

# ZONING ORDINANCE

---

## SAMPSON COUNTY, NORTH CAROLINA

Prepared by:

Sampson County Planning & Zoning Department

Adopted by Sampson County Board of Commissioners October 4, 2004

Effective date October 4, 2004

## TABLE OF CONTENTS

SECTION		PAGE
	<b>CHAPTER 1: LEGAL PROVISIONS</b>	8
101	Purpose	8
102	Authority and Enactment	8
103	Title	8
104	Official Zoning Map	8
105	Jurisdiction	8
106	Comprehensive Land Use Plan	8
107	Bona Fide Farms	9
108	Minimum Requirements	9
109	Severability	9
110	Vested Rights & Permit Choice	10
111	Effective Date	10
	<b>CHAPTER 2: APPLICATION &amp; ENFORCEMENT</b>	10
201	Application	10
202	Enforcement	11
203	Temporary Certificate	13
204	Certificates of Occupancy	13
205	Development Approvals & Determinations	13
206	Violation	14
207	Notice of Violation	14
208	Appeal of Notice of Violation	15
209	Penalty	15
210	Remedies	15
211	Administrative Revocation	15
212	Administrative Allowance for Modification	16
213	Violation Resolution	16
	<b>CHAPTER 3: CHANGES, AMENDMENTS, &amp; DEVELOPMENT MORATORIA</b>	16
301	Initiation of Amendments	16
302	Fees	17
303	Petition	17
304	Reapplication for Amendment	17
305	Action by Planning Board	17
306	Legislative Hearing	18
307	Action by Governing Board	20
308	Withdrawal of Application	20
309	Action Following Governing Board Decision	20
310	Notice of NCDOT Establishment or Revision of Industrial Zones Along Interstate or Primary Highway Rights of Way	21

311	Statute of Limitations on Challenges to Changes and Amendments	21
312	Development Moratoria	21
	<b>CHAPTER 4: BOARD OF ADJUSTMENT</b>	23
401	Establishment	23
402	Powers and Duties	23
403	Appointment of Members and Terms of Membership	23
404	Secretary to the Board of Adjustment	23
	<b>CHAPTER 5: QUASI-JUDICIAL PROCEEDINGS</b>	24
501	Applicability	24
502	Notice Requirements	24
503	Hearing	24
504	Member Participation	25
505	Voting	25
506	Decisions	25
507	Appeal of Planning Board Decisions	26
	<b>CHAPTER 6: APPEALS FROM ADMINISTRATIVE DECISIONS</b>	26
601	Application	26
602	Appeal Time Frame	26
603	Record Transmittal	26
604	Stay of Enforcement	27
605	Hearing	27
606	Planning Board Decision of Administrative Appeal	27
607	Fees	28
	<b>CHAPTER 7: VARIANCES</b>	28
701	Application	28
702	Fees	28
703	Notice Requirements	28
704	Hearing Requirements	28
705	Voting	28
706	Planning Board Decision	28
	<b>CHAPTER 8: SPECIAL USES</b>	29
801	Purpose	29
802	Procedure	29
803	Fees	30
804	Application Requirements	30
805	Notice Requirements	31
806	Hearing Requirements	31

807	Voting	31
808	Planning Board Decision	31
809	Denial	32
810	Post Approval Requirements	32
811	Compliance with Zoning District Regulations	33
812	Failure to Comply	33
813	Expiration	33
<b>CHAPTER 9: OFFICIAL ZONING MAP AND ZONING DISTRICTS</b>		<b>33</b>
901	Zoning Map	33
902	District Boundaries and Interpretation	34
903	Residential Agricultural (RA)	34
904	Residential (R)	35
905	Mixed Residential (MRD)	36
906	Commercial (C)	37
907	Industrial (I)	38
908	Conservation (CON)	39
909	Light Industrial (L-I)	40
910	Conditional Zoning Districts	42
911	Overlay Districts	44
<b>CHAPTER 10: HOME OCCUPATIONS</b>		<b>45</b>
1001	Intent	45
1002	Application Requirements	45
1003	General Standards	45
1004	Residential Home Occupations	46
1005	Residential Agricultural and Commercial Home Occupations Lots Less Than 2 Acres	47
1006	Residential Agricultural and Commercial Home Occupations Lots 2 Acres or More	48
<b>CHAPTER 11: GENERAL PROVISIONS</b>		<b>50</b>
1101	Intent	50
1102	Application to Extraterritorial Jurisdiction	50
1103	Street Access	50
1104	Required Yards Not to be Used by Another Building	50
1105	Relationship of Building to Lot	50
1106	Reduction of Lot and Yard Areas Prohibited	51
1107	Substandard Lot of Record	51
1108	Additional Environmental Provisions	51
1109	Curb Cuts Giving Access to Public Rights of Way	51
1110	Setbacks from Thoroughfares	51
1111	Setbacks	52
1112	Protection into Public Right-of-Ways	52
1113	Height Limit Exceptions	52
1114	Lot Width	52
1115	Corner Visibility	53

1116	Yard Exceptions and Modifications	53
1117	Buffer Requirements	53
1118	Multi-Family Development	54
	<b>CHAPTER 12: ACCESSORY, TEMPORARY, SECONDARY, &amp; UNIQUE USES</b>	<b>55</b>
1201	Multiple Residence Exemption	55
1202	Additional Residence Manufactured Exemption	55
1203	Special Use for Hardship	55
1204	Temporary Use of Manufactured Home or Recreational Vehicle	56
1205	Accessory Dwelling Units	56
1206	Accessory Solar Panels	56
1207	Accessory Satellite Dishes	57
1208	Standalone Power Poles	57
1209	Accessory Structures	57
1210	Pools	58
1211	Lighting	59
1212	Fences	59
	<b>CHAPTER 13: NONCONFORMING USES</b>	<b>59</b>
	<b>CHAPTER 14: SPECIAL REQUIREMENTS</b>	<b>61</b>
1401	Development Requirements	62
	<b>CHAPTER 15: SPECIAL USES: SPECIFIC USE REQUIREMENTS</b>	<b>65</b>
	<b>CHAPTER 16: OFF-STREET PARKING</b>	<b>71</b>
1601	Off-Street Parking Required	71
1602	Certification of Minimum Parking Requirements	71
1603	Combination of Required Parking Space	72
1604	Remote Parking Space	72
1605	Requirements for Parking Lots	72
1606	Vehicle Storage	73
1607	Minimum Parking Requirements	73
1608	Design Standards for Off-Street Parking	78
1609	Off-Street Loading Purpose and General Requirements	79
1610	Design Standards for Off-Street Loading Space	79
1611	Minimum Off-Street Loading Requirements	80
	<b>CHAPTER 17: SIGNS</b>	<b>81</b>
1701	Intent	81
1702	General Provisions	81
1703	Signs Not Requiring a Permit from the Zoning Officer	83
1704	Permanent Signs for Subdivision	84

1705	Business and Industrial Signs	84
1706	Outdoor Advertising Signs (Off-Premises - Billboards)	85
	<b>DEFINITIONS</b>	86
	<b>TABLE OF USES</b>	111

## **CHAPTER 1. LEGAL PROVISIONS**

### **101. PURPOSE**

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

### **102. AUTHORITY AND ENACTMENT**

This Zoning Ordinance is hereby adopted and enacted pursuant to the authority vested in Sampson County by Chapter 160D of the North Carolina General Statutes, including N.C. Gen. Stat. § (“G.S.”) 160D-702.

### **103. TITLE**

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

### **104. OFFICIAL ZONING MAP**

Pursuant to G.S. 160D-105, a zoning map depicting the actual location of the Zoning Districts is made a part of this Ordinance. The official zoning map, which is identified by the title of “Zoning Map of Sampson County, North Carolina”, shall be known as the “Zoning Map”. The official Zoning Map shall be maintained in the Sampson County Planning & Zoning Department in paper or digital format, as may be approved by Sampson County, shall display the adoption date of the Ordinance and the date of any subsequent map amendments, and may consist of a series of maps.

### **105. JURISDICTION**

The provisions of this Ordinance shall apply within the areas designated as zoning districts on the official zoning map(s) by the Governing Board of Sampson County.

### **106. COMPREHENSIVE LAND USE PLAN**

Sampson County shall adopt a comprehensive land use plan on or before July 1, 2022 and reasonably maintain the comprehensive land use plan to legally enforce the provisions of this Ordinance, as required by G.S. 160D-501. Plans shall be adopted by the Governing Board with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601.

## **107. BONA FIDE FARMS**

Pursuant to G.S. 160D-903, County zoning regulations may not affect property used for bona fide farm purposes; this does not limit zoning regulation with respect to use of the farm property for nonfarm purposes, except as otherwise provided in G.S. 106-743.4 and G.S. 106-743.2. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4. A forest management plan.

## **108. MINIMUM REQUIREMENTS**

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

## **109. SEVERALIBILITY**

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

## **110. VESTED RIGHTS & PERMIT CHOICE**

Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
2. A site-specific vesting plan pursuant to G.S. 160D-108.1.
3. A multi-phased development pursuant to G.S. 160D-108(f).
4. A vested right established by the terms of a development agreement authorized by Article 10 of Chapter 160D of the North Carolina General Statutes.

The establishment of a vested right under one of the above subsections does not preclude vesting under one or more other of the above subsections or vesting by application of common law principles. A vested right



precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

All vested right standards and laws set forth in G.S. 160D-108 apply to the Sampson County Zoning Ordinance and are incorporated herein by reference.

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, the provisions of G.S. 143-755 shall apply.

### **111. EFFECTIVE DATE**

This Ordinance was originally adopted and became effective on October 4, 2004, and any amendments to this Ordinance became and/or shall become effective as of the date of their adoption, unless otherwise provided by the Governing Board.

## **CHAPTER 2. APPLICATION & ENFORCEMENT**

### **201. APPLICATION**

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

### **202. ENFORCEMENT**

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

The County Manager shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer will keep records of all variances and amendments to this Ordinance. The assistance of such other persons may be provided as the County Manager may direct. The Zoning Officer shall have the right to enter upon premises at any reasonable hours necessary for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured as provided by G.S. 160D-403(e). It is the intent of this Ordinance that all questions arising in connection with its enforcement and interpretation shall be presented first to the Zoning Officer. Appeals from decisions of the Zoning Officer shall be made to the Planning Board.

In his practice of administering this Ordinance, the Zoning Officer shall:

1. Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
2. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.
3. Transmit to the Planning Board and the Governing Board all applications and plans for which their review and approval is required.
4. Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the holder of the development approval and the landowner of the property involved per GS 160D-404(a).
5. Follow all provisions of G.S. 160D-109 and G.S. 160D-1108 related to conflicts of interest and Administrative decisions.

## **B. ZONING PERMITS**

Zoning Permits will be issued as part of the building permit process or as a stand-alone permit when no building permit is required. No land shall be used or occupied and no building hereafter erected, structurally altered, moved, or its use changed until a Zoning Permit has been issued by the Zoning Officer, except in conformity with the provisions of this Ordinance or except after written order from the Planning Board. Zoning Permits shall be void if more than twelve (12) months have transpired since the date of issuance, unless the Zoning Officer determines that sufficient progress towards development has been made.

The Zoning Officer is responsible for the issuance of Zoning Permits related to uses permitted by right and for uses that are deemed a Special Requirement by this Ordinance. The Table of Use lists all uses that are eligible for a permit application. A Zoning Permit shall not be issued under any circumstances for uses that are not clearly identified in the Table of Uses unless it is a use that closely relates to one of the listed uses. A Zoning Permit shall not be issued for property maintenance, yard maintenance, or to provide lighting to vacant property. The Planning Board must approve a Special Use Permit request in a quasi-judicial hearing before the Zoning Officer can issue the permit.

Zoning Permits are not required for fences, roof mounted solar panels, driveways, sidewalks, and other types of development specifically listed as not being considered an Accessory Structure in the “Accessory Structure” definition.

## **C. SITE PLAN REQUIREMENTS**

The Zoning Officer shall require every application for a Zoning Permit to be accompanied by a site plan showing the following in sufficient detail so that the Zoning Officer may determine whether the proposed activity is in compliance with the Sampson County Zoning Ordinance:

1. The shape and dimensions of the lot on which the proposed building is to be erected.
2. The location of the lot related to rights-of-way, access easements, and utility easements.
3. The shape, dimensions, and locations of all buildings, existing and proposed.
4. The setbacks for the proposed building shown to all property lines (front, side, rear).
5. A note on the site plan indicating the Zoning District and the required setbacks for that Zoning District.
6. Applicant signature and date of creation noted on site plan.

7. Any other information deemed necessary for comprehension by the Zoning Officer.

The Zoning Officer may waive the site plan requirement in the event that he or she determines that a site plan is not necessary in order to determine whether the proposed activity is in compliance with the Sampson County Zoning Ordinance.

Applications for Special Requirements and Special Uses have different site plan requirements as specified in Chapter 14 and Chapter 15 of this Ordinance.

#### **D. PERMIT ISSUANCE**

If the proposed development is in accordance with the provisions of this Ordinance and the site plan is compliant, the Zoning Officer shall issue the Zoning Permit. If the Zoning Permit application is denied the Zoning Officer shall state in writing, the cause for such denial. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other Ordinance or Regulation. Zoning Permits may be revoked, provided that the holder of the approval is notified in writing, stating the reason for the revocation. The Zoning Officer shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval, as provided by G.S. 160D-403(f).

#### **E. RIGHT TO APPEAL – DENIAL OF PERMIT**

If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Officer to the Planning Board; and that from the decision of the Planning Board, recourse shall be the Sampson County Superior Court, as provided by G.S. 160D-406 and G.S. 160D-1402.

### **203. TEMPORARY CERTIFICATE**

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

### **204. CERTIFICATES OF OCCUPANCY**

Pursuant to G.S. 160D-403(g), no new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy therefore. A Temporary Certificate of Occupancy may, however, be issued by the Building Inspector for a building or portion of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

## **205. DEVELOPMENT APPROVALS & DETERMINATIONS**

Pursuant to G.S. 160D-403(a), no person shall commence or proceed with development without first securing any required development approval from the Sampson County Planning & Zoning Department. The development approval must be issued in writing and may be issued electronically if provisions have been made to prevent further editing of the document. The application for a development approval 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. In the event that the applicant for a development approval is not the landowner a signed "Owners Affidavit" is required to be submitted with the development approval application. Pursuant to G.S. 160D-104, unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals run with the land. The development approval shall be any permit for development issued by Sampson County Planning & Zoning. If the Zoning Officer makes a determination, it must be done so in accordance with G.S. 160D-403(b). Revocation of development approvals must be made in accordance with G.S. 160D-403(f).

## **206. VIOLATION**

It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including, but not limited to, any signs or buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to, special use permits, building permits, zoning permits, variances, development plans, site plans, sign plans, and conditions of such permits, certificates, variances and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance. Each day of a violation is a separate and distinct violation.

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

## **207. NOTICE OF VIOLATION**

A citizen of Sampson County or a person who owns land in Sampson County may file a written complaint of violation of the Sampson County Zoning Ordinance. If complaint is made by phone call, the complainant has the right to remain anonymous. Such complaints shall indicate the cause and basis of what they believe to be a violation of the Ordinance.

The Zoning Officer shall investigate the complaint and if said property is found to be in violation of the Ordinance the Zoning Officer may make informal contact with the property owner and attempt to have the Ordinance violation remedied voluntarily by the property owner. If compliance hasn't been achieved after informal contact, a formal Notice of Violation shall be given to the property owner per GS 160D-404(a). This notice shall be delivered by certified mail to the permit holder and property owner if the property owner is not the permit holder. The notice shall be mailed to the last known address of the violator and the property owner. The Zoning Officer providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

Formal Notice of Violation shall contain the following:

1. Violation description and the location of the violation
2. Photographic evidence that has been legally obtained by the Zoning Officer
3. Measures to bring the violation into compliance with the Ordinance
4. Time period to correct the violation
5. Notice of the right to appeal

Appeals of Notices of Violation are appeals of Administrative Decisions under G.S. 160D-405 and shall be subject to the stay provisions of G.S. 160D-405(f).

## **208. APPEAL OF NOTICE OF VIOLATION**

A violator of this Ordinance who wishes to appeal the determination that a violation has occurred, may appeal to the Sampson County Planning Board within the time period prescribed by G.S. 160D-405. The Planning Board shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator shall be final. The decision of the Planning Board may be appealed to the superior court pursuant to G.S. 160D-1402.

## **209. PENALTY**

Any "person", as that term is defined in G.S. 160D-102(24), who violates the provisions of this Ordinance shall be subject to any of the penalties set forth in G.S. 160D-404 and G.S. 153A-123.

## **210. REMEDIES**

Sampson County may enforce the provisions of this Ordinance by any of the remedies set forth in G.S. 160D-404.

## **211. ADMINISTRATIVE REVOCATION**

In addition to the initiation of enforcement actions pursuant to Section 210 of the Ordinance, the Zoning Officer through the Sampson County Inspections Department shall, subject to the requirements of G.S. 160D-403(f), revoke a building or occupancy permit when the method of construction or use violates any provisions contained in these regulations.

## **212. ADMINISTRATIVE ALLOWANCE FOR MODIFICATION**

The Zoning Officer may allow for modifications to approved site plans for uses permitted by right and by special requirement as well as modifications to approved special use permit site plans only when the proposed change is still consistent with the requirements of this Ordinance and the change is consistent with the purpose and intent of this Ordinance. The Zoning Officer shall not approve any change that increases the overall residential density of a project. The Zoning Officer shall not approve any change to a site plan approved as a special use permit when the special use permit approval has additional conditions placed upon It by the Planning Board.

## **213. VIOLATION RESOLUTION**

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

## **CHAPTER 3. CHANGES, AMENDMENTS, & DEVELOPMENT MORATORIA**

### **301. INITIATION OF AMENDMENTS**

The Governing Board may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person who is a citizen or landowner of Sampson County, may amend, supplement, change, modify, or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Sampson County Planning & Zoning Department according to established plan submittal policies. Amendments will be reviewed by the Planning Board prior to review by the Governing Board. The Planning Board will provide a written recommendation to the Governing Board. Final action must not take place until the Governing Board has held a public meeting. Pursuant to G.S. 160D-601(d), no amendment to a zoning regulation or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by Sampson County.

### **302. FEES**

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

### **303. PETITION**

A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved as well as the names and addresses of all adjoining landowners of the property requested to be rezoned. Such petition and fees shall be submitted to the Sampson County Planning & Zoning Department in accordance with the procedures established herein. In the event that the applicant petitioning for an amendment is not the property owner, but is an authorized representative of the property owner, a signed affidavit from the property owner is required with the application submittal.

### **304. REAPPLICATION FOR AMENDMENT**

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

### **305. ACTION BY PLANNING BOARD**

Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred first to the Sampson County Planning & Zoning Department so that a preliminary meeting may be held and any applicable information pertinent to the proposal can be provided to the applicant. Once a complete application has been submitted to the Planning & Zoning Department, it shall be distributed to the Planning Board for its written comments, recommendation, and report. The Planning Board shall hold a public meeting to consider the request. The Planning Board shall consider and make written comments and recommendations to the Governing Board concerning each proposed zoning amendment. The Planning Board shall follow policy guidelines for all zoning amendments. A proposed zoning amendment will not receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.)
4. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
5. The proposed change is in accord and consistent with the Land Use Plan, any other officially adopted plan that is applicable, and sound planning principles. The Planning Board shall render

its decision on any properly filed petition within thirty (30) days after the introduction of such petition and shall transmit its written comments, recommendation and report, including the reasons for its determinations, to the Governing Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

No Planning Board member shall vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the matter. Conflict of Interest standards outlined in this Ordinance and in G.S. 160D-109 must be followed by the Planning Board. The Planning Board shall render its decision on any proposed text or map amendment and transmit a written recommendation and report, including the reasons for its determinations, to the Governing Board for approval or denial.

The Planning Board shall adopt rules of procedure and keep minutes of all of its proceedings, as mandated by G.S. 160D-308. A copy of the Planning Board's rules of procedure shall be maintained by the Zoning Officer and posted on the Sampson County Web site.

Members of the Planning Board must take an oath of office before starting their duties, as required by G.S. 160D-309.

### **306. LEGISLATIVE HEARING**

#### **A. NOTICE REQUIREMENTS**

Pursuant to G.S. 160D-601(a), before adopting, amending, or repealing any Ordinance or development regulation, the Governing Board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in Sampson County. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

#### **B. NOTICE REQUIREMENTS FOR REZONINGS AND MAP AMENDMENTS**

In addition to the required newspaper notification of zoning changes and amendments listed in Section 306 (A), rezonings and map amendments require that the owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land be notified by first class mail at the last address listed for such owners on the county tax abstracts, this is to include properties that are separated by a street, railroad, or other transportation corridor. Notice to all abutting property owners shall take place no less than 10 days nor more than 25 days prior to the date fixed for the legislative hearing.

The first-class mail notice required by this Subsection shall not be required if the rezoning directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the County elects to use the expanded published notice in a newspaper of general circulation within the area where the rezoning is proposed. The expanded published notice shall consist of an advertisement of the legislative hearing that is no less than one-half (1/2) of the newspaper page in size. The Zoning Officer shall publish the notice once a week for two (2) successive weeks. The notice shall be published for the first time not less than



ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be.

The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mailed notice.

The County shall also cause a notice of the legislative hearing to be prominently posted on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be posted no less than ten (10) days nor more than twenty-five (25) days before the date of the legislative hearing.

### **C. HEARING**

At the legislative hearing, the Governing Board shall receive the amendment proposal and recommendation of the Planning Board, and hear presentations of additional comments, exhibits, and arguments pertaining to the proposal by County staff, the applicant, representatives of the Planning Board, and any other interested party. To avoid unnecessary delay, the Governing Board's presiding officer may impose reasonable limitations on the number of persons heard and, on the nature, and length of their presentation. The Governing Board may continue the hearing to a later meeting to accommodate additional comments, information, or speakers. If the Board continues the hearing to a date certain, no further notice of the continued hearing is required.

### **307. ACTION BY GOVERNING BOARD**

Before taking such lawful action, as it may deem advisable to approve or deny an applicant's request, the Governing Board shall consider the Planning Board's comments and recommendations on each proposed zoning amendment. If no written recommendation and report is received from the Planning Board within thirty (30) days after the Planning Board receives the application, the Governing Board may proceed in its consideration of the amendment without the Planning Board report.

Pursuant to G.S. 160D-605(a), prior to adopting or rejecting any zoning amendment, the Governing Board shall adopt a statement describing whether its action is consistent or inconsistent with the adopted Land Use Plan and explaining why the Governing Board considers the action taken to be reasonable and in the public interest. If a zoning map amendment is adopted and the adoption is deemed to be inconsistent with the Land Use Plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required. This statement is not subject to judicial review.

The Governing Board must obtain the applicant and landowner's written consent to conditions placed upon a Conditional Rezoning approval per S.L. 2019-111, Pt.1.

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

impact on the member. Conflict of Interest standards outlined in this Ordinance and in G.S. 160D-109 must be followed by members of the Governing Board.

### **308. WITHDRAWAL OF APPLICATION**

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

### **309. ACTION FOLLOWING GOVERNING BOARD DECISION**

The Zoning Officer shall file a copy of the Governing Board's final decision on a proposed zoning amendment in the Sampson County Planning & Zoning Department. Where an amendment of the zoning map was proposed by petition, the Zoning Officer shall send written notice of the decision to the petitioner. If the amendment was approved, the Zoning Officer shall record the changes into this Ordinance's text or onto official copies of the zoning map.

### **310. NOTICE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) ESTABLISHMENT OR REVISION OF INDUSTRIAL ZONES ALONG INTERSTATE OR PRIMARY HIGHWAY RIGHTS OF WAY**

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

### **311. STATUTE OF LIMITATIONS ON CHALLENGES TO CHANGES AND AMENDMENTS**

An action contesting the validity of any amendment to the Sampson County Zoning Ordinance or Zoning Map shall be subject to the Statutes of limitation set forth in G.S. 160D-1405.

### **312. DEVELOPMENT MORATORIA**

The County may adopt temporary moratoria on any County development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. The conflict-of-interest provisions of G.S. 160D-109 shall apply.

#### **A. NOTICE OF LEGISLATIVE HEARING**

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

A development moratorium with a duration of sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requirements of Section 306 of this Ordinance.

**B. APPLICATIONS OF MORATORIUM ON EXISTING/PENDING PERMITS AND APPROVALS**

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

**C. CONTENTS OF ORDINANCE ADOPTING MORATORIUM**

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

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

**D. EXTENSION OF MORATORIUM**

No moratorium may be subsequently renewed or extended for any additional period unless the County has taken all reasonable and feasible steps proposed to be taken by the County in its Ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any Ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in Section 312(C) of this Ordinance, including what new facts or conditions warrant the extension.

**E. JUDICIAL REVIEW**

Pursuant to G.S. 160D-107, any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions

brought pursuant to this Section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government has the burden of showing compliance with the procedural requirements of this Section.

## **CHAPTER 4. BOARD OF ADJUSTMENT**

### **401. ESTABLISHMENT**

1. There shall be and hereby is created a Board of Adjustment (hereafter called the “Board of Adjustment” or the “Planning Board”) consisting of five (5) members. The Planning Board shall serve as the Board of Adjustment.
2. The Governing Board shall appoint members of the Board of Adjustment.
3. Members of the Board of Adjustment shall be residents of Sampson County.

### **402. POWERS AND DUTIES**

The Board of Adjustment shall hear and decide the following:

1. Special Use Permits
2. Variances
3. Appeals of any final and binding order, requirement, or determination of the Zoning Officer.

The Board of Adjustment shall follow quasi-judicial procedure when deciding Appeals, Variances, and Special Use Permits. The Board of Adjustment shall meet when required by the Chair or at other times that may be indicated on an officially adopted meeting schedule, which is adopted by the Board. All meetings of the Board of Adjustment shall be open to the public.

### **403. APPOINTMENT OF MEMBERS AND TERMS OF MEMBERSHIP**

The Governing Board shall appoint all members of the Board of Adjustment. Membership shall be for a period of three (3) years, except in the case of a partial term created by a vacancy. Members of the Board of Adjustment shall abide by “An Ordinance Reconstituting the Sampson County Planning Board” as adopted by the Governing Board. Members of the Board of Adjustment must take an oath of office before starting their duties, as required by G.S. 160D-309.

### **404. SECRETARY TO THE BOARD OF ADJUSTMENT**

The Zoning Officer shall serve or shall appoint staff to serve the Board of Adjustment as a recording secretary.

The Board of Adjustment shall adopt rules of procedure and keep minutes of all of its proceedings, as mandated by G.S. 160D-308. A copy of the Board of Adjustment’s rules of procedure shall be maintained by the Zoning Officer and posted on the Sampson County Web site.

## CHAPTER 5. QUASI-JUDICIAL PROCEEDINGS

### 501. APPLICABILITY

The following are topics that require a quasi-judicial hearing for a decision to be made and must comply with the requirements outlined in this Chapter:

1. Special Use Permits
2. Variances
3. Certificates of Appropriateness
4. Appeals of any final and binding order, requirement, or determination by the Zoning Officer.

### 502. NOTICE REQUIREMENTS

As required by G.S. 160D-406(b), notice of quasi-judicial hearings must be mailed to the person or entity who has applied for the variance, special use, or appeal request. Notice must be mailed to the property owner if they are not the applicant for the variance, special use, or appeal request. Notice must be mailed to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. Sampson County shall use the county tax listing to determine who the property owners are.

The notice must be deposited in the mail at least ten (10) days, but no more than twenty-five (25) days, prior to the date of the hearing. The Zoning Officer shall post a notice of the hearing on the property that is the subject of the hearing within the same 10 to 25-day period.

The Planning Board may continue an evidentiary hearing that has convened without further advertisement, but the hearing must be continued to a date certain. If a quasi-judicial hearing has been set and there is failure to establish a quorum, the hearing shall be continued to the next regularly scheduled Planning Board meeting and readvertisement is not required.

### 503. HEARING

Pursuant to G.S. 160D-406, a quasi-judicial hearing must be held to gather competent, material, and substantial evidence to establish the facts of the case. The Zoning Officer shall transmit to the Planning Board all applications, reports, and written materials relevant to the matter being considered prior to the hearing. The Zoning Officer shall also distribute the same materials given to the Planning Board to the applicant. These materials shall become part of the hearing record.

The applicant, Sampson County Government, and any person who would have standing to appeal the Planning Board's decision under G.S. 160D-1402(c) shall have the right to participate as a party at the quasi-judicial hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Planning Board. Testimony shall be given under oath. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the Planning Board. The Planning Board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. The Chairman of the Planning Board or any member acting as the Chair are authorized to administer oaths to witnesses in any matter before the Planning Board. Any person who, while under oath during a proceeding, before the Planning Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

The Planning Board may issue subpoenas in accordance with the provisions set forth in G.S. 160D-406(g).

#### **504. MEMBER PARTICIPATION**

No Planning Board member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. The conflict of interest provisions of G.S. 160D-109(d) shall apply to Planning Board members. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall be majority vote rule on the objection.

#### **505. VOTING**

The concurring vote of four-fifths of the members of the Planning Board shall be necessary for the approval of variance requests. A simple majority is required to rule on appeals and special use requests. Vacant positions on the Planning Board and members who are disqualified from voting on the matter under G.S. 160D-109(d) shall not be considered "members of the Planning Board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

#### **506. DECISIONS**

Pursuant to G.S. 160D-406(j), the Planning Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Planning Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Planning Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the Planning Board and signed by the chair or other duly authorized member of the Planning Board. A quasi-judicial decision is effective upon filing the written decision with the Secretary to the Planning Board, and in the case of Special Use Permits and Variances, approved Special Use Permits and Variances must be recorded with the Sampson County Register of Deeds in accordance with G.S. 160D-705(c). The Secretary to the Planning Board shall deliver the decision of the Planning Board by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective and shall certify that proper notice has been made.

#### **507. APPEAL OF PLANNING BOARD DECISIONS**

In accordance with G.S. 160D-406(k), every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

In matters regarding appeals of certificates of appropriateness for historic landmarks and historic districts, the provisions outlined in GS 160D-947(e) must be followed.

## **CHAPTER 6. APPEALS FROM ADMINISTRATIVE DECISIONS**

### **601. APPLICATION**

Pursuant to G.S. 160D-405(b), any person who has standing under G.S. 160D-1402(c), or Sampson County, may appeal an administrative decision to the Planning Board. Appeals must be filed with the Zoning Officer, and the notice of appeal must state the grounds for the appeal.

### **602. APPEAL TIME FRAME**

Pursuant to G.S. 160D-405(c), the appellant has thirty (30) days from the receipt of the written determination made by the Zoning Officer to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received on the third business day following the deposit of the mailed notice.

### **603. RECORD TRANSMITTAL**

In accordance with G.S. 160D-405(e), the Zoning Officer shall transmit to the Planning Board all documents and exhibits constituting the record upon which the decision appealed from is taken. The Zoning Officer shall also provide the appellant and the owner of the property if different from the appellant, with all documents pertinent to the appeal.

### **604. STAY OF ENFORCEMENT**

Pursuant to G.S. 160D-405(f), an appeal of a notice of violation or other administrative decision stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Planning Board and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the Planning Board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Planning Board shall meet to hear the appeal within 15 days after the request is filed.

Notwithstanding any other provision of this chapter, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the Planning Board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

### **605. HEARING**

If enforcement proceedings are not stayed, the Planning Board shall hear and decide the appeal on a date that has been established and adopted by the Planning Board on their meeting schedule.

The hearing shall conform to the requirements for quasi-judicial proceedings contained in G.S. 160D-406 and Chapter 5 of this Ordinance.

Pursuant to G.S. 160D-406(e), the Zoning Officer who made the decision, or the person currently occupying that position if the Zoning Officer who made the decision is no longer an employee of the County, must be present at the hearing.

The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Planning Board shall continue the hearing.

#### **606. PLANNING BOARD DECISION OF ADMINISTRATIVE APPEAL**

The Planning Board shall comply with all requirements set forth in Chapter 5 of this Ordinance when making, documenting, filing, and delivering decisions regarding administrative appeals.

The conflict-of-interest provisions of G.S. 160D-109 shall apply.

#### **607. FEES**

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

### **CHAPTER 7. VARIANCES**

#### **701. APPLICATION**

The Planning Board shall hear and decide petitions for Variances from the terms of this Ordinance or the Sampson County Subdivision Regulations pursuant to the requirements of this chapter. No change in permitted uses may be authorized by a Variance.

#### **702. FEES**

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

#### **703. NOTICE REQUIREMENTS**

Notice requirements for a Variance petition shall follow all provisions outlined in G.S. 160D-406 and Chapter 5, Section 502 of this Ordinance.

#### **704. HEARING REQUIREMENTS**

Hearing requirements for a Variance petition shall follow all provisions outlined in G.S. 106D-406 and Chapter 5, Section 503 of this Ordinance.



## **705. VOTING**

Pursuant to G.S. 160D-406(i), the concurring vote of four-fifths of the Planning Board shall be necessary to grant a Variance.

## **706. PLANNING BOARD DECISION**

Pursuant to G.S. 160D-705(d), when unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Planning Board, sitting as the Board of Adjustment, shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

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

Appropriate conditions may be imposed on any Variance, provided that the conditions are reasonably related to the Variance.

The Planning Board shall comply with all requirements set forth in G.S. 160D-406 and Chapter 5, Section 505 of this Ordinance when making, documenting, filing, and delivering decisions regarding Variances.

If the Planning Board determines, after receiving evidence from the Zoning Officer or the Zoning Officers authorized agent and after providing reasonable opportunity for all interested parties to submit evidence on the matter, that a substantial violation of a Variance condition has occurred, the Planning Board may revoke the variance.

The conflict-of-interest provisions of G.S. 160D-109 shall apply.

## **CHAPTER 8. SPECIAL USES**

### **801. PURPOSE**

This chapter recognizes that there are certain land uses that due to their unique characteristics or potential impacts on surrounding land uses, are not permitted by right in zoning districts but are permitted under a specific set of circumstances and conditions. These uses are designated as Special Uses. While these uses are

generally compatible with the intent and purpose of the zoning districts created by this Ordinance, individual review of each proposed use is required in order to ensure appropriateness of the use at its specific location. The Sampson County Planning Board, who also serves as the quasi-judicial review board, shall issue Special Use Permits.

## **802. PROCEDURE**

An owner of real property, or that owners authorized representative, may apply for a Special Use Permit for that property by submitting all required application materials to the Zoning Officer. In the event where an authorized representative is the applicant, a signed affidavit from the property owner is required with the application submittal. Applicants are encouraged to have a pre-application meeting with the Zoning Officer before submitting a Special Use Application. Special Use Applications may be withdrawn by the applicant at any time before the Planning Board meeting. The County Manager shall determine the amount to be refunded to the applicant for the withdrawal of an application.

In the event that the Special Use Permit request has been denied by the Planning Board, the Zoning Officer shall not accept another application for the same request on the same property for a period of one year from the date of the hearing where the decision was made. The Planning Board may consider a new application within that one-year period if they determine that the new application is substantially different or that the applicant is able to produce evidence that was not available at the original hearing. The Planning Board will only entertain a request for a rehearing at a regularly scheduled Planning Board meeting. The applicant may make a request for a rehearing during the public comment period of a regularly scheduled Planning Board meeting.

## **803. FEES**

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

## **804. APPLICATION REQUIREMENTS**

Special Use applications shall be submitted and be heard in accordance with the meeting schedule adopted by the Planning Board. Special Use applications shall be accompanied by a site plan of sufficient detail that has been prepared by a NC licensed land surveyor or engineer. The Zoning Officer may waive this requirement in certain situations if he is able to determine that a surveyed/engineered site plan is not necessary. The site plan shall contain the following items listed below; all items may not be applicable due to the nature of the Special Use request. The Zoning Officer may also require additional information dependent upon the nature of the Special Use request.

1. Zoned lot with dimensions.
2. Adjoining deeded properties and their uses.
3. Existing structures.
4. Proposed structures with size and all required setbacks.
5. Proposed use.
6. Number of employees, if applicable.
7. Hours of operation, if applicable.
8. Off street parking, loading, and unloading, access to existing streets.

9. Easements and Rights-of-way.
10. All pertinent development requirements of this ordinance.
11. Floodplains or statement not in flood plain.
12. Name, location, and dimensions of any proposed streets.
13. Location and dimensions of any drainage facilities, parking areas, recreation areas, required yards, and required turnarounds.
14. Proposed phasing if applicable.
15. Location of any shared or outlying drain fields/wastewater systems; where lots can reasonably support a septic system and repair area, documentation of such shall be submitted with the application as applicable for the proposed use or development.
16. Location of access and utility easements to be reserved and dedicated in support of any adjoining properties that do not possess a public right of way to a public street.

The Zoning Officer shall review application submittals and supporting documents. If the site plan requirements have not been met, the application is incomplete, or the site plan is non-compliant with Ordinance requirements, the Zoning Officer may return all items submitted to the applicant and not accept the application package. When the application and all supporting documents are deemed adequate by the Zoning Officer, the Zoning Officer shall add the Special Use request to the agenda for a meeting as indicated on the adopted meeting schedule. The Zoning Officer shall prepare a staff report for the Planning Board that outlines the proposed use and includes any staff recommended conditions that may aid in the prevention of any potential negative impacts.

#### **805. NOTICE REQUIREMENTS**

Notice requirements for a Special Use request shall follow all provisions outlined in G.S. 160D-406 and Chapter 5, Section 502 of this Ordinance.

#### **806. HEARING REQUIREMENTS**

Hearing requirements for a Special Use request shall follow all provisions outlined in G.S. 160D-406 and Chapter 5, Section 503 of this Ordinance.

#### **807. VOTING**

Pursuant to GS 160D-406(i), a simple majority of the Planning Board shall be required to grant a Special Use Permit.

#### **808. PLANNING BOARD DECISION**

The Planning Board shall comply with all requirements set forth in G.S. 160D-406 and Chapter 5, Section 505 of this Ordinance when making, documenting, filing, and delivering decisions regarding Special Uses. The conflict-of-interest provisions of G.S. 160D-109 shall apply.

The Planning Board shall issue a Special Use Permit when the Planning Board makes a affirmative finding for each of the following:

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

In granting the Special Use Permit, the Planning Board may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. Conditions and safeguards imposed under this Section shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted and on the Special Use Permit itself. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors, and assigns.

Approved Special Use Permits must be recorded with the Sampson County Register of Deeds pursuant to G.S. 160D-705(c).

#### **809. DENIAL**

If the Planning Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

#### **810. POST APPROVAL REQUIREMENTS**

Approval of certain Special Uses may cause the applicant to have to receive further permits from the State or Federal Government. For Special Use's where further permits are obtained after Special Use approval, Sampson County Planning & Zoning requires that copies of these permits must be provided to the Zoning Officer. These permits include but are not limited to NCDOT Driveway Permits, Sedimentation and Erosion Control Plan and infrastructure construction certifications. Failure to provide copies of the permits and any other document that certifies legal development will result in the Special Use to be considered a "Failure to Comply" as described in Section 811.

#### **811. COMPLIANCE WITH ZONING DISTRICT REGULATIONS**

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

## **812. FAILURE TO COMPLY**

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

## **813. EXPIRATION**

In any case where a Special Use Permit has not been exercised within the time limit set by the Planning Board, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development; or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit. The recorded deed that describes the approved Special Use Permit and all conditions applicable to it, shall contain the language of this section setting forth the terms of expiration on the deed itself.

# **CHAPTER 9. OFFICIAL ZONING MAP AND ZONING DISTRICTS**

## **901. ZONING MAP**

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

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested as well as prior versions of the Zoning Map shall be maintained on file in the Sampson County Planning & Zoning Department and be available for inspection by the public. Any state or federal agency maps incorporated by reference into the Zoning Map shall be maintained in paper or digital format by the Zoning Officer.

The Zoning Officer or his representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Governing Board that a zoning change has been made, the Zoning Officer shall make the necessary changes to the Official Zoning Map.

## **902. DISTRICT BOUNDARIES AND INTERPRETATION**

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

- A. Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district boundaries.

- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- D. The Zoning Officer shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

**903. RESIDENTIAL AGRICULTURAL (RA) ZONING DISTRICT**

**A. INTENT**

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

**B. DIMENSIONAL REQUIREMENTS**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
<b>Minimum Lot Area in Square Feet</b>	<b>10,000 Sq. Ft.</b>	<b>25,000 Sq. Ft.</b>	<b>30,000 Sq. Ft.</b>
<b>Minimum Lot Width in Feet</b>	<b>110 ft.</b>	<b>110 ft.</b>	<b>110 ft.</b>
<b>Minimum Lot Depth in Feet</b>	<b>100 ft.</b>	<b>150 ft.</b>	<b>150 ft.</b>
<b>Minimum Setback Lines In Feet</b>			
<b>Front</b>	<b>35 ft.</b>	<b>35 ft.</b>	<b>35 ft.</b>
<b>Side</b>	<b>10 ft.</b>	<b>10 ft.</b>	<b>10 ft.</b>
<b>Side abutting Street</b>	<b>20 ft.</b>	<b>20 ft.</b>	<b>20 ft.</b>
<b>Rear</b>	<b>25 ft.</b>	<b>25 ft.</b>	<b>25 ft.</b>
<b>Maximum Building Height</b>	<b>40 ft.</b>	<b>40 ft.</b>	<b>40 ft.</b>

## 904. RESIDENTIAL (R) ZONING DISTRICT

### A. INTENT

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

### B. DIMENSIONAL REQUIREMENTS

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

## 905. MIXED RESIDENTIAL (MRD) ZONING DISTRICT

### A. INTENT

The MRD district provides an inclusive environment for mixed residential uses at densities that correspond with the available services while protecting residential use from non-residential use that may create a public health, safety, or general welfare issue or nuisance. The district promotes mixed residential neighborhoods that may consist of manufactured home subdivisions, manufactured home parks, manufactured homes, stick-built single-family dwellings, and multi-family development.

**B. DIMENSIONAL REQUIREMENTS**

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

**906. COMMERCIAL (C) ZONING DISTRICT**

**A. INTENT**

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

**B. DIMENSIONAL REQUIREMENTS**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
<b>Minimum Lot Area in Square Feet</b>	<b>40,000 Sq. Ft.</b>	<b>40,000 Sq. Ft.</b>	<b>40,000 Sq. Ft.</b>
<b>Minimum Lot Width in Feet</b>	<b>110 ft.</b>	<b>110 ft.</b>	<b>110 ft.</b>
<b>Minimum Lot Depth in Feet</b>			



	200 ft.	200 ft.	200 ft.
Minimum Setback Lines In Feet			
Front	50 ft.	50 ft.	50 ft.
Side	15 ft.	15 ft.	15 ft.
Side abutting Residential Lot	30 ft.	30 ft.	30 ft.
Side abutting Commercial building and lot where the same building wall is shared with another commercial building and lot	0 ft.	0 ft.	0 ft.
Side abutting Street	30 ft.	30 ft.	30 ft.
Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	45 ft.	45 ft.	45 ft.

**907. INDUSTRIAL (I) ZONING DISTRICT**

**A. INTENT**

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

**B. DIMENSIONAL REQUIREMENTS**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
<b>Minimum Lot Area in Square Feet</b>	<b>108,750 Sq.</b>	<b>108,750 Sq. Ft.</b>	<b>108,750 Sq. Ft.</b>

	<b>Ft.</b> <b>(± 2.5 acres)</b>	<b>(± 2.5 acres)</b>	<b>(± 2.5 acres)</b>
<b>Minimum Lot Width in Feet</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>150 ft.</b>
<b>Minimum Lot Depth in Feet</b>	<b>250 ft.</b>	<b>250 ft.</b>	<b>250 ft.</b>
<b>Minimum Setback Lines In Feet</b>			
<b>Front</b>	<b>60 ft.</b>	<b>60 ft.</b>	<b>60ft.</b>
<b>Front (Inside an industrial park)</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>
<b>Side</b>	<b>40 ft.</b>	<b>40 ft.</b>	<b>40 ft.</b>
<b>* * Side abutting RA or R Lot</b>	<b>60 ft.</b>	<b>60 ft.</b>	<b>60 ft.</b>
<b>Side abutting Street</b>	<b>75 ft.</b>	<b>75 ft.</b>	<b>75 ft.</b>
<b>Rear</b>	<b>60 ft.</b>	<b>60 ft.</b>	<b>60 ft.</b>
<b>* * Rear abutting RA or R Lot</b>	<b>60 ft.</b>	<b>60 ft.</b>	<b>60 ft.</b>
<b>*Maximum Building Height when abutting I – Industrial or C – Commercial</b>	<b>90 ft.</b>	<b>90 ft.</b>	<b>90 ft.</b>
<b>Maximum Building Height when abutting RA, R, MRD or CON districts</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>

In the I – Industrial District, building height may be up to 175 ft., when property to be developed is abutting only I – Industrial District zoned lots.

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

## 908. CONSERVATION (CON) ZONING DISTRICT

### A. INTENT

The purpose of the conservation district is to encourage preservation of and continued use of the land held in public or private conservation trusts or preserves for conservation purposes, to protect undisturbed open space, and to prohibit building and urban land use in the land areas subject to flooding.

### B. DIMENSIONAL REQUIREMENTS

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

## 909. LIGHT-INDUSTRIAL (L-I) ZONING DISTRICT

### A. INTENT

The purpose of the Light Industrial District is to promote and protect both existing and potential industrial sites which are considered suitable for light industrial use and to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district. Light Industrial uses involve uses

engaged in the manufacturing, production, processing, fabrication, assembly, warehousing, wholesaling, and distribution of products.

## B. DIMENSIONAL REQUIREMENTS

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
<b>Minimum Lot Area in Square Feet</b>	<b>108,750 Sq. Ft. (± 2.5 acres)</b>	<b>108,750 Sq. Ft. (± 2.5 acres)</b>	<b>108,750 Sq. Ft. (± 2.5 acres)</b>
<b>Minimum Lot Width in Feet</b>	<i>150 ft.</i>	<i>150 ft.</i>	<i>150 ft.</i>
<b>Minimum Lot Depth in Feet</b>	<i>250 ft.</i>	<i>250 ft.</i>	<i>250 ft.</i>
<b>Minimum Setback Lines In Feet</b>			
<b>Front</b>	<i>50 ft.</i>	<i>50 ft.</i>	<i>50 ft.</i>
<b>Front (Inside an industrial park)</b>	<i>40 ft.</i>	<i>40 ft.</i>	<i>40 ft.</i>
<b>Side</b>	<i>40 ft.</i>	<i>40 ft.</i>	<i>40 ft.</i>
<b>** Side abutting RA or R Lot</b>	<i>50 ft.</i>	<i>50 ft.</i>	<i>50 ft.</i>
<b>Side abutting Street</b>	<i>40 ft.</i>	<i>40 ft.</i>	<i>40 ft.</i>
<b>Rear</b>	<i>40 ft.</i>	<i>40 ft.</i>	<i>40 ft.</i>

<b>**Rear abutting RA or R Lot</b>	<i>50 ft.</i>	<i>50 ft.</i>	<i>50 ft.</i>
<b>**Maximum Building Height when abutting I – Industrial, I-1 – Light Industrial or C – Commercial</b>	<i>90 ft.</i>	<i>90 ft.</i>	<i>90 ft.</i>
<b>Maximum Building Height when abutting RA, R, MRD or CON districts</b>	<i>50 ft.</i>	<i>50 ft.</i>	<i>50 ft.</i>

**910. CONDITIONAL ZONING DISTRICTS**

**A. INTENT**

Conditional zoning districts are zoning districts in which the development and use of a property is subject to regulations and conditions that are imposed as part of the legislative decision creating the district and applying it to the property. The reclassification of a property into a conditional zoning district attaches specific regulations and conditions to a proposed development to ensure its compatibility with the use and enjoyment of surrounding properties and with officially adopted county plans. The review and approval process established in this section affords a degree of certainty in land use decisions not possible when rezoning to a general use district.

**B. CONDITIONAL ZONING DISTRICTS**

A conditional zoning district is a district that is initially proposed to be rezoned for a specific use. Applicants who are interested in applying for a property(s) to be conditionally rezoned are encouraged to meeting with the Zoning Officer to discuss what an appropriate conditional district may be. All owners of any properties involved in a conditional rezoning must provide written consent to the Zoning Officer. Specific conditions applicable to these districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the requirements of the district. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the Sampson County Zoning Ordinance, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

Conditional Zoning Districts shall be designated on zoning maps and other official documents by combining the designation of it’s parallel zoning district with the suffix, “(CZ)”, example RA(CZ). Except as explicitly modified in the conditional zoning ordinance, the dimensional standards and requirements of each conditional zoning district shall be those of the parallel general use district.

## **C. FEES**

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

## **D. APPLICATION**

The owner(s), or authorized agent of the owner(s) shall submit an application that specifies all uses of the property and shall propose additional regulations to ensure compatibility between the development and the surrounding neighborhood. Applications shall include a complete list of proposed uses that are permitted by-right, Special Requirement, or Special Use in the conditional district. The application shall include a site plan prepared by a NC licensed land surveyor or engineer. The Zoning Officer may waive this requirement in certain situations if he is able to determine that a surveyed/engineered site plan is not necessary. The site plan shall be of a scale no smaller than 1 inch = 100 feet and shall include the following:

1. The names and addresses of the owner(s), tax map numbers and existing land uses of all adjoining properties.
2. A boundary survey and vicinity map showing the total acreage and current zoning classification of the property, the zoning classification of adjacent properties, and the general location of the property in relation to major streets.
3. Existing easements, reservations, dedications, or rights-of-way.
4. Approximate location of proposed buildings, structures, streets, and access points to the public road system.
5. Approximate dimensions, including height, of proposed commercial or industrial buildings.
6. Proposed use of all land and structures, including the maximum number of residential units and the total square footage of any nonresidential development if applicable.
7. All yards, buffers, screening, and landscaping proposed by the developer or required by Ordinance.
8. Delineation of areas within the regulatory floodplain.
9. Proposed phasing, if any, and approximate completion time for each phase of the project.
10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
11. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, and gas.
12. Generalized traffic, parking, and circulation plans.
13. Plans for the treatment of wastewater to include the approximate location of any wastewater treatment plants/facilities if applicable.

Conditional zoning application requests are subject to providing additional information on the site plan if requested by the Planning Board or Governing Board. Additional information shall be requested by a date certain established by the Board.

## **E. NOTICE**

Notice requirements for a conditional zoning request shall follow all provisions outlined in G.S. 160D-601 and Chapter 3, Section 306 of this Ordinance.

## **F. HEARING**

Hearing requirements for a conditional zoning request shall follow all provisions outlined in G.S. 160D-601 and Chapter 3, Section 306 of this Ordinance.

## **G. VOTING**

Voting requirements for conditional zoning request shall follow all provisions outlined in Article 6 of Chapter 160D of the North Carolina General Statutes and Chapter 3, Section 307 of this Ordinance. The conflict-of-interest provisions of G.S. 160D-109 shall apply.

## **H. SCOPE & ENFORCEMENT**

The adoption of a conditional zoning district does not preclude the application or enforcement of other Sampson County Ordinances.

If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such conditional zoning district shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.

## **911. OVERLAY DISTRICTS**

### **A. AO – AIRPORT OVERLAY DISTRICT**

See Clinton-Sampson Airport Height Restriction Ordinance.

## **CHAPTER 10. HOME OCCUPATIONS**

### **1001. INTENT**

This chapter applies to any occupation, profession or business activity owned and/or operated by the resident of a single-family dwelling, modular home, or manufactured home.

A Home Occupation is to serve as an accessory use that is incidental to a residence. The Home Occupation should operate in a manner that the residential character of the property and neighborhood is maintained.

Home Occupation permits are required where the business owner is operating a business out of their residence or a structure that is serving as an accessory to the primary residence. Individuals working remotely for their employer are not operating a home occupation.

Only occupations specifically listed in this chapter are permissible home occupations. Any home occupation not listed must receive a Special Use Permit from the Sampson County Planning Board in order to legally operate.

## **1002. APPLICATION REQUIREMENTS**

Home Occupation applications must contain the following items:

1. A site plan compliant with the requirements listed in Chapter 2, Section 202(c) of this Ordinance as applicable. The Zoning Officer shall determine what is necessary for the site plan.
2. A floor plan that displays the total heated sq footage of the home and the sq footage that is to be used for the home occupation. The floor plan must indicate the portion(s) of the home used for the office.
3. When the resident is not the property owner, the resident must provide written consent for the home occupation from the property owner (or property management company).

## **1003. GENERAL STANDARDS**

This section applies to all Home Occupations in all zoning districts.

1. Employee parking is to be accommodated on-site; on street parking may be used for customers only. If the Home Occupation creates on-street parking, the parking shall be accommodated within the maximum distance of the front property line and shall not obstruct traffic flow, example parking shall not extend beyond the limits of the property line nor shall parking pose inconvenience to traffic flow.
2. When the use is located inside of the principal dwelling, the total amount of floor area devoted to the home occupation is limited to 40% of the heated sq. footage of the home, or 1,000 sq. feet, whichever is less. Allowances for the use of an accessory structure can be found in the specific standards.
3. Retail sales are limited to online sales or off-site sales that take place at an event, festival, flea market, etc. No customers are to be actively shopping on-site; scheduled pick-up and deliveries are permissible.
4. Work performed on-site at the residence must be conducted entirely out of public view (right-of-way) and view from all adjacent properties.
5. Shipments and delivery of products, merchandise, or supplies shall be limited to the hours between 8:00AM and 7:00PM and shall occur only via trucks or smaller vehicles typically used to serve residential areas. In no case may any commercial vehicle or truck with a gross weight greater than 13 tons be used for shipments, deliveries, or services. The site shall be able to accommodate the on-site loading/unloading and maneuvering of trucks used for shipments, deliveries, or service.
6. Customer and employee traffic may not occur outside of the hours of 8:00AM-7:00PM Monday-Saturday and 8:00AM-5:00PM on Sunday.

## **1004. RESIDENTIAL HOME OCCUPATIONS**

### **A. PERMITTED OCCUPATIONS**

The following uses are permitted as a Home Occupation in Residential Zoning Districts (Residential and Mixed Residential Zoning Districts):

- Retail Sales (Internet and/or off-site)



- Professional Office
- Gunsmithing/Gun Sales
- Lawn/Landscaping/Cleaning Services
- Contractors Office (Home Office)
- Craftsmen Services (woodworking, leather works, taxidermy, upholstery, sewing services, photography, jewelry/clock repair)
- Personal Services (barber/beauty shop, cosmetics, nails, tanning)
- Childcare
- Catering/Baked Goods
- Educational Classroom
- Auto Detailing (work must be completed within enclosed garage or off-site)

**B. RESIDENTIAL SPECIFIC STANDARDS**

- Signs identifying the business shall be no larger than 4 square feet.
- The Home Occupation is permitted to employ one person who is not a resident of the home to work on site (at the residence).
- When the Home Occupation is to be located in an accessory building, the area devoted to the use shall not exceed 60% of the gross floor area of the principal structure or 2,000 square feet, whichever is less.
- No display of products shall be visible from public view or any adjacent properties. Products and/or materials associated with the occupation must be stored in an enclosed building. Items for delivery may remain on an open trailer but not stored in public view.
- Each Home Occupation is permitted to have no more than two work vehicles on-site; work vehicles include trucks, vans, cargo trailers, open trailers, etc.
- Personal Services shall be limited to no more than 5 customers per day.

**1005. RESIDENTIAL AGRICULTURAL (RA) AND COMMERCIAL HOME OCCUPATIONS, LOTS LESS THAN 2 ACRES**

**A. PERMITTED OCCUPATIONS**

The following uses are permitted as a Home Occupation in Residential Agricultural or Commercial Zoning Districts on lots less than 2 acres in size:

- Retail Sales (Internet and/or off-site)
- Professional Office
- Gunsmithing/Gun Sales
- Lawn/Landscaping/Cleaning Services
- Contractors Office (Home Office)
- Craftsmen Services (woodworking, leather works, taxidermy, upholstery, sewing services, photography, jewelry/clock repair)
- Personal Services (barber/beauty shop, cosmetics, nails, tanning)
- Childcare
- Educational Classroom
- Nursery Sales (Plants)

- Auto Garage (Engine Repair – no body work)
- Auto Detailing (work must be completed within enclosed garage or off-site)
- Produce Sales
- Personal Training (limited personal training and class training)
- Dog training (no boarding)
- Repair Shop

**B. RESIDENTIAL AGRICULTURAL AND COMMERCIAL (UNDER 2 ACRES)  
SPECIFIC STANDARDS**

- Signs identifying the business must be no larger than 6 square feet.
- The Home Occupation is permitted to employ two people who are not residents to work on-site (at the residence).
- Each Home Occupation is permitted to have no more than FOUR work vehicles on-site; work vehicles include trucks, vans, cargo trailers, open trailers, etc.
- When the Home Occupation is to be located in an accessory building, the area devoted to the use may not exceed 80% of the gross floor area of the principal structure or 2,500 square feet, whichever is less.
- No display of products shall be visible from public view or any adjacent properties. Products and/or materials associated with the occupation must be stored in an enclosed building. Items for delivery may remain on an open trailer but not stored in public view.
- Craft Sales must be contained in an enclosed building and generate no more than 10 customers per day.
- Auto Garage – All work must be performed inside an enclosed structure. Work shall not be visible from the right-of-way or any adjacent properties during any point of business hours or after business hours. No more than 3 customer vehicles shall be on site to be worked on at any time; these vehicles must be stored out of view from the right-of-way and all adjacent properties behind a 6' opaque privacy fence.
- Nursery Sales (Plants) are limited to no more than 10 customers per day.
- Personal Services are limited to no more than 10 customers per day.
- Personal Training - Fitness activities must take place out of public view and view from all adjacent properties. Fitness Centers are limited no more than 10 customers on-site at one time.
- Repair Shops: all work must be performed inside an enclosed structure. Work shall not be visible from the right-of-way or any adjacent properties. Repair Shops perform minor work to boat, motorcycle, lawnmower, go-kart, and other similar types of small engines. No more than 3 engines/vehicles shall be on site to be worked on at any time; these engines/vehicles must be stored out of view from the right-of-way and all adjacent properties.
- Dog Training is for non-overnight animal stay. Training areas must not be visible from the right-of-way or any adjacent properties. Training areas must be enclosed by a 6' opaque privacy fence.

**1006. RESIDENTIAL AGRICULTURAL (RA) AND COMMERCIAL HOME OCCUPATIONS,  
LOTS 2 ACRES OR MORE**

**A. PERMITTED OCCUPATIONS**

The following uses are permitted as a Home Occupation in Residential Agricultural or Commercial Zoning Districts on lots 2 acres or more in size:

- Retail Sales (Internet and/or off-site)
- Professional Office (Home Office)
- Gunsmithing/Gun Sales
- Lawn/Landscaping/Cleaning Services
- Contractors Office (Home Office)
- Craftsmen Services (woodworking, leather works, taxidermy, upholstery, sewing services, photography, jewelry/clock repair)
- Personal Services (barber/beauty shop, cosmetics, nails, tanning)
- Childcare
- Educational Classroom
- Nursery Sales (Plants)
- Auto Garage (Detailing/Engine Repair)
- Repair Shop
- Livestock Sales
- Produce Sales
- Dog Training
- Personal Training (limited personal training and class training)

**B. RESIDENTIAL AGRICULTURAL AND COMMERCIAL (2 ACRES OR MORE)  
SPECIFIC STANDARDS**

- The Home Occupation is permitted to employ two people who are not residents to work on-site (at the residence).
- Signs identifying the business must be no larger than 12 square feet.
- Each Home Occupation is permitted to have no more than FOUR work vehicles on-site; work vehicles include trucks, vans, cargo trailers, open trailers, etc.
- Auto Garage (Detailing/Engine Repair) All work must be performed inside an enclosed structure. Work shall not be visible from the right-of-way and all adjacent properties during any point of business hours, or after business hours. No more than 5 customer vehicles shall be on site to be worked on at any time; these vehicles must be stored out of view from the right-of-way and all adjacent properties behind a 6' opaque privacy fence.
- Craft Sales must be contained in an enclosed building and generate no more than 15 customers per day.
- When Craftsmen Services involve retail sales (retail floor open to public), they must be contained in an enclosed building and generate no more than 15 customers per day. On-site retail hours are limited to 10:00 AM to 5:00PM Monday – Saturday and 1:00PM to 5:00PM Sunday.

- Training areas must not be visible from the right-of-way or any adjacent properties. Training areas must be enclosed by a 6' opaque privacy fence.
- Personal Training - Fitness activities must take place out of public view and view from all adjacent properties. Fitness Centers are limited no more than 15 customers on-site at one time.
- Nursery Sales (Plants) are limited to no more than 15 customers per day.
- Personal Services are limited to no more than 15 customers per day.
- Repair Shops, all work must be performed inside an enclosed structure. Work shall not be visible from the right-of-way and all adjacent properties during any point of business hours, or after business hours. Repair Shops perform minor work to boat, motorcycle, lawnmower, go-kart, and other similar types of small engines. No more than 5 engines shall be on site to be worked on at any time; these engines must be stored out of view from the right-of-way and all adjacent properties.

## **CHAPTER 11. GENERAL PROVISIONS**

### **1101. INTENT**

No land or building shall be used, and no building shall be constructed, moved, or altered except in conformity with the regulations specified in this chapter.

### **1102. APPLICATION TO EXTRATERRITORIAL JURISDICTION**

The provisions of the Ordinance are not applicable in any of the incorporated areas of Sampson County, or in the established extraterritorial jurisdictions of an incorporated municipality.

### **1103. STREET ACCESS**

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

### **1104. REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING**

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

### **1105. RELATIONSHIP OF BUILDING TO LOT**

Except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, every building hereafter erected, moved, repaired or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building on a lot, except that in the Residential Agricultural District two (2) permitted uses may exist on a zoning lot (parcel), providing that one (1) of the uses is a residential structure inhabited by the property owner or operator of the other use and that the minimum sq footage for each structure is met. Example in a RA district with public water provided the minimum square feet is 25,000 (0.57 acre) for one principal building, then the lot must be at least 50,000 square feet (1.14 acres) to have two principal buildings.

#### **1106. REDUCTION OF LOT AND YARD AREAS PROHIBITED**

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

#### **1107. SUBSTANDARD LOT OF RECORD**

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site in the district in which it is located; provided, that proposed building site will meet all Sampson County Environmental Health development requirements and the proposed building will meet all minimum setback requirements in the zoning district. Additionally, in unique circumstances, the Zoning Officer may reduce the yard and setback requirements for such lot of record by not more than thirty percent (30%).

#### **1108. ADDITIONAL ENVIRONMENTAL PROVISIONS**

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

#### **1109. CURB CUTS GIVING ACCESS TO PUBLIC RIGHTS OF WAY**

Construction of curb cuts and driveways for purposes of ingress or egress to property abutting a public right-of-way must have approval from the North Carolina Department of Transportation.

#### **1110. SETBACKS FROM THOROUGHFARES**

Properties with frontage on any of the listed thoroughfares below must comply with a minimum 50' front setback for all structures. The thoroughfares are as follows.

- Highway 421
- Highway 701
- Highway 24
- Highway 903
- Highway 13
- Interstate 40
- Highway 403
- Highway 41
- Highway 411
- Highway 242
- Highway 50
- Highway 55

## **1111. SETBACKS**

All front setbacks shall be measured from the right-of-way line and/or access easement. The right-of-way line is determined by measuring from the center of the road to one-half of the width of the right-of-way. For example, if the street has a 60-foot right-of-way, the line will be 30 feet from the center of the road. In the case of a corner lot, the applicant shall designate on the plot plan the front and corner side yards irrespective of the orientation of the building or the location of the driveway.

## **1112. PROJECTION INTO PUBLIC RIGHT-OF-WAYS**

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

## **1113. HEIGHT LIMIT EXCEPTIONS**

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

## **1114. LOT WIDTH**

Lot width shall be measured at the front setback line but does not apply to duplex, townhouse, and other multi-family units where the lot line runs through a building as a party wall.

## **1115. CORNER VISIBILITY**

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

## **1116. YARD EXCEPTIONS AND MODIFICATIONS**

Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, air conditioner units and uncovered porches shall not project more than four (4) feet into any required yard setback.

## **1117. BUFFER REQUIREMENTS**

### **A. INTENT**

In all districts, a uniform buffer or screen is required along the side and rear lot lines between commercial, institutional, and industrial uses and residential or residential agricultural districts or residential uses, churches or historical properties. Buffers are also required to be provided for Manufactured Home Parks, RV

Campgrounds, Solar Farms, and other similar types of land uses that the Zoning Officer deems necessary for a required buffer. Information shall be submitted to the Zoning Officer showing details of the proposed buffer as to the location and type of buffer.

If a buffer is existing on an adjacent property this buffer cannot be utilized as a buffer that is required for the new use. A buffer must be installed on the property of the use to be a sufficient buffer.

A buffer shall be required for the extent of the footprint of the use. Example, a parcel has a length of 400 feet. The use extends 200 feet onto the property. The buffer shall be 200 feet long beginning at the front property line and extending the entire footprint of the use.

## **B. GENERAL BUFFER SPECIFICATIONS**

The buffer options listed below are the options that must be used, a satisfactory buffer shall be one of the following:

1. An opaque fence that is a minimum of six (6) feet but no higher than eight (8) feet installed at least 1' off of the property line.
2. A twenty (20) foot wide natural wooded barrier. This barrier must be in existence and cannot be manufactured. The Zoning Officer shall make a site visit prior to permit issuance to determine if the proposed barrier is sufficient.
3. A eight (8) feet wide buffer containing two staggered rows of evergreen plantings to include 6 trees six (6) feet in height and twenty (20) shrubs every 100 feet. Must have a minimum of a 100-foot required buffer to utilize this option.

Opaque fences must eliminate visibility from one side of the fence to the other. It may be constructed with decorative masonry, wood plank, or other similar types of construction.

When evergreen trees and shrubs are used, they must be installed at a minimum of a 3 gallon size.

## **C. SOLAR FARM BUFFER REQUIREMENTS**

The buffer options listed below must be met in order to establish a Solar Farm in Sampson County. The buffer shall be required around the entire perimeter of the footprint of the Solar Farm.

1. A ten (10) foot opaque fence with six (6) feet minimum height evergreen plantings every ten (10) feet. Plantings must be located within six (6) feet of the fence and located on the outer portion of the fence.
2. An existing 100' wide natural buffer that is capable of encompassing the entire footprint of the solar farm. The Zoning Officer shall make a site visit prior to permit issuance to determine if the proposed barrier is sufficient.

Opaque fences must eliminate visibility from one side of the fence to the other. It may be constructed with decorative masonry, wood plank, or other similar types of construction.

When evergreen trees and shrubs are used, they must be installed at a minimum of a 3-gallon size.

## **D. CONSTRUCTION & MAINTENANCE**

A buffer must be installed or constructed prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall always be properly maintained. The construction and maintenance of a buffer shall be the responsibility of the landowner, business owner or developer.

### **1118. MULTI-FAMILY DEVELOPMENT (APARTMENTS & TOWNHOUSES)**

1. A minimum of 15% of the gross developed area shall be open space.
2. There shall be no more than 6 units per acre. Environmental Health must certify that there is sufficient septic service for each unit.
3. Buffers listed in Section 1116(B) of this chapter shall be installed.
4. A dumpster site shall be provided with opaque screening.
5. Any group of buildings forming a courtyard shall reserve at least twenty-five percent (25%) of the perimeter of such courtyard open for access by emergency vehicles.
6. Upkeep and maintenance of the common open space, or any shared or outlying drain fields/wastewater systems as shown on the approved development plan, must be identified by one of the following methods for the purpose of upkeep and maintenance:
  7. By leasing or conveying title to a corporation, homeowner's association, or other legal entity; and
  8. If units are rented, the property owner or management firm.

## **CHAPTER 12. ACCESSORY, TEMPORARY, SECONDARY, & UNIQUE USES**

### **1201. MULTIPLE RESIDENCE EXEMPTION**

In the Residential Agricultural Zoning District, a property owner may place up to two manufactured homes, modular homes, single-family dwellings, or combination of on a single parcel as an accessory to the primary dwelling. The additional residences may be for rent or use by a family member. The property owners full time residence shall be the property which the additional dwellings are constructed upon. The property shall be a minimum of 2 acres and shall have a minimum of 30,000 sq feet for each additional residence to the property. Example, the principal residence (property owner occupied) requires 2 acres, the first additional residence requires an additional 30,000 sq feet.

### **1202. ADDITIONAL RESIDENCE MANUFACTURED EXEMPTION**

In the Residential Agricultural Zoning District, a property owner may place one additional manufactured home on single parcel of land that has a primary residential structure. The property owners full time residence shall be the property in which the additional manufactured home is being located. Each residential structure shall have a minimum of 30,000 sq. feet.

### **1203. SPECIAL USE FOR HARDSHIP**

In a zoning district where manufactured homes are permitted, an individual may petition the Planning Board to place a manufactured home as a temporary second dwelling on a single parcel that does not meet minimum



lot size requirements. However, prior to issuance of a Special Use for Hardship, the Environmental Health Department must approve the additional septic system on the parcel in question. The Planning Board must renew Special Uses for hardship annually. If for any reason the conditions of the hardship cease to exist, the special use shall become null and void. Special Uses for Hardship are for temporary situations only and may be renewed twice for a maximum of 12 months for a total of 24 months from the date of the first renewal request.

#### **1204. TEMPORARY USE OF MANUFACTURED HOME OR RECREATIONAL VEHICLE**

Temporary use of a manufactured home or recreational vehicle as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner or when the home is being replaced or repaired as part of a government housing project. This Temporary Occupancy Permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction or construction takes place and may be renewed once for an additional six (6) month period by the Zoning Officer, applications for renewal must contain a progress timeline and an expected completion date. A Temporary Occupancy Permit will only be issued after the applicant has applied for building permits to show that the primary residence is being repaired. Any extension past the second six (6) month period requires Special Use approval from the Planning Board.

Temporary use of a recreational vehicle may be allowed for a residence during residential construction. A temporary RV occupation permit may be issued only when residential building permits have been applied for. The recreational vehicle may be permitted as a temporary residence for a maximum period of one (1) year.

#### **1205. ACCESSORY DWELLING UNITS**

Accessory Dwelling Units are allowed as a Special Requirement in the RA, R, and MRD Zoning Districts.

The following requirements must be followed concerning Accessory Dwelling Units:

1. There must be an occupied single-family dwelling, or modular home on the property.
2. A manufactured home or recreational vehicle shall not be used as an Accessory Dwelling Unit.
3. The square footage of the Accessory Dwelling Unit shall be limited to 60% of the sq footage of the principal structure or 1,200 sq feet, whichever is less.
4. The Accessory Dwelling Unit shall be located in the side or rear yard.

#### **1206. ACCESSORY SOLAR PANELS**

Pursuant to G.S. 160D-914(b), Sampson County reserves the right to only permit accessory solar panels to be roof mounted structures and not stand-alone structures in any portion of the parcels yard area.

#### **1207. ACCESSORY SATELLITE DISHES**

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

1. Satellite dishes shall be no larger than eight (8) feet in diameter.

2. The maximum height shall be fifteen (15) feet unless the applicant can prove that (i) a less intrusive location is not possible and (ii) a higher location will improve reception.
3. The dish must be installed and grounded properly.
4. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
5. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
6. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
7. Satellite dishes shall not be located on a roof.

## **1208. STANDALONE POWER POLES**

Power poles shall not be issued for yard/property maintenance or for any other standalone purpose. Power poles may be issued as an accessory to a residentially occupied property for the storage of a recreational vehicle. The poles purpose shall strictly be for the storage of a recreational vehicle. The vehicle is not to be set-up, occupied, or used in any shape, form, or capacity.

## **1209. ACCESSORY STRUCTURES**

### **A. RESIDENTIAL ACCESSORY STRUCTURE LOCATIONS AND SETBACKS**

A parcel shall have no more than 3 detached residential accessory structures. Detached residential accessory structures shall not be constructed or placed in the front yard on lots smaller than 2 acres, they must be in the side or rear yard on lots smaller than 2 acres. Carports may be allowed in the front yard of a parcel regardless of the parcels size provided they meet the setback requirements for a principal structure in their respective zoning district.

Minimum setbacks for detached residential accessory structures shall be 10 ft from side and rear property lines and 5 ft from the structure. The height of a accessory structure shall not exceed the height limit of the applicable zoning district.

Detached residential accessory structures shall not be located on any septic system or septic repair area, nor shall they be located within any recorded easement.

Detached residential accessory structures not exceeding 50 sq. ft. and used exclusively to house well and pump equipment may be permitted in front, side or rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or other site angles. These accessory structures shall not count toward the limit of 3 allowed per lot.

A detached residential accessory structure shall not be located on a parcel without a principal dwelling. The only exception to this is in the RA Zoning District when the parcel is 5 acres or more.

A manufactured home, RV, and other personal property including boats, vehicles, trailers, and buses may not be used as a detached residential accessory structure.

## **B. NON-RESIDENTIAL ACCESSORY STRUCTURE LOCATIONS AND SETBACKS**

Accessory structures shall meet the setback requirements for principal structures in their respective zoning district.

A manufactured home, RV, and other personal property including boats, vehicles, trailers, and buses may not be used as a non-residential accessory structure.

Non-residential accessory structures shall not be located on any septic system or septic repair area, nor shall they be located within any recorded easement.

### **1210. POOLS**

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

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

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

### **1211. LIGHTING**

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

### **1212. FENCES**

Electric fences on residential properties must be protected by a privacy fence if within 3 feet of the property line. Bona fide farms are exempt from this requirement.

## **CHAPTER 13. NONCONFORMING USES**

### **A. INTENT**

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

## **B. CONTINUANCE OF NONCONFORMING BUILDINGS**

The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, and such use may be extended throughout the building provided no structural alterations except those required by law, Ordinance or ordered by the Zoning Officer to secure the safety of the building are made therein, but no such use shall be extended to occupy land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

Any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged, so long as the enlargement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback.

## **C. CONTINUANCE OF NONCONFORMING USE OF LAND**

The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use shall be extended to occupy a greater area of land than occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than twenty-four (24) months, every future use of said land shall be in conformity with the provision of this Ordinance.

Any structure not in compliance with this Ordinance and intended to be used for single-family residential purposes, which use has been discontinued for a continuous period of more than twenty-four (24) months, complies with the Sampson County Building Inspections residential requirements, and the structure has not deteriorated by more than (60 percent of its assessed value, may have its use reinstated for residential purposes by the permit writing authority. In instances where the 60% threshold has been exceeded, a Special Use permit shall be required.

## **D. CHANGE OF USE**

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

The owner of a non-conforming use may bring it into compliance by securing any permit or approval which would have been required in the first instance for the intended or resulting use, building, structure, or lot under this Ordinance or any other applicable local law. For example, if the owner of a building wants to change its use from one which is not allowed under this Ordinance to one which is allowed pursuant to a General Use Permit, he may secure a General Use Permit and thus eliminate the non-conforming use. Likewise, approval may be secured under this jurisdiction's Subdivision Regulations to recombine two lots which do not comply with the minimum area regulations for building lots into one lot which does satisfy minimum area regulations.

**E. RECONSTRUCTION & EXPANSION OF NONCONFORMING NON-RESIDENTIAL BUILDINGS**

Nothing in this Ordinance shall be construed to prevent the restoration of a building destroyed to the extent of not more than sixty (60) percent of its assessed value at the time of destruction by fire, explosion, or other casualty, if such construction is begun within one hundred and twenty-four (24) months of the date of such damage. Owner occupied residences, which are nonconforming uses may be rebuilt regardless of the extent of the destruction provided the yard area requirements in Chapter 11 of this Ordinance are satisfied.

For building restoration that exceeds 60%, or for the expansion of a non-residential nonconforming use, a Special Use permit must be obtained from the Planning Board.

**F. NORMAL MAINTENANCE AND REPAIR OF A BUILDING CONTAINING A NONCONFORMING USE**

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

**CHAPTER 14. SPECIAL REQUIREMENTS**

**A. INTENT**

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

**B. APPLICATION**

Special Requirement applications shall include a site plan and be accompanied by a fee indicated on the County fee schedule.

Applications shall be submitted to the Zoning Officer for review. A Special Requirement permit shall be issued if the Zoning Officer finds that the application and site plan are compliant with the provisions set forth in this chapter.

A denial of a Special Requirement application is an administrative decision and administrative decisions may be appealed to the Planning Board.

**C. SITE PLAN REQUIREMENTS**

The site plan shall be of sufficient detail and be prepared by a North Carolina licensed land surveyor or engineer. The Zoning Officer may waive this requirement in certain situations if he is able to determine that a surveyed/engineered site plan is not necessary. The site plan shall contain the following items listed below;

all items may not be applicable due to the nature of the Special Requirement request. The Zoning Officer may also require additional information dependent upon the nature of the Special Requirement request.

1. Zone lot with dimensions.
2. Adjoining properties, property owners and uses.
3. Existing structures.
4. Proposed structure(s) with size.
5. Proposed use.
6. Number of employees, if applicable.
7. Hours of operation, if applicable.
8. Off-street parking, loading and unloading, access to existing streets.
9. Easements and Rights-of-ways.
10. Floodplains or statement not in flood plain.
11. Wetlands and other areas of environmental concern, or statement that none exist.
12. Name, location and dimension of any proposed streets, drainage facilities, parking areas, required yards, required turnarounds as applicable.
13. Proposed phasing, if applicable.
14. In areas not served by public wastewater facilities, documentation showing that each lot can reasonably support a septic system and repair area or, in the alternative, the location of any shared outlying drain fields/wastewater systems.
15. Location of access and utility easements to be reserved and dedicated in support of any adjoining properties that do not possess a public right of way to a public street;

The following items are required to be submitted post site plan approval:

- Septic permit
- Sign permit application (if applicable)
- NCDOT Driveway Permit
- Required State permits if applicable (Sediment & Erosion Control, etc.)

#### **1401. DEVELOPMENT REQUIREMENTS**

##### **ACCESSORY DWELLING UNITS**

- Must comply with Chapter 12, Section 1205 of the Ordinance

##### **APARTMENT/TOWNHOUSE**

- Must comply with Chapter 11, Section 1117 of the Ordinance

##### **ATM (AUTOMATIC TELLER MACHINE)**

- Must be located on a parcel that has a commercial business

##### **ANTIQUÉ SHOP, BAKERY, TAXIDERMÝ, PRODUCE SALES/STANDS, RESTAURANT, FOOD CATERING, DANCE FACILITY, FUNERAL HOME, CHURCH, HEALTH/RECREATION CENTER/GYMNASIUM, CHURCH**

- Buildings shall be setback fifty (50) feet from the right-of-way and thirty (30) feet from all other property lines

- Limited to one freestanding sign not exceeding thirty-two (32) sq feet and limited to six (6) feet in height
- Must provide a dumpster or another form of adequate trash collection

**ATHLETIC FIELD/FACILITIES, AUCTION HOUSE (LIVESTOCK), AUTO SALES, BASEBALL HITTING FACILITY, PUBLIC FISHING LAKE/POND, LIVESTOCK PETTING ZOO, FARM EQUIPMENT SALES, MANUFACTURED HOME/RV SALES, SMALL ENGINE REPAIR, MOTOR VEHICLE REPAIR, FARM EQUIPMENT REPAIR SHOP, CAR WASH, HARDWARE STORE, FARM SUPPLY STORE, MULCH/GRAVE/STONE SALES, BRICK/TILE YARD SALES, DRAINAGE PIPES & PLASTIC SALES, KENNEL & ANIMAL SHELTER, LANDSCAPING LAWN & GARDEN CENTER, FEED PROCESSING, WOODWORKING/CARPENTRY/FURNITURE MANUFACTURING, VETERINARIAN OFFICE, GREENHOUSE/NURSERIES, OIL & GAS BULK STORAGE, OPEN STORAGE FACILITY**

- Minimum lot size of two (2) acres
- Buildings shall be setback fifty (50) feet from the right-of-way and thirty (30) feet from all other property lines
- Limited to one freestanding sign not exceeding forty-eight (48) sq feet and limited to six (6) feet in height
- Storage of items that are being repaired must remain out of public view by screening
- Equipment, work vehicles, lawnmowers, and other items essential to business operation must remain out of public view by screening (after business hours)
- Retail items are not required to be out of public view
- Kennels and animal shelters must provide fenced-in outdoor area for animals
- Must provide a dumpster or another form of adequate trash collection
- When applicable, documentation from the State of North Carolina must be provided as proof of business legitimacy and compliance with state standards
- Open Storage Facilities shall have a setback twenty (20) feet from property lines and all storage shall be contained by an eight (8) foot opaque fence

**CEMETERY (PRIVATE)**

- Minimum parent parcel size of three (3) acres. The maximum size of the proposed cemetery site is one (1) acre. When a private cemetery is proposed to be established on property of less than 3 acres, a Special Use permit will be required.
- Cemetery must be enclosed by fence or marked by permanent boundary markers
- A family division plat must be recorded within 180 days establishing the boundary of the private cemetery. A deed must be recorded with the Sampson County Register of Deeds within the 180-day period as well.

**CHILDRENS HOME, FAMILY CARE HOME, NURSING AND CONVALESCENT HOME**

- Minimum lot size of one (1) acres
- Documentation from the State of North Carolina must be provided as proof of business legitimacy and compliance with state standards
- Must be located at least ½ mile from any other such use.

**COMMUNITY CENTER/CLUBHOUSE**

- Buffers must be installed around the center and any residential use

- property owner's association documents must be presented that support the establishment of a center for private clubhouses
- The property used must be in group ownership, a deed must be recorded stating the purpose of the center is to serve the community

### **GOLF DRIVING RANGE, STABLES**

- Minimum lot size of four (4) acres
- Any lighting shall be oriented away from property lines
- Golf Driving Ranges nets may be required on the range; if required, they shall be setback thirty (30) feet from all property lines and fifty (50) from the right-of-way
- Limited to hours of operation 8AM-8PM
- Limited to one freestanding sign not exceeding forty-eight (48) sq feet and limited to six (6) feet in height
- Buildings shall be setback fifty (50) feet from the right-of-way and thirty (30) feet from all other property lines

### **MINI-WAREHOUSE/MINI-STORAGE UNITS**

- Buildings shall be setback fifty (50) feet from the right-of-way and thirty (30) feet from all other property lines
- All buildings shall be spaced twenty (20) feet apart.
- Limited to one freestanding sign not exceeding forty-eight (48) sq feet and limited to six (6) feet in height
- Maximum height of units is twenty (20) feet

### **MINING (UNDER 1 ACRE)**

- Documentation from the State of North Carolina must be provided as proof of business legitimacy and compliance with state standards

### **SINGLE-FAMILY HOME (COMMERCIAL)**

- The home must be secondary to a business

### **TOXIC CHEMICALS PROCESSING OR DISPOSAL**

- Minimum lot size three (3) acres
- Buildings shall be setback fifty (50) feet from the right-of-way and thirty (30) feet from all other property lines
- Documentation from the State of North Carolina must be provided as proof of business legitimacy and compliance with state standards



## **CHAPTER 15. SPECIAL USES: SPECIFIC USE REQUIREMENTS**

### **A. INTENT**

Some uses, which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section.

#### **ADULT ENTERTAINMENT ESTABLISHMENT**

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

#### **AIRPORT**

- Airport size and layout shall conform to current FAA design standards.
- There shall be a minimum of three hundred (300) feet between any runway or taxiway and to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.
- All standards for the AO (Airport Overlay) also apply.
- Scaled drawings of location and size of landing strips and the location of landing lights.
- Map of all property within 500 feet of proposed airfield or airstrip property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
- A map depicting the location, type, and height of any structure, including towers, over two hundred (200) feet in height and within a five (5) mile radii.
- A copy of the current FAA design, approach, and airspace obstruction standards. Documentation showing FAA permits and design approval.

#### **JUNKYARD & AUTO SALVAGE YARD**

- See Sampson County Junk Yard Control Ordinance

#### **AUTOMOBILE SALES (WHOLESALE)**

- Must be 500 feet from any residence
- All automobiles must be operable
- Must obtain a valid NC Motor Vehicle Dealer License from NCDMV

#### **CAMPSITES (NO RV)**

- In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.

## **RACETRACK/Drag Strip, Slaughterhouse**

- May not be within 5,000 feet of any property currently being used for a residence or public/civic use as listed in the Table of Uses

## **RV Campgrounds**

- RVs shall be connected to a permanent water and wastewater system
- RV spaces shall be identified with a sign that includes the lot number
- RV spaces shall be setback thirty (30) feet from rear and side property lines
- Drainfields and septic repair areas shall be fenced or protected by a physical barrier.
- RVs are limited to two (2) accessory structures (porch/and or shed) no larger than 10X10 and they must be within the space allotted for the RV
- In areas with developed campsites, a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g. food, ice, personal supplies, etc.
- In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.
- In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles, parking shall be gravel and spaces shall be indicated by a sign or a railroad tie/parking stob, or other parking spot indicator.
- Developed campsites containing 20 or more campsites shall require a gravel guest parking lot.
- 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.
- RV spaces shall have a minimum width of 35 feet and shall have a minimum of 1,500 sq feet per space.
- RV Campgrounds shall have an all-weather twenty (20) foot access road that is maintained on a regular basis by the Campground owner or manager.
- RV Campgrounds shall have a dumpster area that is screened.
- RV Campgrounds shall have a list of rules that addresses all requirements in the Sampson County Zoning Ordinance and the rules must explicitly state the requirements shall be met.
- There shall be no more than 10 RVs per acre.

## **Electronic Gaming**

- Hours of operation are limited to 8:00 am to 12:00 midnight Monday through Friday.
- The maximum number of gaming machines/terminals, computers is 30.
- Parking must be provided at minimum rate of one (1) parking space for every two (2) gaming machines/terminals/computers or one for every 100 square feet of gross floor area, whichever is greater.
- If food or beverage is served, the establishment must comply with the requirements of the Sampson County Health Department.
- The establishment shall be a minimum of 1,000 feet from any other gaming establishment or any sexually oriented business.
- The establishment shall be a minimum of 1,000 feet from any religious institution, school, daycare center/home, library, public park, recreation area or movie theater.

- For the purpose of this section, all measurements shall be in a straight line from the closest point of the parcel at which the electronic gaming operation is located.
- No alcoholic beverages shall be served or consumed on the premises of electronic gaming operations.
- Documentation from the Sampson County Sheriff's Department that states the operation is legal is required

**EQUIPMENT MANUFACTURING, FARM EQUIPMENT/HEAVY EQUIPMENT MANUFACTURING,**

- The act of manufacturing must occur in an enclosed warehouse and finished products must be stored within an eight (8) foot chain link fence in addition to any required buffers.

**LIVESTOCK SHOW FACILITY/ RIDING FACILITY/RODEO**

- Hours of operation shall be between the hours of 8:00 a.m. – 10:00 p.m. Monday thru Saturday and on Sunday 1:00 p.m. until 8:00 p.m.
- Must be a minimum of 1,000 feet from any property used for residential purposes.
- For all structures, the minimum setback from any other property line shall be a minimum of one hundred (100) feet.

**LANDFILL (DEMOLITION & SANITARY)**

- The landfill or any structure must be a minimum of 1,000 feet from any residential structure on surrounding properties. An owner-occupied residence on the property of the track is allowed.
- Screening is required which completely screens from view the stored items. Such screening shall be a opaque durable wall or opaque fence at least eight (8) ~~six (6)~~ feet high in addition to a minimum fifteen (15) foot wide vegetated strip around the entire perimeter of any outdoor storage area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.
- All buildings, including accessory garages or storage buildings, shall be set back a minimum of 100 feet from all property lines and street rights-of-way.

**MANUFACTURED HOME PARK**

- See Sampson County Manufactured Home Park Ordinance

**MANUFACTURED HOME/RV REPAIR YARD**

- Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.
- Minimum setback from any other property line shall be at least fifty (50) feet.
- No Manufactured Home Storage and or repair yard shall be located less than five hundred (500) feet from any property used or zoned for residential purposes.
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

## **MINING & QUARRYING**

- A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine.
- A completed application as required by the State of North Carolina for a mine permit
- Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet. Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.
- An area of land, which shall not be less than fifty (50) feet in width (unless a lesser width is approved by the Planning Board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen. Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years. In the event there is not a natural vegetative buffer in place a 12' opaque fence must be constructed in addition to the plantings.
- No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina.
- If the proper permit has not been or is not obtained from all appropriate Departments of the State of North Carolina and/or compliance with all terms of approval by the Sampson County Planning Board have not been completed within one year (365 days) from the date of approval of the application by the Sampson County Planning Board, the approval of the application and Special Use Permit shall be null and void and a new application must be submitted.

## **OUTDOOR EVENT VENUE**

- Minimum parcel size of five (5) acres
- All parking must be contained on the property or at an off-site location where shuttle service is provided
- The Sampson County Sheriff's Department shall be notified 48 hours before any event
- Commercial grade trash dumpsters must be on site to accommodate any waste generated by the event, dumpsters must have opaque screening, all waste generated by the event must be removed from the property within 72 hours of the conclusion of the event
- Where permanent restroom facilities are not available or insufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code
- When the attendance at the event is expected to exceed 1,000 people, the event sponsor shall provide crowd managers as outlined in the North Carolina Fire Code

## **OUTDOOR ADVENTURE OPERATION**

- Minimum parcel size of five (5) acres
- Operation activity must occur a minimum of 1,000 feet from residential structures

## **RADIO & TELEVISION STUDIOS**

- See Sampson County Communication Tower Ordinance.

## **SOLAR ENERGY FACILITY, WIND ENERGY FACILITY**

- Structures shall not exceed twenty-five (25) feet in height, as measured from grade at the base of the structure to its highest point.
- Structures shall not exceed two hundred (200) feet in height, as measured from grade at the base of the structure to its highest point. (WIND ENERGY FACILITY)
- A Solar Energy Facility of more than ½ acre in panel area, as measured around the perimeter of the panels, and which are located within 5 miles of a public use airport must provide notification to airport operations. Before issuance of any permits, the applicant shall submit a copy of the FAA airspace determination letter confirming the proposal does not pose a hazard to flight aviation.
- Before issuance of any permits, the applicant shall submit a copy of the FAA airspace determination letter confirming the proposal does not pose a hazard to flight aviation (WIND ENERGY FACILITY)
- A decommissioning plan shall be required as part of the Special Use Permit application. This plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning and all landowners of property included in the project. The following items are required to be addressed or included in the decommissioning plan:
  - A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
  - The identification of the party currently responsible for decommissioning;
  - The type of panels/wind turbines and material specifications being utilized at the site;
  - All costs for the removal of solar panels/wind turbines, buildings, cabling, electrical components, roads, fencing, and any other associated facilities down to 36 inches below grade;
  - All costs associated with the grading and re-seeding of disturbed earth from the project.
- Prior to the issuance of the building permit, the decommissioning plan shall be recorded by the applicant with the Sampson County Registry of Deeds.
- The decommissioning plan and estimated cost of removal shall be updated every ten (10) years or upon change of ownership of either the property or the project's owner. Any changes or updates to the plan shall be recorded with the County's Register of Deeds.
- The owner of the solar farm/wind energy facility shall provide a bond, cash escrow, or irrevocable letter of credit in favor of the County and (if the owner of the solar farm/wind energy facility is not the landowner of the property on which the solar farm/wind energy facility is located) the landowner and the landowner's successors in interest in an amount equal to one and a quarter times the estimated decommissioning cost. Should the solar farm/wind energy facility owner elect to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in North Carolina in favor of Sampson County. The institution issuing the guarantee shall provide to the county a notice no less than ninety (90) days in advance of any renewal, cancellation, termination, or expiration of the guarantee. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Special Use Permit.
- Solar Farms/Wind Energy Facilities shall have twelve (12) months to complete decommissioning of the facility if no electricity is generated for a continuous period of twelve (12) months. For purposes of this requirement, this twelve (12) month period shall not include delay resulting from force majeure.

**TRUCK/FREIGHT TERMINAL, PAVING & GRADING OPERATION, RECYCLING COLLECTION CENTER, CONVENIENCE CENTER,**

- Any offices or other structures must be setback 50 feet from all property lines
- Storage areas/terminal areas must be protected by a eight (8) foot chain link fence in addition to any required buffers

**WEAPON RANGE (INDOOR/OUTDOOR)**

- Minimum parcel size of five (5) acres (outdoor range)
- Minimum setback from any street right-of-way to any outdoor shooting area shall be at least two hundred (200) feet
- Any outdoor firing shall be located five hundred (500) feet from any property used or zoned for residential purposes
- Outdoor ranges must be gated
- An approved NRA range plan must be provided

**WIRELESS COMMUNICATION TOWER**

- See Sampson County Communication Tower Ordinance.

**ZOO**

- Minimum parcel size of ten (10) acres

**CHAPTER 16. OFF-STREET PARKING AND LOADING**

**1601. OFF-STREET PARKING REQUIRED**

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Chapter. Such parking space may be provided in a parking garage or properly guarded open space with adequate driveway and maneuvering space and loading areas.

**1602. CERTIFICATION OF MINIMUM PARKING REQUIREMENTS**

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

**1603. COMBINATION OF REQUIRED PARKING SPACE**

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

to a use which will be closed at night and on Sundays or in shopping centers where uses may have different peak hours.

#### **1604. REMOTE PARKING SPACE**

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

#### **1605. REQUIREMENTS FOR PARKING LOTS**

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

1. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
2. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
3. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers, and planted in grass and/or shrubs or trees.
4. Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with buffering.
5. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.
6. Parking lots containing spaces for 10 or more vehicles shall be paved.
7. Parking lots shall indicate parking spaces by railroad ties, parking stobs, bollards, or other similar parking identification methods.

#### **1606. VEHICLE STORAGE**

##### **A. RESIDENTIAL DISTRICTS**

Only vehicles intended for personal use shall be parked or stored on any property zoned R – Residential or Mixed Residential (MRD). No storage of commercial inventory whatsoever shall be permitted unless

permitted through a home occupation, and no inoperative or unlicensed vehicles shall be permitted to be parked or stored. Commercial trucks or vans driven home by employees or owners must be parked in the side or rear yard.

**B. RESIDENTIAL AGRICULTURAL**

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

1. Any owner-occupied lot may store up to three junk, inoperable, or unlicensed vehicles if they are completely concealed from public view by:
  - a. a tarp(s) and placed in the rear yard of the subject property,
  - b. a canvas car cover and placed in the rear yard of the subject property, or
  - c. being located in the rear yard surrounded by vegetative growth and screened from public view.
2. A property owner with more than three (four or more) junk, inoperable, or unlicensed vehicles must obtain a special use permit for a junkyard to continue to store the vehicles on their property.
3. Vehicles are not permitted to be stored on vacant parcels.

**C. NON-RESIDENTIAL DISTRICTS**

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any public and conservation, commercial, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station and must be screened from view from the right-of-way (four or more junk, inoperable, or unlicensed vehicles constitute a junk yard)

**1607. MINIMUM PARKING REQUIREMENTS**

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 1604 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. Required handicapped spaces shall be in accordance with all applicable North Carolina State Building Codes.

**LAND USES**

**REQUIRED PARKING**

Air, motor and rail freight terminals

Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle in the operation.

Airports, Bus Terminals

One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.

Auditoriums

One (1) parking space for each four (4) seats in the largest assembly room.



Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Civic Clubs, Fraternal Lodges, or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Multifamily	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling.
Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouse and Nursery Operations	One (1) parking space for each employee. (without retail sales on premises)

Home Occupations	To be determined by the Zoning Officer
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus (1) parking space for each two (2) beds.
Hotels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Mobile Homes	Two (2) parking spaces per mobile home plus one (1) for the office in a mobile home park.
Motels, Tourist Homes, and Guest Houses	One (1) parking space for each room to be rented plus one (1) space for each employee.
Nursing, Retirement and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices	One (1) parking space for each two hundred (200) square feet of gross floor space.
Private Clubs and Lodges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each

	two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large space for each bus.
Schools Senior High	One (1) parking space for every twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each 1,000 square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.

Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for every four (4) game machines plus one (1) space for each employee.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

**1608. DESIGN STANDARDS FOR OFF-STREET PARKING**

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

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

<b>PARKING ANGLE</b>	<b>AISLE DIMENSION</b>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

2. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.
3. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
4. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Officer finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
5. Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.

6. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.
7. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
8. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.
9. All applicable ADA (American Disabilities Act) standards shall apply.

#### **1609. OFF-STREET LOADING PURPOSE AND GENERAL REQUIREMENTS**

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

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

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

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

#### **1610. DESIGN STANDARDS FOR OFF-STREET LOADING SPACE**

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

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

constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

7. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
8. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
9. Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be buffered.

**1611. MINIMUM OFF-STREET LOADING REQUIREMENTS**

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

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

<b>GROSS FLOOR AREA (SQ FEET)</b>	<b>MINIMUM NUMBER OF SPACE REQUIRED</b>
5,000-20,000	1
20,001-50,000	2
50,001-80,000	3
80,001-125,000	4
125,001-170,000	5
170,001-215,000	6
215,001-260,000	7
Each additional 45,000	1 - additional

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

<b>GROSS FLOOR AREA (SQ FEET)</b>	<b>MINIMUM NUMBER OF SPACE REQUIRED</b>
5,000-80,000	1
80,001-200,000	2
200,001-320,000	3
320,001-500,000	4
For each additional 180,000	1 - additional

## CHAPTER 17. SIGNS

### 1701. INTENT

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

### 1702. GENERAL PROVISIONS

1. **Permit Required.** Except for those signs specifically authorized below, no sign may be erected without a permit from the Zoning Officer.
2. **Permit Application.** Application for permits shall be submitted on forms obtainable at the Sampson County Planning & Zoning Department. Each application shall be accompanied by plan, which shall:
  - a. Indicate the proposed site by identifying the property by ownership, location and use;
  - b. Show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
  - c. Show size, character, complete structural specifications and methods of anchoring and support.

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

3. **Structural Requirements.** Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.
4. **Sign Area Computation.** Sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.
5. **Fees.** No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Officer and the fees posted in the Planning office are paid accordingly. Exempt from this fee requirement shall be those signs specified in Section 1703.
6. **Maintenance.** All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification thereof by the Zoning Officer. If such order is not complied within thirty (30) days, the Zoning Officer shall remove such at the expense of the owner or lessee thereof.
7. **Location Restrictions.**
  - a. No sign shall be permitted on any public right-to-way except as specifically authorized herein.
  - b. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein.

- c. Sign shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot.
8. **Setback and Height Requirements**
- a. Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as the principal structures or buildings.
  - b. If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that all outdoor advertising signs shall conform to the outdoor advertising standards described further in this chapter.
9. **Non-Conforming Signs.** No non-conforming sign erected before the adoption of this Ordinance shall be moved or replaced, without complying with the provisions of this Ordinance. All signs existing on the effective date of this article which do not conform to the requirements set forth herein shall be removed or brought into compliance within thirty-six months (36) from the effective date of this Ordinance. However, an existing non-conforming business or industry shall, after the three year period, be allowed one sign not exceeding 12 square feet on a side or a total of twenty square feet, which sign shall be affixed to the building and have only non-flashing illumination.

### 1703. SIGNS NOT REQUIRING A PERMIT FROM THE ZONING OFFICER

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

1. **Directional and information signs** erected and maintained by public agencies and governmental bodies.
2. **Quasi-public signs**, not to exceed six (6) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
  - a. The name of location of the city, hospital, community center, public or private school, church, synagogue, or another place of worship;
  - b. The name of a place of meeting or an official or civic body such as the Chamber of Commerce, service club, or fraternal organization.
  - c. An event of public interest such as legislative hearing, rezoning, announcement, general election, church or public meeting; local or county fair; and other similar community activities and campaigns.
  - d. Soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries.
3. **Temporary Subdivision Sign.** Subdivision development signs, not over sixty-four (64) square feet in area which direct attention to the opening of a new subdivision may be erected on the site of such new subdivision. Only indirect illumination with white light will be permitted, such sign shall be removed when seventy-five (75) percent of the Subdivision is sold.
4. **Bulletin Board.** One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it shall not exceed fifty (50) square feet, such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights.



5. **Temporary Signs**

- a. **Real Estate.** One (1) temporary real estate sign not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall not be illuminated.
  - b. **Other Temporary Advertising Signs.** Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart.
  - c. **Temporary Construction Sign.** One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and /or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Zoning Officer. Maximum size of construction signs in the residential zone shall be twenty-four (24) square feet; in all other zones, seventy-two (72) square feet.
6. **Memorial Plaques.** Such as cornerstones, historical tablets, grave markers and other remembrances which are placed upon the property which they identify. These signs shall be limited to a maximum of 64 square feet in sign surface area, 12 feet in height and shall not be used for advertising or commercial purposes.
7. **Freedom of Speech Signs.** Occupied residential properties are permitted to have one sign not exceeding 4 square feet.

Signs which do not require a permit from the Zoning Officer shall be set back at least ten (10) feet any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection. Signs shall not be illuminated.

**1704. PERMANENT SIGNS FOR SUBDIVISION**

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

1. Total area per entrance is ~~sixty-four (64) square feet~~. One hundred forty (140) square feet
2. Signs shall be placed on private property no closer than ten (10) feet to any property line.
3. Illumination is restricted to white indirect lighting.
4. Content of sign is limited to the name of the subdivision.

**1705. BUSINESS AND INDUSTRIAL SIGNS**

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

1. They shall not project more than 1 foot from any building wall or canopy.
2. If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk level.

3. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for all signs be greater than 100 square feet.
4. Illuminated signs shall have a total sign surface area in square feet per establishment, no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for signs be greater than 50 square feet. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effect may be utilized.
5. Freestanding signs shall be located not less than 15 feet from the street right of way. No freestanding sign shall be located in a required side yard or within 10 feet of the side property line.
6. One freestanding shopping center identification sign is permitted per shopping center. The maximum area per sign is 200 square feet for centers having up to 15 businesses and 300 square feet for centers having more than 15 businesses.
7. One manufactured home park sign is permitted per major entrance to a manufactured home park. Area of each sign shall not be more than one-half square foot per manufactured home space, but not to exceed fifty (50) square feet. setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

**1706. OUTDOOR ADVERTISING SIGNS (Off-Premises - Billboards)**

1. Allowed in all districts except the R-residential district and MRD-residential districts.
2. Allowed along designated state routes (highways) only.
3. Shall be located a minimum of 300 feet away from any residential structure
4. No two outdoor advertising signs shall be spaced less than 800 feet apart.
5. Maximum area of any outdoor advertising sign is 600 square feet.
6. An NCDOT Outdoor Advertising Permit shall be required.
7. The leading edge of the sign must remain 20 feet from NCDOT Right of Way.

**THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.**

## DEFINITIONS

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

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

Words defined in this section shall have the meaning assigned to them. Terms not defined herein but defined in the Sampson County Subdivision Ordinance shall be given the meaning assigned to them in the Subdivision Ordinance. Words not defined in either ordinance shall use the definition found in Webster’s New World College Dictionary or another Ordinance that has been adopted by the Governing Board.

**ABUTTING** - having property or district lines in common, i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream. Also, may mean “adjacent”.

**ACCESS** - a way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

**ACCESS EASEMENT** - the right of a property owner to use a property not under his ownership for ingress and egress. All access easements shall include the right to install utilities.

**ACCESSORY DWELLING UNIT** - An accessory dwelling unit is a dwelling unit that is secondary and subordinate to a Single-Family Dwelling. Manufactured Homes, RV’s, and modular homes are not accessory dwelling units. Accessory Dwelling Units must comply with NC Building Code as well as accessory dwelling units must completely comply with the definition of “Apartment”.

**ACCESSORY STRUCTURE** – a building or structure that meets the following requirements.

- 1. Is subordinate to and serves a principal structure or use
- 2. Is subordinate in extent and purpose to the principal structure or use served; and,
- 3. Is located on the same lot or on an abutting lot in the same ownership as the lot with the principal use.

Garages, carports, solar panels, pools, storage sheds, freestanding antennas are common types of accessory structures. Doghouses, satellite dishes, play sets, privacy fences, yard decorations, planting boxes, etc are not

considered to be accessory structures and are not regulated by this Ordinance. Under no circumstance is a manufactured home or a RV considered an accessory structure.

**ADMINISTRATIVE DECISION** – decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in Chapter 160D of the North Carolina General Statutes, this Ordinance, and the Sampson County Subdivision Regulations.

**ADMINISTRATIVE HEARING** – a proceeding to gather facts needed to make an administrative decision.

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

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

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

**AIRFIELD, SMALL PRIVATE** - the use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes. This small private airfield is not regulated by this Ordinance.

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

**ALTER** - to make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists. For the purpose of this Ordinance alter means to make any unauthorized change to a site plan.

**AMMUNITION SHOP** – an establishment where small arms ammunition is manufactured and/or sold for retail purposes. The sale of firearms may also occur at an ammunition shop.

**AMORTIZATION** – the process of providing for a timed extinction of a use, which is not in compliance with this Ordinance.

**ANIMAL SHELTER** – a facility that is used to house animals that are traditionally considered to be domesticated animals that are in a state of abandonment and/or considered to be stray. May also serve as a rehabilitation center for abandoned or stray animals but is not a professional veterinary office.

**ANTIQUÉ SHOP** – a place of retail where the items being sold are in the style or fashion of former times. The products may have been manufactured at least 50 years ago.

**APARTMENT** – a room or suite of rooms which provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation in each separate unit.

**ARCADE** – an amusement center that contains currency operated games or traditional arcade games. Arcades do not include but are not limited to internet sweepstakes or any other illegal gambling devices. The Sampson County Sheriff’s Department has the authority to deem a game as being illegal.

**ASPHALT/CONCRETE MANUFACTURING** – a facility preparing asphalt and/or concrete mixtures for street, parking lot and driveway parking.

**ATHLETIC FIELD/FACILITIES** – football fields, baseball fields, soccer fields, recreational fields used for the purpose of competitive and recreational activity. Facilities include but are not limited to concession stands, dugouts, press boxes, locker rooms and other similar accessory uses associated with athletic fields.

**ATM (Automatic Teller Machine)** – a machine that provides banking or financial services.

**AUCTION HOUSE (livestock)** – a structure, enclosure, or open arena where livestock and other agricultural products are sold by auction.

**AUDITORIUM** – a building used for public gatherings including conferences, public comment forums, and educational and organization recognition ceremonies. Auditorium does not include churches or banquet/event centers.

**AUTOMOTIVE SUPPLIES** – an establishment primarily engaged in the retail sale of items that are necessary to support “Auto Sales”. Including but not limited to tires, batteries, accessories, and other similar items needed for auto maintenance.

**AUTO SALES** – an establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, golf carts, ATV’s, boats, utility trailers, go-carts and other similar items the rely on a power source for propulsion.

**AUTO SALES (WHOLESALE)** – establishment engaged in wholesale of automobiles.

**AUTO SALVAGE YARD** – any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two or more wrecked, junked, scrapped, ruined, dismantled, impounded or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. Wrecker services are associated with Auto Salvage Yards.

**BANQUET/EVENT CENTERS** – a building, facility, or ballroom that is used by individuals or groups to accommodate functions such as banquets, weddings, receptions, anniversaries, parties and other types of gatherings or celebrations. Such facilities may include kitchen facilities for food preparation.

**BASEBALL HITTING FACILITY** – a facility that contains indoor or outdoor batting cages as well as other types of uses that are baseball related such as a pitching facility, baseball training facility.

**BED & BREAKFAST** – an owner occupied, or manager occupied facility containing no more than 12 rooms that provides overnight lodging and meals for its guest. Bed & Breakfast must comply with the NC Commercial Building Code. Bed and Breakfast does not include “Air BnB” “VRBO” or other similar types

of house rental services which often involve the rental of an entire home or a room that is rented with no food provided and does not alter the residential character of the home or neighborhood.

**BERM** - any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

**BOARD OF COUNTY COMMISSIONERS** - the and “Governing Board” of Sampson County within the meaning of G.S. 160D-102.

**BONA FIDE FARM PURPOSES** – agricultural activities as set forth in G.S.160D-903.

**BREWERY** – a business whose purpose is to manufacture and sell beer. Breweries shall not manufacture more than 15,000 barrels of beer in each calendar year. Taprooms, and consumption assembly areas and tours may be associated with the use. Breweries shall not provide kitchen facilities for the preparation of food.

**BUFFER** – the portion of a yard where required by Ordinance, plantings, fences, or other types of buffers listed in this Ordinance may be required to separate and partially screen two abutting land uses that are incompatible, i.e. residential/commercial.

**BUILDING (see structure)** – any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, process, equipment, or goods.

**BUILDING ACCESSORY** – see “Accessory Structure”.

**BUILDABLE AREA (building envelope)** - the space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

**BUILDING, FOOTPRINT** – the portion of a lot’s area that is enclosed by the foundation of the buildings, plus any cantilevered upper floor and any porches, patios, awnings, or extensions/appendages of the building.

**BUILDING HEIGHT** - the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, and telecommunication are not to be included in the calculations of building height.

**BUILDING, PRINCIPAL (main)** - a building in which is conducted the principal use of the plot on which it is situated.

**BUILDING SETBACK LINE** – the line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built. At the time of application, all yard setbacks are determined by the Zone the parcel resides in based on the Sampson County Official Tax Map.

1. Front yard setback and corner lot side setback shall be measured from the edge of the right-of-way, this is not to be confused with the edge of pavement.
2. Side and rear yard setbacks shall be measured from the side and rear property lines.
3. Flag lot front setback is measured from the front lot line on the “flag portion”.

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

**BUSINESS OFFICE** – establishment that is primarily engaged in providing, accounting, auditing, and bookkeeping services, public relations services, and other professional business-related services.

**CAMPGROUNDS (RV)** – a campground that provides power hookup and utilities for a RV or motor home for an extended stay or for vacation purposes. RV Campgrounds may also provide areas for traditional campsites in addition to the RVs. Campgrounds may include accessory structures such as bath houses, club houses, common areas, etc for residents of the campground. RV Campgrounds must have a minimum of 5 RV sites. RV Campgrounds may also include cabin sites.

**CAMPSITES (no RV)** – in all intents and purposes a campsite or campground that is camping in the traditional sense. Campsites that are primarily occupied by only pole tents and other structures that do not require power to be operable/usable. Accessory structures that do not have power such as open shelters and lean to are allowed as accessories to a campsite. Campsites are not permitted to have power provided to them.

**CAR WASH** – a facility where motor vehicles are washed, cleaned, and/or waxed. No body work may occur at a car wash nor any structural alteration of the motor vehicle. Car Washes may include automatic wash machines.

**CARPORT** – a roofed structure enclosed on not more than two sides and used for the parking of motor vehicles. Carports are accessory structures.

**CEMETERY, PRIVATE** – land and facilities used for the burial of the deceased, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. Private cemeteries must be subdivided under the provisions of a service subdivision.

**CEMETERY, PUBLIC** – land and facilities used for the burial of the deceased meeting the requirements of a perpetual care cemetery under State law. Such facility includes any burial ground, mausoleum, or columbarium.

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

**CHILDRENS HOME** – a facility engaged in the care of 6 or more children who have been abandoned or given up for adoption such home may include living quarters, dining areas, recreation areas, education facility.

**CHILD CARE CENTER** – a day care facility in which childcare is provided for 13 or more children under the age of 18. No overnight stay at the facility is permitted.

**CHURCH** – a facility of a religious organization operated for worship and which may also include facilities for religious training or study. Schools that operate out of a church are to be considered a separate use.

Fellowship halls, church gyms, etc. are considered accessory uses to the church but they must comply with any applicable requirements of this Ordinance.

**COLLEGE/UNIVERSITY/TECHNICAL INSTITUTE** – a institution of higher education offering associate, undergraduate/graduate degrees, or technical certification in skilled trade work.

**COMMUNITY CENTER/CLUBHOUSE** – a facility constructed for the purpose to provide a meeting place for community organizations or residents in the general vicinity of a geographic area to congregate for community business or community gatherings, i.e. a community building. Community Centers/Clubhouses must be in the ownership of a homeowners/property owners association or community group ownership. The purpose of a Community Center/Clubhouse is to not in any way circumvent the requirements of a “Banquet/Event Center”.

**COMPREHENSIVE PLAN** – a comprehensive plan that has been officially adopted by the Governing Board pursuant to GS 160D-501.

**CONDITIONAL ZONING** – a legislative map amendment with site-specific conditions incorporated into the zoning map amendment as authorized by GS 160D-703.

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

**CONFLICT OF INTEREST** – see Section 208 of the Sampson County Subdivision Ordinance and GS 160D-109.

**CONTRACTORS OFFICE** – an office in which a developer, subdivider, or general contractor operates his business.

**CONVENIENCE CENTER** – a lot or parcel of land established for the purpose of solid waste collection as well as recyclable material.

**CONVENIENCE STORE/GAS STATION** – a commercial building where a variety of items are sold which include but are not limited to food, magazines, minor automobile accessories and maintenance supplies. Gasoline sales and automatic car washes may exist as an accessory to a convenience store.

**CORRECTIONAL FACILITY (PRISON)** – a facility providing housing and care for individuals confined by law, operated under the authority of local, State, or Federal government.

**CREMATORIUM** – an establishment or structure in which the bodies of the deceased are cremated.

**DANCE FACILITY** – a business or facility engaged in the act of dance lessons and instruction. Examples include but are not limited to tap dance, clogging, choreographed dance, etc.

**DECISION-MAKING BOARD** – the Planning Board, which has been assigned the responsibility of making quasi-judicial decisions under this Ordinance and any quasi-judicial decision that may be required by an Ordinance officially adopted by Sampson County.

**DENSITY** - the ratio of dwelling units permitted on a zoning lot to the area of the zoning lot.



**DETERMINATION** – a written, final, and binding order, requirement, or determination regarding an administrative decision.

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

**DEVELOPMENT** – any of the following.

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
2. The excavation, grading, filing, clearing, or alteration of land.
3. The subdivision of land as defined in GS 160D-802
4. The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by Chapter 160D of the North Carolina General Statutes.

**DEVELOPMENT APPROVAL** – an administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include but are not limited to, zoning permits, site plan approvals, special use permits, variances, development agreements, and certificates of appropriateness.

**DEVELOPMENT REGULATION** – unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D of the North Carolina General Statutes, or a local act that regulates land use or development.

**DISTILLERY** – a facility or establishment whose purpose is to manufacture and sell distilled liquor. See NCGS 18B-1105.

**DWELLING** – any building structure, manufactured home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. This does not include any manufactured home or recreational vehicle that is used solely for seasonal vacation purposes.

**ENGINEER** – a person licensed to practice engineering by the State of North Carolina.

**ELECTRONIC GAMING** – any game that does not fall into the Arcade category. Games that are proscribed by Chapter 14 of the North Carolina General Statutes are prohibited.

**ERECT** - build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

**EVIDENTIARY HEARING** – a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this Ordinance or another development regulation adopted under Chapter 160D of the North Carolina General Statutes.

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

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

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

**FAMILY** – one or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit, or a number of persons 18 years and older not exceeding 4, with their children or step children under the age of 18 in a single dwelling unit, living together. A family may include up to 5 foster children. This definition does not address nor permit a group of persons living together as a fraternal, sororal, social, honorary, professional, or employment-based living.

**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 6 resident persons with disabilities. A person with disabilities is considered to be 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 GS 122C-3(11)b. A family care home shall not be located within one half mile radius of an existing family care home.

**FARM EQUIPMENT SALES** – a retail establishment engaged in the act of selling tractors, combines, implements, and other farm equipment necessary to plant and harvest crops as well as maintain livestock and other farm related business. Complete manufacturing of farm equipment is not permitted however routine service and maintenance of farm equipment is allowed as an accessory.

**FARM SUPPLY STORE** – a retail establishment engaged in the act of selling seed, feed, chemicals, and farm maintenance supplies. This does not include the manufacturing of any farm supplies just the retail sale.

**FARM & HEAVY EQUIPMENT MANUFACTURING** – a manufacturing business that is responsible for the construction and manufacture of farm equipment and implements as well as heavy equipment including but not limited to backhoes, front end loaders, excavators, skid steer loaders and their respective implements.

**FEED PROCESSING** – a business that engages in the act of processing and manufacturing feed for agricultural use.

**FERTILIZER MANUFACTURING & STORAGE** – a business that engages in the act of manufacturing fertilizer for agricultural crops regardless of the fertilizer being in solid or liquid form and stores such fertilizer on site until a point it is distributed to retail sites or directly to the buyer.

**FLEA MARKET** – an open-air market or a market that operates in an enclosed structure that allows for vendors of various type to congregate for the purpose of retail sale. Types of items sold at a flea markets may include but are not limited to farmers market items, household items, specific craft and trade items, carpentry items, domesticated animals, electronics, and appliances.

**FOOD CATERING** – a commercial structure that serves the purpose of food preparation and storage for an off-site catered event. Food Catering business shall provide no dining areas and shall have no customers. Food trucks that prepare food off-site and not in the truck shall be considered a Food Catering business. Food Trucks that prepare the food in the truck but only have a commissary to store the food are not considered a Food Catering business.

**FRONTAGE** - all of the real property abutting a street line measured along the street right-of-way.

**GOLF DRIVING RANGE** – an area on a parcel of land that is designated as a golf practice area. May include hitting areas, putting greens, chipping greens along with other golf instructional areas. Does not include any golf holes or any golf course.

**GOLF COURSE** – may be a 18 hole, 9 hole, or Par 3 course. An open area designated for the public or private to play golf. Clubhouses, pools, driving ranges, tennis courts are all considered to be part of a golf course, but are not required to establish a golf course. Mini-golf (putt-putt) is not considered a golf course.

**GOVERNMENT BUILDINGS** – any building constructed by Sampson County Government, State of North Carolina, or the US Federal Government for the purpose of conducting governmental business or housing equipment that contributes to governmental activity.

**GREENHOUSE & NURSERIES** – an establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public.

**HARDWARE STORE** – an establishment primarily engaged in the retail sale of basic hardware items such as tools, pain, limited lumber, and other related items.

**HEALTH/RECREATION CENTER/GYMNASIUM** – a center, facility, or gym combination of with a athletic field in which health oriented activity. Recreational activity, or competitive activity is conducted. Center, facilities, and gymnasiums may include health clubs, basketball gyms, and other similar types of workout facilities.

**HOME OCCUPATION** – an occupation that operates out of the home or out of an accessory structure on the same parcel of the home. A home occupation is a secondary use to the principal use of the property which is a residential use. In no way shall a home occupation be detrimental to any surrounding residential properties. See Home Occupation standards (SECTION)

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

**HOTEL/MOTEL** – a building or group of buildings used to provide overnight lodging for travelers, vacationers, or temporarily displaced citizens. Hotel/Motel may provide meals for guests. Rooms are furnished for the accommodation of the guest. Rooms may be accessed from the interior or the exterior of the building.

**INDUSTRIAL SUPPLIES & INDUSTRIAL EQUIPMENT SALES** – an establishment engaged in the retail sale of supplies and equipment that contributes to large scale industrial or commercial business.

**JUNK YARD** – any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles

**KENNEL** – a facility used for the purpose of boarding domesticated animals under human ownership for either a period of one day or overnight stay for a limited or extended period. Kennels may also conduct incidental activities such as the sale or breeding of animals, grooming of animals, training of animals, and retail sale of pet supplies. For the purpose of this Ordinance domesticated animals are considered to be dogs, cats, and other traditionally accepted household pets.

**LANDFILL, DEMOLITION** - sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

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

**LANDSCAPING/LAWN & GARDEN CENTER** – a business or establishment primarily engaged in selling lawn and garden tools or appliances and or items associated with turf management or home gardens. Including but not limited to the sale of yard ornaments, sod, turf, grass, and other components that make up a lawn or home garden. May also include professional landscaping offices or businesses.

**LANDOWNER** – the holder of the title in fee simple. Absent evidence to the contrary, the Sampson County tax records shall determine who the landowner is. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his agent for the purpose of making applications for development approvals.

**LEGISLATIVE DECISION** – the adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development

agreement consistent with the provisions of Article 10 of Chapter 160D of the North Carolina General Statutes.

**LEGISLATIVE HEARING** – a hearing to solicit public comment on a proposed legislative decision.

**LOCAL ACT** – defined in G.S. 160A-1(5)

**LOCAL GOVERNMENT** – Sampson County Government

**LIVESTOCK SHOW/RIDING FACILITY/RODEO** – a facility or structure whose primary use is providing an arena for the show of livestock for competitive, recreational, or entertainment purposes, this also includes competitive and recreational rodeos. The facility may also serve as an area for riding lessons and/or recreational riding and training of livestock to occur. Stables are allowed as an accessory to a riding facility. Also includes Horse Racing.

**LIVESTOCK PETTING ZOO** – a facility or structure where livestock is housed for human interaction for entertainment and/or educational purposes.

**LICENSED MASSAGE THERAPY** – a business engaged in massage therapy for rehabilitation or health and wellness purposes. This does not include any Adult Entertainment Establishments. License from the State of North Carolina must be produced.

**LOT** – A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

**LOT, CORNER** – A lot located at the intersection of two (2) or more streets.

**LOT, DEPTH** - the depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

**LOT, INTERIOR** – a lot other than a corner lot with only one (1) frontage on a street.

**LOT, LINES** – the lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines do not extend into the right-of-way.

**LOT, DOUBLE FRONTAGE** – a (through) lot which has both front and rear lot lines on a street and/or proposed right-of-way.

**LOT, WIDTH** – the straight-line distance between the points where the building setback line intersects the two side lot lines.

**LOT OF RECORD** – a lot which is part of a subdivision, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance. When calculating the area of a lot of record, any portion of a lot platted that extends into the right-of-way shall not be included in determining the total sq footage of a lot of record.

**LOT, FRONT** – that side of a lot, which fronts on a street regardless of the orientation of the house/building. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations by labeling the front and side-building lines as such on the final plat.

**LOT LINE FRONT** – the line that separates the lot from a street right-of-way or access easement.

**LOT LINE REAR** – the lot line which is opposite and most distant from the front lot line.

**LOT LINE SIDE** – a lot line other than a rear or front lot line.

**LOT, NONCONFORMING** – a lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of this Ordinance or subsequent amendments, and which continues to exist.

**LUMBER SALES** – a business engaged in the act of selling lumber either wholesale or direct. Warehouses are typical structures associated with lumber sales.

**MANUFACTURED HOME** – a structure, transportable in one or more sections, which in traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more sq feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. See NCGS 143-145(7) for further explanation of what classifies as a Manufactured Home.

**MANUFACTURED HOME PARK** – any site or tract of land of contiguous ownership upon which mobile home spaces are provided for mobile home occupancy, whether or not a charge is made for such service. This does not include mobile home retail sale lots in which unoccupied mobile homes are parked for the purpose of inspection and sale. Two or more manufactured homes on a parcel classifies as a manufactured home park unless it meets the exemption outlined in (SECTION).

**MINING -**

1. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
2. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
3. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.
4. Mining does not include:
  - a. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
  - b. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
  - c. Mining operations where the affected land does not exceed one (1) acre in area.
  - d. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.

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

**MINI-WAREHOUSE** – a building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls, lockers, units for the storage of a citizen’s goods or wares. No sales, service, or repair activities other than the rental of the units are permitted on the premises. Storage units may not be lived in nor may a business be operated out of the storage unit.

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

**MOTOR VEHICLE REPAIR SHOP** – an establishment engaged in the act of repairing motor vehicles and other similar types of vehicles that are self-propelled (see list in Auto Sales). Repairs include but are not limited to engine repairs and other repairs related to the components that propels the vehicle, cosmetic body work related repairs as well as interior upholstery repairs to the vehicle.

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

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

**NUISANCE** - anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**NURSING & CONVALESCENT HOME** – a home for persons, ill (to include substance abuse rehabilitation), or handicapped in which two or more persons not of the immediate family of the owner or manager of said home is provided, with food, shelter and nursing care.

**OPEN STORAGE FACILITY** – a facility that provides a place for items to be stored in the open. Open Storage facilities may include but are not limited to vehicle storage, boat storage, RV storage, and equipment. Repairs or maintenance of items stored is not permitted, all items stored must be in an operable condition.

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

**OUTDOOR ADVENTURE OPERATION** – a commercial recreational establishment that’s primary service is an entertainment-oriented and takes place outdoors. This includes but is not limited to ATV parks, outdoor paintball, biking trails, zip lines, water-oriented activities (paddling, kayaking) etc. Outdoor Adventure Operations may have structures for storage/office use as part of the business.

**OUTDOOR EVENT VENUE** – a facility that accommodates a variety of events in an outdoor setting even though some facilities may include structures with enclosures or tents. Structures may include kitchen facilities for the preparation of food. Events include but are not limited to concerts, festivals, and theater (not Movie Theaters).

**OWNER** - the holder of the title in fee simple. Absent evidence to the contrary, the Sampson County tax records shall determine who the landowner is. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his agent for the purpose of making applications for development approvals.

**PERSON** – an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

**PLANNING ADMINISTRATOR** – the official person charged with the enforcement of the Zoning Ordinance and Subdivision Regulations.

**PLANNING BOARD** – see G.S. 160D-301 and G.S. 160D-302. The Planning Board also serves as the Board of Adjustment.

**PLANNING & DEVELOPMENT REGULATION JURISDICTION** – The geographic area defined in Article 2 of Chapter 160D of the North Carolina General Statutes within which Sampson County may undertake planning and apply the development regulations authorized by Chapter 160D, specifically, the unincorporated areas of Sampson County where the County enacts Planning and Zoning regulations authorized by this Ordinance and the Subdivision Regulations.

**PROPERTY** – all real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as part of real property.

**PUBLIC** – the citizens under the responsibility/control of the Governing Board.

**PUBLIC/PRIVATE SEWER SYSTEM** – an approved sewage disposal system or wastewater treatment facility for the purpose of serving the citizens of Sampson County.

**QUASI-JUDICIAL DECISION** – a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

**RACE TRACK/DRAG STRIP** – tracks, trails, and strips designed for recreational or competitive racing of motor operated vehicles including but not limited to stock cars, go carts, motor cycles, and tractors.



**RADIO & TELEVISION STUDIOS** – an establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

**RECREATIONAL VEHICLE** - a vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

**RECYCLING COLLECTION CENTER** – a building, facility, or property excluding junkyards or any other property which is used to reprocess motor vehicles, motor vehicle parts, tires, batteries, petroleum products, or any other product deemed as a hazardous material. This building, facility, or property may be used to collect and/or bale recyclable products in preparation for shipment to others. These recyclable products may include, but are not limited to newspapers, magazines, books, or other paper products; plastics; glass; metal cans and other similar products.

**REHABILITATION CENTER** – a facility engaged in the treatment of substance abuse. Facilities that provide education and therapy to persons who have experienced substance abuse, also provides supervisory personnel that provide room and board, personal care, or habilitation services in a group environment This definition includes halfway homes, homeless shelters, and substance abuse programs which are developed to provide services which meet the specific needs of each group. This definition does not include individuals who are current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, all of which are not considered disabled under the Fair Housing Act.

**RENEWABLE ENERGY FACILITY** - a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

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

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

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

**SANITARIUM & MENTAL INSTITUTION** – a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

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

**SCREENING** – the method by which sound or the view from one property to an adjacent property is shielded or hidden from view. Screening includes buffers, berms, opaque walls or fences, and vegetative screens or plantings.

**SEPTIC SERVICES** – a service provider who collects and disposes of solid and liquid wastes from sewage disposal systems.

**SETBACK** – the required minimum distance from any lot line that establishes the area with which a structure may be located.

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

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

**SIGN AWNING** - any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

**SIGN, BANNER** - any sign, except an awning sign, made of flexible fabric-like material.

**SIGN, CANOPY** - any sign, which is part of, or mounted to, the side of a canopy.

**SIGN, HEIGHT** - the vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within the regulations. In the case of a sign not adjoining a street or highway, the “height of a sign” is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

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

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

**SIGN, FLASHING** - any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving,

illuminated sign shall be considered a “flashing sign”. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

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

**SIGN, GROSS AREA** - the entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display.

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

**SIGN, OFF-PREMISES (outdoor advertising – billboard)** - a sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.

**SIGN PLAN** - see “Unified Sign Plan”.

**SIGN, POLE** - a type of freestanding sign supported by one or two poles or masts.

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

**SIGN, PROJECTING** - a sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

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

**SIGN, ROOF** - a sign which is displayed above the eaves of a building. These signs are not allowed by this Ordinance.

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

**SIGN, WALL** - a sign attached to or painted on a wall, not projecting away from the wall more than twelve (12) inches, with the exposed display surface in a plane parallel to the plane of the wall, and including signs attached to or otherwise displayed on or through a façade window. The following are not wall signs: wall

identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

**SITE PLAN** – a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

**SLAUGHTERHOUSE** – a facility designed for the humane slaughter of livestock. Does not include the butchering or processing of meat.

**SMALL ENGINE REPAIR** – a business that repairs smaller sized engines than those that traditionally power automobiles. Small engine repair includes but is not limited to lawnmowers, go-carts, golf carts, weed eaters, hobbyist engines, etc.

**SOCIAL ORGANIZATION/CIVIC CLUB** – a structure or facility built and designed as a meeting place for certain social or civic clubs including but not limited to the Boy Scouts or Girl Scouts, Kiwanis Club, Lions Club, NAACP, Jaycees, Shriners, etc.

**SOLAR FARM** - a use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site.

**SPECIAL REQUIREMENT** – a use that is basically intent with the spirit of the Ordinance and purpose of the zoning district, yet the use may have significant impacts on the district.

**SPECIAL USE PERMIT** – a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

**STABLES** – public facility designed for the housing of horses for short or long term. Stables may provide food, shelter, and water. Stables do not include riding areas or arenas. Stables may have a pasture area for the horses. On a as needed basis a Veterinarian may make visits to a stable but only for emergency medical situations.

**START OF CONSTRUCTION** - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as

clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURAL ALTERATIONS** - any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

**STRUCTURE** – anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land. For the purpose of this Ordinance structure does not include landscape features, such as ornamental pools, planting boxes, sculptures, birdbaths, at grade slab patios, driveways, recreational equipment, flagpoles, underground shelters, air conditioning compressors, generators, pump houses, etc.

**TAXIDERMY** - a facility or establishment engaged in the practice of preparing, stuffing, and mounting the skin/pelt of a deceased animal.

**TEMPORARY** - anything temporary is to exist less than six (6) months unless otherwise explicitly stated in this Ordinance.

**TEMPORARY STAGING AREA** – a lot or portion thereof established by a contractor to store construction material, equipment and/or dumpsters related to construction activities in the immediate vicinity.

**TOBACCO SHOP** – a retail business engaged in selling tobacco, CBD, electronic cigarettes, cigars and other items associated with tobacco/smoking. Tobacco shops shall not sale any illegal drugs.

**TOWNHOUSE** – a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having an exposed front and rear wall to be used for access, light, and ventilation.

**TRADE SPECIALTY STORE** – a retail and minor repair establishment that specializes in specialized goods, crafts and hobbyist type trades.

**TRUCK FREIGHT TERMINAL** – any facility for handling and/or transporting freight, with or without storage and maintenance facilities. For this purpose, a truck is a vehicle with more than 2 axles.

**UNIFIED SIGN PLAN** - an overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

**USE, ACCESSORY** – the use that is incidental to the principal use on the property, and the use is located on the same property.

**USE, PRINCIPAL** – also referred to as primary, the purpose or activity for which the land is designed, structures are designed or intended for, and the use permitted by Sampson County to occur on the property.

**VARIANCE** – an action requesting consideration for relief from the strict enforcement of the standards of the Ordinance where special circumstances or unusual considerations may exist on the parcel of land. See G.S. 160D-705(d).

**VESTED RIGHT** – See G.S. 160D-1007.

**VETERINARIAN OFFICE** – a facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

**WEAPON RANGE** – a facility indoor or outdoor designed as a business or commercial enterprise for public or private use and used for the discharge of firearms at targets. The fact that currency may or may not be required is irrelevant in classifying the use as a firing range.

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

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

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

**WINERY** – a manufacturing facility or establishment engaged in the processing and/or the producing of wine or wine-like beverages, retail sale of wine is also permissible. Tasting rooms are a common accessory to a winery.

**WIND ENERGY FACILITY** – a facility consisting of wind turbines and other types of similar components for the purpose of converting wind energy into electricity to be consumed principally at a different location.

**WOODWORKING** – an establishment engaged in craftsmanship primarily involving wood as the main component.

**YARD** – an open space on a lot between the principal building and the nearest lot line(s).

**YARD, FRONT** – the area of the lot extending the full width between the principal building and the front lot line.

**YARD, REAR** – the area of a lot extending the full width between the principal building and the rear lot line.

**YARD, SIDE** – the area of a lot extending between the length of the principal building to the side property line. Example the side yard extends no further than the rear extent of the building and no further than the front extent of the building and it extends all the way to the side lot line.

**ZERO LOT LINE** – a common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line. This is a common feature of Townhouses and Commercial units. With zero lot line the minimum requirements for lot area and yards need not be met and construction may occur up to the lot line.

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

**ZONING DISTRICT** - an area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales. The table of uses (SECTION) dictates what is permitted by right, as a special requirement, or as a special use.

**ZONING LOT** – a lot, or portion thereof, within a single zoning district shall be considered and treated as one zoning lot.

**ZONING MAP AMENDMENT/REZONING** – an amendment to a zoning regulation for the purpose of changing the zoning districts that is applied to a specified property or properties. The term is also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

**ZONING PERMIT** – a permit issued by Sampson County Planning & Zoning which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

**ZONING REGULATION** – a zoning regulation authorized by Article 7 of Chapter 160D of the North Carolina General Statutes.

## TABLE OF USES

USE CATEGORY	SPECIFIC USE	RA	R	MRD	C	I	CON	L-I
<b>RESIDENTIAL USES</b>								
	Manufactured Home	P		P				
	Accessory Dwelling Units	SR	SR	SR				
	Single-Family Home	P	P	P	SR			
	Modular Home	P	P	P				
	Apartment	SR		SR	SR			
	Townhouse	SR		SR	SR			
	Manufactured Home Park	S		S	P			
<b>GROUP LIVING</b>								
	Family Care Home	P	P	P	P			
	Childrens Home	SR	SR	SR	P			
	Nursing & Convalescent Home	SR			P			
<b>PUBLIC &amp; CIVIC USES</b>								
	Prison	S			S			
	Government Buildings	P	P	P	P	P		P
	Post Office	P			P			
	Sheriff Department w/jail	P			P			P
	Volunteer Fire Station	P	S	S	P	P		P
	College/University/Technical Institute	S			S	S		S
	Libraries	S			P			
	Schools (elementary, middle, high, private)	S			S			
	Ambulance/EMS	P	S	S	P	P		P
	Hospital				P			
	Rehabilitation Center	S						
	Public/Private Sewer System	SR	SR	SR	P			
	Public Utility Substations	SR	SR	SR	P			
	Mental Institution/Sanitarium				P			
	Child Care Center	S			P			
	Cemetery (private)	SR	SR	SR	SR			
	Cemetery (public)	S			S			
	Parks/Playgrounds	P	P	P	P		P	
	Airport	S			S			
	Renewable Energy Facility/Wind Energy Facility	S				S		S
	Solar Energy Facility	S				S		S
	Wireless Communication Tower	S			S	S	S	
	Auditorium (indoor) 300 persons or less occupancy				P			
	Auditorium (indoor) 300 persons or more occupancy				S			



	Banquet/Event Center	S			S			
	Church	SR			P			
	Social Organization/Civic Club	S			P			
<b>RECREATIONAL USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Arcades (excluding sweepstakes)				P			
	Baseball Hitting Facility	SR			P			
	RV Campgrounds	S			S			
	Campsites (no RV)	S			S		P	
	Community Center/Clubhouse	SR	SR	SR	SR			
	Weapon Range (indoor/outdoor)	S			S			
	Public Fishing Lake/Pond	SR					SR	
	Golf Course (18-hole, 9 hole, Par 3)	S	S	S	P			
	Golf Driving Range	SR			P			
	Health/Recreation Center/Gymnasium	SR			P			
	Livestock show facility/riding facility/rodeo	S			P			
	Zoo	S			P			
	Livestock petting zoo	SR			P			
	Movie Theater (outdoor/indoor)	S			P			
	Outdoor Adventure Operation (paintball, ATV trail, etc)	S						
	Outdoor Event Venue	S			S			
	Race Track/Drag Strip	S			S			
	Athletic Field/Facilities	SR	S	S	P			
<b>AGRICULTURAL USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Auction House (livestock)	SR			P			
	Bona Fide Farm (exempt from zoning w/ proper documents)	P	P	P	P	P	P	P
	Forestry Service	P			P			
	Produce Sales/Stands	SR			P			
	Veterinarian Office	SR			P			
	Stables	SR						
<b>OVERNIGHT USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Bed & Breakfast (excluding Air BNB & similar rental uses)	S	S	S	S			
	Hotel/Motel				P			
<b>DINING &amp; BEVERAGE</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Brewery/Distillery/Winery	S			S			
	Food Catering	SR			P			
	Restaurant	SR			P			
	Bakery	SR			P			
<b>VEHICLE/EQUIPMENT SALES &amp; SERVICES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Farm Equipment Sales	SR			P			

	Auto Sales	SR			P			
	Auto Sales (Wholesale)	S			P			P
	Manufactured Home/RV Sales	SR			P			
	Small Engine Repair	SR			P			P
	Motor Vehicle Repair Shop (including cosmetic body work)	SR			P			P
	Farm Equipment Repair Shop	SR			P			P
	Car Wash	SR			P			
<b>RETAIL SALES &amp; OTHER SERVICES</b>		RA	R	MRD	C	I	CON	L-I
	Antique Shop	SR			P			
	Electronic Device Repair (including appliances)				P			
	ATM	SR			P			
	Barber & Beauty Shop	P			P			
	Automotive Supplies				P			
	Gunsmith Operation				P			
	Taxidermy	SR			P			
	Laundromat/Industrial Laundromat				P	P		
	Convenience Store/Gas Station	S			P			
	Dairy/Meat/Seafood Market				P			
	Dance Facility	SR			P			
	Department Store				P			
	Drug Store				P			
	Dry Cleaner & Dry-Cleaning Plant				P	P		P
	Retail Rental Store				P			
	Hardware Store	SR			P			
	Farm Supply Store	SR			P	P		
	Flea Market	S			P			
	Florist				P			
	Grocery Store	S			P			
	Funeral Home	SR			P			
	Trade Specialty Store				P			
	Greenhouse/Nurseries	SR			P	P (commercial)		
	Mulch/Gravel/Stone Sales	SR			P			
	Brick/Tile Yards Sales	SR			P			
	Drainage Pipes & Plastic Sales	SR			P			
	Pawn Shop				P			
	Shopping Center				P			
	Gun & Ammunition Shop				P			
	Kennel & Animal Shelter	SR			P			
	Landscaping/Lawn & Garden Center	SR			P			
	Lumber Sales				P	P		P

	Industrial Supplies & Industrial Equipment Sales				P	P		P
	Pet Shop				P			
	Plumbing/HVAC Store				P			
	Tattoo/Body Piercing Parlor				P			
	Tobacco Shop				P			
<b>OFFICE USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Banks				P			
	Business Office				P			
	Contractors Office	P			P			
	Health Office (dental, medical, chiropractor)				P			
	Insurance Office				P			
	Legal Services/Law Office				P			
	Licensed Massage Therapy				P			
	Radio & TV Office				P			
	Real Estate Office				P			
	Surveying/Engineering/Architect Office	P			P			
<b>INDUSTRIAL USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Mining (under 1 acre)	SR				SR		SR
	Mining & Quarrying	S				S		S
	Asphalt/Concrete Manufacturing					S		S
	Equipment Manufacturing	S				P		P
	Feed Processing	SR				P		P
	Bottling Plants					P		P
	Textile Products Manufacturing					P		P
	Toxic Chemicals Processing or Disposal					SR		SR
	Fertilizer Manufacturing & Storage					S		S
	Farm Equipment/Heavy Equipment Manufacturing	S				S		S
	Metal Fabrication					P		P
	Woodworking/Carpentry/Furniture Manufacturing	SR				P		P
<b>WAREHOUSE USE</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Mini-Warehouse/Mini Storage Units	SR			P	P		P
	Oil & Gas Bulk Storage	S			SR	P		P
	Truck/Freight Terminal	S			P	P		P
	Warehousing	S			P	P		P
<b>WASTE RELATED USES</b>		<b>RA</b>	<b>R</b>	<b>MRD</b>	<b>C</b>	<b>I</b>	<b>CON</b>	<b>L-I</b>
	Convenience Center	S	S	S	S	S		S
	Landfills (Demolition & Sanitary)	S				S		S
	Recycling Collection Center	S			S	S		S

	Septic Services	S			S	S		S
<b>OTHER USES</b>		RA	R	MRD	C	I	CON	L-I
	Crematorium					S		S
	Junkyard & Auto Salvage Yard	S			S			
	Meat & Poultry Processing Plant					P		P
	Paving & Grading Operation	S				P		P
	Slaughterhouse	S				P		P
	Temporary Construction Office/Staging Area	P	P	P	P	P		P
	Adult Entertainment Establishment				S			
	Open Storage Facility	SR			P			
	Outdoor Advertising Signs (Off-Premise)	SR			P			
	Manufactured Home/RV Repair Yard	S				S		S
	Electronic Gaming				S			