective date of the chapter codified in this chapter shall be deemed to be a complying use provided they are in compliance with all conditions imposed upon them as a condition of the issuance of their operating permit.
- B. Except with respect to the violation of any condition imposed upon the issuance of an existing operating permit, any adult business lawfully operating or permitted on the effective date of the chapter codified in this chapter shall not be subject to the abatement provisions by virtue of noncompliance with any of the provisions of this chapter.
- C. An adult business lawfully operating as a conforming use is not rendered nonconforming by the subsequent location of a residence, or a residential or agricultural zone, within 250 feet of the adult business or the subsequent location of a church, chapel or other publicly recognized place of worship, public park, public or private school or child care center, within 500 feet of the adult business.

**(Ord. 5/13/2003; Section 154.201)**

**11.6.10. Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.7. AMBULANCE SERVICES (PUBLIC AND PRIVATE)**

**11.7.1. Where:** GB and L-I Districts as a Use with Conditions.

**11.7.2. General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located except for hours of operation.

11.7.3. **Specific Development Requirements:** In the R-A District, all vehicles and equipment shall be stored indoors; provided further that all buildings shall be set back at least 20 feet from all property lines and shall be designed and landscaped in a way as to blend in with the surrounding area.

**(Ord. 5/13/2003; Section 154.130(14))**

#### **11.8. ANIMAL KENNELS, OUTDOOR; BOARDING AND GROOMING FACILITIES; VET CLINICS**

11.8.1. **Where:** R-A District as a Use with Conditions; Permitted Use in the L-I District.

11.8.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located

11.8.3. **Specific Development Requirements:**

- A. Minimum setback from any street right-of-way to buildings or other such structures associated with the operation, including outdoor pens and runs, but not including accessory storage buildings shall be the same as the setbacks for the principal structures within said district.
- B. No buildings or other such structures associated with the operation, including outdoor pens and runs, but not including accessory storage buildings shall be located less than fifty (50) feet from any property used or zoned for residential purposes.
- C. Minimum setback from any other property line shall be the same as the setbacks for the principal structures within said district.
- D. **Noise:** Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.
- E. **Exterior Enclosures:** Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting. All exterior enclosures must be surrounded by an eight (8) foot high solid continuous wall and door(s).
- F. **Sanitation:** All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

#### **11.9. ANIMAL SHELTERS**

11.9.1. **Where Permitted:** GB and L-I Districts as a Use with Conditions.

11.9.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.9.3. **Specific Development Requirements:**

- A. Minimum setback from any street right-of-way to buildings or other such structures associated with the operation, including outdoor pens and runs, but not including

accessory storage buildings shall be the same as the setbacks for the principal structures within said district.

- B. No buildings or other such structures associated with the operation, including outdoor pens and runs, but not including accessory storage buildings shall be located less than fifty (50) feet from any property used or zoned for residential purposes.
- C. Minimum setback from any other property line shall be the same as the setbacks for the principal structures within said district.
- D. **Noise:** Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.
- E. **Exterior Enclosures:** Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting. All exterior enclosures must be surrounded by an eight (8) foot high solid continuous wall and door(s).
- F. **Sanitation:** All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

#### **11.10. ASSEMBLY USES- ARENAS, EXHIBITION HALLS, CLUBS, AND LODGES, CLUBS, LODGES**

11.10.1. **Where Permitted:** CBD, GB and GB-1 Districts as a Use with Conditions.

11.10.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.10.3. **Specific Development Requirements:**

A. **Street Access:** The lot shall have direct access to an arterial or collector street. Vehicles may not exit the site by backing into the road, highway, or street.

B. **Buffering:** A buffer shall be installed along the property line adjacent to residentially zoned or used property as required in Article 10, Part III.

#### **11.11. AUCTION HOUSES, NO LIVESTOCK**

11.11.1 **Where Permitted:** R-A and GB Districts as a Use with Conditions.

11.11.2 **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

#### **11.12. AUTOMOBILE AND OTHER JUNK, WRECKING OR SALVAGE YARDS**

11.12.1. **Where Permitted:** Light Industrial District - Special Use Permit Required

11.12.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.12.3. **Specific Development Requirements:**

A. **Dimensional Requirements.**

- 1) Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.
- 2) Minimum setback from any other property line shall be at least fifty (50) feet.
- 3) All junk, salvage, or wrecking yard shall be located at least five hundred (500) feet from any property used or zoned for residential purposes.

B. **Screening and Buffering.** Open storage of wrecked vehicles is not permitted See Article 10, Part III.

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

11.12.4. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use.

**11.13. AUTOMOBILE SERVICE STATION – INCLUDING STORAGE OF JUNKED VEHICLES OR VEHICLE PARTS**

11.13.1. **Where Permitted:** Light Industrial District – Special Use Permit Required

11.13.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.13.3. **Specific Development Requirements:**

A. **Dimensional Requirements.**

- 1) Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.
- 2) Minimum setback from any other property line shall be at least fifty (50) feet.

B. All repair work or lubrication shall be conducted within the principal building. All permanent storage of materials, merchandise, or repair and servicing equipment shall be contained within the principal building.

C. No operator shall permit the storage of motor vehicles for a period in excess of twenty-four (24) hours unless the vehicles are enclosed in the principal building.

D. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with the vehicular maneuvering area necessary to enter or exit the site.

E. The premises shall not be used for the sale of vehicles.

F. No outdoor work shall be performed except in areas designated for such activity on an approved site plan.

G. **Screening and Buffering.** Open storage of wrecked vehicles is not permitted. Wrecked vehicles may be stored in a properly enclosed area. See Article 10, Part III.

H. **Gates.** Any gates allowing for access must meet the same height requirement and must

be kept closed and locked after dark and at any time when not open for business.

- 11.13.4. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.14. CAMP GROUNDS, PUBLIC AND PRIVATE, INCLUDING RECREATIONAL VEHICLE PARKS AND TRAVEL TRAILER PARKS**

11.14.1. **Where Permitted:** R-A District; Special Use Permit Required

11.14.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.14.3. **Specific Development Requirements:**

A. **Dimensional Requirements:**

- 1) In areas with developed campsites, separate sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each campsite and drinking water shall be available within one hundred (100) feet of each campsite.
- 2) In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.
- 3) In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.

B. **Service Building Required.** Pursuant to the N.C. State Building Code, each campground shall have at least one (1) service building to provide necessary sanitation and laundry tray. This structure may also contain a retail sales counter and/or coin-operated machine for the campground residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area. All service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be ADA accessible and conveniently located. All buildings and structures shall be constructed in accordance with the N.C. State Building Code, and all applicable requirements of the Town Code.

C. **Limit on Recreational Vehicles per Campsite Space.** No more than one (1) recreational vehicle may be parked on any one (1) space. Recreational vehicles shall not be permitted on parcels, lots, or other areas not approved through these regulations.

D. **Refuse Collection.** The campground owner/operator is responsible for providing a central location for refuse collection and shall adequately screen and buffer such location from campground residents and campsites. Storage, collection and disposal of refuse

shall be managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The location of on-site refuse facilities and collection schedule shall be approved by the Town Public Works Department prior to zoning approval.

- E. **Access to Wastewater and Drinking Water for All Campsites.** Each campground shall have reasonable access to a source of potable water and adequate wastewater disposal approved by the applicable health authority and building codes.
- F. **No Permanent Camping.** No permanent camping shall be permitted. It is not intended that any structure, mobile or permanent, be used as a permanent residence except for the owner or operator.
- G. **Lighting.** Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights will be installed along walkways to water and sanitary facilities and at roadway or driveway intersections. All outdoor lighting shall have a total cutoff at ninety (90) degrees.
- H. **Fire Pits.** Each campsite space may provide a fire pit or ring if burning is permitted within campground. No trash burning is allowed other than in fire pit or ring and no burning other than paper and wood is allowed. Fires shall be extinguished before leaving or retiring.
- I. **Picnic Tables.** Permanently affixed picnic tables may be provided at campsites spaces.
- J. **Public Street Access.** No campsite space within a campground resort shall directly access a road from the exterior [of] the campground. Access to all structures within the campground shall be made using internal streets. All campground entrances/driveways shall be approved by the North Carolina Department of Transportation as required by NC state law.
- K. **Street Maintenance.** Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground if not approved by NCDOT. Streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump shall be placed along the street. These requirements are subject to inspection anytime by the Town.
- L. **Camp Stores:** In areas with developed campsites, a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g. food, ice, personal supplies, etc.
- M. **Signs.**

- 1) Signs may be placed within campground for purposes of public direction and safety.
  - 2) One freestanding sign for the purposed of advertising the campground shall be constructed at the entrance(s) of the campground and shall comply with the sign regulations contained in Article 10, Part II.
  - 3) There shall be a maximum of three off-premise signs which must comply with the regulations contained in Article 10, Part II.
- N. **Flood Plains.** Campgrounds proposed to be developed in whole or in part in flood plains shall demonstrate compliance with the Flood Damage Prevention Regulations contained in the County Code.
- O. **Emergency Evacuation.** The application for a special use permit shall contain an emergency evacuation plan which is adequate to protect the safety of those utilizing the campground.
- P. **Animals.** Animals traveling with campers shall be kept on a leash or tethered within their campsite at all times.

**11.14.4. Additional Site Plan Requirements:**

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

**11.14.5. Additional Operational Requirements:**

- A. **Responsible Party.** The person to whom a permit for a campground is issued shall be the party responsible to comply with the conditions of the operating permit and shall operate the resort campground in compliance with this section and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition. Failure to comply with this section may result in revocation of the zoning permit by the Zoning Officer.
- B. **Manager on Duty.** In developed camping areas, an attendant will be on the site twenty-four (24) hours a day while the campground is open for business.
- C. A public phone in working order shall be available.
- D. A fire extinguisher shall be available at each service building and at the office.
- E. Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions, which can lead to the transmission of disease, breeding of rodents and insects, and which may present a fire hazard or contribute to the spread of fire.

- F. All sanitary, laundry, and drinking water facilities shall be maintained in a clean, sanitary condition and kept in good repair at all times.
- G. A camp store may be permitted, but no alcoholic beverages may be sold on the site.
- H. **Registration Records.** Every campground owner or operator shall maintain an accurate register containing a record of all occupants in the campground. The register shall be available for inspection at all times by authorized Town representatives. The register shall contain the following information:
  - 1) Name and permanent address of the occupants of each space.
  - 2) Campsite space number and/or appropriate quarter within a shelter.
  - 3) Date when occupancy within the campground begins and date when occupancy within the campground ceases.
  - 4) Upon request, park records shall be made available to the Town.
  - 5) **Time of Stay Each Year.** No recreational vehicle or park tenant shall stay a length of time which exceeds 60 days of the time during which the resort campground is approved to operate.
- J. **Inspections.**
  - (1) Any representative acting in official capacity on behalf of the Town as determined by Town, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Article. It shall be the duty of the owners of campgrounds to give the Town free access to such premises for inspections.
  - (2) The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
  - (3) The campground owner shall notify campground visitors of all applicable provisions of this Article and inform them of their responsibilities under this Article.
- K. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

#### 11.15. COMMERCIAL OR INDUSTRIAL INCINERATION

11.15.1. **Where Permitted:** Light Industrial District; Special Use Permit Required

11.15.2. **General Requirements:** Shall meet the requirement of *Section 11.4 or 11.5* as applicable to the district in which the use is located.

- 11.15.3. **Specific Development Requirements:** Shall secure an Air Quality Permit as required by NCDEQ Division of Air Quality.
- 11.15.4. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.16. CONCRETE AND ASPHALT PLANTS**

- 11.16.1. **Where Permitted:** Light Industrial District; Special Use Permit Required
- 11.16.2. **General Requirements:** Shall meet the requirement of *Section 11.4 or 11.5* as applicable to the district in which the use is located.
- 11.16.3. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.17. CEMETERIES – INDEPENDENT AND FAMILY CEMETERIES; RELIGIOUS INSTITUTIONS WITH CEMETERY**

- 11.17.1. **Where Permitted:** R-A, R-20, R-15 and GB Districts - Special Use Permit Required
- 11.17.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.
- 11.17.3 **Specific Development Requirements:**
  - A. **North Carolina Cemetery Act:** All cemeteries shall meet the requirements set forth by the North Carolina Cemetery Act, and if applicable, shall obtain a license from the North Carolina Cemetery Commission.
  - B. **Minimum Lot Size:** A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a church. A minimum of one acre shall be required for free-standing cemeteries.
  - C. **Setbacks:** The minimum setback for structures, graves and burial plots from any exterior property line shall to 100 feet.
  - D. **Cemeteries as an Accessory Use to a Church.** Cemeteries, including a columbarium, located on the same property as a church shall be subject to the following criteria:
    - i. The cemetery shall not encroach on any yard setbacks.
    - ii. The requirements of accessory uses shall apply.
  - E. **Initial Citing or Expansion Request:** The following conditions shall apply:
    - 1) Whenever it is proposed to establish a cemetery or to extend the boundaries of an existing cemetery, the party that is proposing shall make written application to the

Planning Board for a Special Use Permit, the requirements for which are outlined in Article 6.

- 2) All "Plots" are to be setback a minimum of twenty (20) feet from the property line of the cemetery; and the new cemetery property lines are to be a minimum of twenty (20) feet from the original property line.
- 3) A twenty (20') foot easement ingress, egress, and regress granted to person(s) shall be reasonable and limited to the purposes of visiting graves, maintaining the gravesite or cemetery, or conducting genealogy research. The right of ingress and egress shall not be constructed to provide a right to operate motor vehicles on the property for accessing a cemetery or gravesite unless there is a road or adequate right-of-way that permits access by motor vehicle and the owner has given written permission to use the road or right-of way of necessity.
- 4) The Cemetery is to be continuously maintained by the church organization, corporation or non-profit corporation.
- 5) A sign not to exceed 32 square feet (4'x8'), identifying the Cemetery is to be erected at the entrance of the Cemetery a minimum of seventy (70') feet from the center of a state-maintained highway.
- 6) A Plat Map & Deed must be recorded before the Special Use Permit can be recorded.
- 7) Only one (1) person may be in a burial space except for a parent and infant or two (2) infants buried at the same time.
- 8) All plots/graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

#### 11.17.4 Family Cemeteries.

##### A. R-A District only as a Special Use

- 1) Must be surveyed and recorded with Mapping and Register of Deeds.
- 2) The Cemetery is to be continuously maintained by the heirs of the family and everyone buried there is to be an heir.
- 3) Must be named.
- 4) Must have a minimum 10 ft. ingress and egress.
- 5) Must not exceed 100 ft. x 200 ft. area.
- 6) Gravesites must be at least 100 feet from any water supply.
- 7) Cemetery boundaries must be at least 100 feet from existing dwelling.
- 8) A fence is to be erected around the perimeter of the cemetery or once established (body placed).
- 9) All markers or memorials must be of durable compositions. Markers may not be homemade.

- 10) Only one (1) person may be in a burial space.
- 11) Back-yard burials are not permitted; and it shall be unlawful to bury a dead body outside of a registered cemetery in the Town.

#### **11.18. DAY CARE CENTER, ADULT (FACILITY SERVING 4 OR MORE CLIENTS)**

11.18.1 **Where Permitted:** R-A, R-10, R-8, R-5, GB, and N-B as a Use with Conditions.

11.18.2 **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.18.3 **Specific Development Requirements:**

- A. **State Requirements:** The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, and local laws, including, but not limited to, any licensing or certification requirement.
- B. **Signs:** In any residential district, all signs shall be non-illuminated and shall not exceed four (4) square feet in area.
- C. **Minimum Lot Size:** The minimum lot size shall be three thousand (3,000) square feet.
- D. **Fencing:** The entire play area at a day care center or home shall be enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the adults is ensured.
- E. **Minimum Space Per Participant:** Adult day care centers shall have forty (40) square feet of indoor space for each participant in the portion of the building used for adult day care, excluding hallways, offices, and restrooms.
- F. **Proximity to Other Care Centers:** In any residential district, whether contiguous or not, adult day care centers shall not be located closer than a one-half-mile radius from any existing permitted adult day care center in a residential district.

#### **11.19. DAY CARE CENTER – CHILD**

11.19.1. **Where Permitted:** R-A, R-10, R-8, R-5, GB, and N-B as a Use with Conditions.

11.19.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.19.3. **Specific Development Requirements:**

- A. **State Requirements:** The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, and local laws, including, but not limited to, any licensing or certification requirement.
- B. **Outdoor Play Area:**
  - 1) **Centers with 6-29 Children:** Child day care centers licensed for six (6) to twenty-

nine (29) children, inclusive, shall have seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at seventy-five (75) square feet per child.

- 2) **Centers with 30 or More Children:** Child day care centers licensed for thirty (30) or more children shall have seventy-five (75) square feet per child of outdoor play area for at least one-half (½) of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area must be enough to accommodate at least thirty (30) children. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at seventy-five (75) square feet per child.
  - 3) Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.
  - 4) Outdoor play space may not be in the established front yard.
  - 5) Outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods.
  - 6) The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.
- C. **Street Access:** Centers on a site greater than 3 acres shall have access to a collector or thoroughfare street.
- D. **Hours:** The Special Use Permit shall establish the hours of operation.
- E. **Parking for Employees:** Parking for employees must be off-street and the minimum number of paved off-street parking spaces shall be two spaces plus one for each employee.
- F. **Off-Street Loading and Unloading:** In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.
- G. **Signs:** All signs shall comply with the sign ordinance in Article 10, Part II.
- H. **Minimum Lot Size:** The minimum lot size shall be three thousand (3,000) square feet.
- I. **Fencing:** The entire play area at an adult day care center or home shall be enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the adults is ensured.
- J. **Minimum Space Per Participant:** Adult day care centers shall have forty (40) square feet of indoor space for each participant in the portion of the building used for adult day care, excluding hallways, offices, and restrooms.
- K. **Proximity to Other Care Centers:** In any residential district, whether contiguous or not, adult day care centers shall not be located closer than a one-half-mile radius from any existing permitted adult day care center in a residential district.

**11.20. DAY CARE HOME – CHILD (TWO TO EIGHT CHILDREN); FAMILY CHILD CARE HOME**

11.20.1. **Where Permitted:** R-a, R-8, R-5, N-B as a Use with Conditions.

11.20.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.20.3. **Specific Development Requirements:**

- A. **State Requirements:** A Family Child Care Home (FCCH) is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. A family child care home must be licensed by the Division of Child Development and Early Education (DCDEE). Of those eight children, no more than five children may be of pre-school age. Pre-school age children are children who have not yet reached an age to attend school (i.e. kindergarten). Child Day Care Homes providing service to three or less children or providing care less than four hours per day and who are otherwise not subject to the regulation of the North Carolina Department of Health and Human Services Division of Child Development or other licensing agencies, are still subject to the regulations contained herein.
- B. **Residency Requirement:** The primary care provider must reside in the Child Day Care Home. No additional employees are permitted in the operation of the Child Day Care Home with the exception of a substitute who provides care during planned absences of the primary caregiver, as allowed by the North Carolina Department of Health and Human Services Division of Child Development.
- C. **Fencing:** All rear yards for a Child Day Care Home shall be fenced or walled. The minimum height for such walls or fences shall be four feet.
- D. **Restrictions on Use of Yard Area:** All equipment pertaining to the operation of a Child Day Care Home, to include toys, shall be stored in the rear yard. Front yards shall not be used as playground areas.
- E. **Building and Fire Inspections Required:** A building inspection and a fire safety inspection shall be completed for all Child Day Care Homes prior to zoning approval by the Town.
- F. **Hours:** Hours of operation for a Child Day Care Homes shall be permitted from 6:00 a.m. until 8:00 p.m.
- G. **Proximity to Similar Facilities:** A Child Day Care Home, required to be licensed by the State of North Carolina, may not be located within one-half mile radius of an existing Child Day Care Home.

**11.21. DAY CARE HOME – ADULT (SEVEN OR MORE BEDS)**

11.21.1. **Where Permitted:** R-A, R-8, R-5, and N-B as a Use with Conditions.

11.21.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.21.3. **Specific Development Requirements:**

- A. **Licensing:** An adult care home shall be licensed by the Division of Health Service Regulation of the NC Department of Health and Human Services.
- B. **Definition:** "Adult Care Home" is an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to people with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes and family care homes are subject to licensure by the Division of Health Service Regulation.
- C. **Adult Care Home Structural Requirements.** In addition to applicable building code requirements, adult care homes must meet requirements of the adult care home licensure rules which address arrangement and size of rooms, lighting, water and air temperature, entrances and exits, and service and fire safety equipment. Annual sanitation and fire and building safety inspection reports by the appropriate authorities are required. Fire safety requirements address fire extinguisher specifications, smoke and heat detectors, fire alarm system, meeting fire safety requirements of Town ordinance or Town building inspectors, written fire and disaster plans, and fire rehearsals (at least four a year on each shift).
- D. **Residency Requirement:** The primary care provider must reside in the Adult Day Care Home. No additional employees are permitted in the operation of the Adult Day Care Home with the exception of a substitute who provides care during planned absences of the primary caregiver.
- E. **Fencing:** All rear yards for an Adult Day Care Home shall be fenced or walled. The minimum height for such walls or fences shall be four feet.
- F. **Restrictions on Use of Yard Area:** All equipment pertaining to the operation of an Adult Day Care Home, to include toys, shall be stored in the rear yard. Front yards shall not be used as playground areas.
- G. **Building and Fire Inspections Required:** A building inspection and a fire safety inspection shall be completed for all Adult Day Care Homes prior to zoning approval by the Town.
- H. **Hours:** Hours of operation for an Adult Day Care Homes shall be permitted from 6:00 a.m. until 8:00 p.m.
- I. **Proximity to Similar Facilities:** An Adult Day Care Home, required to be licensed by the State of North Carolina, may not be located within one-half mile radius of an existing Adult Day Care Home.

See **Family Care Home** when caring for two – six resident persons.

#### **11.22. DWELLING, MIXED USE**

11.22.1. **Where Permitted:** R-A, C-B, G-B and N-B Districts as a Use with Conditions.

11.22.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.22.3. **Specific Development Requirements:**

- A. The dwelling unit and the commercial use shall occupy the same principal structure.
- B. Lot and yard requirements (setbacks, etc.) for this use shall be the same as those for the nonresidential use.
- C. Nonresidential uses shall be limited to those allowed in the zoning district in which the structure is located.
- D. In the General Business District, the structure must contain a commercial use for a dwelling to also be located in the structure

#### **11.23. DWELLING, MULTI-FAMILY**

11.23.1. **Where Permitted:** R-A, R-10, R-8 and R-5 Districts - Special Use Permit Required

11.23.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.23.3. **Number of Individual Family Units:** “Multifamily dwellings” means three or more family units.

11.23.4. **Specific Development Requirements:**

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

perimeter of such courtyard open and for access by emergency vehicles.

- E. **Units and Minimum Buildable Area:** Multifamily dwellings such as apartments, condominiums, and townhouses shall be constructed on a lot area of at least two acres.
- F. **Minimum Dwelling Size:** Multifamily units shall be no less than 1,250 square feet in livable space.
- G. **Fire Protection:** Every multifamily development shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type, and number and so located as to meet all regulations of the Town Fire Inspector.
- H. **Review by Fire Inspector.** Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Inspector and the applicant shall submit documentation of site approval to the Zoning Officer prior to commencing the operation.
- I. **Emergency Access Telephone:** For the purpose of safety and meeting emergencies, one (1) telephone for each 25, or fraction thereof, dwellings shall continuously be provided to the entire occupancy of the development at convenient locations.
- J. **Animal and Pets:** No owner or persons in charge of any dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of the development and its surrounding area.
- K. **Streets:** All dwelling units shall have shared rights of access along private streets and/or along private drives at least twenty-four feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
- L. **Signs:** Entrance and other signs within the multifamily development shall be in compliance with **Article 10, Part II – Signs**.
- M. **Landscaping, Buffering and Screening:** Shall be in compliance with Article 10, Part III – *Landscaping, Buffering and Screening*.
- N. **Lighting Requirements:** All streets and parking areas within the development shall be adequately illuminated from sunset to sunrise. All lighting shall be in compliance with the requirements of Article 10, Part IV– *Outdoor Lighting*.
- O. **Utility Requirements:**
  - 1) Water Supply: Connection to a public water supply is required.
  - 2) Sewage Disposal: Connection to a public wastewater system is required.
  - 3) Solid Waste Disposal and Sanitation Requirements. Individual garbage cans that adhere to Town specifications shall be provided for each manufactured home.
- P. **Management:** In each multifamily development, a manager/operator shall be designated and shall be in charge at all time to keep the development, its facilities and equipment in a clean, orderly, safe, and sanitary condition. The manager/operator is to be registered with the Zoning Officer.

- Q. **Plans and Declarations: Multifamily developments shall be subject to Major Site Plan as outlined in Article 15.** Together with the application for zoning permit there shall be submitted a tentative, over-all development plan which shall show:
- 1) A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, off-street parking, streets, parks, schools, and other reservations;
  - 2) A tabulation of over-all density per gross acre;
  - 3) Preliminary plans and elevations of the several dwelling types.
- R. **Condominiums:** Plans and declarations for condominium developments shall comply with the requirements of the North Carolina Condominium Act (NCGS Chapter 47C).
- S. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

#### 11.24. FAMILY CARE HOME / GROUP HOME FOR PERSONS WITH DISABILITIES

11.24.1. **Where Permitted:** All Residential Districts as a Use with Conditions.

11.24.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.24.3. **Specific Development Requirements:**

A. **Defined:**

1) *Family Care Home*. 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 resident persons with disabilities. **(NCGS 160D-907)**

2) *Person with disabilities*. 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. 122C-3(11)b. **(NCGS 160D-907)**

B. A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts. **(NCGS 160D-907)**

**Statutory Reference – NCGS 160D-907(b).**

C. **Separation of Uses:** No group care facility may be located closer to another such facility than one-half (½) mile measured by a straight line, and not street distances, in order to prevent the creation of a de facto social service district and to avoid affecting the surround neighborhood. "Affecting" means the point at which the number of group care facilities or residents therein

might become so large that it may alter the character of a neighborhood. This subsection is also intended to protect existing group care facilities from the possibility that an over-concentration of such facilities might inadvertently create an institutional setting and hinder or negate the purposes of such facilities.

**Statutory Reference – NCGS 160D-907(c).**

- D. **Charges and Assessments:** A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by the Town for water, sewer, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

**Statutory Reference – NCGS 160D-907(d).**

**11.25. FARMER’S MARKET/OPEN AIR MARKET**

11.25.1. **Where Permitted:** R-A, C-B, G-B and N-B Districts as a Use with Conditions.

11.25.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.25.3. **Specific Development Requirements:**

- A. **Certain Sales Prohibited.** There shall be no sales of fuel and related products, tobacco products, alcoholic beverages, vehicles or related products. Food franchises are prohibited.
- B. **Parking:** Open air market uses shall be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one parking space per 200 square feet of selling and display area shall be provided, with a minimum of two (2) spaces provided. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Overflow parking shall, at a minimum, be grass covered.
- C. **Area Size:** The minimum gross land area shall be 40,000 square feet.
- D. **Setbacks:** All display areas shall be at least forty (40) feet from any street or road right-of-way.
- E. **Display Area:** The amount of gross land area utilized for display area shall not exceed forty percent of the gross land area.
- F. **Code Requirement:** Any building, plumbing, electrical, or mechanical installation shall conform with all state and local codes.

- G. **Signs:** Seasonal signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other Town signage regulations may apply. No rotating or flashing lights on advertising signage shall be permitted.
- H. **Lighting:** No outdoor lighting shall produce glare beyond the boundary of the property.
- I. **Water Service:** Potable water is required on-site.
- J. Items for sale shall be removed from the site or placed in a secured building at the end of each business day.
- K. **Public Restrooms:** Adequate restroom facilities shall be provided. These facilities shall be located a minimum of 50 feet from the street right-of-way and shall meet the side and rear setbacks for the district in which the outdoor market is located.

## 11.26. FIRING RANGE

11.26.1. **Where:** Light Industrial District - Special Use Permit Required

11.26.2. **Purpose:** This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This article does not otherwise apply to the general discharge of firearms including target practice on privately-owned property, or events such as turkey shoots, or the use of bows and arrows in accordance with all other applicable laws or regulations. Further, the regulations of this article have been made with reasonable consideration among other things, as to the character of the Town and its areas and their peculiar suitability for these businesses and recreational facilities.

11.26.3. **Intent:** It is the intent of this article to accomplish the following:

- A. Permitting, registration and compliance. New shooting range facilities shall only be established and operated in accordance with a valid permit issued by the Town. In addition, existing ranges shall be registered and shall comply with the provisions of this article within one year.
- B. Shot containment. Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.
- C. Noise mitigation. Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.

11.26.4 **Authority and jurisdiction:** The provisions of this article are adopted by the Town Council under authority granted by the general assembly of the state, in G.S. 153A-121 (*Delegation of Police Power*) and further, G.S. 153A-129 (*Firearms*). From and after the effective date hereof, this article shall apply to every building, lot, tract or parcel of land which is currently being used by a private

or public shooting range and which may be used in the future for a private or public shooting range, within the Town's planning jurisdiction.

**11.26.5 Interpretations of terms and definitions:** For the purpose of this article, the following definitions shall apply:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word "firearm" is defined to describe any gun from which a bullet is propelled by means of hot gases generated by burning powder (smokeless or black powder).
- D. The word "person" includes an owner, firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.
- E. The word "owner" when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant by entirety of the whole or part of such building or land.
- F. The word "lot" includes the words "plot" or "parcel."
- G. The word "building" includes the word "structure."
- H. The word "shall" is always mandatory and not merely directory.
- I. The words "located," "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be located, used or occupied."
- J. The word "dwelling" shall mean a structure or portion thereof which is used exclusively for human habitation.
- K. The word "shooting range" shall mean a facility designed for the purpose of providing a place on which to discharge firearms. Noncommercial firearms training ranges and complexes operated by and for municipal, county and state law enforcement officers are exempt from this definition. Nonprofit or charitable organizations engaging in fundraising activities by use of a shotgun using number four-shot through number nine-shot for a period not to exceed six consecutive weeks are exempt from this definition. A shotfall zone consisting of 900 feet of unencumbered space shall be required.

**11.26.6. Specific Development Requirements:**

- A. Compliance. All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically "The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; and Section 4. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.
- B. Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.
- C. Warning signs. Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

- D. Distance from residentially zoned property. All outdoor shooting range stations shall be located at least 500 feet from any residentially zoned property, excluding those dwellings occupied by the range owner and staff of the range. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 500 feet of the shooting station.
- E. Buffering. Shall comply with Article 10, Part III.
- F. Access. Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business

#### 11.26.7. Operational requirements:

- A. Hours of operation. Outdoor shooting ranges shall be allowed to operate between 8 a.m. and sunset, except that the hours may be extended after sunset for purposes of subdued lighting certification of law enforcement officers, or may be extended for other purposes by notification to the Town's Police Department. On Sundays, outdoor shooting shall not commence before 11:30 a.m. and all outdoor shooting activity shall cease at 6:00 p.m., or at sunset, whichever occurs first.
- B. Liability insurance. The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the Town as an additional insured party and shall save and hold the Town, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

#### 11.26.8 Procedure for securing approval for new ranges.

- A. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
  - (1) Permit application. An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the Town planning department. Such permit shall be secured prior to issuance of any other building or improvement permit by the Town.
  - (2) Fees. The application shall be accompanied by an application fee of \$100.00.
  - (3) Required information. The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany

the permit application.

(4) Site plan. A site plan prepared by a professional engineer and/or a registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:

- (i) Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site;
- (ii) Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary;
- (iii) Projected noise contours;
- (iv) Existing and proposed structures; occupied dwellings within 500 feet; roads, streets or other access areas; buffer areas; and parking areas for the range facility; and
- (v) Any other appropriate information related to the specific type of range(s) being proposed.

(5) Action. Within 30 working days or at the next regular meeting, whichever is sooner, the planning board shall consider the application for permit and shall take one of the following actions:

- (i) Reject the application as incomplete; or
- (ii) Approve the issuance of the permit; or
- (iii) Deny the permit request.

(iv) In any case, the written findings to support the action taken shall be provided to the applicant.

- A. Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.
- B. Permit transferability. A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the Town planning department.
- C. Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this article, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.

#### 11.26.9 Discontinuance:

- (A) Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the Town of such intent by providing written notice to the planning department.

**11.27. FLEA MARKETS – PERMANENT LOCATION**

11.27.1. **Where Permitted:** G-B District as a Use with Conditions

11.27.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.27.3. **Specific Development Requirements:**

- A. **Size:** Flea markets shall not exceed one acre in size.
- B. **Days and Hours of Operation:** Days and hours of operation shall be established by the special use permit.
- C. **Food Sales:** The sale of food for consumption on or off the premises will require approval by the Department of Health.
- D. **Fencing for Permanent Locations:** Permanent outdoor flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the Zoning Officer.
- E. **Buffering:** Screening and buffering of a permanent site when adjacent to residential properties may be required as part of the Special Use Permit.

**11.28. FUEL OIL SALES**

11.28.1. **Where Permitted:** G-B and Light Industrial Districts as a Use with Conditions.

11.28.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.28.3. **Specific Development Requirements:**

- A. **Location:** Principal access must be from a collector or higher capacity street.
- B. **Fire Code:** The use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

**11.29. FUNERAL HOME, NO CREMATORIUM**

11.29.1 **Where Permitted:** C-B, G-B and N-B Districts as a Use with Conditions.

11.29.2 **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.29.3 **Specific Development Requirements:**

- A. **License:** Any funeral home shall have and maintain a licensed manager on staff, keep in

force and effect all other licenses required and provide proof of continued re-licensing.

### **11.30. FUNERAL HOME WITH CREMATORIUM**

11.30.1 **Where Permitted:** Light Industrial Districts - Special Use Permit Required

11.30.2 **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.30.3 **Specific Development Requirements:** Crematory or crematorium are subject to the following requirements:

- A. **Use:** No crematory shall be established except as an accessory use or structure to a North Carolina licensed funeral home in the RA, General Business and Light Industrial Districts.
- B. **License:** Any funeral home operating a crematory shall have and maintain a licensed crematory manager on staff, keep in force and effect all other licenses required under the North Carolina Crematory Act, and provide proof of continued re-licensing.
- C. **Air Quality:** Prior to issuance of a zoning permit, the applicant shall provide a certification from the North Carolina Division of Air Quality that the applicant complies with all air quality regulations or that the Division of Air Quality does not require permit.
- D. **Building:** The maximum footprint of the crematory shall not exceed four hundred (400) square feet. The exterior/veneer must be of similar material and design as the principle structure.
- E. **Size:** Crematory operations shall not contain more than one (1) cremation chamber.
- F. **Location:** No crematory shall be established on a funeral home lot within two hundred (200) feet of any existing residential dwelling on adjacent parcels or within 150 feet of any property line.
- G. **Other:** A crematory must comply with and be maintained in compliance with all applicable public health and environmental laws and rules and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina State Board of Funeral Services.
- H. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

### **11.31. GOLF COURSE, PUBLIC OR PRIVATE (EXCLUDING MINIATURE GOLF)**

11.31.1. **Where Permitted:** R-A, R-20 and G-B Districts as a Use with Conditions.

11.31.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

**11.31.3. Specific Development Requirements:**

- A. In the AR District there shall be no miniature golf.
- B. **Use Separation:** A fifty-foot minimum distance shall be provided between the clubhouse or other principal building(s) and any adjacent residentially-zoned property.
- C. **Parking Area:** All parking and loading areas shall be graded and drained so as to dispose of all surface water.

**11.32. HOME OCCUPATIONS**

11.32.1. **Where Permitted:** All Residential Districts as a Use with Conditions.

11.32.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.32.3. **Defined:** Any profession or occupation carried on entirely within a dwelling providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than 25 percent of the total floor area of the dwelling is used for such purposes, and that there is no outside or window display. No mechanical equipment shall be installed or used other than is normally used for domestic or home occupation purposes.

**11.32.4. Specific Development Requirements:**

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

**(Ord. 5/31/1977, Section 154.011)**

**11.33. ICE VENDING ESTABLISHMENT, UNMANNED**

11.33.1. **Where Permitted:** G-B and Light Industrial Districts as a Use with Conditions.

11.33.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.33.3. **Specific Development Requirements:**

- A. **Signage:** Signage shall be limited to no more than ten percent of the building facade up to eight square feet and limited to two signs.
- B. **Paved Access Required:** Machines will have paved access.

**11.34. INDUSTRIAL SUPPLIES AND EQUIPMENT SALES**

11.34.1. **Where Permitted:** Light Industrial District as a Use with Conditions.

11.34.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

**11.35. JUNKYARDS/SALVAGE YARDS/AUTOMOBILE GRAVEYARDS**

11.35.1. **Where:** Light Industrial District - Special Use Permit Required

11.35.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.35.3. **Junkyard Control Act:** Junkyards along interstate and primary highways shall meet the requirements of NCGS Chapter 136, Article 12, Junkyard Control Act.

11.35.4. **Specific Development Requirements:**

- A. **Screening:** Automobile graveyards, salvage yards, and similar types of used material industries must be conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that the Town Council finds that such yard will not have injurious effect on the public interest or welfare. The finished side of the fence shall face the property line.
- B. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.36. MANUFACTURED HOME AS A TEMPORARY USE**

11.36.1. **Where Permitted:** R-A, R-20, and G-B as a Use with Conditions.

11.36.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.36.3. **Specific Development Requirements:**

- A. Manufactured homes may be used for temporary purposes and uses for a period of twelve months. These include:
  - (1) Temporary Emergency, Construction, and Repair Residence;
  - (2) Real Estate Sales Office and Model Sales Home;
  - (3) Temporary Emergency, Construction, and Repair Residence; or
  - (4) Temporary Farmworker Housing.
  
- B. Temporary Use Permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve (12) month 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 Official and shall be reviewed by the Board of Zoning Adjustment 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.
  
- C. In any zoning district not more than one (1) manufactured home may be permitted on a property on a temporary basis provided that the primary purpose is to house an individual or individuals to provide security for surrounding properties. Temporary use permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve month periods for as long as the need can be justified. Application for renewal or a temporary use permit shall be made to the zoning official to determine relative need. All such manufactured homes must have access to water and sewer systems approved by the Robeson County Health Department and said manufactured homes must be maintained in such way as not to create nuisance conditions.

**11.37. MANUFACTURED HOME STORAGE AND REPAIR YARD**

11.37.1. **Where Permitted:** R-A and Light Industrial District - Special Use Permit Required

11.37.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.37.3. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

11.37.4. **Specific Development Requirements:**

A. Location.

- (1) Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.
- (2) Minimum setback from any other property line shall be at least fifty (50) feet.

- (3) No Manufactured Home Storage and or repair yard shall be located less than five hundred
- (4) No Manufactured Home Storage and or repair yard shall be located less than five hundred (500) feet from any property used or zoned for residential purposes.

B. Screening/Fencing/Gates:

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

### 11.38. MANUFACTURING AND INDUSTRIAL USES NOT LISTED

11.38.1. **Where Permitted:** Light Industrial District; Special Use Permit Required.

11.38.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4 or 11.5* as applicable to the district in which the use is located.

11.38.3. **Specific Development Requirements:**

- A. Any unlisted use should be treated the same as the most nearly similar use. In making this evaluation, the Town shall consider the following factors: type of use, density and intensity of adjacent development, environmental effects, and the anticipated amount traffic, noise, light, vibration, odor, and other impacts on neighbors and the community.

### 11.39. MINI-WAREHOUSE STORAGE FACILITY

11.39.1. **Where Permitted:** Light Industrial as a Use with Conditions.

11.39.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.39.3. **Specific Development Requirements:**

- A. Storage buildings in the Mini-Warehouse/Storage Facility may not cover more than 60% of the lot.
- B. Maximum height of units is twenty (20) feet.

#### **11.40. NURSING HOMES, REST HOMES AND CONVALESCENT CENTERS**

11.40.1. **Where:** R-A, R-10, G-B and N-B as a Use with Conditions.

11.40.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.40.3. **Specific Development Requirements:**

- A. Side and rear yard minimum setbacks shall be increased to one and a half (1.5) times the minimum for the applicable zoning district.
- B. One or more parking lots shall be constructed to accommodate all required parking. Individual parking spaces shall not have direct access to the street. Automobile parking space and drives shall not be located closer than twenty (20) feet to the front or twenty (20) feet to the rear of any dwelling or ten (10) feet to any side.
- C. Any playground equipment must be located in the rear yard at least twenty (20) feet from any property line.
- D. The following space requirements between building walls having window or door opening shall be maintained within a multi-family housing development.
  - (1) A building wall having both window and door openings shall not be located any closer than 50 feet to another building.
  - (2) A building wall having only window or door openings shall not be located any closer than 25 feet to another building.
  - (3) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open and for access by emergency vehicles.
- E. Evidence of effort to secure a valid license from the Nursing Home Licensure and Certification Section of the NC Department of Health and Human Services shall be submitted with the application.

#### **11.41. OUTDOOR SALES AND DISPLAY AREAS**

11.41.1. **Where Permitted:** C-B, G-B and Light Industrial as a Use with Conditions.

11.41.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.41.3. **Specific Development Requirements:**

- A. Non-Conforming Uses: All non-conforming outdoor display existing on the effective date of this Ordinance, which does not conform to the requirements of this article, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.
- B. Location:
  - (1) **Outside Primary Structure:** Outside sales must be clearly secondary to

the primary use of the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.

(2) **Displays on public sidewalks:** Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such sales may also be subject to other Town ordinances.

(c) Restaurants with Outside Seating/Sales: Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

- (1) The outdoor seating area shall be located no closer than 100 feet from any residential zoning district
- (2) The outdoor portions of the restaurant shall not operate after 11:00 p.m.
- (3) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

#### **11.42. OUTDOOR STORAGE**

11.42.1. **Where Permitted:** R-A, G-B, and N-B and Light Industrial as a Use with Conditions.

11.42.2. **Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.42.3. **Definition.** The placement or storage of goods, equipment, motor vehicles or materials outside of an enclosed building for a period of more than forty-eight (48) consecutive hours shall be considered outside storage. Outdoor storage does not refer to operable motor vehicles in use by the person occupying the property, or other minor and incidental storage, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

11.42.4. **Specific Development Requirements:**

- A. Buffer: In the interest of safety to children and adjacent property owners, any approved outdoor storage shall maintain a buffer that conceals the storage from public view. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet within three years, or shall be a combined fence and shrubbery screen. The buffer shall be maintained at a minimum of eight (8) feet in height and at least fifteen (15) feet in width thereafter. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view. Fences shall be at least 6', but no greater than 12', must be opaque, and made of materials that are normally accepted in the fencing industry.

The placement or storage of goods, equipment, motor vehicles or materials outside of any enclosed building for a period of up to 3 months (90 days) within the Central Business, General Business, Neighborhood Business or Light Industrial Zoning Districts is permitted. After this period, these items are to be stored within the required buffer.

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

#### **11.43. PUBLIC OR PRIVATE UTILITY FACILITIES**

11.43.1. **Where Permitted:** Use with Conditions in All Districts.

11.43.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.43.3. **Specific Development Requirements for substations:**

- A. Location:

- (1) No accessory structure or building except utility substations shall be erected in any easements.

- (2) Must be located 500 feet from a legal conforming residential use.

- B. Noise. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C. Security Fencing. Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by the Town, involved with the use.
- D. Screening. Any outdoor storage area shall be screened from an abutting residentially used or zoned lot by a buffer yard which complies with the requirements of Section 11-3.3(B).
- E. Dust. All unpaved outdoor use areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

#### **11.44. RADIO AND TELEVISION STUDIOS, INCLUDING TOWERS**

11.44.1. **Where Permitted:** R-A, G-B, and Light Industrial Districts - Special Use Permit Required

11.44.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.44.3. **Specific Development Requirements:**

- A. Setback. Transmission towers shall be setback a minimum distance that equals half the towers height.

- B. Special Use Permit Required: The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

#### 11.45. SATELLITE DISH ANTENNA

11.45.1. **Where Permitted:** All Districts but Historic District as a Use with Conditions.

11.45.2 **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.45.3 **Specific Development Requirements:**

- A. **Installation:** All satellite dishes shall be installed in compliance with FCC regulations.
- B. **Size:** Residential satellite dishes shall not exceed 24" in diameter and nonresidential satellite dishes shall not exceed 36" x 22" (oval). 7.9.3. If possible, satellite dishes shall not be located in a front yard and shall be hidden from view of the public right-of-way.
- C. **Location:**
  - (i) All supporting cables and anchors shall be contained on the property.
  - (ii) In residential districts, satellite dish antennas shall not be located or placed within any street right-of-way building setback or side building setback.

#### 11.46. SHOPPING CENTERS

11.46.1. **Where Permitted:** C-B and G-B Districts - Special Use Permit Required

11.46.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.46.3. **Specific Development Requirements:**

- A. Minimum lot area shall be not less than two (2) acres.
- B. The site shall be immediately adjacent to a major or minor thoroughfare.
- C. The total ground area occupied by all buildings shall not exceed forty (40) percent of the gross land area.
- D. All existing trees shall be saved to the maximum extent possible.

11.46.4. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary

to another enumerated use requiring or for which a special use permit has been previously issued.

#### **11.47. TEMPORARY STRUCTURES AND USES**

11.47.1. **Where:** All Districts as a Use with Conditions.

11.47.2 **Purpose:** This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent land, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

11.47.3. **Permitted Temporary Uses and Structures:** The following table summarizes the uses and structures that are allowed by the Town on a temporary basis. If a use or structure is not listed in the table below then the use or structure is not allowed by this Ordinance.

**TABLE 11-1 Temporary Structures and Uses**

Temporary Structures	Allowable Time Frame
Expansion or replacement of existing facilities (including temporary offices for construction and/or security personnel)	No more than three (3) years
New real estate sales office/New model sales home	No more than three (3) years
New temporary construction offices and new temporary project office other than a construction office	No more than three (3) years
Temporary Storage Structure – in a portable shipping container (storage unit)	Such structures may be in place for no more than 30 days per calendar year, and no more than three occurrences per parcel, per year
Temporary Emergency, Construction, and Repair Residence	Six (6) months after issuance
New Granny Pod or Temporary Health Care Structures	The structure must be removed within sixty (60) days after care-giving on the site ceases.
Temporary Farm Worker Housing	120 days from issuance of permit.
Garage, Yard, Auction and Estate Sales	Three per parcel per year
Outdoor Seasonal Sales	Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel, per year.
Temporary Flea Markets	Two per parcel per year
Special Events – Indoor or Outdoor (such as carnivals, fairs, concerts)	Such events are limited to a maximum of 10 days per calendar year, per parcel.

11.47.4. **Prohibited Temporary Uses:** Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

- A. **Retail or Display of Goods, Products, or Services in Public Right-of- Way.**  
Retail sales or display of goods, products, or services within the public right-of-way except as part of an authorized not-for-profit, special, or City-recognized event.
- B. **Retail Sales or Display of Goods From Vehicles.**  
Except as part of a permitted seasonal sale, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

11.47.5 **Temporary Use Permits:** All temporary uses and structures required to obtain a Temporary Use Permit.

11.47.6 **General Standards for Temporary Uses and Structures:** All temporary uses, structures, or special events shall comply with the following general standards, unless otherwise specified in this Ordinance:

- A. Obtain the appropriate permit from the Town (if required);
- B. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- C. Be compatible with the principal uses taking place on the site;
- D. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- E. Not include permanent alterations to the site;
- F. Meet all the setbacks of the underlying base and overlay zoning districts;
- G. May not block ingress and egress to the site or in any way impede emergency vehicle access.
- H. Comply with the maximum signage size for temporary signs;
- I. Not maintain temporary signs associated with the use or structure after the activity ends;
- J. Not violate the applicable conditions of approval that apply to a site or use on the site;
- K. Not interfere with the normal operations of any permanent use located on the property; and
- L. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

11.47.7 **Specific Regulations for Certain Temporary Uses and Structures.**

A. **Expansion or Replacement of Existing Facilities.**

- (1) Where: All Districts as a Use with Conditions.
- (2) Purpose: Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:
  - (i) Expansion space for existing religious institutions, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been submitted to and been approved by the Town.
  - (ii) Temporary classroom space to augment an existing public educational facility.

- (iii) Temporary quarters for recreational facilities that are being provided in conjunction with a new residential development, provided the Town has approved a Site Plan or Subdivision Plan for the development.
  - (iv) Temporary quarters for other nonresidential uses when the permanent building has been destroyed by a fire or other physical catastrophe, provided a Building Permit for the permanent facility is obtained within four months after approval of the temporary quarters. Failure to obtain a Building Permit within the time frame allowed will revoke approval for the temporary quarters.
  - (v) One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multi-family development office/leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this section. Such modular buildings shall not be placed on the property prior to the issuance of a Building Permit.
  - (vi) A temporary residence used for housing occupants of an on-site existing principal dwelling unit subject to casualty damage.
- (3) Conditions: In addition to meeting the General Standards for All Temporary Uses and Structures, all temporary structures approved in accordance with this section shall meet the following conditions:
- i. The structure shall be placed to avoid obstructing emergency access and pedestrian and vehicular circulation; disturbing or damaging required landscaping or buffer areas being retained, including heritage or specimen trees being retained; or impacting future open space or areas to be landscaped.
  - ii. The temporary structure shall be factory-fabricated and transportable.
  - iii. Adequate off-street parking shall be provided for the temporary use.
  - iv. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure.
  - v. The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color, design, and placement, to the maximum extent practicable.
- (4) Duration:
- (i) Temporary structures under this subsection may remain on the site for no more than 12 months. This period may be renewed for two 12-month periods, for good cause shown, upon approval of a written request for such extension, submitted to the Zoning Officer, 30 days prior to the expiration of the temporary use permit. Except for temporary classrooms, in no event, shall the extension allow the temporary structure to remain on the site for more than three years. Temporary structures shall be removed within ten days of the issuance of a Certificate of Occupancy for the permanent structure.

- (ii) Temporary classrooms for use as part of an existing public educational facility may be allowed to remain on the site for longer than three years.

**B. New Real Estate Sales Office and Model Sales Home.**

- (1) Where: R-A, R-1 and R-2 Districts as a Use with Conditions.
- (2) General Standards: One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or nonresidential development, provided that:
  - (i) The use is located on a lot approved by the Town as part of a development.
  - (ii) Signage complies with the standards.
  - (iii) The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.
  - (iv) The temporary use complies with the minimum yard and setback standards of the zoning district in which it is located.
  - (v) Off-street parking provided for the temporary use complies with the standards.
  - (vi) Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent use.
  - (vii) In approving or renewing approval of a real estate sales office, the Zoning Officer may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on adjacent properties or the community as a whole.
  - (viii) All temporary trailers shall be removed from the site prior to the issuance of the last Certificate of Occupancy for the site.

(3) Duration:

- (i) Temporary real estate sales offices may be approved for a period of up to one year. This period may be renewed for two additional 12-month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Zoning Officer, 30 days prior to the expiration of the permit. In no event shall the extension allow the temporary structure to remain on the site for more than three years.
- (ii) Model sales homes may be approved for a period of up to three years. This period may be renewed for additional six-month periods, for good cause shown, upon approval of a written request for such an extension submitted to the Zoning Officer, 30 days prior to the expiration of the permit. There is no time limit on the use of model sales units for rental housing.

C. **New Temporary Construction-Related or Project Offices/Activities.**

- (1) Where: All Districts as a Use with Conditions.
- (2) General. Temporary construction-related activities including construction offices, storage buildings, outdoor storage, and employee parking areas, may occur in all zones subject to the issuance of a Temporary Use Permit.
- (3) Duration. Temporary Use Permits for construction-related activities may be approved for a period of up to one year. This period may be extended in six-month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Zoning Officer, 30 days prior to the expiration of the permit. Such extension may include additional or revised conditions. In no event shall the extension allow the temporary use to remain on the site for more than two years. All such uses shall be removed and the site restored to its previous condition within 30 days after issuance of a final Certificate of Occupancy or Certificate of Completion.

D. **Temporary Storage in a Portable Shipping Container.**

Except for containers actively being used for construction purposes associated with a building permit, temporary storage in a portable shipping container shall be permitted subject to the following:

- (1) Where: All Districts as a Use with Conditions.
- (2) Size: Storage containers may not exceed 160 square feet in size or be taller than eight feet.
- (3) Location: Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front or corner side façade of a building, the container shall be placed behind the front or corner side façade. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.
- (4) Duration: Containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days by the Zoning Officer for good cause shown. Storage containers may be placed on a residential site a maximum of two occurrences per year.

E. **Temporary Emergency, Construction, and Repair Residence.**

- (1) Where Permitted: All Districts as a Use with Conditions.
- (2) Dimensional Requirements: A Temporary Emergency, Construction/Repair Residence shall comply with the dimensional requirements for an accessory structure.

- (3) Duration: A permit for Temporary Emergency, Construction/Repair Residence to be occupied pending the construction, repair, or renovation of a permanent single-family dwelling on a site or a non-residential/commercial development shall expire within 6 months after the date of the issuance, except that the Zoning Officer may renew such permit if it is determined that:
- (i) substantial construction, repair work, renovation or restoration work has been done; and
  - (ii) such renewal is reasonably necessary to complete the necessary work to make such residence habitable.
- (4) A Class A manufactured home may be used as a temporary residence.

F. **Granny Pods/Temporary Health Care Structures.**

- (1) Where: R-A, R-1 and R-2 Districts as a Use with Conditions.
- (2) Purpose: Granny pods, also called temporary health care structures, are permitted under the authority of NC General Statutes Section 160A-383.5. Granny pods shall be permitted as an accessory use subject to the following standards:
- (a) Structures must be transportable residential units assembled off-site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation.
  - (b) The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by the Town, as applicable.
  - (c) Only one accessory temporary family care structure is allowed per lot.
  - (d) No signage regarding the presence of the structure is allowed.
  - (e) The structure must be removed within sixty (60) days after care-giving on the site ceases.
  - (f) A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The Town may make periodic inspections at times convenient to the caregiver to assure on-going compliance.
  - (g) The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.
  - (h) Granny pods shall only be permitted for single-family residentially used property.

G. **Temporary Farm Worker Housing.**

- (1) *Where*: R-A as a Use with Conditions.
- (2) *Building Area*: Rooms or compartments for sleeping shall contain not less than 39 square feet of floor space for each person.
- (3) *Duration*: 120 from issuance of permit.
- (4) *Health and Safety*:
  - (a) Not more than ten (10) people shall be housed in any one room or compartment for sleeping purposes.
  - (b) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.
  - (c) A laundry room shall be required with one (1) wash sink of at least ten (10) gallon capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.
  - (d) Dining and food service facilities shall be provided and shall contain at least twelve square feet of floor space per worker and shall be approved by the Robeson County Health Department.
  - (e) All water, sewer, and sanitary facilities shall be approved by the Town or the Robeson County Health Department, as applicable.
  - (f) All garbage and refuse shall be stored in water-tight and fly-tight receptacles and it shall be the responsibility of the owner of the property to ensure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the Town or the Robeson County Health Department, as applicable.

H. **Garage, Yard, Auction and Estate Sales:**

- (1) *Where*: All Districts as a Use with Conditions.
- (2) *Permit Required*. No person shall conduct any garage, yard, auction or estate sale without first obtaining a Temporary Use permit from the Town.
- (3) *Signs*. Two (2) off-site directional signs may be permitted for each sale, but only during the hours the sale is actively being conducted. Off-site signs must be removed at the close of the sale activities, or by the end of daylight, whichever first occurs, each day of the sale. No freestanding signs may be placed in the public right-of-way.
- (4) *Number limited*. Not more than three such sales per year shall be held at the premises if occupied by the same family or any member of such family. No single sale shall be conducted for longer than two consecutive weekends, or more than seventy-two hours in a single week.
- (5) *Hours*. Sales may be conducted during daylight hours only.

- (6) Unowned premises. No sale shall be permitted on premises not owned or controlled by the person holding the sale. Any violation of this requirement shall be referred to the Zoning Officer for investigation of possible violation of the zoning ordinance, and to the tax collector for investigation of possible violation of the business license taxation ordinance.
- (7) Streets and Sidewalks: No person shall obstruct entirely or in part any sidewalk or street in the Town by selling or offering for sale at auction or otherwise any goods, wares or merchandise.

I. **Outdoor Seasonal Sales.**

- (1) Applicability: Merchants may display and/or sell goods in the Town on a temporary basis without establishing a permanent place of business, subject to the standards of this section.
- (2) Where: C-1 and HC Districts as a Use with Conditions.
- (3) Standards: A temporary use for the display and/or sale of products shall comply with the following standards:
  - (a) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
  - (b) The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 200 feet of an existing residential use.
  - (c) The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.
  - (d) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
  - (e) Off-street parking shall be adequate to accommodate the proposed sale of products.
  - (f) The temporary display or sale of products shall not cause

interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.

- (g) The hours of operation of the temporary sale of products shall be from no earlier than 7:00 a.m. to no later than 8:00 p.m., or the same as the hours of operation of the principal use.

(4) Duration; Sales per Year:

- (a) The temporary sale of non-agricultural products shall be allowed on an individual parcel or site for no more than 30 total days per calendar year.
- (b) The number of temporary sales of products per site per calendar year shall not exceed three.

J. **Temporary Flea Markets.**

- (1) Permit Required. No person shall conduct any garage, yard, auction or estate sale without first obtaining a Temporary Use permit from the Town.
- (2) Signs. Two (2) off-site directional signs may be permitted for each sale, but only during the hours the sale is actively being conducted. Off-site signs must be removed at the close of the sale activities, or by the end of daylight, whichever first occurs, each day of the sale. No freestanding signs may be placed in the public right-of-way.
- (3) Number limited. Not more than two such sales per year – each a maximum of two days in duration - shall be held at the premises if occupied by the same family or any member of such family.
- (4) Hours. Sales may be conducted from 9:00 am until 5:00 pm.
- (5) Unowned premises. No sale shall be permitted on premises not owned or controlled by the person holding the sale. Any violation of this requirement shall be referred to the Zoning Officer for investigation of possible violation of the zoning ordinance, and to the tax collector for investigation of possible violation of the business license taxation ordinance.
- (6) Streets and Sidewalks: No person shall obstruct entirely or in part any sidewalk or street in the Town by selling or offering for sale at auction or otherwise any goods, wares or merchandise.

K. **Special Events.**

- (1) Applicability. The procedures and standards outlined in this section shall apply to all special events (including, but not limited to, cultural events,

musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the Town, unless exempted in accordance with Section iv below.

- (2) Where Permitted: R-A, C-1 and HC Districts as a Use with Conditions.
- (3) Temporary Use Permit Required. All special events subject to this subsection shall have a Temporary Use Permit for a special event reviewed and approved or approved by the Zoning Officer before conducting the special event.
- (4) Exemptions. The following events or activities are exempt from the standards and procedures outlined here (i.e., may occur without a Temporary Use Permit for a special event). Such activities may be subject to all other applicable procedures and standards of this Ordinance.
  - (a) On Grounds of Private Residence. Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, two- to four-family, or multi-family residential development.
  - (b) Event Sponsored by Town, County or State. Any event sponsored in whole or in part by the Town, the County, or the State.
  - (c) Event or Activity at Site Intended for Such Event or Activity. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.
- (5) Conditions. In approving the Temporary Use Permit for the special event, the Zoning Officer is authorized to impose such conditions upon the premises as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Zoning Officer is authorized, where appropriate, to require:
  - (a) Provision of temporary parking facilities, including vehicular access and egress.
  - (b) Control of nuisance factors, such as but not limited to, the

prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.

- (c) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- (d) Provision of sanitary and medical facilities.
- (e) Provision of solid waste collection and disposal.
- (f) Provision of security and safety measures.
- (g) Use of an alternative location or date for the proposed special event.
- (h) Modification or elimination of certain proposed activities.
- (i) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- (j) Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

(6) Duration. A Temporary Use Permit for a special event authorized in accordance with this subsection shall be limited to a maximum duration of 10 days per site per calendar year, unless otherwise specifically authorized by the Zoning Officer.

#### **11.48. TRANSPORTATION AND FREIGHT TERMINALS/TRUCK STOP**

11.48.1 **Where Permitted:** Light Industrial District - Special Use Permit Required

11.48.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.48.3. **Specific Development Requirements:**

- A. **Special Use Permit Required.** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

#### **11.49. URGENT CARE FACILITIES/ MEDICAL CARE CLINICS/ HOSPITALS – PUBLIC AND PRIVATE**

11.49.1. **Where Permitted:** G-B as a Use with Conditions.

11.49.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located with the exception of hours of operation.

#### **11.50. ANY USE NOT OTHERWISE PROHIBITED BY LAW OR BY THIS ORDINANCE**

11.50.1. **Where Permitted:** Should be considered for the district where uses most closely approximate the requested use. Allowable in the R-A, R-10, C-B, G-B and L-I Districts - Special Use Permit Required.

11.50.2. **General Requirements:** Shall at a minimum meet the requirements for development as outlined in for the district in which it is located.

#### **11.50.3. Specific Development Requirements:**

- A. Any unlisted use should be treated the same as the most nearly similar use. In making this evaluation, the Town shall consider the following factors: type of use, density and intensity of adjacent development, environmental effects, and the anticipated amount traffic, noise, light, vibration, odor, and other impacts on neighbors and the community.
- B. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in Section 6.3. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

#### **11.51. TINY HOUSES ON PERMANENT FOUNDATIONS**

11.51.1. **Where Permitted:** All Residential Districts as a Use with Conditions.

11.51.2. **Definition:** The definition of a Tiny House is building less than 600 square feet in gross floor area constructed to accommodate 1 dwelling unit on a single lot.

11.51.3. **General Requirements:** Shall at a minimum meet the requirements for development as outlined in for the district in which it is located.

#### **11.51.4. Specific Development Requirements:**

- A. All tiny homes must be placed on a permanent foundation. No wheels allowed. Tiny Houses on wheels are classified as Recreational Vehicles.
- B. Tiny Homes must comply with the North Carolina Building Codes.
  - (1) Tiny Homes must, at a minimum contain at least one habitable space which is a minimum of 200 square feet of gross floor area. Each additional habitable rooms cannot be less than 70 square feet, and no less than seven feet in any horizontal direction, excluding kitchens, which have no size minimum. A bathroom, closet, hall, or storage area is not considered a habitable space.
  - (2) Plumbing fixtures must be connected to an approved sewage disposal method. North Carolina does not allow storage tanks.

- (3) Ceiling heights must be a minimum of seven feet in habitable spaces, hallways, and bathrooms.
  - (4) The home must contain a toilet, bathtub or shower, kitchen area, and sink.
  - (5) The home must have a heating facility compliant with Building Codes.
  - (6) The home must meet code-compliant egress requirements (this refers to windows and fire exits).
  - (7) The home must meet requirements regarding energy conservation and foundations.
- C. For any lot developed with a Tiny House used for Single-unit Living or an Attached House used for Two-unit Living, one accessory dwelling unit is permitted per lot.

## 11.52. CLUSTER DEVELOPMENT

11.52.1. **Where Permitted:** All Residential Districts - Special Use Permit Required

11.52.2. **General Requirements:** Shall meet the requirement of *Section 11.4* as applicable to the district in which the use is located.

11.52.3. **Specific Development Requirements:**

- A. **Purpose.** The purpose of cluster development regulations is to provide an optional land development procedure which results in the preservation of open space; protection of streams, floodplain areas and significant existing tree cover; promotion of more efficient subdivision street and infrastructure networks; and encouragement of a variety of styles or types of residences. Cluster development should provide a total living environment for residential purposes that is in compliance with the Comprehensive Plan and other applicable local, state or federal laws or regulations.
- B. **Permitted Uses.** Residential cluster developments may have as permissible uses single-family detached dwelling units, duplexes, residential townhouse dwelling units, tiny houses and residential condominium dwelling units or any combination thereof so long as the permitted density is not exceeded.
- C. **General requirements.**
  - (1) Cluster developments shall be developed on tracts of five acres or more.
  - (2) Should clustering be selected as a design alternative, the density requirements (for residential) and built upon area (open space) requirements for the zone in which the development is located shall apply. Clustering shall not increase the density of development.
  - (3) Public sanitary sewer and water connections shall be required for every lot or dwelling unit in a cluster development, except in the R-A district, where the Robeson County Health Department may approve a shared private sanitary sewer and water system

- (4) A master plan shall be required to be submitted if the cluster development is to be the initial phase of a larger project. Final plat approval procedures according to the requirements of the Subdivision Ordinance shall apply to all cluster developments.
  - (5) Each individual cluster development lot shall have public or private street access according to the criteria listed in applicable sections of the Subdivision Ordinance.
  - (6) A homeowner's association shall be established to own and maintain all property or facilities held in common private ownership. Documents regarding the homeowner's association shall be submitted to the Town for approval with the final plat and shall be duly recorded with the final plat in the Robeson County Register of Deeds Office by the applicant.
  - (7) Design of cluster developments will be reviewed by the Planning Board based upon accepted general design principles, and appropriate requirements of the ordinance. Where possible, appropriate information on floor plans, building areas, building elevations (materials colors) and landscape provisions should be furnished along with all required information with the SUP application. Restrictive covenants may be submitted to address the above related matters with the SUP application.
- D. ***Dimensional standards.***
- (1) Cluster developments containing single-family development may use the minimum dimensional standards shown in the table below.

**Table 11-2**

**Single-Family Cluster Developments**

<b>Cluster Development</b>	<b>R-A</b>	<b>R-20</b>	<b>R-15</b>	<b>R-10</b>	<b>R-8</b>	<b>R-5</b>	<b>R-MH</b>
Lot Dimensions:							
Lot area , minimum	20,000 Sq. Ft.	20,000 Sq. Ft.	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	5,000 sq. ft.	12,000 sq. ft.
Lot width, minimum	100 ft.	100 ft.	80 ft.	70 ft.	60 ft.	50 ft.	70 ft.
Maximum Number of Lots per acre	2.2	2.2	2.9	4.4	5.4	8.7	3.6
Minimum Yards:							
Front yard	35 ft.	35 ft.	30 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear yard	25 ft.*	25 ft.*	20 ft.*	15 ft.*	15 ft.*	15 ft.*	20 ft.*
Side yard	10 ft.	10 ft.	8 ft.	7.5 ft.	7 ft.	5 ft.	10 ft.
Corner street side yard	Add 5 ft. to side setback above						
Maximum Height	35 ft.						

*\* The rear setback for lots that abut open space may be reduced to ten feet as long as the overall width still meets or exceeds the otherwise required setback width.*

- (a) No garage door shall be located closer than the lesser of the minimum setback or 20 feet back from the right-of-way line, or rear edge of the adjacent sidewalk, whichever is greater, in order to ensure that vehicles parked on the driveway do not hinder pedestrian access.

E. **Open space standards.** Open space in cluster development shall be no less than 25 percent of the gross area of the cluster development tract. All open space provided in a cluster development shall meet the following criteria in addition to the requirements of zoning and subdivision ordinances:

- (1) Open space shall be well distributed throughout the development so as to achieve the requirement herein.
- (2) All open space areas shall be at least 20 feet in width, except the open space that is provided around the perimeter of a cluster development. Such open space areas shall be undisturbed.
- (3) All open space shall be linked, either directly or across street rights-of-way.

F. **Parking standards.** Each dwelling unit in a cluster development shall have two off-street parking space. In addition, there shall be one space for every two dwelling units set aside in an auxiliary off-street parking area in a cluster development.

G. **Homeowner's Association.**

- (1) Homeowner's association declaration and by-law documents shall be submitted to the Town for acceptance.
- (2) Such homeowner's association documents shall have adequate provisions to insure proper maintenance of all privately-owned areas such as, but not limited to, open space, recreational facilities and areas, parking lot areas and private drives.
- (3) Applicants are encouraged to submit homeowner's association documents which contain provisions addressing exterior appearance and maintenance standards according to a set of architectural design criteria.

H. **Interior roads.**

- (1) Determination of whether interior roads shall be constructed as public streets or private drives or a combination of public streets and private drives shall be based upon recommendations from the Planning Department. Consideration shall be given to the any adopted transportation plan, existing and proposed neighborhood streets and circulation needs, to the relationship of the site to adjoining lands, the size and shape of the tract to be developed, to the number of ultimate dwelling units to be constructed on the tract and on adjoining lands and to anticipated traffic volumes.
- (2) The determination of whether interior roads shall be public or private will consider only the minimum needs of the public for the public streets and will recognize the privacy, security and safety advantages of private drives. All public streets shall have curb and gutter according to Town standards. Private drives are interior circulation roads designed and constructed to carry vehicular

traffic from a public street within or adjoining the site to terminal parking areas and service areas, or back to said public street.

- (3) The design and arrangement of private streets shall be subject to review and approval by the Planning Board.
- (i) When there is a distance of 150 feet or more between an existing public street and points of refuse collection, a private drive shall be required.
  - (ii) All portions of such private drives shall not be more than 1,000 feet from their point of public access.
  - (iii) When the development is required to have a private drive, the private drive shall be paved to a minimum width of at least 27 feet, measured from edge of pavement. Concrete curb and gutter sections may be required, if determined necessary by the Planning Board.
  - (iv) A base course shall be applied to the entire required paved width of private drives and parking lots and shall consist of at least eight inches of compacted crushed stone.
  - (v) A surface course shall be applied to the entire required paved width of private drives and parking lots and shall consist of at least two inches of 1-2 asphalt paved surface.
  - (vi) Cul-de-sac or dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the center line of the street or other acceptable design criteria for dead-end streets.
  - (vii) A permanent street address approved by the Planning Department shall be assigned to the private drives.

- I. **Maintenance Required.** Homeowner's association documents shall include adequate provisions to ensure proper maintenance by the homeowner's association of private drives, units, their structural components and exteriors, yard spaces and other commonly owned property and shall be recorded with the final plat.
- J. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**(Ord. 5/31/1977, Section 154.030)**

**11.53. AIRPORTS AND AIR STRIPS, PUBLIC AND PRIVATE**

11.53.1 **Where:** Special Use in R-A and Light Industrial Districts.

11.53.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.53.3. **Specific Development Requirements:** An AIRSTRIP, whether public or private, is considered an accessory use and must also follow the provisions of *Section 11.5*.

a. **Additional Requirements/Conditions:**

- (1) **Airport Size and Layout:** shall conform to current FAA design standards.

- (2) **Overlay District Applies:** All standards for the AO (Airport Overlay) also apply.
- (3) **Use Separation:** There shall be a minimum of three hundred (300) feet between any runway or taxiway and to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.
- (4) **Screening and Buffering:** See *Article 10, Part III*.
- (5) **Additional Site Plan Requirements:**
  - (i) Scaled drawings of location and size of landing strips and the location of landing lights.
  - (ii) Map of all property within 500 feet of proposed airfield or airstrip property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
  - (iii) A map depicting the location, type, and height of any structure, including towers, over two hundred (200) feet in height and within a five (5) mile radius.
  - (iv) A copy of the current FAA design, approach, and airspace obstruction standards. Documentation showing FAA permits and design approval.

11.53.4. **Additional Requirements:** An AIRPORT, whether public or private, is considered a principal structure on a parcel of land. Development or airports must comply with all Federal Aviation Administration (FAA) regulations and the North Carolina General Statutes including NC Gen Stat § 63-31.

11.53.5. **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in *Section 6.3*. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

**11.54. REPURPOSED METAL SHIPPING CONTAINERS**

11.54.1. **Where Permitted:** General Business and Light Industrial Districts as a Use with Conditions.

11.54.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.54.3. **Specific Development Requirements:**

- A. Metal shipping containers shall not be used as either temporary or permanent housing.
- B. Metal shipping containers may be used as temporary storage subject to the conditions defined in Section 11.47.7(D) Temporary Storage in a Portable Shipping Container.
- C. Shipping containers shall only be permitted as permanent storage buildings when each of the following conditions are met:
  - (1) Permanent use is restricted to the General Business and Light Manufacturing Districts.

- (2) Permanent shipping containers shall not be permitted as a principal building.
- (3) A maximum of one (1) permanent shipping container per site shall be permitted on parcels of one (1) acre or less. One (1) additional permanent shipping container per acre may be permitted for lots greater than one (1) acre.
- (4) Permanent shipping containers shall not be stacked vertically.
- (5) Permanent shipping containers shall be maintained in good condition free from structural damage, rust, and deterioration. Containers shall be painted tan, brown, dark forest green, or light gray.
- (6) Permanent shipping containers shall be used for storage purposes only.
- (7) No signs or lettering shall be permitted on permanent shipping containers.
- (8) All permanent shipping containers shall be screened from view from any public right-of-way or private street, and any residential use or residential zoning district. Screening shall be accomplished by a wooden privacy fence or a brick or stucco screen wall at a height no greater than or less than seven (7) feet. The exterior of the fence or wall shall be lined with foundation plantings that reach a minimum of three (3) feet in height at maturity and spaced appropriately for the species which must be listed in the "Approved Plantings List" in the city's Technical Standards [and Specifications Manual].
- (9) Permanent shipping containers shall meet all building setback requirements and shall be located on the rear half of the lot.
- (10) Permanent shipping containers shall not be permitted in any parking areas, required buffers or setbacks.
- (11) No permanent off-chassis shipping containers shall be permitted in loading areas.
- (12) Permanent shipping containers shall not be permitted to be rented or leased to a use not located on the same lot.
- (13) Permanent shipping containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width, and ten (10) feet in height.
- (14) Businesses shall submit a site plan showing any permanent container and its relationship to the overall site. The plan shall indicate how the container meets all permanent requirements, including stormwater, traffic circulation, screening requirements, other development codes and technical standards, and inspection requirements.

#### **11.55. PLANNED UNIT DEVELOPMENTS**

11.55.1. **Where:** Special Use in the R-A, R-20 R-15, R-10 and R-8 Districts.

11.55.2. **General Requirements:** Shall at a minimum meet the requirements of *Section 11.4* as applicable to the district in which the use is located.

11.55.3. **Specific Development Requirements:**

- (1) PUDs shall be permitted only when requested as a Special use and accompanied by a rezoning request to one of the following Zoning Districts: RA, R-20, R-15, R-10 and R-8.

- (2) Application for PUD shall be approved only if the all following findings are made:
- (i) Application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  - (ii) Application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
  - (iii) Application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
  - (iv) Application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.
- (3) An approved PUD special use permit and the approved verified development plan shall govern all uses and development activities in a PUD.
- (4) Except as otherwise provided by this section, a PUD shall be subject to all the applicable standards, procedures and regulations of the other parts of this Ordinance.
- (5) No PUD shall be approved for a site of less than that shown in the following schedule. The site must be contiguous property under unified ownership or control:

<i>Districts</i>	<i>Minimum Number of Acres</i>
RA	8 acres
R-20	8 acres
R-15	6 acres
R-10	5 acres
R-8	5 acres

- (6) Uses permitted in a PUD shall be in accordance with the Uses allowed in the district in which the PUD is to be located.
- (7) Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the underlying district. These distances shall be established in the Special Use Permit for the PUD.
- (8) The density of structures and the residential building types of the corresponding

principal district shall apply in a PUD provided that a density bonus may be permitted as stated in Section (15) below. No lot for a single family detached dwelling shall be less than the minimum lot size for a single-family dwelling in the zoning district in which the PUD is located.

- (9) Cluster developments and zero lot line developments are permitted subject to the special requirements for such developments.
- (10) Areas between structures shall be covered by easements where necessary for access and to provide for off street vehicle parking, maintenance, and utility service.
- (11) Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations outside of the development.
- (12) PUDs shall be designed and developed and uses so arranged to promote pedestrian access within the development.
- (13) *Boundary treatment.* The scale and setbacks of development in a PUD within 150 feet of the perimeter of the PUD shall be in harmony with the development on adjacent lands.
- (14) *Environmentally sensitive areas.* One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUDs shall be given to the following elements such as but not limited to:
  - (i) Floodway and floodway fringe areas;
  - (ii) Steep slopes and knolls;
  - (iii) Wetlands;
  - (iv) Water supply watersheds;
  - (v) Rock outcrops;
  - (vi) Soil erosion and storm water management;
  - (vii) Tree and foliage preservation;
  - (viii) Habitat for threatened or endangered species;
  - (ix) Areas of historical, archaeological or architectural significance; and
  - (x) Useable open space; recreation area.
- (15) In any case where the Board of Commissioners finds in its opinion that the PUD provides for significant protection or enhancement of any one or more of the above elements, or a similar element as determined by the Board of Commissioners, the Board may award a bonus of up to 10% increase in residential dwelling units for a PUD and may permit such additional dwelling units to be of a development type not otherwise permitted in the PUD. The determination by the Board of Commissioners of the significant protection or enhancement of particular element shall be based upon a comparison between the type of development that could be placed on the property under the current zoning and other regulations and the proposed development scheme for the PUD.
- (16) *Phased development.* A PUD may be developed in phases in the same manner as a subdivision and subject to the phasing requirement for subdivision.

*(Ord. 5/31/1977, Section 154.031)*