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SECTION 1 – LEGAL PROVISIONS

1.1 PURPOSE

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the 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 the following goals set forth by the Strategic Land Use Plan of Richmond County, North Carolina as adopted in July 2000 and **readopted in 2022**.

- To preserve, protect, and sustain the rural agricultural nature of the county.
- The protection, preservation, and conservation of the county's environmental and heritage resources.
- Interlink land planning decisions with current and future transportation improvements; and
- Create and maintain an atmosphere that promotes sound economic development **principles** within the land use planning practices.

There is hereby adopted and established an official Zoning Ordinance of Richmond County, North Carolina.

1.2 AUTHORITY AND ENACTMENT

This Zoning Ordinance is hereby adopted and enacted pursuant to the authority vested in Richmond County by Chapter 160D Zoning of the General Statutes of North Carolina. The Richmond County Land Use Plan **pursuant to 160D-501** serves as the basic policy guide for the regulations included in this Ordinance. The policies and actions of the Strategic Land Use Plan **pursuant to 160D-501** may be amended from time to time to meet the changing requirements of the County in accordance with state law. In the event, the development ordinance is inconsistent with 160D-, 160D will be the controlling statute.

1.3 TITLE

This Ordinance shall be known as the "Zoning Ordinance, Richmond County, North Carolina."

1.4 JURISDICTION

The provisions of this Ordinance shall apply within the areas designated as zoning districts on the official zoning map(s) by the governing board of Richmond County. The official zoning map(s) will be on file in the office of the Planning Department.

1.5 BONA FIDE FARMS EXEMPT

The provisions of this Ordinance shall not apply to bona fide farms (defined in Sec. 11 of this **e**Ordinance). This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands,

orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance. 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 G.S 160D-903(a):

- (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.

1.6 MINIMUM REQUIREMENTS

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

1.7 SEVERABILITY

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

1.8 VESTED RIGHTS AND PERMIT CHOICES

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

Duration and Termination of Vested Right

- (1) A vested right for a site-specific vesting plan remains vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, a local government may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.
- (3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.
- (4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
- (5) **Multi-Phased Development.** - A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development. GS 160D-108 (f).

Subsequent Changes Prohibited, Exceptions.

1. A vested right, once established, precludes any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan or an approved phased development plan except under one or more of the following conditions:
 - (a.) With written consent of the affected landowner.
 - (b.) Upon findings, by ordinance after notice and evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan or the phased development plan.
 - (c.) To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.
 - (d.) Upon findings, by ordinance and evidentiary hearing, that the landowner or his representative intentionally supplied inaccurate information or made material

misrepresentations, which made a difference in the approval by the town of the site-specific vesting plan or the phased development plan; or

(e.) Upon the enactment or promulgation of a State or Federal law or regulation which precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

2. The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.
3. Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing nonconforming situations or uses.

Miscellaneous Provisions.

- (1) A vested right obtained under this section is not a personal right but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.
- (2) Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.
- (3) In the event a local government fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice. (2020-25, ss. 5(b), 50(b).)

~~**Permit Choices:** 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, G.S 143-755 applies.~~

Permit Choices: If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance

applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided however any provisions of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

4.101.09 EFFECTIVE DATE

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

Approved and adopted by the Board of Commissioners this 7th day of JULY and shall become effective on and from JULY 14, 2003.

Chairman, Board of Commissioners

ATTEST:

Clerk

Approved and re-adopted by the Board of Commissioners this 4th day of May and shall become effective on and from May 4, 2021.

Chairman, Board of Commissioners

ATTEST:

Clerk

SECTION 2 - APPLICATION AND ENFORCEMENT

2.1 APPLICATION

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

2.2 ENFORCEMENT

A. 2.2.1 ZONING ADMINISTRATOR

The governing board shall appoint a Zoning Administrator to enforce the provisions of this Ordinance. The Zoning Administrator shall keep records of all variances and amendments to this ordinance. As directed and provided for by the governing board and/or County Manager, Deputy Zoning Administrators may be employed and appointed to assist the Zoning Administrator in the duties as prescribed herein.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of such violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or the governing board to ensure compliance with or to prevent violations of its provisions.

B. 2.2.2 CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMIT REQUIRED

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

- 1) A Zoning permit is issued by the Zoning Administrator for permitted uses.
- 2) A Special Use Permit is issued by the Board of Adjustment.

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

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

C.2.2.3 SITE PLAN REQUIREMENTS

All applications for a Zoning Compliance Permit shall include a site plan. The Site Plan shall be drawn to scale. A site plan template map may be obtained from the Richmond County Mapping Department or the online GIS. The Site Plan shall contain the following:

- 1) The shape and dimensions of the lot on which the proposed building is to be erected;
- 2) The location of said lot with respect to adjacent rights-of-way;
- 3) The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
- 4) The nature of the proposed use of the building or land, including the extent and location of the use;
- 5) The location and dimensions of off-street parking and loading space and means of ingress and egress;
- 6) The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
- 7) The location of all required buffers;
- 8) If an acre or more of land is to be disturbed in the site preparation activity, then a developer statement that a Sedimentation and Erosion Control Plan has been submitted to the Land Quality Section, Department of Environment and Natural Resources for review and approval.
- 9) Any other information, which the Zoning Administrator may deem necessary for consideration in enforcing all provisions of this Ordinance.
- 10) Prior to approval of the Site Plan, the Zoning Administrator may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

No permanent power will be authorized, and no Certificate of Occupancy will be issued until all the above items are provided and the Zoning Administrator deems the Site Plan complete.

D.2.2.4 TEMPORARY CERTIFICATE

The Zoning Administrator may issue a temporary Certificate of Zoning Compliance for rallies, carnivals, religious revivals, and similar temporary uses. Such certificates shall be issued for a fixed period of time, but not to exceed fifteen (15) days, shall be subject to such limitations as the Zoning Administrator 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 an application. The adopted fee schedule shall be posted in the Planning Department and the office of the Zoning Administrator and his/her designee.

- A. 1. Standards. Special events cannot be held longer than 15 consecutive days once every six months on the same lot. The owner of the property shall authorize in writing for the event to be held on the property. The temporary parking lot can be located on the same site as the activity or as a satellite parking lot. The use of public street rights-of-way for parking shall be prohibited. Activities creating loud noises (horns, speakers, music) shall not be located within 1,000 feet of residences not located on the site without written permission from the property owner(s). Structures associated with the use shall be permitted provided they are removed at the end of the event. Permanent signs are prohibited.
- B. 2. Cause for Denial
1. (a) The application contains intentionally false or materially misleading information.
 2. (b) There is a finding that the special event would create an unreasonable risk of significant damage to public or private property, beyond normal wear and tear, injury to persons, people and other adverse effects upon the public health, safety, or welfare.
 3. (c) The special event is of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
- G. 3. Additional Conditions. In approving the special event, the Administrator is authorized to impose such conditions to minimize any potential adverse impacts including but not limited to the following:
1. (a) Provision of temporary parking facilities, including vehicular access-ingress and egress.
 2. (b) Control of nuisance factors such as the prevention of direct illumination of abutting properties, noise, vibration, smoke, and dust.
 3. (c) Location and size of temporary buildings, structures, and facilities.
 4. (d) Provision of sanitary, medical facilities, and solid waste collection and disposal.
 5. (e) Provision of security and safety measures.
 6. (f) Modification or elimination of certain proposed activities including limitation of the duration of the special event to a shorter period of time.
- D. 4. Supplemental. Zoning approval is contingent on required approvals from the Richmond County Department of Environmental Health, Department of Public Safety, NCDOT Driveway Permit Approval, and other applicable state, local, and federal laws.

E. 2.2.5 RIGHT OF APPEAL

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

E. 2.2.6 COMPLAINTS REGARDING VIOLATIONS

Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint, and take whatever action is warranted. ~~and inform the complainant in writing~~

~~what action has been or will be taken. Notwithstanding the foregoing,--~~ The Administrator may investigate a violation that ~~he they~~ has suspects or ~~hasve~~ knowledge of existing.

G. 2.2.7 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

H. 2.2.8 PROCEDURES UPON DISCOVERY OF VIOLATIONS

- (1) If the Administrator finds that any provisions of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
- (2) The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment.
- (3) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized by this Article.

I 2.2.9 PENALTIES AND REMEDIES FOR VIOLATIONS

- (1) Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable the maximum fine and/or the maximum imprisonment as authorized by N.C. General Statute 14-4 or any amendments thereto.
- (2) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$100.00 per day. If the offender fails to pay this penalty within 10 days after being cited for a violation, the County, in a civil action in the nature of debt, may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Subsection H (above) and did not take an appeal to the Board of Adjustment within the prescribed time.
- (3) This Ordinance may also be enforced by an appropriate equitable action.

J. 2.2.10 CANCELLATION OF PERMITS

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

SECTION 3 - ZONING MAP

For the purposes of this Ordinance, Richmond County is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for Richmond 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 tested is on file in the County Planning Department and is available for inspection by the public.

The Zoning Administrator 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 Administrator shall make the necessary changes on the Official Zoning Map.

3.23.1 INTERPRETATION OF DISTRICT BOUNDARIES

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

- A-(1) 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-(2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C-(3) If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for the purposes of this Chapter, the local governments may, by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Chapter for the entire parcel to any one of those local governments. Such a mutual agreement shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement shall be evidenced by a resolution formally adopted

by each governing board and recorded with the register of deeds in the county where the property is located within 14 days of the adoption of the last required resolution. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

- D.(4) Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- E.(5) The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

3.33.2 ZONING DISTRICTS, DESCRIPTIONS, AND DIMENSIONS

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

Residential

- A-R Agricultural Residential
- R-R Rural Residential
- C-R County Residential
- V-R Village Residential

Non-Residential

- C-C Community Commercial
- H-C Highway Commercial
- L-I Light Industrial
- H-I Heavy Industrial

Overlays

- HCO Highway Commercial Overlay District
- A-H Airport Hazard
- W-S Watershed District
- F-P Flood Plain Management District

3.32.1 A-R Agricultural Residential

A.(1) Description:

This district is established for primarily rural, agricultural, and sparsely spaced residential development. Although not exclusive, this district is characterized as not having access to public utilities such as water or sewer. This district is further characterized as being removed from the main transportation arterial roads of Richmond County. Standards formulated for this district are designed to: preserve the rural character of Richmond County by prohibiting uses incompatible with rural and low-density residential development. Certain non-residential uses are allowed, either as a matter of right or on a special use basis. Individual manufactured homes, as defined in this ordinance, are permitted in this district, because they are traditionally and customarily associated with rural development. There are no minimum lot size requirements but building setbacks are regulated.

B.(2) Dimensional Requirements:

Requirements	A-R
Minimum Lot Area in Square Feet	N/A
Minimum Lot Width in Feet	N/A
Minimum Setback Lines in Feet Front	45'
Side	15'
Side abutting Street	45'
Rear	15'
Maximum Building Height	35'

3.32.2 R-R Rural Residential

~~A~~(1). Description:

This district is established primarily for the protection of the County’s residential growth areas from incompatible land uses. This district ~~characterized~~ **is characterized** as being within the public water (and/or sewer) service area or proposed service area. This district is also located close to major arterial transportation corridors or proposed corridors. The primary use in this area is residential, but some farming activity can be observed. Certain non-residential uses are allowed, either as a matter of right or on a special use basis. Individual manufactured homes, as defined in this ordinance, are permitted in this district because area they are traditionally and customarily associated with rural development.

~~B~~(2). Dimensional Requirements:

Requirements	R-R
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	50'
Minimum Setback Lines in Feet	45'
Front	
Side	15'
Side abutting Street	45'
Rear	15'
Maximum Building Height	35'

3.32.3 C-R County Residential

A(1). Description:

This district is established for low density, single-family residential development within the County's growth areas. This district ~~characterized~~ **is characterized** as being within the public water (and/or sewer) service area or proposed service area. Standards formulated for this district are designed to: protect existing low-density residential areas and encourage orderly development of future low-density residential areas; and to prohibit uses incompatible with low-density development. Certain non-residential uses of a temporary, public, or semi-public nature are permitted as a matter of right or on a special use basis. Commercial activity is restricted to home occupations. Manufactured homes, as defined in this ordinance, are prohibited in this district.

B(2). Dimensional Requirements:

Requirements	C-R
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	50'
Minimum Setback Lines in Feet	45'
Front	
Side	15'
Side abutting Street	45'
Rear	15'
Maximum Building Height	35'

3.32.4 V-R Village Residential

A(1). Description:

This district is established to conserve certain areas within Richmond County where historical development patterns have created "village" type neighborhoods. Such villages are characterized by mixed land uses with an employment center, commercial goods, and professional/personal services within walking distance of moderate density residential dwellings. These villages are similar to the planned unit development (PUD) concept and differ primarily because they were developed prior to technological innovations such as the automobile. Land is subdivided into small lots, rights-of-ways are narrow, and there are few buffer areas between differing land uses. It is the intent of this section to conserve these areas, but not to expand their boundaries; modern development patterns do not fit the historic village concepts. Mobile homes and other forms of manufactured housing, as forms of permanent or temporary single-family dwellings, are permitted in this district.

B(2). Dimensional Requirements:

Requirements	V-R
Minimum Lot Area in Square Feet	7,000
Minimum Lot Width in Feet	50'
Minimum Setback Lines in Feet	25'
Front	
Side	10'
Side abutting Street	25'
Rear	20'
Maximum Building Height	35'

3.32.5 C-C Community Commercial

A (1). Description:

This district is established for retail and personal service business establishments, which do not need supporting; businesses and/or high traffic locations and which serve a limited trade area usually within the traditional rural community setting. These uses may be located on free-standing parcels, part of a small center, or a concentration of several similarly-located parcels. Standards formulated for this district are: uses to be conducted in an enclosed building except where functions (such as gasoline filling tanks) warrant this impractical; uses not to be noxious or offensive by reason of the emission of odor, dust, smoke, gas or other pollutants, vibration, noise or other similar causes; uses not to pose a hazard to the surrounding residential areas; and uses not to be of such intensity as to generate volumes of vehicular traffic substantially detrimental to the welfare of the surrounding community. Restrictions on night hours of operation to prevent unreasonable disruptions--noise and light--to the surrounding properties may be implemented.

B(2). Dimensional Requirements:

Requirements	C-C
Minimum Lot Area in Square Feet	10,000
Minimum Lot Width in Feet	50'
Minimum Setback Lines in Feet	45'
Front	
Side	15'
Side abutting Street	45'
Rear	20'
Maximum Building Height	35'

3.32.6 H-C Highway Commercial

A. (1) Description:

This district is established primarily for business catering to the auto traveling public requiring large lots, easy access, ample parking and loading space, and little pedestrian movement. Retail trade and services for the convenience of nearby residential areas is also a function of this district. Generally, this district is located along established or proposed highway corridors – mainly at intersections and interchanges.

B. (2) Dimensional Requirements:

Requirements	H-C
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	100'
Minimum Setback Lines in Feet	
Front	45'
Side	15'
Side abutting Street	45'
Rear	20'
Maximum Building Height	35'

3.3.2.7 L-I Light Industrial

A.(1) Description:

This district is established as an area in which the principal use of land is for wholesale activities, industrial research, warehousing, and light manufacturing operations, as well as some institutional land uses. The standards established for the district are designed to promote sound, permanent, light industrial development and to protect abutting or surrounding residential areas from any undesirable aspect of such uses. The district is to be located in an area that has good access to transportation facilities, that affords reasonably level sites, and that permits ~~expansion~~ **the expansion** of existing industrial areas wherever possible and appropriate to the character of land development in particular areas. Whenever possible, the district shall be separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks into topography, strips of vegetation, traffic arteries and similar features. Residential, retail commercial, and service land uses are either prohibited or discouraged in the district because they may be incompatible with the primary permitted uses.

B(2). Dimensional Requirements:

Requirements	L-I
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	100'
Minimum Setback Lines in Feet	45'
Front	
Side	15'
Side abutting Street	45'
Rear	20'
Maximum Building Height	45' Properties located within the Airport Overlay will be required to follow all applicable FAA guidelines.

~~C. Additional Requirements~~

~~For property located within an Industrial Park located in the Richmond County development jurisdiction, the Protective Covenants as adopted by the Richmond~~

~~County Board of Commission and subsequently amended shall be the controlling authority in the case of conflicting requirements.~~

~~(See Ord of 12-2023)~~

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3.32.8

H-I Heavy Industrial

A(1). Description:

This district is established as an area where the principal use of land is for heavy industries, which, by their nature, may create some levels of nuisance. The standards established for the district are designed to protect the community from such nuisance as far as is practical, which ~~promoting is~~ **promoting** the area-wide economic growth. Where possible, this district will be well separated from residential areas and places where people are likely to congregate. Heavy industrial areas on the zoning maps are to be located so that they have good access to transportation and natural resources, with reasonable areas for expansion. Wholesaling, light industries, and major transportation facilities are also permitted within this district. Residential, retail commercial, service, and institutional land uses are either prohibited or discouraged in the district because they may be incompatible with the primary permitted uses.

B(2). Dimensional Requirements:

Requirements	H-I
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	100'
Minimum Setback Lines in Feet	45'
Front	
Side	15'
Side abutting Street	45'
Rear	20'
Maximum Building Height	45' 85' Properties located within the Airport Overlay will be required to follow all applicable FAA guidelines.

D(3) Additional ~~Requirements~~-Policy

For property located within ~~an~~ **The Richmond County Industrial Park located on I73/74 located in the Richmond County development jurisdiction**, the Protective Covenants as adopted by the Richmond County Board of Commission and subsequently amended shall be the controlling authority in the case of conflicting requirements. ~~See Ord of 12-2023~~.

3.32.9 HCO Highway Commercial Overlay District

A. (1) Description:

This overlay district is created to help coordinate developing lands along major highways while protecting the residential and agricultural environment that is prevalent in the County. This overlay district is situated along and above all the US and NC Highways within the jurisdiction of this ordinance for a distance of 1,000 feet each side of the right of way. Uses within this district are allowed only as a special use. In addition to the standards and conditions outlined under such special use as found in Section 6 of this Ordinance, the following shall apply:

B(2). Dimensional Requirements:

Requirements	HCO
Minimum Lot Area in Square Feet	20,000
Minimum Lot Width in Feet	100'
Minimum Setback Lines in Feet	45'
Front	
Side	15' (See C Below)
Side abutting Street	45' (See C Below)
Rear	20' (See C Below)
Maximum Building Height	35'

C(3). Other Setback and Buffer Dimensions

Parking Setback – 25 feet

Landscape Buffer – 25 feet

Internal yards (side and rear yards)

(1) From abutting residential uses – 50 feet

(2) From abutting non-residential uses – 25 feet

D. 4. General standards and requirements for Development within the HCO overlay district.

(a) The proposed use, building design and layout shall meet the provisions of this division and other regulations and ordinances of the county.

- (b) The proposed use, building design and layout shall adhere to the principles of good design and, as such, contribute to the economic, aesthetic, harmonious and orderly growth of the county.
- (c) The proposed use and design layout will be of such a location and in such size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- (d) The proposed use and layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved. Factors for the board of adjustments to consider in this determination are the turning movements in relation to traffic flow, adequacy of sight distances, location and access of off-street parking, street width, emergency vehicle access, and provisions for pedestrian traffic. To satisfy these requirements the applicant may be required to improve existing connecting roads at no expense to the county.
- (e) The proposed use, building design, and layout shall be so located and shall be of such a size, intensity and layout so that possible nuisances emanating therefrom are eliminated.
- (f) The proposed location and height of buildings or structures, location, nature and height of walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value, since these factors should be a positive influence on surrounding properties. The board of adjustments may require as part of the conditions of the permit appropriate screening in order to protect and shield adjacent property.
- (g) Signs shall be in accordance with the regulations of this division and Department of Transportation standards. In addition, they shall be so designed and located as not to present a hazard, glare or unattractive appearance to either adjacent property or to motorists. When applicant's property serves multiple uses the board of adjustments may require that signs for such uses be combined so as to preserve the natural and attractive appearance of the site.
- (h) The land indicated on the plan shall be of such character that it can be used for building purposes without danger to health.
- (i) The Site Plan shall provide adequate safeguards against undesirable and preventable elements of pollution, such as noise, smoke, soot, particulates, or any other discharge into the environment, which might prove harmful to persons, structures, or adjacent properties.
- (k) The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- (l) Proposed development shall be related harmoniously to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- (m) The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings.

- (n) All open spaces shall be so designed as to add to the visual appearance of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (o) Special attention shall be given to pedestrian and vehicular circulation, especially in relation to the location and number of access points to the abutting public street and any existing traffic controls. Specific consideration shall be given to the arrangement of entrance/exit ramps, driveways, walkways, parking and loading areas, the width of interior drives, general circulation within the lot and the separation of vehicular and pedestrian traffic so that such facilities are safe and convenient and insofar as practicable, do not detract from the use and enjoyment of the proposed development and the neighboring properties.
- (p) Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater shall be removed from all roofs, canopies and paved areas, and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct will not create puddles or ponding on the paved areas.
- (q) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to applicable yard setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
 - (3) Screening shall be provided, erected, and maintained to shield business and light industrial uses of land from any adjoining residential property. Such screening shall consist of a solid fence, wall, or evergreen planting which shall not be less than six feet in height or as specified by the board of adjustments.

E.5 Vehicular Area Standards

Access Driveways

- (1) Maximum Driveway Width – 30 feet
- (2) Uses of common driveway with adjoining lot – shared driveways are permitted provided agreements for shared use are included with the required site plan.

Recommended Parking Requirements

- (1) Minimum – 3 spaces /1000 square feet of building coverage

Parking Area Location

- (1) Front Yard Location – Area for vehicular parking shall not occupy more than 40% of the front yard area.
- (2) Side Yard/Rear Yard Location – Vehicular parking is recommended inside and/or rear yards and in proximity to adjacent lot(s) when common driveways are used.

Off-street loading spaces (berths) shall be provided as follows.

- (1) Buildings with professional, governmental, or business offices and/or retail sales and personal service establishments—one space for every 25,000 square feet of floor area or fraction thereof.
- (2) Manufacturing, industrial, wholesale and storage uses—one berth for the first 10,000 square feet of floor area and one additional space for each additional 20,000 square feet of floor area or fraction thereof.

In addition, the following general standards shall apply to off-street loading spaces:

- (1) All loading docks or doors shall be located so the utilization of the loading areas will not interfere or impede traffic patterns or moving vehicles on public streets.

(See Ord. of 12-2023)

3.32.10 AO - AIRPORT OVERLAY DISTRICT

The Richmond County Airport Hazard Zoning Regulation as adopted April 17, 1999, as amended September 9, 2002, and codified in the Richmond County Code of Ordinance is hereby incorporated herein as an overlay-zoning district. Such zone or Zones shall be illustrated on the Official Zoning Map.

3.32.11 FPO - FLOOD PLAIN OVERLAY DISTRICT

The Richmond County Flood Damage Prevention Ordinance as adopted August 7, 1989, as amended, and as codified in the Richmond County Code of Ordinance as Chapter 20, Article IV, is hereby incorporated herein as an overlay-zoning district. Such zones shall be illustrated on the Official Zoning Map

3.32.12 WSWO - WATER SUPPLY WATERSHED OVERLAY DISTRICT

The Richmond County Water Supply Watershed as adopted May 1, 2001, as amended, and as codified in the Richmond County Code of Ordinance as Chapter 14, Article IV, is hereby incorporated herein as an overlay-zoning district. Such zones shall be illustrated on the Official Zoning Map

TABLE OF USES

With the various districts as indicated on the Official Zoning Map of Richmond County, North Carolina, no land, building, or structure shall be used, and no building or structure shall be erected or altered, except in conformance with the provisions of this Ordinance. Any use not specifically permitted is prohibited. Where more than one use occupies a building or premises, the zoning requirements for each use shall be adhered to as set forth in this Ordinance.

- A “P” indicates uses permitted by right.
- A “S” indicates uses permitted as a special use upon approval by the Board of Adjustment. Standard conditions are set forth in Section 6 of this Ordinance. The (#) indicates the Special Use number in the Special Use List as found in Section 6.10. Additional conditions may be placed on specific uses by the Board of Adjustment to ensure the intent of this Ordinance is met.

Should any interpretation conflict arise between special use allowed under this table an appeal may be filed with the Board of Adjustment and Appeals ~~as provide~~ provided and in accordance with Section 9 of this Ordinance.

Districts in which particular uses are prohibited are indicated by a blank space.

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SECTION 4 - GENERAL PROVISIONS

4.1 STREET ACCESS

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

4.2 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

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

4.3 RELATIONSHIP OF BUILDING TO LOT

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

4.4 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

4.5 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 the lot width and lot area are not more than twenty (20) percent below the minimum specified in this Ordinance. In any case where the lot area and lot width are more than twenty (20) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment may approve, as a special exception, such dimensions as shall conform as closely as possible to the required dimensions.

4.6 ADJOINING AND VACANT LOTS OF RECORD

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

4.7 ADDITIONAL ENVIRONMENTAL PROVISIONS

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

4.8 CURB CUTS GIVING ACCESS TO PUBLIC RIGHTS-OF-WAY

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

4.9 PROJECTION INTO PUBLIC RIGHT-OF-WAYS

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

4.10 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, open air shell buildings mechanical equipment penthouses, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(See Ord. of 12-5-2005)

4.11 CORNER VISIBILITY

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

4.12 ACCESSORY STRUCTURES/BUILDINGS

- A. (1) Only one accessory structure/building shall be permitted on lots less than twenty thousand (20,000) sq. ft. Larger lots are allowed an extra accessory building/structure for each additional twenty thousand (20,000) sq. ft. provided that such accessory buildings/structures are a minimum of thirty (30) feet apart from any other secondary building/structures.

The total footprint of all accessory structures shall not exceed 100% of the total area of the principal structure. At no time shall the total area of accessory use exceed 25% of the rear yard.

*Minimum side setback: 10ft

*Minimum rear setback: 10ft

*Minimum setback from principal structure: 10ft

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

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

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

- B. (2) The footprint of all accessory structures may exceed 100% of the total area of the principal structure if approved by the Richmond County Planning and Zoning Board of Adjustment as a special use. Please see Section 6 of this Ordinance.

(see ORD RZT-2008-3)

4.13 ACCESSORY USES

A4.13.1. POOLS

All pools, whether above-ground or in-ground, shall be built only in rear and/or side yard(s).

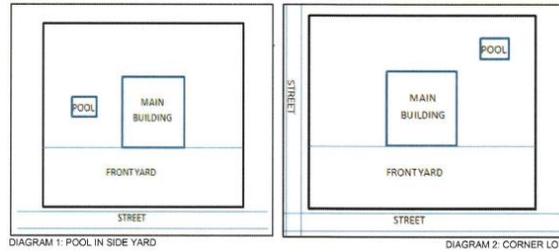
The definition of a pool shall include all structures, and walks or patio areas of cement, stone, or wood **at** or **above grade**, built for, and used in conjunction with the pool.

Pools, as defined above, shall be ~~setback-set back~~ a minimum of 10 ft. from all side and rear property lines, right-of-way, or easement, whichever is closest to the swimming pool location.

Walks or patio areas of cement or stone **at grade** have no setback requirements from rear and side lot lines.

~~Pool~~ **The pool** shall be enclosed by a security fence in compliance with the NC State Building Code.

Pools located in rear and/or side yards on corner lots shall be located in the rear and/or side yard opposite the abutting street (diagram 2).



(Ord RZT 2019-1;11-5-19)

B4.13.2. SATELLITE DISHES

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

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

4.13.3 CONFERENCE AND TRAINING CENTER IN THE INDUSTRIAL ZONING DISTRICT

A conference or training center to be located in the Light Industrial (L-I) or Heavy Industrial (H-I) zoning district are only permitted as a secondary use to an existing and operational industrial facility situated on the same parcel of land.

4.14 OUTDOOR DISPLAY

Outdoor display of merchandise, which is normally required in conducting ~~the~~ commercial or industrial operation, is permitted in the appropriate zoning districts.

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

4.15 OUTDOOR STORAGE

Outdoor storage of goods, equipment, and material, such as junk vehicles, junk appliances and other such items, trash, and other debris shall be regulated by this Ordinance.

In the interest of safety to children and adjacent property owners, any approved outdoor storage shall maintain a buffer that conceals the storage from public view. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet within three years or shall be a combined fence and shrubbery screen. The buffer shall be maintained at a minimum of eight (8) feet in height and at least fifteen (15) feet in width thereafter. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view. Fences shall be at least 6', but no greater than 12', must be opaque, and made of materials that are normally accepted in the fencing industry. Nothing in this section will preclude the County from enforcement against junk and abandoned vehicles as prescribed in Section 14, Article II of the Richmond County Code.

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

4.16 SCREENING AND BUFFERING

- A(1). A minimum of thirty-five (35) foot vegetative buffer is required for development activities along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- B(2). No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.
- C(3). New or expanding uses and other uses that are subject to this provision must provide a vegetative buffer along the property boundary that separates the proposed or expanding nonresidential use and the existing residential use as a means to lessen the impact of nonresidential use on the residential use.

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

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

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

4.17 LIGHTING

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

SECTION 5 - NONCONFORMING USES

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

5.1 CONTINUANCE OF NONCONFORMING BUILDINGS

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 Administrator 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.

5.2 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 one hundred and eighty (180) days, every future use of said land shall be in conformity with the provision of this Ordinance. Uses deemed unlawful by this Ordinance, or any other public law shall not be covered by this provision.

5.3 CHANGE OF USE

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

5.4 RECONSTRUCTION OF NONCONFORMING BUILDINGS

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

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

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

5.6 USE OF NON-CONFORMING PRE-EXISTING BUILDINGS FOR ALLOWED USES.

Any non-conforming building that existed at the time of the adoption of the Richmond County Zoning Ordinance, may be upgraded and/or converted for residential use under the following conditions:

- A. (1)The property must be within the Agricultural Residential (A-R), Rural Residential (R-R), or County Residential (C-R) Zoning Districts.
- B. (2)The extent of any and all non-conformities shall be less than 25% of the minimums required by the zoning district in which the property is located.
- C. (3)The number of residential units within the pre-existing building shall not exceed the density ratio of the zoning district in which the property is located by more than 25%.
- D. (4)All proper County and State permits and building standards shall apply.
- E. (5)All other County Codes and regulations shall apply and remain in effect.
- F. (6)The Planning and Zoning Board of Adjustment shall approve the application of this provision under the same process as a Special Use Permit.

SECTION 6 - SPECIAL USE PERMITS

6.1 OBJECTIVES AND PURPOSE

It is recognized that there are some land uses, which are basically in keeping with the intent, and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Special Use Permit process. The purpose of this section shall be to assure the orderly, safe, attractive, and proper design, use and layout of sites within the scope of the granted authority consistent with the public health, safety, comfort, and welfare of the County.

(See Ord. of 10-4-2004)

6.2 PROCEDURES

Use Permits shall be heard and decided by the Richmond County Board of in accordance with principles, conditions, safeguards, and procedures specified in the regulations. G.S. 160D-705(c) for all special uses enumerated in the Table of Uses. Special uses may only be established by Board of Adjustment approval.

The owner or owners of all the property included in the petition for a Special Use Permit shall submit required application information to the County Planning Department by the 15th 1st of the month prior to the Board of Adjustment meeting at which it is to be heard. Such an application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan, Outline of Special Use Proposal, and be accompanied by a fee set according to the Planning Department Fee Schedule. Please read and review the submittal requirements found in Section 6.9.

6.3 BOARD OF ADJUSTMENT ACTION G.S. 160D-406

The Planning Director shall present only completed applications for Special Use Permits to the Board of Adjustment for evidentiary hearing at the next regular Board meeting at least ~~45~~ 30 days after submittal of application. A notice of the evidentiary hearing shall be mailed to all persons owning property within 300 feet of the subject property. In addition, notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement. The person mailing such notice shall certify that such notices have been mailed. The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing. Presentation of Evidence. - The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

The Board of Adjustment shall consider the application and comments at the evidentiary hearing and may grant or deny the Special Use Permit. If the Special Use Permit is granted, the Board of Adjustment shall use as a guide, the specific conditions outlined in this Article for each use proposed. In addition, the Board of Adjustment shall find:

- A. That the use will not materially endanger the public health or safety if located according to the plan submitted and approved;
- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Richmond County Land Use Plan.

In granting the Special Use Permit the Board of Adjustment may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors, and assigns. The Special Use Permit shall be signed and dated by the applicant and recorded in the Richmond County Register of Deeds.

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

(See Ord. of 10-4-2004)

6.4 DENIALS AND APPEAL

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

No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit except through the Richmond County Superior Court. Appeals shall be filed within the times specified by G.S. 160D-1405(d).

6.5 COMPLIANCE WITH DISTRICT REGULATIONS

In addition to the conditions specifically imposed in this paragraph and such further conditions as the Board of Adjustment 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.

6.5a.1 AMENDMENTS AND MODIFICATIONS TO PERMITS

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or

regulations. Any modifications approved apply only to those properties whose owners apply for the modification. G.S. 160D-705.

1. Insignificant and minor deviations from the permit (including approved plans) issued by the Board of Adjustment or the Administrator shall be permissible, and the Administrator may authorize such insignificant deviations. A deviation is insignificant and minor if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Minor field alterations or minor revisions to approved special uses may be approved by the Administrator if the special use still meets the intent of the standards established with the original approval. Minor alterations or revisions shall be limited to changes that do not involve change in the Richmond County, North Carolina Zoning Ordinance uses permitted, increases to the intensity or density of the use, or substantial changes in the character of the use. If the Administrator determines that the change is not minor, the applicant shall be required to apply for a revised special use permit. If a revised special use permit is requested, the Board shall have the authority to impose new or additional conditions, provided however the applicant shall retain the right to reject such new or additional conditions by withdrawing the request for a revised special use permit and may proceed in accordance with the previously issued permit.

2. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Adjustment, new conditions may be imposed in accordance with Section 2.2 (c), but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

3. The Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (1) and (2) above.

4. A developer requesting approval of changes shall submit a written request for such approval to the Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

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

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

6.7 EXPIRATION

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

not a part of the use, “exercised” shall mean that the use is in operation in compliance with the conditions set forth in the permit. Nothing in this subsection limits any vested rights secured under G.S. 160D-108 or G.S. 160D-108.

6.8 MODIFICATION OF PLANS

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

6.9 SUPPLEMENTAL REQUIREMENTS FOR SPECIAL USES

A. Site Plan Requirements

In addition to the requirements found in Section 2.2C of this ordinance, Site plans submitted with applications for Special Use Permits shall include the following items *(A site plan template map may be obtained from the Richmond County Mapping Department or the online GIS. Much if not all of the adjoining landowner information can be obtained from the Richmond County Mapping Office.)*

(1) Existing data and information.

- a. The site plan shall be drawn to a scale in the denomination of 1" =100'. The size of paper should be of at least 8.5 x 11 inches and no greater than 11 x 18 inches.
- b. The shape, size, height, and location of existing structures located on the site and within 200 feet of the site.
- c. Natural features including watercourses and water bodies, various types of vegetation and topographical features. Manmade features, such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered. The 100-year flood elevation line shall be included where applicable together with existing wetlands.
- d. Use of abutting properties shall be identified.
- e. The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing utilities that are located off-site, with which connection is planned or located within 100 feet of the site.

(2) Proposed development.

- a. The shape, size, height and location of the proposed structures, including expansion of existing buildings, with typical front and side elevations and floor plans.
- b. Proposed streets, driveways, parking area, sidewalks, with indications of direction of travel for one-way streets and drives. The width of all streets, driveways and sidewalks and the total

- number of parking spaces shall be indicated on the site plan. In addition, loading areas and facilities associated with the structures on the site shall be shown.
- c. The location, type and size of all proposed landscaping and screening, including fences and walls.
 - d. Exterior lighting plan and proposed signs or instructional devices to be located on the site.
 - e. A vehicular circulation plan of the interior of the lot including ingress and egress locations to existing public streets.
 - f. The location of all building setbacks required.

Also, site plans submitted for the purpose of obtaining a special use permit may be required to indicate the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways as deemed necessary by Planning Staff and/or the Board of Adjustments. Prior to approval of the site plan, the Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. Individual Special Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Board of Adjustment may require other information, as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property, including but not limited to construction schedule and any deed restrictions and/or restrictive covenants associated with the property. All costs associated with providing such information shall be borne by the applicant and/or developer.

B. Outline of Special Use Proposal

In addition to the Application Form and site plan, an applicant for a Special Use permit must submit in writing a narrative of the application. This narrative should include a summary of the proposed use, time of operation, schedule of development, number of anticipated employees (if applicable), and potential plans for expansion. This narrative must be signed by the applicant and will be treated as truthful evidence in the presentation of the application before the Board of Adjustment.

B. Rejection of Application Submittal

Planning Staff will reject any and all application for a Special Use Permit that in its determination does not meet the requirements of either Section A or Section B above.

(See Ord. 10-4-2004) (Ord. 11-7-2013)

6.10 SPECIAL USE MINIMUM DEVELOPMENT REQUIREMENTS

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

16.10.1. Adult Entertainment Establishment

Dimensional Requirements

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

Screening and Buffering:

- See sections 4.16.

26.10.2. Automobile and Other Storage, Parking, Junk, Salvage, or Wrecking Yards including Manufactured Home Storage and/or Junk Yard

Dimensional Requirements

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

Screening and Buffering:

- See sections 4.16.
- 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.

Mini Storage Facilities (use # 10.230) are subject to the following conditions upon approval by the Board of Adjustments.

- A. (1) Buffer Yards – where the use is adjacent to a residential zoning district, a buffer yard shall be provided on the property line adjacent to the residential zoning district in accordance with Section 4.16 of this Ordinance.
- B. (2) Fencing or Walls – Fencing or walls shall be required around the open perimeter of the project area. The fence or wall shall be a minimum of six feet in height. Where the lot is adjacent to a residential zoning district, the fences or wall shall be constructed of materials approved by the Board of Adjustment.

- C. (3) Setback – Any side of the building providing doorways to the storage areas shall be set back from the property line not less than 25 feet in addition to the setback requirement of the district in which the project is located. Multiple buildings shall be separated by 10 feet.
- D. (4) Parking Requirements – Off street parking shall be required as follows:
- i. (a) One space for each 10 storage cubicles.
 - ii. (b) Two spaces for facility staff, if provided.
 - iii. (c) Two spaces for general public at any on-site office, if provided.
- E. (5) Driveway and Travel way Widths – On-site driveway widths shall be required as follows:
- i. (a) All one-way driveways shall be no less than 15 feet in width with a 1-0 parking lane between the driveway and the storage unit openings.
 - ii. (b) All two-way driveways shall be no less than 24 feet in width with a 1-0 parking lane between the driveway and the storage unit openings.
 - iii. (c) Signing and/or painting shall designate traffic directions and parking.
 - iv. (d) The parking lane may be eliminated when the driveway does not serve storage cubicle openings.
- F. (6) Prohibited Uses – Retail or Wholesale sales, manufacturing, fabrication of processed goods, storage of hazardous materials, the maintenance, washing, or repair of vehicles and/or equipment, garage sales, or conducting any commercial or industrial activity of any kind shall be prohibited in mini-storage facilities. Notice of such prohibition shall be given to the customers by a conspicuous sign posted at the entrance of the property and by provisions in the lease agreement. Sales by facility operators to satisfy rent or other debts are allowed.
- G. (7) Other Storage - Any outdoor storage area for vehicles, trailers, campers, boats or the like shall be separated from any structures and located to one side of or to the rear of the development. In no case shall these spaces be constructed to meet the parking requirements of this subsection.
- H. (8) Lighting – All lights shall be shielded to direct light onto the property and away from adjacent streets and property in accordance with Section 4.17 of this Ordinance.

(See RZT-2007-1)

3 6.10.3. Commercial and/or Non-Residential Uses in Residential Zoned Areas

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.

Lighting

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

Access

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

Additional Requirements

Use # 8.300 (Bars, Nightclubs and ABC Private Clubs) shall provide a buffer of 500 Feet from any existing religious or educational Structure, or 500 feet from any residential structure.

(See Ord. of 9-7-2004)

4.6.10.4 Industrial Uses in Non-Industrial Zones

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.

For uses allowed in Residential Zoning Districts

- Hours of Operation from sunup to sunset (daylight hours only).
- Area of operation shall be no larger than 5 acres. The boundaries of such operation shall be clearly defined, marked and recorded using the County 's GPS system or be mapped and certified by a land surveyor.
- Boundaries of area must be no less than 100 feet from any property line.
- No exterior lighting of operation area shall be allowed except for security area lighting.
- Primarily wholesale operation, but limited retail may be allowed at discretion of Board of Adjustment.

5 6.10.5 Firing Range (applies to indoor and outdoor)

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

Screening and Buffering:

- See sections 4.16.
- 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.

6.6.10.6 Landfill, Demolition or Sanitary

Distance Requirements

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

Screening and Fencing: See section 4.16.

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

7.6.10.7. Mining and Quarrying or other Extraction Operations

Additional Site Plan Requirements

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

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

Access:

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

Screening and Buffering

An area of land, which shall not be less than one hundred fifty (150) feet in width, (unless the Board of Adjustment approves a lesser width) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen. Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years. If an earthen berm or berms are to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six (6) feet in height at the crown and with slopes sufficient to minimize erosion.

Additional Considerations

Following approval by the Richmond County Board of Adjustment, the Zoning Administrator is authorized to issue a Special Use Permit. No site disturbing activities are allowed until all required permits have been issued by the State of North Carolina, including but not limited to a Mining Permit, an Air Quality Permit and a Water Quality Permit. Copies of State permits shall be submitted to the Zoning Administrator to be filed with special use permit.

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 Richmond County Board of Adjustment have not been completed within one year (365 days) from the date of approval of the application by the Richmond County Board of Adjustment, the approval of the application and Special Use Permit shall be null, and void and a new application must be submitted.

Small-scale sand mining (Use # 14.210)

In addition to the other regulations found within this section small scale land-based sand mining as defined herein, shall not be established, or permitted on a tract of property less than 5 acres in size or greater than 20 acres. Furthermore, the extent of such mine, including buildings, structures, and other support equipment, shall not exceed 50% of the total land area of the property on which it is located. The follow additional requirements shall also be met:

- The hours of operation shall be limited to the hours or 7:00 am to 5:00 pm, Monday through Saturday.
- The term of a Special Use Permit for a small-scale sand mine shall not exceed 3 years.
- Dust control measures including a combination of watering the access road, completely covering the cargo area of the hauling vehicles with tarp or other fabric, or other such measure as deemed necessary by the Board of Adjustments to prevent a nuisance to adjacent properties.
- Performance Bond – Submit proof of Bond as required by the State of North Carolina.
- Blasting is prohibited.

- Depth of sand mine shall not exceed 15-foot average unless Board of Adjustments approves a greater depth.

(See Ord. 5-3-2004)

§6.10.8. Non-Single-Family Residential

A. Multi-Family Residential

Dimensional Requirements:

Large scale multi-family dwelling developments shall comply with the lot, yard, and height requirements of the district in which the development is located, unless otherwise provided herein or by the Board of Adjustment. The dimensional requirements shall apply to the entire development proposal rather than to only individual structures.

Landscaping and Buffers:

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.

Other Requirements:

Individual structures shall be separated by at least forty (40) feet end-to-end, and fifty (50) feet in all other configurations.

No multi-family structure shall be more than two hundred (200) feet in length.

There shall be provided a minimum of three hundred (300) square feet of usable open space for each multi-family unit. Such open space shall be improved active and passive recreation areas for the use of residents thereof.

Roads: Private, hard surface, drives are required. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private drives.

Utilities: Utilities, including storm sewers, sanitary sewers, refuse collection, water system. County Engineer shall review all utility plans. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the County, City or State, or any other public entity. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private utility systems.

B. Group Homes

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.
- The intent is to provide for this type of facility to blend in and become a part of the residential landscape.

Lighting

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

Access

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

C. Camp or Care Centers and Campground, Public and Private (including Recreational Vehicle Park)

Dimensional Requirements:

- In areas with developed campsites, separate and/or unisex sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each campsite and drinking water shall be available within one hundred (100) feet of each campsite.
- In areas with developed campsites, a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g., food, ice, personal supplies, etc.
- In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.
- In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.
- Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights will be installed along walkways to water and sanitary facilities and at roadway or driveway intersections.
- All outdoor lighting shall have a total cutoff at ninety (90) degrees.
- In regard to Recreational Vehicle Parks, please see also Chapter 20, Article VI, Division 2, Subdivision V, for additional requirements (**See amendment adopted January 9, 2004**)

Screening and Buffering:

- See sections 4.16.

Additional Plan Requirements:

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

Additional Operational Requirements:

- In developed camping areas, an attendant will be on-call twenty-four (24) hours a day while the campground is open for business.
- A public phone in working order shall be available.
- A fire extinguisher shall be available at each service building and at the office.
- Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions, which can lead to the transmission of disease, breeding of rodents and insects, and which may present a fire hazard or contribute to the spread of fire.
- All sanitary, laundry, and drinking water facilities shall be maintained in a clean, sanitary condition and kept in good repair at all times.
- A camp store may be permitted, but no alcoholic beverages may be sold on the site.

D. Manufactured Home Parks (see Chapter 20, Article VI, of the Richmond County Code of Ordinances for requirements to establish Manufactured Home Parks)

E. Motels, Hotels, and other Temporary Residential Use.

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.

Lighting

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

Access

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

Other Requirements

Roads: Private, hard surface, drives are required. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private drives.

Utilities: Utilities, including storm sewers, sanitary sewers, refuse collection, water system. County Engineer shall review all utility plans. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the County, City or State, or any other public entity. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private utility systems.

F. Accessory Dwelling Unit –(ADU)

1. No more than one ADU shall be allowed on a lot that currently contains a single-family dwelling unit.
2. Only family members and/or legal guardians of the principal homeowner (applicant), or professional assisted living persons may reside in the approve ADU.
3. In no case shall the ADU be more than 100 percent of the living area of the principal dwelling unit, nor more than 1,200 square feet, nor less than 300 square feet, nor have more than 2 bedrooms.
4. The principal owner of the property must reside in the primary residence and the need for the ADU must be documents by a medical doctor.
5. The lot on which the ADU is to be placed must be at least 1.5 times the minimum lot size required for the district, including the Watershed acreage requirement if applicable, in which the use is to be located.
6. All district setbacks shall be met.
7. A separate water meter, separate electrical connection and on-site sewerage disposal units as approved by the Richmond County Health Department, Environmental Health Section, shall be required.
8. The Special Use Permit, if approved by the Board of Adjustment, shall be valid for 2 years at which time the permit will need to be recertified. Such recertification may include but not be limited to a site visit by the Richmond County Code Enforcement Officer and re-documentation of the need for such an ADU by a health care professional. If during the re-certification period or at any time during the investigation of a complaint the Code Enforcement Officer finds that the provisions of the Special Use Permit are not being met, he/she shall inform the Board of Adjustment of such at its next regular meeting. If the Board of Adjustment finds that the terms of the Special Use Permit are no longer being maintained or the applicant (principal owner) is no longer in need of the ADU, the Board of Adjustment shall order the removal of the ADU along with all connections, including septic, water and electrical in accordance with SECTION 2 of this Ordinance.

G. Bed and Breakfast Inn/Home

Inn:

1. Does not serve food or drink to the general public for pay.
2. Serves only the breakfast meal and that meal is served only to overnight guests of the business.
3. Includes the price of any meals served in the room rate.
4. Is the permanent residence of the owner or the manager of the business?
5. Must comply with NC Building Code, Environmental Health, and NC DOT requirements

Home:

1. Does not serve food or drink to the general public for pay.
2. Serves the breakfast meal, and the meal is served only to overnight guests of the home.
3. The lunch meal and the dinner meal may be served only to overnight guest of their home provided an acceptable food establishment permit from the Richmond County Health Department has been issued.
4. Includes the price of any meals served in the room rate.
5. Must be permanent residence of the owner or the manager of the business.
6. Must comply with the NC Building Code, Environmental Health and NC DOT requirements.

96.10.9. Public and Semi-Public Uses, Facilities & Buildings including schools, colleges, hospitals, parks, community centers and other similar uses

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, screening and buffering must be provided in accordance with Section 4.16.

Lighting

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

Access

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

106.10.10 Radio and Television Studios

Dimensional Requirements

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

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, he/she must provide a screening and buffering in accordance with Section 4.16.

Lighting

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

Access

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

446.10.11. Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)

Dimensional Requirements

- The district dimensional requirements shall apply.

Screening and Buffering

- See sections 4.16.

Lighting

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

Access

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

Hours of Operation

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

42 6.10.12 Wireless Communications Towers [see Chapter 32 of the Richmond County Code of Ordinances] for requirements to construct a communication tower.

(See Ord. of 1/9/2004)

136.10.13. Accessory Structures larger than 100% of the Principal Structure

Dimensional Requirements

- The district dimensional requirements shall apply.

- The setbacks as listed in 4.12 shall apply to all accessory structures.

Screening and Buffering

- Outdoor storage must meet the requirements of Section 4.15.
- Screening and buffering must be provided in accordance with Section 4.16.

Lighting

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

Access

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

(See RZT-2008-3)

146.10.14. Solar Energy Facility-(SEF)

- A minimum building setback of fifty (50') feet, is required from all property boundary lines and an additional fifteen (15') feet for a total of sixty-five (65') feet is required from all public rights-of-way for a SEF/ ground-mounted-solar farm. This minimum building setback is to include any security fencing, solar panels, and other equipment relating to the SEF/ground mounted solar farm.
- **Height:** A ground mounted system shall not exceed (10') ten-foot height as measured from the highest natural grade below each solar panel to the top of the panel, including at full extension for tracking panels.
- Minimum acreage to erect a solar energy facility/ ground mounted solar farm is 10 acres per each separate parcel identification number (participating property) included in the solar energy facility/ground mounted solar farm.
- At no time shall the percentage of land permitted for all solar energy facilities be more than five percent (5%) of the total land in Richmond County.
- SEF/ Ground-Mounted solar farm must not impair sight distance for safe access to or from the property or other properties in the vicinity.
- Solar components must have a UL listing, carry the UL trademark label, and meet National Electrical Code requirements and must be designed with anti-reflective coating(s).
- The solar energy facility shall conform to the NAICS 22119 description of a ground mounted solar powered energy system as well as any future amendments to said code.

- Power Inverter(s) or other sound producing equipment shall be located a minimum of one hundred and fifty (150') feet from any property boundary line or public right-of-way.
- **Vegetative buffer:** Natural woodland buffering shall be installed between any minimum building setback/security fence and adjacent nonparticipating properties and along any road right-of-way, prior to the operation of the solar energy facility. Any interior property line inclusive of the solar energy facility will be required to have the same fifty (50') foot minimum separate building setback buffer per each separate parcel identification number (participating properties included in the facility), but no vegetative buffer will be required within that minimum building setback. Natural woodland buffering shall be planted at a width of fifty (50') feet consisting of maximum seventy-five (75%) percent of native trees and/or shrubs.
- The maintenance of the vegetative buffer shall be binding to all successive solar energy facility grantees/lessees. The vegetative buffer must be maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris.
- A minimum of thirty-five (35') foot vegetative buffer is required for development along all perennial waters indicated on the most recent version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- No new development is allowed in the buffer along all perennial waters except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, maximize the utilization of storm water Best Management Practices, and allow for a wildlife travel corridor.
- **Fence:** Fencing should be a minimum of six (6') foot high plus two (2') foot barbed wire for a total of eight (8') foot or a maximum of eight (8') foot high plus two (2') foot barbed wire for a total of ten (10') foot. The fence should be constructed of wildlife permeable material (designed with sections that allow most mammals easy safe passage through the facility, so they are not separated from food sources and habitat areas) with a lockable fence. It should also contain at least three strands of barbed wire along the top. The fence shall be installed around the solar collector facility (panels, inverters, sedimentation basins, etc.) to protect from damage and vandalism, prevent trespassing, and provide for safety and security.
- **Abandonment:** In the event the solar energy facility becomes abandoned, the applicant must provide a way of ensuring the remaining solar infrastructure does not create a hazard to the public.
 - a. If the solar energy facility owner/lessee begins, but does not complete construction of the project, the solar energy facility owner/ lessee shall restore the site according to the decommissioning plan approved by the Board of Adjustments.

- b. Any solar energy facility that ceases to produce energy on a continuous basis for 6 months will be considered abandoned and the solar energy facility owner/lessee and other legally responsible party shall be required to decommission the site (according to the decommissioning plan approved by the Board of Adjustments) unless substantial evidence is provided to the Zoning Administrator of the intent to maintain and reinstate the operation of the solar energy facility. Should the solar energy facility owner/ lessee decide to cease producing power for sale or use, or in the event the system is damaged and will not be repaired or replaced, decommissioning of the site shall occur within 6 months from the time the facility is deemed to be defunct. A project is decommissioned when all structures and equipment are removed, and the site is restored to its original state within 365 days of the notice.
- c. The Solar Energy Facility Owner/Lessee is required to notify Richmond County immediately in writing upon abandonment or cessation of the solar operation.

Decommissioning- The decommissioning plan shall be signed and sealed by a professional engineer licensed pursuant to GS 89C and submitted as part of the special use permit application packet. The decommissioning plan must be signed and notarized by both the landowner and solar energy facility owner/lessee. The decommissioning plan shall include:

- A. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
 - B. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - C. Description of any agreement (e.g., lease) with landowner regarding decommissioning.
 - D. List the type of panels and material specifications being utilized at the site.
 - E. Estimated costs of decommissioning, inclusive of salvage proceeds is required and shall be prepared by a third-party engineer, licensed pursuant to GS89C. The estimated net cost shall be revised on each decommissioning plan renewal every five (5) years and should account for inflation, deflation, and depreciation.
 - F. Decommissioning plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the Richmond County Register of Deeds.
 - G. The solar energy facility owner/lessee is responsible for the decommissioning.
 - H. The owner(s) of the property and the solar energy facility owner/lessee shall sign off and acknowledge the decommissioning plan.
- **Financial Assurance:** Prior to issuance of the solar energy facility building permits or electrical permits, the solar energy facility owner/lessee and/or permit holder for a solar energy facility shall establish financial assurance that will ensure sufficient funds are available for decommissioning of the facility and reclamation of the property to its condition prior to commencement of activities on the site, even if the solar energy facility owner/lessee or applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the state. The solar energy facility owner/lessee or applicant or permit holder must obtain a surety bond for 1.25 times the estimated cost of the removal of panels, inverters, and any accessory equipment or structures anticipated to be located on the project site at build out. The removal estimate and amount will need to be certified by a North

- Carolina licensed engineer under seal. The solar energy facility owner/ lessee or applicant or permit holder shall provide an automatically renewable guarantee in the form of a surety bond in favor of the county, which shall be drawn and paid in full immediately in the event the owner/lessee or permit holder fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination, or expiration of the guarantee. A copy must be provided to the Planning Director prior to permit issuance.
- Solar energy facility dedicated solely to the production of electricity for another utility power generation plant and/ or substation facility and are also situated on the same parcel of land shall not be subject to the Special Use Permit requirements.
 - A Fundamental Action Plan (FAP) is to be provided as part of the submitted SUP packet to include emergency plan specific to site showing how possible spills, explosions, etc. would be handled. FAP should also include where firebreaks would be located. The FAP should be reviewed by the Board of Adjustments as well as Richmond County Emergency Management.
 - Good visible signage shall include the solar energy facility owner/lessee contact information including name, address, and phone number. Emergency shut off signage shall be located at all entrances of the ground mounted solar energy facility and the signs must include verbiage “No Trespassing” and “High Voltage.”
 - *A SEF/Ground Mounted Solar Farm approved as a SUP in the Heavy Industrial (H-I) or the Light Industrial (L-I) zoning districts is only permitted as a secondary use to an existing and operational industrial facility situated on the same parcel of land.
 - The solar energy facility may not impede any rail, airport, or transportation pathway; a required transportation and aviation glare impact study on the panels (rotating or stationary as applicable to the installation in accordance with the Special Use Permit application) must be included in the special use permit packet for review by the Board of Adjustments. The study must be signed and sealed by a licensed North Carolina Engineer (PE).
 - The area on private property around the solar energy facility shall be properly maintained, clear of brush, trees, and other obstacles. Area within the solar energy facility perimeter, excluding area beneath solar panels, should be considered for planting native grasses or pollinator friendly habitat or a combination thereof.
 - All restrictions and conditions transfer with the property and may not be voiced, reduced, or otherwise changed in the transfer.
 - A copy of the lease agreements with each property owner and any access and utility easements are required. Lease agreements shall have the provision that describes how the agreement may be renewed. Identifying information, as defined in NC GS 14-113.20(b), and proprietary information may be redacted.

- Panels will be placed far enough apart to meet the NCDEQ standards to classify them as impervious surfaces.

(See RZT 2022-1)

SECTION 7 - Off Street Parking and Loading

7.1 OFF-STREET PARKING REQUIRED

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

7.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

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

7.3 COMBINATION OF REQUIRED PARKING SPACE

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

7.4 REMOTE PARKING SPACE

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

Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

7.5 REQUIREMENTS FOR PARKING LOTS

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

- A(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.
- B(2). All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C(3). A strip of land five (5) feet wide adjoining any street line, or any lot zoned for residential uses shall be preserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.
- D(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 screening as described in Section 4.16.
- D. (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.
- E. (6) It shall be the duty of the property owner to keep the parking area free of damaging potholes, obstructions, and maintain the overall appearance and functionality of the parking area in good repair.

7.6 MOBILE HOME AND TRAILER PARKING AND STORING

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

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

7.7 VEHICLE STORAGE

A7.7.1. Residential Districts

Only vehicles intended for personal use shall be parked or stored on any property zoned Residential. No storage of commercial inventory whatsoever shall be permitted, and no inoperative and/or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days, unless said inoperative and/or unlicensed vehicle is listed for tax purposes with the Richmond County Tax Assessors office. Commercial trucks or vans customarily driven home by employees or owners shall not be affected by the regulations of this Section.

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

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

B7.7.2. Commercial and Industrial Districts

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

7.8 MINIMUM PARKING REQUIREMENTS

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Part 4 of this Section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

- Single Family Residential Uses shall provide parking area for at least 2 vehicles off the public right of way.
- Multifamily Uses shall provide parking spaces for at least 2 vehicles per unit off the public right of way in designated park lots.
- Commercial Uses shall provide 1 parking space for each 200 sq feet of gross floor area off the public right-of-way.
- **Light Industrial Uses shall provide 1 parking space for each 500 sq feet of gross floor area off the public right-of-way.**
- **Heavy Industrial Uses shall provide 1 parking space for each 2,000 sq feet of gross floor area off the public right-of-way.**

The Zoning Administrator is allowed to adjust these parking ratios when it is deemed necessary and place such reason on the face of the permit and/or site plan.

7.9 DESIGN STANDARDS FOR OFF-STREET PARKING

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

A(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:

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

B(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.

C(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. It shall be the duty of the property owner to keep the parking are free of damaging potholes, obstructions, and maintain the overall appearance and functionality of the parking are in good repair.

D(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 Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

E(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.

F(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.

G(7). No driveway shall be located closer than twenty-five (25) feet to any street intersection.

H(8). Any lighting in parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

I. (9) All applicable ADA (American Disabilities Act) standards shall apply.

7.10 OFF-STREET LOADING PURPOSE AND GENERAL REQUIREMENTS

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

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

- A. (1) The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. (2) The provisions for vehicular and pedestrian circulation.
- C. (3) 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 Administrator 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.

7.11 DESIGN STANDARDS FOR OFF-STREET LOADING SPACE

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

A(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.

B(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.

C(3). All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.

D(4). Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.

E(5). Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.

F(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.

G(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.

H(8). Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.

J(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 provided with screening meeting the standards described in Section 4.17 (Screening and Buffering).

7.12 MINIMUM OFF-STREET LOADING REQUIREMENTS

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

A-(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:

Gross Floor Area (Square Feet)	Minimum Number of Space Required
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
125,001 - 170,000	5
170,001 - 215,000	6

215,001 - 260,000	7
For each additional 45,000	1 – Additional

B(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:

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

SECTION 8 - SIGNS

8.1 – Off Premise Out-door Advertisements (Billboards)

The following standards shall be applied to any new or replacement off-premises outdoor advertising sign, commonly known as billboards, within the jurisdiction of Richmond County:

- A. (1) Standards for Non-Federal Primary Roads and NC Highways
 - A. (a) Location must be in the Highway Commercial Over District or other zoned Commercial or Industrial.
 - B. (b) The sign lot or easement area size shall be no less than 2,500 *square feet*. No portion of the sign shall exceed the lot or easement boundaries.
 - C. (c) The sign structure may be either a monopole design or consist of metal or wooden poles. If wooden poles are used, the poles shall be new; Class 5 salt treated utility poles.
 - D. (d) The height of the sign shall not exceed 50 feet from the sign base.
 - E. (e) All sign illumination shall be indirect.
 - F. (f) There shall be a 10-foot clearance from the bottom of the sign to the ground level at the base of the sign.
 - G. (g) The total sign area shall be limited to 300 square feet.
 - H. (h) No other off premise outdoor advertising sign will be allowed within 500 linear feet of the roadway.
 - I. (i) The sign structure shall conform to all NC State building code requirements.

- B. (2) Standards for Federal Primary Roads
 - A. (a) Location must be in the Highway Commercial Over District or otherwise zoned Commercial or Industrial.
 - B. (b) The sign lot or easement area size shall be no less than 2,500. No portion of the sign shall exceed the lot or easement boundaries.
 - C. (c) The sign structure may be either a monopole design or consist of 2-4 metal poles. If wooden poles are used, the poles shall be new; Class 5 salt treated utility poles.

- D. (d) The height of the sign shall not exceed 50 feet from the sign base.
 - E. (e) No more than (2) 10.6' x 36' sign faces shall be allowed per side for a total of four sign faces. This is 378 square feet per face. V shape design shall be allowed with a 12' interior separation.
 - F. (f) All sign illumination shall be indirect.
 - G. (g) There shall be a 10-foot clearance from the bottom of the sign to the ground level at the base of the sign.
 - H. (h) No other off premise outdoor advertising sign will be allowed within 1,000 linear feet on the same side of the roadway or 750 feet on the opposite side of the roadway.
 - I. (i) The sign structure shall conform to all NC State building code requirements.
 - J. (j) A NCDOT Billboard permit shall be obtained for the sign prior to erecting.
- G. (3) Sign maintenance. Any outdoor advertising sign not meeting the following provisions shall be repaired or removed in accordance with the specifications of this Ordinance.
- a. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
 - b. All sign panels must be kept in good repair.
 - c. All sign copy shall be maintained securely to the face and all missing copy must be replaced.
 - d. Sign not presently being rented or actively used for advertising purposes shall be faced with solid color covering. Contact information for advertising may be added to this cover.
 - e. All signs shall be designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
 - f. It shall be the *ultimate* responsibility of the *property owner on which the sign is located* to maintain the sign copy and structure and insure conformance to the provisions of this Section.

(See Ord. RZT-2007-3 (1462/51))

SECTION 9 - BOARD OF ADJUSTMENT

The Board of Adjustments is charged with hearing and deciding on Special Use Permits, Variances of Ordinance Regulations, and Appeals from orders and Interpretation of the Zoning Administrator. The Board of Adjustment process and policies are found in Chapter 20, Article II of the Richmond County Code of Ordinances.

SECTION 10 - CHANGES AND AMENDMENTS

10.1 Initiation of Amendments

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

board be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until the governing board has held a public legislative hearing.

10.2 Action by the Applicant

A. Initiation of Amendments

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

B. Application

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

C. Fees

A nonrefundable fee, according to the schedule posted in the Planning Department, shall be paid to Richmond County for each application for an amendment, to cover costs for support, administration, and implementation of programs authorized by this Chapter and all such fees shall be used for no other purposes.

D. Public Hearing Notices for Changes

1. Procedure for adopting, amending, or repealing development regulations. G.S 160D-601

Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, 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 the area. 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.

2. Notification procedure for Rezoning and Map Amendments

- A. Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses

listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

- B. **Optional Notice for Large-Scale Zoning Map Amendments.** – The first-class mail notice required under subsection (a) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only 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 according to the provisions of subsection (a) of this section.

3. Posting of Property under Proposed Rezoning G.S 160D-602

When a zoning map amendment is proposed, the local government shall prominently post a notice of the legislative hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the local government shall post sufficient notices to provide reasonable notice to interested persons.

E. Reapplication for Amendment

With the exception of requests originating with the Planning Board, Board of Adjustment, or County Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one-year period. The Board of County Commissioners may waive this provision by majority vote.

10.3 § 160D-604. Planning board review and comment.

- A. **Initial Zoning.** – In order to exercise zoning powers conferred by this Chapter for the first time, a local government shall create or designate a planning board under the provisions of

this Article or of a special act of the General Assembly. The planning board shall prepare or shall review and comment upon a proposed zoning regulation, including the full text of such regulation and maps showing proposed district boundaries. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation.

- B. Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.
- C. Review of Other Ordinances and Actions. – Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.
- D. Plan Consistency. – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- E. Separate Board Required. – Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and must be performed by a separate board. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).) § 160D-605

10.4 Action By the Governing Board

- A. Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at

the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted 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. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

- B. Additional Reasonableness Statement for Rezoning. – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.
- C. Single Statement Permissible. – The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d). G.S. 160D-605

10.5 Withdrawal of the Application

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

SECTION 11 - DEFINITIONS AND WORD INTERPRETATIONS

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

- A-(1) 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(2). The word “shall” is mandatory and not discretionary.
- €(3). The word “may” is permissive.
- Ð(4). The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- €(5). The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot”.
- €(6). The word “building” includes all structures of every kind, except fences and walls, regardless of similarity to buildings.
- €(7). The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

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

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

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

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

Dwelling, Accessory Unit. (ADU) the general term used for accessory apartments and cottages, whether attached or detached. It means a residential living unit that provides complete independent living facilities. Such a unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling it accompanies. Manufactured and modular homes are acceptable forms of housing unit to be used as an ADU. The purpose and intent of ADUs is to provide an alternative housing solution for those people in need of medical or other health care issue on a more consistence basis.

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 this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

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.

Airport. The Rockingham / Hamlet Airport.

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

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

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

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

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

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

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

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

Bed and Breakfast Home. means a business in a private home of not more than eight guest that offers bed and breakfast accommodations for a period of less than one week.

Bed and Breakfast Inn. means a business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine, but not more that twenty-three persons per night for a period of less than one week.

Bedroom. sleeping room

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

Board of Adjustment. The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Chapter. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals. If any board other than the board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board shall comply with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions. (2019-111, s. 2.4.)

Board of County Commissioners. The governing body of Richmond County.

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

Bona Fide Farm. Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. In addition, this Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance. Agricultural activities as set forth in G.S. 160D-903.

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

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

Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch

wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

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

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

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

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

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

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

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

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

Corner lot setbacks - shall be measured from the roadway rights-of-way it is adjacent to as

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

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

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

Campground. Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground. A campground may include (but not limited to) recreational Vehicle Parks, as defined in Chapter 20, Article V, Division 2, Subdivision V (Recreational Vehicle Parks), incorporated herein by reference. In the event that a campground includes such RV Parks, it is not necessary that the entire campground be an RV Park, nor is it necessary that an RV Park be the same as a campground. **(See amendment adopted 1/9/2004)**

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

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

Certificate of Occupancy. An official certification that a premise conforms to provisions of the 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.

Certificate of Zoning Compliance. An official certification that a premise, site plan, building or land conforms to provisions of this Zoning Ordinance 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 County Building permit cannot be issued by the County Building Inspection Department.

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

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

improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Comprehensive plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board pursuant to G.S. 160D-501.

Conditional zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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.

Conference or training center. A facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory uses including temporary outdoor displays, and food or beverage preparation and service for on-premise consumption.

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

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

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

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

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

County. Any one of the counties listed in G.S. 153A-10.

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

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

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

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

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

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

Decision-making board. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Chapter.

Decommissioning Plan. A document that details the planned shut down and removal of a Solar Energy Facility from operation or use.

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

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

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. Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. 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 this Chapter.

Development approval. An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior 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, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation. A 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 this Chapter, or a local act or charter that regulates land use or development.

Distribution Center. A warehouse that stores, picks, packs, and ships finished goods to customers either in the state, country, or world.

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

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

Dwelling. Any building, structure, manufactured home, or mobile 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. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

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

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

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

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

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

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

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

Electronics Manufacturing. A facility that is used to design, manufacture, test, distribute, and repair electronic parts.

Engine Production. The process of taking raw materials and making components and parts used in engine production.

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 a development regulation adopted under this Chapter.

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

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

Family Care Home. A facility that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped

persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

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

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

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

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

Food Freezer Operations: A facility designed and built for either the freezing or storage of frozen foods and the distribution of frozen foods.

Food Processing. The changing of agricultural products whether from seed to cattle and livestock into food products for consumption.

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

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

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

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

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

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

Governing board. The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inn. An establishment meeting the definition of "hotel" except that it is designed for a more leisurely paced lifestyle with no more than one (1) active recreational facility provided, such as tennis courts or a swimming pool, with no more than twenty-five (25) guestrooms, and with a maximum of ten (10)

percent of the total floor area (excluding guestrooms and hallways) in use as accessory commercial uses, such as gift shops or newsstands.

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

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

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

Landowner or owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Landfill, Demolition. A 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 are placed in the ground in layers and covered with earth or some other suitable material each workday. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

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

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 this Chapter.

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

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

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

Local act. As defined in G.S. 160A-1(2).

Local government. A city or county.

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

Lot Area. The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public road or right-of-way, then the lot boundary for purposes of computing the lot area shall be the road right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the road.

Lot, Corner. A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

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

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

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

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

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

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

Manufactured Home. See Definitions found in Chapter 20, Article VI of the Richmond County Code of Ordinances defined in G.S. 143-145(7).

Manufactured Home Park. See Definitions found in Chapter 20, Article VI of the Richmond County Code of Ordinances

Major Utility Service. Distribution or service connection facilities and appurtenances thereto for gas, electricity, water, sanitary sewer, storm water, communications, heating or air conditioning, fuel, and other similar consumable public commodities or services.

Medical Device Manufacturing. Process of producing equipment, instruments, and tools used in healthcare for the diagnosis, prevention, monitoring, treatment, or alleviation of diseases and injuries.

Mining. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter. 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. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

- Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- 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.
- Mining operations where the affected land does not exceed one (1) acre in area.
- Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
- 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.

Mining, Sand-Small Scale. Means the preparation of land for the mining and extraction of sand on property, tracts, or lots less than 20 acres. Such operations generally last less than 3 years. The operation includes mining and dredging of sand from dry land, creeks, and rivers, for purpose other than public safety, navigation, and water quality performed by or for a local, state, or federal government agency.

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

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

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

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

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

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

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

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.

Off-Premises Outdoor Advertising. Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary system or other public right of way, whether the same be permanent or portable installation.

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

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

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

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

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

Party of interest individuals, associations, and corporations who have interest of record in a dwelling and any who are in possession thereof.

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.

Photovoltaic Facility. A Solar Collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and inter-connection with the local utility power grid.

Photovoltaic Panel. A device or structure for which the primary purpose is to convert solar radiant energy to another source for direct power consumption.

Planned Unit Development (PUD). A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. **Planning and development regulation jurisdiction.** The geographic area defined in Part 2 of this Chapter within which a city or county may undertake planning and apply the development regulations authorized by this Chapter.

Planning Board. As created by Ordinance – Chapter 20, Article II of the Richmond County Code of Ordinances established pursuant to G.S. 160D-301.

Planning and Zoning Administrator (Zoning Administrator). The official person charged with the administration of the Zoning Ordinance. This person is appointed by the County governing board and may include other Zoning Enforcement Officers. Both the positions of the Administrator and the Enforcement Officer are sworn positions.

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

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

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

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. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

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

Research and Development Facilities. A facility used for scientific research for the development of new and innovative products for use by the public or specific markets.

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.

Roof Mounted System. Solar power system consisting of solar panel(s) held in place by rack(s) or frame(s) attached to roof based mounting supports, which include pole mounts (which are attached directly to the roof structure and may use additional rails for attaching the panel racking or frames) and/or ballasted footing mounts (such as concrete or steel bases that use weight to secure the panel system in position and do not require through penetration, allowing for decommissioning or relocation of solar panel systems with no adverse effect on the roof structure.)

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

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

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

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

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.

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.

Sleeping Room (Unit) a room designated as sleeping or bedroom on the plans and permit application.

Solar Energy Facility (SEF). A solar energy facility (public utilities scale solar application)-a solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is primarily sold to energy companies rather than end users. Private solar facilities for individual residential use does not apply to this ordinance. Also known as "Ground Mounted Solar Farm."

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. The term includes permits previously referred to as conditional use permits or special exceptions.

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

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

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.

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

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.

Subdivision. See Definitions found in Chapter 20, Article V of the Richmond County Code of Ordinances

Subdivision regulation. A subdivision regulation authorized by Article 8 of this Chapter.

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

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

Technology college, university, or technical school. An institution authorized by the State to award associate, baccalaureate, or higher degrees, and facilities associate with it.

Technology and research and development facility. An establishment (such as a laboratory) for general research, scientific research, development and/or training. Activities include the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation, or production of products, new technologies, techniques, or processes. Research and development functions include the repair, storage, sale, and resale of materials, goods, and products relating to the research and development use. This may include the assembly, integration, and testing of products in a completely enclosed building incidental to the principal use of scientific research, development, and training. Does not include data centers.

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

Temporary Event. A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping.

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

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

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

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

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

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

Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space.

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

Warehousing. Process of storing goods until they are ready for transport to retailers, distributors, or customers.

Wetlands. Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time.

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

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

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

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

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

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

Zoning. A police power measure, enacted primarily by general-purpose units of local government, in which the community is divided into districts or zones within which permitted and special 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.

Zoning map amendment or rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term 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 regulation. A zoning regulation authorized by Article 7 of this Chapter. (2019-111, s. 2.4.)

(See Ord. of 1-9-2004); (Ord. 5-3-2004); (Ord. 1-9-2006); (Ord. 3-9-2015); (Ord. 6-16-2016); (Ord. 12-8-2016); (Ord of 9-5-2017 Bk 1762 PG 1(14)); (Ord 5-4-2021 Re-adoption); (Ord. 6-7-2022)