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**ZONING ORDINANCE**

**Town of Robersonville, North Carolina**

Updated June 2023 for compliance with G.S. §160D & Senate Bill 300

With technical assistance provided by:

**Mid-East Commission**

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***GENERAL REGULATIONS***

**§ 153.001 PREAMBLE.**

This chapter establishes the Zoning Regulations of the Town of Robersonville for the purpose of promoting health, safety, and morals for the general welfare of the community. The town is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. These regulations may provide that a Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the Board of Adjustment or the Town Council may issue special use permits or Special use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits.

(Ord., § 1.01, passed - -93)

**§ 153.002 AUTHORITY**.

The Town Council of the Town of Robersonville enacts this chapter pursuant to the authority granted by the General Statutes of North Carolina (G.S. §160D-200; 202; 903;108(b).

(Ord., § 1.02, passed - -93)

**§ 153.003 JURISDICTION.**

For the purpose of this chapter, the zoning jurisdiction of the town shall include the land within the corporate limits of the town and one mile distant from the corporate limits which is known as the extraterritorial jurisdiction. (Ord., § 1.03, passed - -93)

If there shall be an extension of the extraterritorial jurisdiction, The Town of Robersonville shall provide a mailed notice 30 days prior to the hearing and will hold one hearing regarding the extension and initial zoning extension if the Board so chooses as consistent with G.S. §160D-202(d).

**§ 153.004 SHORT TITLE.**

This chapter shall be known as the "Zoning and Use Regulations of the Town of Robersonville, North Carolina," and may be referred to as the "Zoning Ordinance" and the map referred to is identified by the title "Official Zoning Map, Robersonville, North Carolina" and may be known as the "Zoning Map." (Ord., § 1.04, passed - -93)

**§ 153.005 INCORPORATION OF ZONING MAP.**

The "Official Zoning Map, Robersonville, North Carolina," and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this chapter. This official zoning map includes the extraterritorial jurisdiction. The prior zoning maps as well as any state or federal agency maps incorporated by reference into the zoning map shall also be available for public inspection at The Town of Robersonville town hall. The before mentioned maps can be maintained in paper or digital format.

**§ 153.006 INCORPORATION OF COMPREHENSIVE/ LAND USE PLAN**

## Plans shall be adopted by the Town Board with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. §160D-601. Plans adopted under G.S. §160D shall be advisory in nature without independent regulatory effect. Plans adopted under G.S. §160D do not expand, diminish, or alter the scope of authority for development regulations.

## If a plan is deemed amended by G.S. §160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

## The comprehensive plan or land-use plan shall be reasonably maintained by The Town of Robersonville.

 (Ord., § 1.05, passed - -93)

**§ 153.007 BONA FIDE FARMS EXEMPT.**

This chapter shall in no way regulate, restrict or prohibit a bona fide farm or its related uses within Robersonville's jurisdiction. However, any use of such property for non-farm purposes shall be subject to these regulations. (Ord., § 1.06, passed - -93)

**§ 153.008 PROCEDURES FOR AMENDMENTS.**

A petition for amendment to this chapter and to the Zoning Map may be initiated by the town, the Board of Adjustment, the owner of any property within the zoning jurisdiction of the town or any interested citizen who can show just cause for an amendment. Applications submitted by individual property owners or interested citizens shall comply with the following procedural requirements:

(A) Application submission.

(1) *Filing fee.* An application for an amendment to the Zoning Ordinance shall be filed with the Town Manager at least 15 days prior to the date on which it is to be introduced to the Planning Board. The Town Manager shall be responsible for presenting the application to the Planning Board. Each petition for an amendment shall be accompanied by a fee of $250 to help defray the cost of advertising the public hearing as required by G.S. §160D-601; 1405. If a public hearing is not held said fee shall be refunded to the petitioner.

 (2) *Form of application.* Each application involving a change to the Official Zoning Map shall be signed, be in duplicate, and shall contain at least the following information:

(a) The applicant's name in full, the applicant's address and the address or description of the property to be zoned;

(b) The applicant's interest in the property and the type of rezoning requested;

(c) If the proposed change would require a change in the Zoning Map, an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions including North arrow;

2. Adjoining streets with right-of-way and paving widths;

3. The location of all structures and the use of all land;

4. Zoning classifications of all abutting property;

5. The names of all adjoining property owners.

(d) A statement regarding the changing conditions, if any, in the area or in the town, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

(B) *Planning Board consideration*. The Planning Board shall consider any plan adopted according to G.S. §160D-604(d).

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 or any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate, 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.

The Planning Board shall have 62 days from the time the proposed amendment was first considered by the Planning Board to submit its recommendation to the Town Council. If the Planning Board fails to submit a report within the above period, it shall be deemed to have recommended approval of the proposed amendment.

(C) *Town Council consideration*. Before adopting, amending, or repealing any ordinance or development regulation (which must be adopted by ordinance) authorized under G.S. §160D, the Town Council shall hold a legislative hearing. Notice of the public 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 for the first time not less than ten days nor more than 25 days before the fixed date for the hearing (Ord., § 7.01, passed - -93). The Town Council shall review and consider any relevant adopted plans when a zoning amendment is proposed. When adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan or land use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Council that at the time of action on the amendment the Town Council was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan or land use plan.

(D) Notice by first class mail will be given to the owner listed on the county tax record of the parcel of land under consideration for change and also to the owners listed on the county tax records of all parcels of land abutting that parcel of land and separated from the subject property by street, railroad, or other transportation corridor.

 No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by The Town of Robersonville or the landowner.

(E) 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.

(F) A statement of reasonableness must be adopted for zoning map amendments.

Statutory reference:

Adopting and amending ordinances, see G.S. §160D-910; 903; 905; 704; 915

**153.009 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**(A) Interpretation of commonly used terms and words.**

(1) Words used in the present tense include the future tense and the future tense includes the present tense.

(2) Words used in the singular number include the plural and words used in the plural number include the singular.

(3) The word "lot" includes the word "plot," "tract," or "parcel."

(4) The word "structure" shall include buildings.

(5) The words "shall" and "will" are always mandatory and not directory.

(6) "Used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used, or occupied."

(7) The words "Planning Board" shall mean the Robersonville Planning Board.

(8) The words "Town Council" shall mean the Robersonville Town Council. (Ord., § 2.01, passed - -93)

**(B) Definitions of specific words and terms.**

**ACCESSORY USE**. A use incidental to and customarily associated with the use by right, as defined herein, and located on the same lot with the use by right, and operated and maintained under the same ownership with the operation of the use by right.

**ACCESSORY BUILDING.** A subordinate building, the use of which is customarily incidental to that of a principal building on the same lot. This use does not allow for renting or operating for gain of any such building.

**ADULT ESTABLISHMENT.** Any structure or use of land which meets the definition of adult establishment as outlined in G.S. §14-202.10. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, massage businesses, and retail establishments selling sexually oriented devices.

**ALLEY.** A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

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

**APARTMENT.** A room or suite of one or more rooms, each of which has kitchen and bathroom facilities and is designed or intended to be used as an independent unit on a rental basis.

**ASSEMBLY.** A joining together of completely fabricated parts to create a finished product.

**AUTOMOBILE REPAIR STATION.** A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

**AUTOMOBILE SERVICE CENTER.** An establishment where the retail sale of accessories and services for automobiles is provided as a primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the space for facilities for major storage, repair, bumping, painting and refinishing.

**AUTOMOBILE SERVICE STATION.** A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are related directly to the public on the premises; including sale of minor accessories and services for automobiles, which are limited to lubrication, changing and repair of tires and tubes, engine tune-up, hand washing and polishing and replacement of light bulbs, windshield wiper blades and other small parts, and does not include steam cleaning, body repair, or chassis or engine repairs except as listed above.

**BARS AND NIGHTCLUBS.** A facility that prepares and sells food and drink that has alcoholic beverage sales in excess of 70% of the business’s total annual sales.

**BED AND BREAKFAST.** See Tourist Home.

**BOARDING HOUSE OR ROOMING HOUSE.** A rooming house or structure which contains four (4) or more rooms, each of which has no kitchen facilities and is designed or intended to be used for residential occupancy on a rental basis.

**BONA FIDE FARM.** Any tract of land larger than ten (10) acres that is being utilized for agricultural purposes and is able to provide one of the following as evidence: a farm sales tax exemption, enrollment in the present use value property tax program for agricultural lands, a Schedule F for the most recent federal income return, or a forest management plan (G.S. §160D-107; 109; 406; 702; 704; 705; 903; 908). Bona fide farms do not include intensive livestock operations.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, SETBACK LINE.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the right-of-way of any street when measured perpendicularly thereto.

**BUFFER STRIP/BUFFER ZONE:** A device of material, evergreen plantings, and/or other plantings (vegetative matter), spaced to provide sight and sound screening from adjoining properties. The required height and width of the buffer strip and the materials and/or other plantings (vegetative matter) used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, it shall meet the requirements of the Zoning Enforcement Officer.

**BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip or gambrel roofs.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is located.

**COMMUNICATION TOWER.** A tower, pole, or similar structure of any size which supports wireless telecommunication equipment, transmission, or reception, and is utilized by commercial, governmental, or other public or quasi-public users.

**CERTIFICATE OF OCCUPANCY.** A statement, signed by the Building Inspector, setting forth that the building, structure, or use of land has passed all inspections, and complies with the North Carolina State Building Code and may be used for the purpose stated therein.

**CHURCH, CLUB, OR PRIVATE LODGE.** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a nonprofit basis for the primary benefit of its members.

**COMMERCIAL AMUSEMENTS.** Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor or outdoor setting. Commercial amusements include game rooms, billiard halls, bingo parlors, bowling alleys, miniature golf facilities, skating rinks, golf courses, batting cages, water parks, and other similar uses which do not require an adult’s only area. Commercial amusements shall not include “BARS AND NIGHTCLUBS” or “ELECTRONIC GAMING OPERATIONS” as defined in this section.

**CONTRACTOR, GENERAL.** One who is engaged in all or most aspects of building construction and/or land development through a legal agreement.

**CONTRACTOR, TRADES.** One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade such as plumbing, heating, wiring, sheet metal work, roofing work, etc.

**DAY-CARE CENTER.** A facility for the care and/or education of preschool age children.

**DEVELOPER.** Any person, firm, trust, partnership, association, or corporation engaged in land, site, or building development, including but not limited to development of a mobile home or travel trailer park.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in motor vehicles rather than within a building or structure.

**DRIVE-IN RESTAURANT**. Any restaurant designated to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises or to be consumed by patrons elsewhere on the site outside the main building.

**DUPLEX.** A two-family or semi-detached house.

**DWELLING.** A building that contains one or two *dwelling units* used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**DWELLING, SINGLE-FAMILY.** A building used or designed as a residence for a single family.

**DWELLING, TWO-FAMILY.** A residential building arranged or designed for two families living independently of each other.

**DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** Right in property acquired by either acquisition, purchase, or donation, and set aside for a specific purpose and often for a specific length of time.

**ELECTRONIC GAMING OPERATIONS.** Will add definition after viewing adopted Sweepstake Ordinance.

**ENFORCEMENT OFFICER.** The Zoning Enforcement Officer or the Building Inspector for the town as designated by the town or the designated representative of either. In addition to the Building Inspector, the Director of Health or his designated representative also shall be considered an ENFORCEMENT OFFICER for the purpose of enforcing all public health provisions of this ordinance and other applicable health codes adopted by the Martin County Board of Health.

**ERECT.** To build, construct, rebuild, reconstruct as the same are commonly defined.

**EXTRATERRITORIAL JURISDICTION.** The area beyond the corporate limits within which the planning and zoning regulations of the town apply in accordance with state law. Robersonville’s Extraterritorial Jurisdiction extends one mile outside the corporate limits and is delineated on the official zoning map for the Town of Robersonville.

**FABRICATION.** Manufacturing, excluding the refining or the 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.** Any number of people related by blood, adoption or marriage living together in a single housekeeping unit.

**FAMILY CARE HOME.** A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident persons with disabilities, pursuant to G.S. §168-21. Family care homes must be separated from existing family care homes in a residential district by a distance of one-quarter mile (1320’) radius.

**FLOOR AREA.** The sum of the total area of a building measured from the exterior of walls or from the centerline of walls separating buildings. Included are basements at least 60% above ground, attic space eight feet or more in height, balconies and accessory buildings except those used for off-street parking. Excluded are cellar spaces more than 40% below ground, attics less than eight feet in height, spaces used for mechanical equipment, and any exterior stairs.

**FRONTAGE.** All property abutting one side of a street measured along the street line.

**GARAGE, PRIVATE.** A building or space used as an accessory to or a part of the main building permitted in any residential district that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**GROUP HOME.** A group home as used throughout this ordinance means a “family care home” with support and supervisory personnel that provides room and board, personal care and habilitation service in a family environment for a maximum of six (6) resident persons with disabilities. In addition, a group home shall also mean a residential use licensed by the state, designed to provide various services, living assistance, or supervision to persons with disabilities suffering from a variety of long term or acute disabilities. Group homes must be separated from existing group homes in a residential district by a distance of one-quarter mile (1,320’) radius.

**HANDICAPPED PERSON.** Same definition as Person with Disabilities.

**HOME OCCUPATION.** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and no more than two persons not a resident on the premises is employed specifically in connection with the HOME OCCUPATION. Retail sales shall not make up more than ten (10) percent of the earnings of any home occupation, with the exception of bona fide farms as defined in this section. Businesses which operate exclusively through the internet and have no employees other than those residing in the home shall not be required to obtain a permit for a HOME OCCUPATION.

**HOTEL.** Same definition as Motel.

**IMPROVEMENT.** The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or moss planting (except to prevent soil erosion) to a lot or parcel of property.

**INTENSIVE LIVESTOCK OPERATIONS.** The keeping or raising of livestock in such numbers as requires waste disposal systems approved by the Division of Environmental Management.

**JUNKYARD.** Any land or area used, in whole or in part, for indoor/outdoor storage, keeping, abandonment, sale or resale of junk including but not limited to scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition or abandonment of automobiles and boats or other vehicles or machinery or parts thereof.

**KNOX BOX.**  A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and police to retrieve in emergency situations.

**LOT.** A parcel of land occupied or intended to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

**LOT, CORNER.** A lot fronting on two or more streets at their intersection.

**LOT COVERAGE.** That part or percent of the lot occupied by buildings including accessory buildings.

**LOT DEPTH.** The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT LINE.** Any boundary of a parcel of land.

**LOT LINE, FRONT.** Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the Board of Adjustment.

**LOT LINE, REAR.** The lot line opposite the front lot line.

**LOT LINE, SIDE.** Any lot line which is not a front or rear lot line.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a recorded plat on file in the office of the Register of Deeds of Martin County, or a lot described by the metes and bounds, the description of which has been recorded.

**LOT WIDTH.** The distance between the side lot lines as measured at the building line.

**LOT, REVERSED CORNER.** A corner lot which does not front on the same street with the interior lots on the same block, as distinguished from the same end of the block.

**MANUFACTURED HOME.** Same definition as Mobile Home.

**MOBILE HOME.** A dwelling unit that:

1. Is constructed in accordance with the standards set forth by the United States Department of Housing and Urban Development and
2. Is not constructed in accordance with the standards set forth in the North Carolina State Building Code for site-built homes and
3. Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and
4. Exceeds forty (40) feet in length and eight (8) feet in width.

**MOBILE HOME CLASS A.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The minimum width of the main body of the mobile home as assembled on the site shall be at least twenty-two (22) feet. The length shall be at least one and three-fourths (1 ¾ ) the width, but not more than four (4) times the width;
2. The pitch of the mobile home’s roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a Class A shingles, or better, roofing material that is commonly used in standard residential construction. Corrugated aluminum, corrugated fiberglass, or metal roofs shall not be permitted.
3. All roof structures shall provide an eaves projection of no less than 6 inches.
4. The exterior siding shall consist of one or more of the following, which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction:

(1) Vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint;

(2) Cedar or other wood siding;

(3) Wood grain, weather-resistant press board siding;

(4) Stucco siding;

(5) Brick or stone siding.

1. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home;
2. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the mobile home shall be installed and constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of stand-alone wood stairs at any entrance to a mobile home.
3. The towing apparatus, wheels and axles, and transporting lights have been removed;
4. The home must be set-up on poured concrete footers supporting installation piers;
5. The longest axis of the mobile home shall be oriented parallel or within a 10' deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.
6. The manufactured home shall be permanently connected to local utilities.
7. It is the intent of these criteria to ensure that a Class A mobile home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

**MOBILE HOME CLASS B.** A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and does not satisfy all of the additional criteria necessary to qualify the home as a Class A mobile home, but satisfies each of the following criteria:

1. A continuous underpinning of durable all-weather, rot-resistant material, unpierced except for ventilation and access, is installed under the home;
2. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the mobile home shall be installed and constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of stand-alone wood stairs at any entrance to a mobile home.
3. The towing apparatus, wheels and axles, and transporting lights have been removed.
4. The longest axis of the mobile home shall be oriented parallel or within a 10' deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

**MOBILE HOME CLASS C.** Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

**MOBILE HOME PARK**. Any site or tract of land upon which are located at least two or more mobile homes or mobile home spaces to be occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service. Mobile home parks shall not be allowed at a density greater than five dwelling units or mobile homes per acre except within an MHP-4 zone, as defined herein. MOBILE HOME PARK shall exclude travel trailers as defined below.

**MOBILE HOME SPACE.** A plot of land designed to accommodate a single-unit mobile home in accordance with the requirements of the zoning ordinance, with the minimum size of said plot of land not to be less than 4,000 square feet within an MHP-4 zone, and not less than 6,000 square feet within an MHP-6 zone, both zones being defined herein.

**MOBILE HOME or TRAVEL TRAILER PARK CONSTRUCTION PERMIT.** A permit issued by the Enforcement Officer to a developer for construction of a mobile home or travel trailer park.

**MODULAR HOME or SECTIONAL STRUCTURES**. A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Modular homes or sectional structures are distinguished from mobile homes and manufactured homes by not being permanently built on a chassis and by requiring a foundation for support. MODULAR HOMES or SECTIONAL STRUCTURES as defined herein do not fall within the provisions of this zoning ordinance concerning manufactured homes, but instead, are considered dwellings or structures and shall meet appropriate zoning, subdivision, and/or building code requirements.

**MOTEL.** A series of attached, semi-attached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

**NATURAL or ARTIFICIAL BARRIER**. Any river, pond, canal, roadway, levee, embankment, fence, hedge, tree row, or similar obstruction which limits access and/or visibility.

**NEIGHBORHOOD COMMERCIAL ACTIVITY.** A small retail outlet which provides food or personal or convenience items and household goods. The normal trade of such an activity is associated with and caters to local residents within the general area of the activity. The total floor area of a NEIGHBORHOOD COMMERCIAL ACTIVITY shall not exceed 2000 square feet.

**NON-CONFORMING LOT.** A lot existing at the effective date of this Ordinance that does not meet the minimum area requirements of the district on which the lot is located.

**NON-CONFORMING SITUTAION.** A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

**NON-CONFORMING USE.** The use of a building or land which does not conform to the use regulations of the zoning ordinance for the district in which it is located either at the effective date of the zoning ordinance or as a result of subsequent amendments which may be incorporated into the code.

**NURSING HOME.** A convalescent facility having over five beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

**PARK.** An open area, usually landscaped or left in its natural state, intended for outdoor recreation and the general enjoyment of nature.

**PARKING LOT.** An area or plot of land area used for the parking of vehicles.

**PARKING SPACE.** The storage space for one (1) vehicle which is at least nineteen (19) feet in length and nine (9) feet in width, plus the necessary access space.

**PERMITTED STRUCTURAL USE.** A structure/use meeting all the requirements of the zoning ordinance for the zoning district in which it is located which has been issued a Zoning Certificate.

**PERSON WITH DISABILITIES.** A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others.

**PRINICIPAL USE.** The principal use for which a lot or the main structure thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

**PROCESSING.** Any operation changing the nature of material or the material's chemical composition or physical properties. This does not include operations described as fabrication.

**RESIDENTIAL AREA.** Residential uses, or a Residential Area denotes an area or use of land which is focused on the needs of housing and living space opposed to other business or more industrial related uses.

**RETAIL.** Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

**SETBACK LINE.** The line on the front, rear and sides of a lot which delineates the area upon which a structure may be built and maintained, according to the zoning district regulations.

**SHOPPING CENTER.** A shopping center is defined as a group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property; however, this shall not apply to a group of commercial establishments developed on a tract containing less than three acres.

**SIGHT TRIANGLE OR SIGHT ANGLE.** The area of unobstructed visibility required for safe egress of driveways and street intersections. Plants, walls or other visual barriers may not exceed thirty-six (36) inches in height above street level in this triangle. The area shall be derived by locating point “A” at the intersection of roadways (roadway shall include driveways in this definition). “A” shall be the point at the back of the roadway curbing; if no curbing, then the pavement edge of the roadway intersects. Then locating point “B” by measuring fifty (50) feet along the intersection street edge of the through street and point “C” by measuring fifteen (15) feet outward from the through street along the intersecting street edge. The sight triangle shall be completed by connecting lines between these three (3) points. The area inside the triangle is defined as the area of unobstructed visibility.

**SIGN.** Any surface, fabric or device bearing lettered, pictorial, or sculpted matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panels, designed to carry visual information.

**SIGN AREA.** SIGN AREA shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one side of a double-face sign structure shall be considered.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

**SPECIAL USE.** A use that would not be generally appropriate without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the residents of the town. Such uses may be permitted in such a zoning district as SPECIAL USES if specific provision for such is made in this Zoning Ordinance.

**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 judgement and discretion to be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

**STREET.** A public thoroughfare which affords the principal means of access to abutting property and has been accepted for maintenance as a street by the town or the State Highway Commission.

**STREET WITHIN A MOBILE HOME PARK.** Any roadway or drive within the boundaries of the mobile home park that provides access to vehicles and pedestrians.

**STRUCTURAL ADDITION.** Projects that increase, expand, or extend a structure’s gross floor area or height are considered structural additions and must comply with the requirements of the standards applicable to new construction. This includes any roofed, canopied, enclosed porch and/or room or structure, and any attached deck or porch, including but not limited to those used in connection with a mobile home. A concrete slab or stone patio at ground level with no roof shall not be considered a structural addition.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**SUBDIVISION.** The division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and the division of land involving the dedication of a new street or change in an existing street, provided, however, that the following shall not be included within this definition:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;

(2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way is involved.

**TOURIST HOME.** A dwelling wherein rooms are rented as a "home occupation" to provide overnight accommodations for transient guests.

**TRAVEL TRAILER.** A wheeled, vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and/or recreational purposes, including but not limited to structures mounted on auto or truck bodies that are commonly referred to as campers.

**TRAVEL TRAILER PARK.** Any site or tract of land upon which are located at least two travel trailers or travel trailer spaces or land area required, regardless of whether or not a charge is made for such service.

**TRAVEL TRAILER SPACE.** A plot of land within a travel trailer park designed for the accommodation of one travel trailer.

**TRAILER, HOUSE:** Same definition as Mobile Home.

**TRAILER PARK:** Same definition as Mobile Home Park.

**USE, ACCESSORY.** Same definition as Accessory Use.

**USE BY RIGHT.** A use which is listed as permitted by right in the zoning ordinance.

**VARIANCE**. A relaxation of the dimensional requirements 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 actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. As used in this ordinance, a VARIANCE is authorized only for height, and for size of structure or size of yards, open spaces, and off-street parking areas; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. Variances are granted by the Board of Adjustments in accordance with the rules and regulations set forth in this ordinance.

**WAREHOUSE.** A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods and for wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

**WHOLESALE.** Sale of a commodity for resale to the public for direct consumption.

**YARD.** An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**YARD, FRONT.** A yard extending across the full width of a lot and adjoining the street upon which the lot fronts.

**YARD, REAR.** A yard extending across the full width of the lot between the rear line of the principal building and the rear lot line.

**YARD, SIDE.** A yard adjacent to a side lot line extending from the front yard to the rear yard.

**ZONING ADMINISTRATOR.** Same definition as Enforcement Officer.

**ZONING CERTIFICATE.** A certificate issued by the Zoning Enforcement Officer when a proposal to use or occupy a lot or structure, or to erect, install, or alter a structure, building, sign or lot, fully meets the requirements of the zoning ordinance. This certificate is issued before any work is initiated on the proposed use.

**ZONING DISTRICT.** A section of the Town of Robersonville or its Extraterritorial Jurisdiction within which the zoning regulations are uniform.

(Ord., § 2.02, passed - -93; Am. Ord., passed 12-13-05)

**ESTABLISHMENT OF DISTRICTS**

**§ 153.020 USE DISTRICTS.**

For the purpose of the zoning ordinance, the zoning jurisdiction of the town is hereby divided into districts designated as follows:

(1) RA-20 Residential Agricultural District

(2) R-15 Residential District

(3) R-15MH Residential Mobile Home District

(4) R-75 Residential District

(5) R-6 Residential District

(6) MHP-6 Mobile Home Park

(7) MHP-4 Mobile Home Park

(8) MR Multi-Family Residential District

(9) CBD Central Business District

(10) HC Highway Commercial District

(11) SC Shopping Center District

(12) O & I Office and Institutional District

(13) HM Heavy Manufacturing District

(14) LM Light Manufacturing District

(15) SP Public and Semi-Public District (Ord., § 3.01, passed - -93)

**§ 153.021 DISTRICT BOUNDARIES.**

The boundaries of these districts are hereby established as shown on the Zoning Map which is made a part of this chapter in § 153,005.

(Ord., § 3.02, passed - -93)

**§ 153.022 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of the Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(B) Boundaries indicated as approximately following city-limit lines shall be construed to follow such city-limit lines.

(C) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(D) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(E) Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(F) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding subsection, the Board of Adjustment shall interpret the district boundaries.

(G) Where a district boundary line divides a lot which was in a single ownership at the time of the passage of the zoning ordinance the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord., § 3.03, passed - -93)

**APPLICATION OF DISTRICT REGULATIONS**

**§ 153.035 GENERAL APPLICABILITY OF DISTRICT REGULATIONS.**

Except as hereinafter provided:

(A) No building, structure or land shall hereafter be used or occupied, and no building or structures or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all the regulations specified herein for the district in which it is located.

(B) No building or other structure shall hereafter be erected or altered: (1) to exceed the height, (2) to have narrower or smaller front yards, side yards, read yards or other open spaces, or (3) to occupy a greater percentage of lot area than that permitted herein or in any other manner contrary to the zoning ordinance.

(C) No part of a yard or other open space required about or in connection with any building for the purpose of complying with the zoning ordinance shall be included as a part of a yard or other open space similarly required for any other building or use.

(D) No yard or lot existing at the time of passage of the enacting ordinance for the zoning ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the zoning ordinance shall meet at least the minimum requirements established by the ordinance.

(Ord., § 4.01, passed - -93)

**§ 153.036 EXCEPTIONS FOR NON-CONFORMING USES AND STRUCTURES.**

(A) Non-conforming uses. Non-conforming uses may be continued subject to the following provisions:

(1) A non-conforming use of any building or land shall not be enlarged or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the enacting ordinance.

(2) A non-conforming use shall not be changed to any but a conforming use. When a non-conforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.

(3) No such non-conforming use shall be moved in whole or part to any other portion of the lot or area partially occupied by such use at the effective date of adoption or amendment of the enacting ordinance.

(4) No non-conforming use may be changed to another non-conforming use.

(5) Non-conforming uses shall not be re-established after discontinuance for a period of 180 days, except in conformance with this code.

(B) Non-Conforming buildings and structures. Non-conforming buildings and structures shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or structure shall not be enlarged or extended unless such extension shall comply with all the requirements of the zoning ordinance for the district in which it is located.

(2) A non-conforming building or structure which is damaged to an extent exceeding 65 % of its then reproduction value shall not be reconstructed except in conformity with the provisions of the zoning ordinance.

(Ord., § 4.02, passed - -93)

**§ 153.037 EXCEPTION FOR PREEXISTING RESIDENTIAL LOTS OF RECORD.**

In any district in which residences are permitted, where a lot has an area or width less than the required area or width and was a lot of record on or before the effective date of this ordinance, such lot may be occupied by a single-family or two family dwelling, provided, that the lot width and lot area are not more than 20 feet below the minimum specified in this chapter or other dimensional requirements cannot be met. The Board of Adjustment shall consider a Variance for such dimensions as shall conform as closely as possible to the required dimensions, in accordance with the procedures outlined in §153.324

**§ 153.038 EXCEPTION FOR ADJOINING AND VACANT LOTS OF RECORD.**

If two or more adjoining and vacant lots of record are in a single ownership at any time after the effective date of the zoning ordinance, and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, the lots must be combined into one lot in order to be developed, unless the setback requirements of the district in which such lots are located can be met without said combination.

(Ord., § 4.07, passed - -93) (Ord., § 4.06, passed - -93)

**LOT, YARD, AND STRUCTURE REQUIREMENTS**

**§ 153.050 ONLY ONE PRINCIPAL BUILDING PER LOT; LOT MUST BE ON STREET.**

(A)Every building hereafter erected or structurally altered shall be located on a lot, and, with the exception of mobile home parks, there shall not be more than one principal building and its customary accessory building on a lot.

(B) Every lot shall abut upon a public street or right-of-way. No dwelling shall be erected on a lot which does not abut on at least one public street for a distance of at least 37 feet.

(Ord., § 4.03, passed - -93)

**§ 153.051 OBSTRUCTION OF VISION.**

Within the area from the street pavement edge to a line set back 15 feet and parallel with the street right-of-way fine, no obstruction of vision by structures, signs, fences, walls, parking of automobiles or vegetation exceeding four feet in height is allowed. This section does not apply to utility poles, mailboxes, and essential highway signs installed by the town and the North Carolina Department of Transportation.

(Ord., § 4.04, passed - -93; Am. Ord., passed 5-13-03)

**§ 153.052 FENCES AND HEDGES.**

(A) Fences, consisting of either masonry, rock, wire or wooden material, chain link and hedges may be installed on the boundaries of any residential lot, provided that the height of such fencing or screening shall be limited to a maximum height of four feet in front yards and shall be five feet off the edge of the pavement between the street right-of-way and the normal building line for that section adjacent to the street. Fencing and hedging in the side and rear yards of residential properties shall be limited to a maximum of eight feet in height. No fence with barbed wire or other hazardous materials shall be allowed in any residential zone. No fence shall be constructed until a Zoning Certificate has been issued by the Zoning Enforcement Officer.

(B) Above ground electric fencing shall not be allowed inside the town limits of the Town of Robersonville.

(C) Barbed wire is allowed on fencing within Highway Commercial, Central Business, Shopping Centers, Office and Institutional, Exclusive Manufacturing, Manufacturing and Public and Semi-Public Districts with fences for above-mentioned districts not to exceed eight feet in height and nor more than three strands of barbed wire.

(Ord., § 4.05, passed - -93; Am. Ord., passed 5-13-03)

**§ 153.053 SIDE YARD REQUIREMENTS FOR CORNER LOTS.**

In any residential district, the side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.

(Ord., § 4.08, passed - -93)

**§ 153.054 STRUCTURE HEIGHT.**

A) Nothing in the zoning ordinance shall be construed as prohibiting the construction or maintenance of any structure to a height up to 35 feet above the surface of the land.

(B) The height limitations contained in the Table of Area, Yard and Height Regulations do not apply to spires, belfries, antennas, water tanks, fire towers, chimney, or roof structures for houses or elevators, stairways, air conditioning apparatus or cell towers.

(Ord., § 4.09, passed - -93; Am. Ord., passed 4-10-07)

**§ 153.055 DRIVEWAY ENTRANCES.**

No portion of any entrance driveway leading from a public street shall be closer than 20 feet to the corner of any intersection measured from the right-of-way line.

(Ord., § 4.10, passed - -93)

**§ 153.056 TABLE OF AREA, YARD, AND HEIGHT REGULATIONS.**

|  |
| --- |
| *Area, Yard, and Height Regulations* |
| District | Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height | Maximum Lot Coverage | Minimum Accessory Building Setback (Side & Rear Yard Only) |
| RA-20 | 20,000 sq. ft.  | 100 ft. | 35 ft. | 15 ft. | 35 ft. | 35 ft. | 40% | 5 ft. |
| R-15 | 15,000 sq. ft. | 100 ft. | 35 ft. | 12 ft. | 35 ft. | 35 ft. | 40% | 5 ft. |
| R-15MH | 15,000 sq. ft. | 130 ft. | 35 ft. | 15 ft. | 30 ft. | 35 ft. | 40% | 5 ft. |
| R-75 | 7,500 sq. ft. | 75 ft. | 25 ft. | 8 ft. | 25 ft. | 35 ft. | 40% | 5 ft. |
| R-6 | 6,000 sq. ft. | 60 ft. | 25 ft. | 8 ft. | 25 ft. | 35 ft. | 40% | 5 ft. |
| MHP-6 | 6,000 sq. ft. | 60 ft. | See §§ 153.180 et. Seq.See §§ 153.180 et. Seq. |
| MR | 6,000 sq. ft. | 60 ft. | 25 ft. | 8 ft.  | 25 ft. | 35 ft. | 40% | 5 ft. |
| CBD |  |  |  |  |  | 40 ft. |  |  |
| HC | 9,000 sq. ft. | 60 ft. | 25 ft. | 15 ft. | 20 ft. | 35 ft. | 40% | 15 ft. |
| SC | 3 acres | 50 ft. | 80 ft. | 50 ft. | 50 ft. | 35 ft. | 45% |  |
| O & I |  |  | 30 ft. |  |  | 35 ft. |  | 15 ft. |
| EM | 20,000 sq. ft. | 100 ft. | 50 ft. | 15 ft. | 25 ft. | 35 ft. | 50% | 15 ft. |
| M | 20,000 sq. ft. | 100 ft. | 50 ft. | 15 ft. | 25 ft. | 35 ft. | 40% | 15 ft. |
| SP | 9,000 sq. ft. | 60 ft. | 25 ft. | 15 ft. | 20 ft. | 35 ft. | 40% | 15 ft. |
| 1 Maximum depth from public right-of-way 200 feet “Highway Commercial District maximum depth of 400 feetNote: Where a business district abuts a residential area an additional side or rear of 15 feet is required |

('93 Ord., § 3.18, passed - -93; Am. Ord. passed 3-10-98)

There shall be no minimum square footage requirements established for structures subject to the One-and-Two Family Residential Building Code.

**PARKING AND LOADING REQUIREMENTS**

**§ 153.069 REQUIRED PLANS.**

Each application for a Zoning Certificate or Certificate of Occupancy submitted to the Zoning Administrator shall include information as to the location and dimensions of off-street parking and loading spaces 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 or not the requirements of this Section are met.

**§ 153.070 OFF-STREET PARKING AND LOADING REQUIRED.**

There shall be provided, at the erection of any building or when ~~of~~ any building, structure, or premises is to be increased or enlarged through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified in the zoning ordinance for the computation of required parking, or before conversion from one zoning use or occupancy to another, permanent off street parking shall be provided according to the requirements of this Ordinance. Such parking spaces may be provided in a parking garage or properly graded and improved open area. For single family residences and two-family residences, crushed stone or gravel may be used for the required parking spaces. For all other uses, parking spaces must be paved using asphalt or concrete.

However, no building, structure or use lawfully established prior to the effective date of this section shall be required to provide additional parking or loading facilities, nor shall they be required to improve the current parking or loading facilities, unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of the enacting ordinance. In that event, parking or loading facilities as required herein shall be provided for the total increase; provided, however, that in the case of the expansion or alteration of a residential building, the required units of measurement are for the entire capacity of the building. The provisions of this subchapter shall not apply to the CBD Central Business District.

(Ord., § 5.02, passed - -93)

**§ 153.071 MINIMUM PARKING REQUIREMENTS.**

For any use, or class of uses, not specifically mentioned in this Section, the requirements for off-street parking and loading facilities for a similar use or class of uses specifically mentioned shall apply. For the purposes of this section, the number of employees shall be computed on the basis of the largest number of persons to be employed on the largest shift.

Each off street parking space shall be no less than twenty (20) feet long and ten (10) feet wide and be provided with adequate ingress and egress. All requirements of the federal Americans with Disabilities Act (ADA) must be satisfied. In the Shopping Center District, handicapped parking spaces must be provided at a rate of two spaces per 50 regular spaces. Handicapped ramps shall be provided adjacent to handicapped parking spaces.

**§ 153.072 NUMBER OF REQUIRED OFF-STREET PARKING SPACES.**

|  |
| --- |
| ***Off Street Parking Requirements*** |
| ***Category*** | ***Use*** | ***Spaces Required*** |
| Residential and Related Uses | Any residential use consisting of one or more dwelling units | One and one-half (1.5) parking spaces on the same lot for each dwelling unit  |
| Doctor’s or dentist’s office in his or her residence | Three (3) parking spaces per doctor in addition to residence requirements |
| Family Care Home | Three (3) spaces for every five (5) beds |
| Hotel or motel (not including any retail use) | One (1) parking space for each room to be rented plus one (1) additional parking space for each three (3) employees |
| Professional office (other than doctor’s or dentist’s) or customary home occupation in operator’s residence | Two (2) parking spaces per office or home occupation in addition to residence requirements |
| Rooming or boarding house | One (1) parking space for each room to be rented plus one (1) additional parking space for each three (3) employees |
| Tourist home | One (1) parking space for each room to be rented plus one (1) additional parking space for each three (3) employees |
| Public and semi-public uses | Church | One (1) parking space for each four (4) seats in the sanctuary |
| Clinic | Three (3) parking spaces plus one (1) additional parking space for each employee. In the Shopping Center District, this requirement shall be five (5) parking spaces for each professional occupant. |
| Hospital | One (1) parking space for each two (2) beds intended for patient use, exclusive of bassinets, plus one (1) additional parking space for each four (4) employees |
| Nursing home | One (1) parking space for each five (5) beds intended for patient use plus one (1) parking space for each doctor and one (1) parking space for each four (4) additional employees |
| Public or private club | One (1) parking space for each two hundred (200) square feet of gross floor space |
| Public utility building | One (1) parking space for each employee plus four (4) additional customer parking spaces |
| School (elementary or junior high) | One (1) parking space for each classroom and administrative office |
| School (senior high) | One (1) parking space for each ten (10) students for which the building was designed plus one (1) parking space for each classroom and administrative office |
| Stadium or racetrack | One (1) parking space for each four (4) spectator seats |
| Retail, service and office uses | General or professional office | One (1) parking space for each one hundred sixty (160)square feet of gross floor space |
| Auto laundry, automatic | Waiting spaces for fifteen (15) cars |
| Auto Laundry, self-service | Two (2) waiting spaces per stall |
| Banks | One (1) parking space for each two hundred (200) square feet of gross floor space plus one (1) space for each two (2) employees |
| Automobile service station | Five (5) parking spaces for each grease rack and five spaces for each wash rack plus two (2) spaces per pump |
| Funeral home | One parking space for each four (4) seats in the chapel or parlor |
| Theater / Any place of Public Assembly | One parking space for each four (4) seats in the auditorium |
| Restaurant or Place Dispensing Food, Drink, or Refreshments | One (1) space for each three (3) seats plus one (1) space for each two (2) employees.  |
| Commercial Amusements | One (1) space for each three (3) persons able to use such facility at its maximum capacity plus ten (10) spaces for waiting plus one (1) space for each two (2) employees. |
| Indoor Recreation / Amusement Buildings | One (1) space for each one hundred (100) square feet of gross floor area |
| Retail use not otherwise listed | One parking space for each one hundred (100) square feet of gross floor area. In the Shopping Center district, this requirement shall be one (1) space for each two hundred (200) square feet of gross floor area. |
| Wholesale uses and warehouses | Industrial use | Two (2) parking spaces for each three (3) employees on the largest shift |
| Wholesale use | One (1) parking space for each employee on the largest shift |

(Ord., § 5.02, passed - -93)

**§ 153.073 NUMBER OF REQUIRED OFF-STREET LOADING BERTHS.**

(A) For non-residential structures containing not more than 25,000 square feet of gross floor area, one (1) berth shall be required. For non-residential structures containing not more than 25,000 square feet of gross floor area in the Shopping Center District, two (2) berths shall be required.

(B) For non-residential structures in excess of 25,000 square feet, the following berths shall be required (except in the Shopping Center District):

|  |  |
| --- | --- |
| ***Floor Area (Sq. Ft.)*** | ***Required Number of Berths*** |
| 25,000 – 40,000 | 1  |
| 40,000 – 100,000 | 2  |
| 100,000 – 160,000 | 3 |
| 160,000 – 240,000 | 4 |
| 240,000 – 320,000 | 5 |
| 320,000 – 400,000 | 6 |
| Each 90,000 above 400,000 | 1 |

(C) For non-residential structures in the Shopping Center District, the following berths shall be required:

|  |  |
| --- | --- |
| ***Floor Area (Sq. Ft.)*** | ***Required Number of Berths*** |
| 10,000 – 24,999 | 1  |
| 25,000 – 39,999 | 2  |
| 40,000 – 100,000 | 3 |
| Each 100,000 above 100,000 | 3 |

(D) Loading space dimensions. An off-street loading space shall have minimum plan dimensions of 12 feet by 50 feet and 14.5 feet of overhead clearance with adequate means for ingress and egress.

(E) A loading space adjacent and accessible to two buildings may be used to serve both buildings if the aggregate area of both does not exceed 25,000 square feet.

**LANDSCAPING**

**§ 153.074 LANDSCAPING REQUIRED.**

The intent of these landscaping requirements shall be to improve the aesthetics of development, to minimize the visual impact of paved areas and building mass, create and maintain a pleasing appearance in the community, reduce the effects of glare, and to minimize the impact of storm water runoff.

Landscaping required by this Section shall be installed in the following situations:

a. All new construction, development, new businesses, or any expansions in developed site area for multi-family residential, mobile home parks, highway commercial development, industrial development, and all required parking areas consisting of ten spaces or more; or

b. For all existing development, other than single or two (2) family residential land uses, when more than fifty (50) percent of the land area developed at the time of application for zoning permit is disturbed, redesigned, altered or reconstructed.

The following sections describe the minimum types and amounts of landscaping which shall be required.

**§ 153.075 STREET LANDSCAPING.**

Street landscaping off the street right-of-way and behind the sight triangle shall be required in the Multi-Family Residential, Mobile Home Park, Highway Commercial, Shopping Center, Office & Institutional, Heavy Manufacturing, and Light Manufacturing Districts along all thoroughfares, except for single-family and two-family residential development.

Said landscaping shall be provided in a designated landscaping area which shall include, as width, at least the first ten (10) feet of the front yard as measured from the edge of the street right-of-way line. Per 100 linear feet of landscaping, there shall be, at a minimum: four (4) small trees or two (2) large trees. The remaining portion of the landscaped area shall be improved with ground covers or natural mulching materials. No part of the landscaped area shall be left as bare soil.

It shall be the responsibility of the owner of the property and any tenant of such property to maintain the landscaped area in a healthy condition, to keep plant growth off roadways or otherwise from interfering with traffic visibility or safety, and to keep the landscaped area free of litter and debris. All required plantings shall be constructed on the street side of any fence or wall.

**§ 153.075 PARKING LOT LANDSCAPING.**

Parking lots requiring ten or more spaces shall be landscaped in accordance with this section. The amount of plant materials required for parking lot landscaping are in addition to any plant materials required for street landscaping.

The following minimum number of plants shall be required for each parking space. (If calculations result in a fraction, the fraction shall be increased to the next whole number):

Large Trees – 0.10

Small Trees - 0.07

Shrubs - 0.50

Required parking lot landscaping shall generally be distributed throughout the parking area. Planting may be located along the perimeter of the parking lot, along entrances, and on interior features such as islands, peninsulas and medians. Each parking space shall be no further than 100 feet from a tree (large tree or small tree).

It is encouraged that trees be located so as to maximize shading of parking spaces during summer months. All parking lot landscaped areas shall be covered with ground covers or natural mulching materials, however, areas subject to vehicle overhang may be covered with brick, stone, mulch, or other nonliving materials.

It shall be the responsibility of the owner of the property and any tenant of such property to maintain the landscaped areas in a healthy condition, to keep plant growth off parking spaces and driving areas or otherwise from interfering with traffic visibility or safety, and to keep the landscaped areas free of litter and debris.

**SIGNS**

**§ 153.080 GENERAL RESTRICTION ON SIGNS.**

No type of exterior sign may be erected, posted, reposted, placed, replaced, hung, painted, or repainted in any district except in compliance with the zoning ordinance.

(Ord., § 5.03, passed - -93)

**§ 153.082 CENTRAL BUSINESS DISTRICT (CBD) SIGNS.**

No signs shall be permitted in the Central Business District except those in conformance with the following regulations:

(A) A wall sign, not exceeding six square feet in area, not extending more than two inches from the wall of the Central Business District building, may be placed on any wall of a building in the Central Business District.

(B) A wall sign, other than those described above, may be erected, provided it may not extend more than 12 inches from the building to which it is attached, may not exceed twenty (20) percent of the total area of wall frontage, and is not less than eight feet above the sidewalk or the ground level beneath the sign.

(C) A sign may be erected projecting from a building provided that no such sign shall extend more than five feet over any public right-of-way and, provided further, that no such sign shall be more than 40 square feet in area on each face or less than nine feet above the public right-of-way over which it may extend.

(D) A pole sign may be erected, provided that the total area of all signs supported by any pole does not exceed 40 square feet, that no part of any sign other than the supporting pole is less than nine feet above the public right-of-way or any plot of ground suitable for pedestrians or vehicular movement. No ground sign or pole supporting a sign, except those erected for orderly traffic control or other governmental purposes, shall be permitted on the public right-of-way.

(E) A drop awning may be permitted, but when let down to its fullest extent, no metal bar or other solid or hollow framing shall be less than eight feet above the ground or sidewalk, provided that a flexible cloth, canvas or similar skirt may hang 12 inches below the horizontal bar supporting the awning, but in no case shall the skirt be less than seven feet above the ground or sidewalk at the lowest point, and not less than two feet from the vertical extension of the curb line.

(F) Outdoor advertising signs (off-premises signs) are prohibited.

(Ord., § 5.04, passed - -93)

**§ 153.083 SHOPPING CENTER (SC) DISTRICT SIGNS.**

No signs shall be permitted in the Shopping Center District except those in conformance with the

following regulations:

(A) No freestanding signs shall be permitted.

(B) Outdoor advertising signs (off-premises signs) are prohibited.

(C) All signs permitted shall be mounted flat against buildings.

(D) No sign shall exceed 50 square feet or 10% of the square footage of the facade of the building, whichever is less.

(E) No signs shall be allowed on roofs of buildings.

(F) No sign shall project more than one foot from the facade of the building to which it is attached.

(G) One freestanding sign at the entrance of a shopping center shall be allowed with ten (10) square feet permitted per business, not exceeding 250 square feet for any one sign.

(H) Any part of a freestanding sign shall be setback a minimum of ten (10) feet from all property lines and right-of-way lines.

1. No freestanding sign shall exceed thirty-five (35) feet in height.

(Ord., § 3.13, passed - -93)

**§ 153.084 RESIDENTIAL DISTRICT SIGNS.**

No signs shall be permitted in the RA-20, R-15, R-15MH, R-75, R-6, MHP-4, MHP-6, or MR districts except those in conformance with the following regulations:

 (A) One (1) small sign not to exceed four (4) square feet in area on any given parcel.

(B) One (1) sign at the entrance to a neighborhood or multi-family development not to exceed thirty-two (32) square feet in area.

(C) Outdoor advertising signs (off-premises signs) are prohibited, except in the RA-20 District, where they may be allowed as a Special Use.

**§ 153.085 HIGHWAY COMMERCIAL (HC), OFFICE & INSTITUTIONAL (OI), HEAVY MANUFACTURING (HM), AND LIGHT MANUFACTURING (LM) DISTRICT SIGNS.**

No signs shall be permitted in the Highway Commercial, Office & Institutional, Heavy Manufacturing or Light Manufacturing Districts except those in conformance with the following regulations:

1. Wall signs not exceeding twenty (20) percent of the total area of wall frontage may be placed on any wall of a building in the Highway Commercial and Office & Institutional Districts.
2. Only one (1) freestanding sign is permitted per road frontage of the lot.
3. For freestanding signs, the total allowable sign area (measured on one side) shall not exceed one (1) square foot of sign face per two (2) lineal feet of lot frontage. No freestanding sign shall exceed two hundred (200) square feet in sign face (measured on one side).
4. Any part of a freestanding sign shall be setback a minimum of ten (10) feet from all property lines and right-of-way lines.
5. No freestanding sign shall exceed thirty-five (35) feet in height.
6. Outdoor advertising signs (off-premises signs) are prohibited.

**§ 153.087 SEMI-PUBLIC (SP) DISTRICT.**

No signs shall be permitted in the Semi-Public District except those in conformance with the following regulations:

1. Wall signs not exceeding one (1) square foot of area per lineal foot of any building wall facing a public street.
2. Only one (1) wall sign is permitted per wall facing a public street. Wall signs are not permitted on other walls.
3. Only one (1) freestanding sign is permitted per road frontage of the lot.
4. For freestanding signs, the total allowable sign area (measured on one side) shall not exceed one hundred (100) square feet in sign face (measured on one side).
5. Any part of a freestanding sign shall be setback a minimum of ten (10) feet from all property lines and right-of-way lines.
6. No freestanding sign shall exceed twenty (20) feet in height.
7. Outdoor advertising signs (off-premises signs) are prohibited.

**§ 153.08~~3~~8 SIGNS WHICH DO NOT REQUIRE A PERMIT.**

No sign shall be erected, hung or placed until a permit has been issued by the Zoning Enforcement Officer, except for the following:

1. Signs not exceeding one (1) square foot in area and bearing only address numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies or public utilities.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs in residential districts which meet the requirements of §153.084.

 (Ord., § 5.05, passed - -93)

**ADULT ESTABLISHMENTS**

**§ 153.090 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ADULT ESTABLISHMENT. Any structure or use of land which meets the definition of adult establishment as outlined in G.S. § 14-202.10. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, massage businesses, and retail establishments selling sexually oriented devices.

(Ord., § 8.10, passed - -93; Am. Ord. passed 9-10-96)

**§ 153.091 PURPOSE.**

Studies have shown that lowered property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments as defined herein. Regulation of these uses is necessary to insure that these effects do not contribute to the blighting of surrounding neighborhoods and to protect the integrity of the town's schools, churches, child-care centers, parks, and playgrounds, which are typically areas in which juveniles congregate. It is the intent of these provisions to establish reasonable regulations to prevent a concentration of adult establishments within the town and to separate adult establishments from those sensitive uses listed in § 153.092.

(Ord., § 8.10, passed - -93)

**§ 153.092 LOCATION RESTRICTIONS.**

Certain types of adult establishments are permitted in the Central Business District, the Highway Commercial District, and the Shopping Center District as a Special Use subject to the following requirements:

(A) Any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance at least 1500 feet from any residential district, school, church, child-care center, park, or playground. The Board of Adjustment shall have no authority to grant a variance from the 1500-foot separation standard. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child-care center, park, or playground within the 1500-foot separation distance.

(B) Any structure in which an adult establishment, other than an adult bookstore or adult mini motion picture theatre, is the principal or accessory use shall be separated by a distance of at least 1500 feet from any residential district, school, church, child-care center, park, or playground. The Board of Adjustment shall have no authority to grant a variance from the 1500-foot separation standard. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child-care center, park, or playground within the 1500-foot separation distance.

(C) Any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance of at least 1000 feet from any other adult establishment.

(D) Any structure in which an adult establishment, other than an adult bookstore or adult mini motion picture theatre, is the principal or accessory use shall be separated by a distance of at least 500 feet from any other adult establishment.

(E) The distance for the separation from residential zoning and protected uses shall be measured from the closest edge of the building occupied by an adult use to the nearest residential zoning district or to the property line of a protected use. The distance for the separation between adult uses shall be measured from the closest edges of the buildings occupied by adult uses.

(F) No more than one adult establishment may be located within the same structure.

(Ord., § 8.10, passed - -93)

**COMMERCIAL AMUSEMENTS**

**§ 153.095 DEFINITION.**

**COMMERCIAL AMUSEMENTS.** Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor or outdoor setting. Commercial amusements include game rooms, billiard halls, bingo parlors, bowling alleys, miniature golf facilities, skating rinks, golf courses, batting cages, water parks, and other similar uses which do not require an adult’s only area. Commercial amusements shall not include “BARS AND NIGHTCLUBS” or “ELECTRONIC GAMING OPERATIONS” as defined in §153.008.

 (Ord., § 8.10, passed - -93; Am. Ord. passed 9-10-96)

**§ 153.096 LOCATION RESTRICTIONS.**

Commercial amusements are permitted in the Central Business District, the Office & Institutional District, the Highway Commercial District, and the Shopping Center District and shall be subject to all district requirements in addition to the requirements of Section 153.097.

**§ 153.097 BACKGROUND CHECK REQUIRED.**

The owner(s) and potential owner(s) of a Commercial Amusements establishment shall be required to submit a background check from Martin County, North Carolina and their County of residence prior to issuance of a Special Use Permit. Any criminal charges, with the exception of traffic violations, may be cause for denial of the Special Use Permit.

**KNOX BOX**

**§ 153.100 DEFINITION.**

**KNOX BOX.**  A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and police to retrieve in emergency situations.

 (Ord., § 8.10, passed - -93; Am. Ord. passed 9-10-96)

**§ 153.101 KNOX BOX REQUIRED.**

A Knox box containing the master entry key for the building shall be mounted on all commercial buildings which have a fire alarm, sprinkler system, elevator, or special locking arrangement. Other keys that would be helpful to emergency responders, such as elevator keys and control room keys, should also be included in the Knox box.

**RA-20 RESIDENTIAL AGRICULTURAL DISTRICT**

**§ 153.105 PURPOSE.**

The RA-20 Residential Agricultural District is established as a district in which the principal use of the land is for low-density residential and agricultural purposes. This district is intended to insure that residential development outside the corporate limits which does not have access to public water service and is dependent upon septic tanks for sewerage disposal will occur at a low density in order to provide a healthful environment.

(Ord., § 3.04, passed - -93)

**§ 153.106 PERMITTED USES.**

The following are permitted uses for the RA-20 District:

(1) Single-family dwellings;

(2) Schools, colleges, kindergartens and daycare centers;

(3) Farming, truck gardening and nurseries;

(4) Forestry;

(5) Kennels;

(6) Wayside stands for the sale of agricultural products on the same parcel where offered for sale;

(7) Churches;

(8) Home occupations;

(9) Single Mobile Homes, Class A and B;

(10) Uses and buildings customarily accessory to the above permitted uses;

(11) Public utility transmission lines, pipes, poles, towers;

(12) Small signs not to exceed four (4) square feet in area (Refer to Section 153.080 et. Seq.);

(13) Renting of one room provided no external evidence of such is created; and

(14) Family Care Homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(Ord., § 3.04, passed - -93)

**§ 153.107 SPECIAL USES.**

The following uses are permitted when authorized by the Town Council for the RA-20 District:

(1) Two-family dwellings;

(2) Multi-family dwellings;

(3) Outdoor advertising signs (Refer to Section 153.080 et. Seq.);

(4) Greenhouses and plant nurseries;

(5) Hospitals, nursing homes;

(6) Junkyards;

(7) Principal use signs (Refer to Section 153.080 et. Seq.);

(8) Stables; and

(9) Any manufacturing or commercial use which the Town Council finds not to be injurious to the public health, safety and welfare.

(Ord., § 3.04, passed - -93)

**§ 153.108 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 20,000 square feet. The minimum lot width shall be 100 feet measured at the setback line.
2. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
3. Yard Requirements. Minimum yard depth for principal structure shall be thirty-five (35) feet for the front yard, thirty-five (35) feet for the rear yard, and fifteen (15) feet each for the two (2) side yards.
4. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
5. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
6. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
7. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.04, passed - -93)

**§ 153.109 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the RA-20 District shall be those requirements set forth in §§ 153.070 et seq.

(Ord., § 3.04, passed - -93)

**§ 153.110 MOBILE HOME REQUIREMENTS.**

Mobile homes located in the RA-20 District shall meet all requirements for Class A or Class B Mobile Homes as defined in Section 153.009.

 (Ord., § 3.04, passed - -93)

**R-15 RESIDENTIAL DISTRICT**

**§ 153.120 PURPOSE.**

The purpose of the R-15 Residential District is to provide for residential neighborhoods which are associated with the customary urban services. This district shall consist of single-family related home occupations, and the activities related to neighborhood settings.

(Ord., § 3.05, passed - -93)

**§ 153.121 PERMITTED USES.**

The following are permitted uses for the R-15 District:

1. Single-family dwellings;

(2) Family care homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(3) Public utility distribution and transmission lines, poles and tower;

(4) Small signs not to exceed four square feet in area; (Refer to Section 153.080 et. Seq.)

 (5) Home occupations;

(7) Renting of one room, provided no external evidence of such is created;

(8) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.05, passed - -93)

**§ 153.122 SPECIAL USES.**

The following uses are permitted when authorized by the Town Council for the R-15 District:

(1) Neighborhood stores;

(2) Single office for doctors, lawyers, professional consultants or similar occupations;

(3) Churches, excluding day care and private school activities.

(Ord., § 3.05, passed - -93; Am. Ord. passed 2-11-97)

**§ 153.123 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 15,000 square feet. The minimum lot width shall be 100 feet measured at the setback line.
2. In the event that any existing building(s) are damaged or destroyed by acts other than those acts committed by or with the consent of the lawful building owner, said damaged or destroyed building(s) may be repaired or replaced without regard to the aforesaid minimum lot width.
3. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
4. Yard Requirements. Minimum yard depth for principal structure shall be thirty-five (35) feet for the front yard, thirty-five (35) feet for the rear yard, and twelve (12) feet each for the two (2) side yards.
5. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
6. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
7. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
8. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.05, passed - -93)

**§ 153.124 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the R-15 District shall be those requirements set forth in §§ 153.070 et seq. (Ord., § 3.05, passed - -93)

**R-15MH RESIDENTIAL MOBILE HOME DISTRICT**

**§ 153.135 PURPOSE.**

The purpose of the R-15MH Residential Mobile Home District is to provide for the possible placement of an individual, single-family Class A mobile home meeting specific standards on a lot that is zoned R-15MH Residential and meets the standards as set forth in this Zoning Ordinance. The intent of this district is to provide an opportunity for manufactured homes to be placed in a single-family residential district and to provide an opportunity for alternative, affordable housing, subject to the requirements set forth herein. Said requirements are designed to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed on adjacent or nearby lots and, thus, to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents.

(Ord., § 3.06, passed - -93)

**§ 153.136 PERMITTED USES.**

The permitted uses for the R-15MH District are the same as for the R-15 and R-75 Residential Districts, with the addition of Class A mobile homes as defined in Section 153.009:

(1) Single-family dwellings;

(2) Class A Mobile Homes

(3) Family care homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(4) Public utility distribution and transmission lines, poles and towers;

(5) Small signs not to exceed four (4) square feet in area (Refer to Section 153.080 et. Seq.);

 (6) Home occupations;

(7) Renting of one room, provided no external evidence of such is created;

(8) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.06, passed - -93)

**§ 153.137 SPECIAL USES.**

The following uses are permitted in an R-15MH District when authorized by the Town Council (the same uses as for R-15 and R-75 Districts):

(1) Neighborhood stores;

(2) Single offices for doctors, lawyers, professional consultants or similar occupations;

(Ord., § 3.06, passed - -93)

**§ 153.138 DIMENSIONAL STANDARDS.**

For a property to be considered for placement of an individual single-family Class A mobile home, it must be zoned R-15MH Residential and meet each of the following dimensional standards:

1. Minimum Lot Size. The minimum required lot area shall be 15,000 square feet. The minimum lot width shall be 130 feet measured at the setback line.
2. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
3. Yard Requirements. Minimum yard depth for principal structure shall be thirty-five (35) feet for the front yard, thirty (30) feet for the rear yard, and fifteen (15) feet each for the two (2) side yards.
4. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
5. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
6. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
7. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.06, passed - -93)

**R-75 RESIDENTIAL DISTRICT**

**§ 153.150 PURPOSE.**

The purpose of the R-75 Residential District is to provide for residential neighborhoods which are associated with the customary urban services. This district shall consist of single-family dwellings, related home occupations, and the activities related to neighborhood settings.

(Ord., § 3.07, passed - -93)

**§ 153.151 PERMITTED USES.**

The following are permitted uses for the R-75 District:

1. Single-family dwellings;

(2) Family care homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(3) Public utility distribution and transmission lines, poles and towers;

(4) Small signs not to exceed four square feet in area (Refer to Section 153.080 et. Seq.);

 (5) Home occupations;

(6) Renting of one room, provided no external evidence of such is created;

(7) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.07, passed - -93)

**§ 153.152 SPECIAL USES.**

The following uses are permitted in the R-75 District when authorized by the Town Council:

(1) Neighborhood stores;

(2) Single offices for doctors, lawyers, professional consultants or similar occupations;

(3) Churches, excluding day care and private school activities.

(Ord., § 3.07, passed - -93; Am. Ord. passed 2-11-97)

**§ 153.153 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 7,500 square feet. The minimum lot width shall be 75 feet measured at the setback line.
2. In the event that any existing building(s) are damaged or destroyed by acts other than those acts committed by or with the consent of the lawful building owner, said damaged or destroyed building(s) may be repaired or replaced without regard to the aforesaid minimum lot width.
3. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
4. Yard Requirements. Minimum yard depth for principal structure shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and eight (8) feet each for the two (2) side yards.
5. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
6. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
7. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
8. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.07, passed - -93)

**§ 153.154 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the R-75 District shall be those set forth in §§ 153.070 et seq.

(Ord., § 3.07, passed - -93)

**R-6 RESIDENTIAL DISTRICT**

**§ 153.165 PURPOSE.**

The purpose of the R-6 Residential District is to provide for residential neighborhoods which are associated with the customary urban services. This district shall consist of single-family and two-family dwellings, related home occupations, and the activities related to neighborhood settings.

(Ord., § 3.08, passed - -93)

**§ 153.166 PERMITTED USES.**

The following are permitted uses for the R-6 District:

(1) Single-family dwellings;

(2) Two-family dwellings;

(3) Family care homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(4) Public utility distribution and transmission line poles and towers;

(5) Small signs not to exceed four square feet in area (Refer to Section 153.080 et. Seq.);

 (6) Home occupations;

(7) Renting of one room, provided no external evidence of such is created;

(8) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.08, passed - -93)

**§ 153.167 SPECIAL USES.**

The following uses are permitted in the R-6 District when authorized by the Town Council:

(1) Neighborhood stores;

(2) Single offices for doctors, lawyers, professional consultants or similar occupations;

(3) Churches (excluding) day care and private school activities.

(Ord., § 3.08, passed - -93; Am. Ord. passed 2-11-97)

**§ 153.168 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 6,000 square feet. The minimum lot width shall be 60 feet measured at the setback line.
2. In the event that any existing building(s) are damaged or destroyed by acts other than those acts committed by or with the consent of the lawful building owner, said damaged or destroyed building(s) may be repaired or replaced without regard to the aforesaid minimum lot width.
3. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
4. Yard Requirements. Minimum yard depth for principal structure shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and eight (8) feet each for the two (2) side yards.
5. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
6. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
7. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
8. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.08, passed - -93)

**§ 153.169 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the R-6 District shall be provided according to requirements set forth in §§ 153.070 et seq.

(Ord., § 3.08, passed - -93)

**MHP-6 MOBILE HOME PARKS**

**§ 153.179 EXISTING NON-CONFORMING MOBILE HOME PARKS**

Mobile home parks which were in existence prior to adoption of this Ordinance may continue to operate and shall be considered a legal non-conforming use. However, non-conforming mobile home parks shall not be allowed to add manufactured / mobile homes or otherwise expand, nor shall individual mobile homes within the mobile home park be allowed to be replaced.

**§ 153.180 PLAN PREPARATION AND APPROVAL PROCEDURES.**

(A) Generally. Mobile home parks shall only be established in accordance with the following procedures. No person shall construct a mobile home park or make any addition to a mobile home park that either alters the number of sites or spaces for mobile homes or affects the facilities required therein until he first secures a permit authorizing such construction or addition. The construction or addition shall be in accordance with plans and specifications submitted with the application.

(B) Sketch plan. Prior to preparing the preliminary plan, the developer may submit a sketch plan prior to submission of a detailed preliminary plat/plan to the Planning Board. The Planning Board shall advise the developer of general compliance requirements of this ordinance. The sketch plan shall be drawn at a scale not more than 1 inch = 100 feet or less, and shall contain such information as: name of park, owner's name and address, total acreage, conceptual space designation, street layout, cross sections, proposed drainage, type of water and sewer, zoning of the tract, existing land uses, and conservation resources.

(C) Preliminary plan. The developer shall prepare a preliminary plan at a scale of 1 inch = 100 feet or less, and shall show the following information:

(1) Name of park, developer, scale, date, and tax map, block and parcel number;

(2) Vicinity map;

(3) Dimensions and bearing of exterior property lines and approximate North arrow;

(4) Land contours and vertical intervals of not less than 2 feet;

(5) Roads and easements in the vicinity;

(6) Mobile home and parking spaces well-defined and numbered;

(7) All existing structures and proposed structures;

(8) Road cross section details;

(9) Water source;

(10) Sewage disposal designed to county specifications;

(11) Surface and/or subsurface drainage plan;

(12) Recreation and/or park areas;

(13) Location of street lighting;

(14) Responsibility for electric system design;

(15) Location of flood plains, flood hazard areas, and 100-year-flood line;

(16) Location of conservation resources;

(17) Buffer and landscaping plan;

(18) Adjoining property owners;

(19) Sign location, setback and dimensions;

(20) Location of the driveway for each mobile home space;

(21) Location of refuse containers;

(22) The identification of all gas, water, electric, telephone, television cable, and sewage lines that will service the mobile home park community; streetlights, solid waste containers and surface water drainage plans shall also be included;

(23) Service lines and site locations of fire hydrants.

(D) Preliminary plan approval.

(1) Upon receipt of ten copies of a properly submitted plan to the Planning Board along with the necessary comments and recommendations from the North Carolina Department of Transportation, County Health Department, County Engineering, the Board of Education, and other agencies and offices as may be deemed necessary or desirable, the Chairperson of the Planning Board and any of its designated members shall meet to review the plans as submitted. Meetings shall be scheduled to review plans as necessary. Upon review, the Planning Board shall either approve or deny the preliminary plan.

(2) Following the initial review, the Planning Board shall have 62 days in which to take action on the preliminary plan. Failure to take action within the specified time shall be deemed as approval by the Planning Board.

(3) If the preliminary plan is approved, approval shall be noted on the plan. One print of the plan shall be transmitted to the applicant and another print shall be retained by the Planning Board.

(4) When the preliminary plan is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons and the plan shall be retained by the Planning Board and another print with the reasons for disapproval shall be given to the applicant. If the preliminary plan is disapproved, the applicant may make the recommended changes and submit a revised preliminary plan. The decision of the Planning Board may be appealed to the Board of Adjustment.

(E) Construction following approval. If the preliminary plan is approved, the developer may obtain the required development permits and then proceed with construction of the park and installation of improvements.

(F) Final site development plan. After preliminary plan approval and after the developer has constructed the park in accordance with the requirements of this ordinance, the developer shall prepare a final site development plan. This plan shall show all information as listed on the preliminary plan (see subsection C above), all improvements, and all mobile home spaces, and shall be signed by the Planning Board Chairman prior to the placement of any mobile homes in the park.

(Ord., § 3.09, passed - -93)

(G) Development approvals may be revoked by The Town of Robersonville by notifying the holder in writing stating the reason for the revocation. The Town of Robersonville shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

**§ 153.181 ISSUANCE OF CONSTRUCTION PERMITS AND CERTIFICATE OF OCCUPANCY.**

(A) Issuance. Construction permits will be issued by the Building Inspector in accordance with the approved preliminary plan. The issuance of permits in this manner shall include but not be limited to: grading, paving, sedimentation and erosion control, building, electrical, water and sewer.

(B) Occupancy. No mobile home space shall be occupied until all improvements have been completed for the phase of the park under review and a final site development plan for that phase has been signed by the Planning Board Chairman. Final site plans shall comply with § 153.180(F). Required improvements shall include but not be limited to: installation of water and sewer systems, installation of paved roads, paved parking spaces, paved driveways, electric systems and street lighting. A field inspection by the appropriate inspection officials and engineering officials shall be conducted to verify the installation of required improvements.

(Ord., § 3.09, passed - -93)

**§ 153.182 SPECIFICATIONS FOR MOBILE HOME PARKS.**

(A) General. All mobile home parks proposed for development or in which the number of sites or spaces for mobile homes are to be increased after the effective date of the zoning ordinance shall be subject to the following design requirements.

(B) Class A mobile homes and Class B mobiles homes are permitted in MHP6 Mobile Home Parks. Class C mobile homes are not permitted.

(C) Minimum design requirements for MHP-6 Mobile Home Park Zones,

(1) Number of spaces. Every mobile home park in the MHP-6 Mobile Home Park Zone shall contain at least two mobile home spaces.

(2) Area of spaces. The amount of land for each mobile home space utilizing individual septic tank systems shall be determined by the County Health Department after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than 6,000 square feet, with the corners and limits of the mobile home space safely and clearly marked on the ground with permanent flush stakes.

(3) Location in relation to flood areas. No mobile home spaces nor any portion of a mobile home park shall be located in the 100-year-flood plain or in any areas designated as Flood Hazard Areas on HUD/FEMA maps.

(4) Parking. Parking at a ratio of two cars per mobile home shall be provided off-street on a paved parking space of 20 feet by 20 feet with a paved driveway 18 feet wide extending from the paved parking space to the paved street and said parking space shall be set back a minimum of 10 feet from the edge of the paved street surface. The aforesaid parking space and driveway shall be paved with a minimum of 11/2 inches of asphalt on four inches of compacted crushed stone in accordance with § 153.182(B)(7)(b) - (c) or with cement or concrete for a depth of at least three inches.

(5) Space requirements. Each mobile home space shall be at least 60 feet wide. There shall be at least a 30-foot clearance between mobile homes, including ones parked end-to-end. No mobile home shall be located closer than 20 feet from any exterior property boundary. The mobile home shall be set back a minimum of 30 feet from the edge of the paved roadway.

(6) Buffering. The mobile home park shall have one of the following types of buffers along all peripheral property lines:

(a) A two or three row planted buffer strip with a minimum height of 3 feet at planting and 6 feet at maturity; 100% visual opacity at maturity is required; or

(b) One row of planting in combination with artificial fencing; fencing shall be at least six feet in height and planted materials shall be a minimum height of three feet at planting (18 inches if solid artificial fencing is used), and shall give 50% visual opacity of the fence at maturity.

(7) Road improvements. All roads, private drives, or streets in any mobile home park shall be paved to the specifications as set forth herein, and each paved road, private drive or street shall have direct access to a publicly maintained street or highway, as follows:

(a) A mobile home park shall be equipped with paved private drives or paved streets and paved to a minimum width of at least 20 feet, measured from edge of pavement to edge of pavement and shall be generally centered in a right-of-way of not less than forty 40 feet in width.

(b) A base course shall be applied to the entire required paved width of private drives and shall consist of at least 4 inches of compacted crushed stone.

(c) A surface course shall be applied to the entire required paved width of private drives and shall consist of at least 11/2 inches in thickness of plant-mixed asphalt.

(d) A cul-de-sac or dead-end street shall not exceed 1,000 feet in length and shall be provided with a paved vehicular turning circle at least 80 feet in diameter and paved surface radius of 40 feet, measured on the center line of the street.

(e) All private drives shall connect with a public dedicated street for a minimum paved distance of 40 feet.

(f) A permanent street address approved by the Planning Division shall be assigned to the private drives.

(g) Each mobile home space shall abut on a paved interior road.

(h) No mobile home space, however, shall have direct access to a public street or thoroughfare.

(I) Every street shall have a reserved strip ten feet in width running parallel and adjacent to each side of the paved surface. This strip shall be used for driveway access, walkways, grass, low-growing vegetative cover or utility right-of-way and must be seeded.

(j) All streets will be appropriately identified with street name signs as applicable.

(k) All streets shall be properly drained through the use of curb and gutter or grass waterways and storm drains in such a manner as will facilitate the immediate removal of water and prevent the ponding or standing of water along the streets or any other place in the mobile home park.

(8) Lot identification. All spaces shall be permanently identified with numbers at least three inches high. The numbers should be located on the ground by permanent markers or monuments, provided they are visible from the street. The numbers may be pole-mounted provided the numbers do not exceed one square foot and the pole does not exceed three feet in height, except that electrical pedestals may also be used for numbering. Each individual mobile home shall also be affixed with lot identification numbers erected on the facade of the structure that fronts the roadway.

(9) Signs. Permanent identification signs for the park may be allowed provided:

(a) The sign is non-illuminated and does not exceed 32 square feet in area.

(b) The sign shall be located on private property and at least ten feet from the public right-of-way and at least 20 feet from the dwelling unit.

(10) Open space.

(a) The developer shall be responsible for ensuring that adequate open space for park or recreation areas is available for use by the residents. The amount of open space required shall be based on the number of mobile home spaces in accordance with the following table:

|  |  |
| --- | --- |
| *Size (spaces)* | *Recreation/Park Area Required* |
| 1-25 | 200 ft. per space |
| 26-50 | ½ acre |
| 51-100 | 1 acre |
| 101-150 | 1 ½ acres |
| Over 150 | 1 ½ acres + 100 sq. ft. per space over 150 |

b) All open space areas shall be a minimum of 2,500 square feet. This requirement may be waived if the average lot size of the park is 10,000 square feet or greater. Such open space areas shall be designed and located to be easily accessible to all residents.

(11) Streetlights. A lighting system consisting of electric lamps with 200-foot spacing shall be provided. Pole-mounted lights shall be set back five feet from the edge of the roadway surface. Lighting intensity shall be based on the standards used by the town for candlepower at ground level.

(12) Refuse collection. Arrangements shall be made for a private vendor or other source to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.

(13) Sewage disposal. All parks are to be provided with a sewage collection system and/or septic tanks approved by the appropriate health agency.

(14) Water supply. All parks shall obtain water from a public source or a source as approved by the local or state health agency.

(15) Utilities. Each space shall be equipped with water, sewer and electrical connections.

(16) Mobile home stands and anchors. Each mobile home space shall be improved to provide an adequate foundation for the placement and anchoring of the mobile home as follows:

(a) Foundation. The mobile home site shall be improved to provide an adequate foundation for the placement and anchoring of the mobile home, thereby securing the structure against uplift, sliding, rotation and/or overturning.

(b) Anchoring.

1. All mobile homes and mobile structures shall be anchored in a manner approved by the State of North Carolina Regulations for North Carolina Mobile Homes, as from time to time amended, published by the North Carolina Department of Insurance. The anchoring required hereunder shall be completed within 30 days after the issuance of a building permit.

2. Mobile home and mobile structures in place and installed prior to the effective date hereof shall be so anchored within 60 days thereafter.

3. All mobile homes and mobile structures, if equipped with skirting, shall have noncombustible, corrosive-resistant skirting extending from the bottom of the unit to the ground, which skirting shall contain an access door measuring not less than 18 inches by 24 inches.

4. All mobile homes and mobile structures, except mobile homes and mobile structures attached to or joined with other structures so as to form a single unit, shall receive electrical services from an individual meter and service hookup. No mobile home or mobile structure shall receive electric service from or through another structure of any type located on the same or another lot.

(17) Steps and decks. There shall be front and rear steps for each manufactured home. If the resident elects to have decks, the home will be required to have steps until decks are completed.

(18) Other permitted uses; sanitary conditions.

(a) Within a mobile home park, one mobile home or dwelling unit may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

(b) All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant of the public or constitute a nuisance.

(c) Travel trailers are not permitted in a mobile home park.

**§ 153.183 REGISTER OF OCCUPANTS.**

It shall be the duty of the operator of a mobile home park to keep an accurate register containing a record of all occupants of the park. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

(A) The names and address of the occupants of each space;

(B) The date entering and leaving the park. (Ord., § 3.09, passed - -93)

**§ 153.184 ADMINISTRATION AND ENFORCEMENT.**

 (A) Amendments.

(1) Generally. The provisions of this subchapter may from time to time be amended, supplemented, changed, modified, or repealed by the Town Council.

(2) Procedure.

(a) The Planning Board shall consider and make recommendations to the Town Council concerning each proposed amendment.

(b) No amendment shall be adopted by the Town Council until after public notice and hearing. Before taking such lawful action as it may deem advisable, the Town Council shall consider the Planning Board's recommendation on each proposed amendment. If no recommendation is received from the Planning Board within 62 days after the public hearing, the proposed amendment shall be deemed to have been approved by the Planning Board.

(B) Board of Adjustment. The Board of Adjustment shall hear and decide appeals from and review any order, requirements, decisions, or determinations made by an administrative official charged with the enforcement of this ordinance. An appeal from the decision of the Board of Adjustment may be made to the Martin County Superior Court.

(C) Provisions declared to be minimum requirements. The provisions of this subchapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this subchapter are at variance with the requirements of any other lawfully adopted regulations, the most restrictive or that imposing the higher standards shall govern.

(D) Complaints regarding violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Enforcement Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this subchapter.

(E) Enforcement of mobile home park zoning subchapter. This subchapter may be enforced by any one or more of the remedies authorized by law, including but not limited to the following:

(1) Violation of this subchapter is a misdemeanor as provided by G.S. 14-4 as amended, which specified punishment shall be by a maximum fine of $50 per day of violation or imprisonment for not more than 30 days.

(2) Violation of this subchapter subjects the offender to a civil penalty of $50 per day of violation to be recovered by the town in a civil action in the nature of a debt if the offender does not pay the penalty to the Town Clerk within ten days after the offender has been cited for a violation.

(3) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(4) This ordinance may be enforced by injunction, order of abatement, or both, as provided by law.

(5) Each day's continuing violation of this ordinance is a separate and distinct offense.

 (Ord., § 3.09, passed - -93)

**MR MULTI-FAMILY RESIDENTIAL DISTRICT**

**§ 153.195 PURPOSE.**

The purpose of the MR Multi-Family Residential District is to provide for residential neighborhoods which are associated with the customary urban services. This district shall consist of single-family, two-family and multi-family dwellings and similar high density residential development and the activities related to neighborhood settings.

(Ord., § 3.10, passed - -93)

**§ 153.196 PERMITTED USES.**

The following are permitted uses for the MR District:

(1) Single-family dwellings;

(2) Two-family dwellings;

(3) Multi-family dwellings;

(4) Family care homes which are separated by a minimum distance of one quarter (0.25) mile from existing Family Care Homes.

(5) Public utility distribution and transmission lines, poles and towers;

(6) Small signs not to exceed four square feet in area (Refer to Section 153.080 et. Seq.);

 (7) Home occupations;

(8) Renting of one room, provided no external evidence is created;

(9) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.10, passed - -93)

**§ 153.197 SPECIAL USES.**

The following uses are permitted in the MR District when authorized by the Town Council:

(A) Neighborhood stores;

(B) Single offices for doctors, lawyers, professional consultants or similar occupations.

(Ord., § 3.10, passed - -93)

**§ 153.198 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 7,500 square feet. The minimum lot width shall be 60 feet measured at the setback line.
2. In the event that any existing building(s) are damaged or destroyed by acts other than those acts committed by or with the consent of the lawful building owner, said damaged or destroyed building(s) may be repaired or replaced without regard to the aforesaid minimum lot width.
3. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
4. Yard Requirements. Minimum yard depth for principal structure shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and eight (8) feet each for the two (2) side yards.
5. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
6. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
7. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than five (5) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
8. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.10, passed - -93)

**§ 153.199 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the MR District shall be provided according to requirements set forth in §§ 153.070 et seq.

(Ord., § 3.10, passed - -93)

**CBD CENTRAL BUSINESS DISTRICT**

**§ 153.210 PURPOSE.**

(A) Description and purpose. The CBD Central Business District is the central shopping area of the town. It is established for those uses which normally require a central location of merchandise and services to be used by the entire town and its environs.

(Ord., § 3.11, passed - -93)

**§ 153.211 PERMITTED USES.**

The following are permitted uses for the CBD District:

(1) ABC package stores;

(2) Agencies rendering specialized services;

(3) Antique shops;

(4) Automobile sales and service;

(5) Bakery shops;

(6) Banks, finance and loan companies;

(7) Barber shops and beauty shops;

(8) Book stores;

(9) Commercial amusements meeting the requirements of Sections 153.095-153.097;

(10) Bus passenger stations and taxi stands;

(11) Colleges, business colleges, trade schools, music conservatories, dancing schools and similar organizations without students in residence;

(12) Drug stores;

(13) Dry cleaning and laundry pick-up stations;

(14) Dry goods stores;

(15) Eating and drinking establishments;

(16) Farm and agricultural supply establishments;

(17) Florist shops;

(18) Furniture, paint and household appliance stores;

(19) Gift shops;

(20) Grocery store and other retail or business establishment not otherwise referred to in this section, whose principal activity is conducted within an enclosed building and is devoted to retail sale of services; should a reasonable doubt arise, the Board of Adjustment shall determine if the retailing establishment is within the spirit of the district;

(21) Hardware stores;

(22) Hotels, motels, tourist homes and boarding houses;

(23) Jewelry stores;

(24) Laundromats and similar automatic laundries;

(25) Locksmith and gunsmith establishments;

(26) Meeting halls for social, professional and fraternal clubs;

(27) Offices and professional business activities;

(28) Offices and headquarters of union, civic, charitable, political, fraternal, social and religious organizations;

(29) Parking lots;

(30) Photography shops and studios;

(31) Public buildings;

(32) Publishing establishments;

(33) Shops or stores primarily for the repair of the following:

(a) Clothing and shoes;

(b) Radios and television sets;

(c) Household appliances;

 (34) Telephone offices;

 (35) Uses and buildings customarily accessory to the above permitted uses.

(Ord., § 3.11, passed - -93)

**§ 153.212 SPECIAL USES.**

(1) Churches, excluding day care and private school activities.

(2) Upper story apartments.

(3) Adult establishments meeting the requirements of § 153.090 - § 153.092.

(Ord., passed 2-11-97; Am. Ord., passed 9-13-05)

**§ 153.213 DIMENSIONAL REQUIREMENTS.**

Dimensional requirements for the CBD District shall be as set forth in § 153.056.

1. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be forty (40) feet as measured from the foundation at the entrance of the building.

 (Ord., § 3.11, passed - -93)

**§ 153.214 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

The CBD District is exempt from the off-street parking requirements as set forth in §§ 153.070 et seq. New construction is subject to the off-street loading requirements of §§ 153.070 et seq.

(Ord., § 3.11, passed - -93)

**§ 153.215 SECURITY DOORS AND WINDOWS.**

If security measures such as window and door bars are used, they shall be placed on the inside of the building. Outside bars or steel doors are prohibited.

**§ 153.216 SIGNS**

 Refer to Section 153.080 et. Seq.

**HC HIGHWAY COMMERCIAL DISTRICT**

**§ 153.225 PURPOSE.**

This HC Highway Commercial District is intended for the use of those businesses and other uses which are properly and necessarily located along major highways and which cater to the needs of the traveling public.

(Ord., § 3.12, passed - -93)

**§ 153.226 PERMITTED USES.**

The following are permitted uses in the HC District:

(1) Any use permitted in the CBD District;

(2) Auto washes;

(3) Auto service centers;

(4) Brokers;

(5) Catering services;

(6) Commercial amusements meeting the requirement of Sections 153.095-153.097;

(7) Electrical and plumbing supplies;

(8) Farm equipment sales and service;

(9) Funeral homes;

(10) Medical and dental clinics;

(11) Newspaper printing establishments;

(12) Pet shops;

(13) Production and assembly of articles to be sold exclusively on the premises;

(14) Residential quarters when necessitated by a business, provided such quarters shall be occupied by persons owning or affiliated with the business.

(15) Wholesale storage, sales or storage service (which would include mini-storage).

(Ord., § 3.12, passed - -93; Am. Ord., passed 3-10-98)

**§ 153.227 SPECIAL USES.**

The following uses are permitted in the HC District when authorized by the Town Council:

(1) Auto repair stations;

(2) Churches;

(3) Drive-in theatres;

(4) Gasoline, fuel oil and LP gas distributors;

(5) Self-service gas stations.

(6) Adult establishments meeting the requirements of § 153.090 - § 153.092.

(Ord., § 3.12, passed - -93; Am. Ord., passed 10-10-00)

**§ 153.228 DIMENSIONAL REQUIREMENTS.**

1. Minimum Lot Size. The minimum required lot area shall be 9,000 square feet. The minimum lot width shall be 60 feet measured at the setback line.
2. Maximum Lot Size. The maximum lot depth shall be 400 feet as measured from the center of the front property line to the center of the rear property line.
3. In the event that any existing building(s) are damaged or destroyed by acts other than those acts committed by or with the consent of the lawful building owner, said damaged or destroyed building(s) may be repaired or replaced without regard to the aforesaid minimum lot width.
4. Maximum Lot Coverage. The maximum lot coverage shall be forty (40) percent.
5. Yard Requirements. Minimum yard depth for principal structure shall be twenty-five (25) feet for the front yard, twenty (20) feet for the rear yard, and fifteen (15) feet each for the two (2) side yards.
6. Corner Lots. The side yard requirements for corner lots along the side street right-of-way line shall be the same as the requirements for front yards.
7. Building Height. Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, the maximum building height shall be thirty-five (35) feet as measured from the foundation at the entrance of the building.
8. Accessory Buildings. Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, and they may be built no closer than fifteen (15) feet to any lot line. Except for attached garages, accessory buildings must be built to the side or the rear of the principal building. Accessory buildings on that side of the lot abutting a street shall not project beyond the full front yard requirements of the district.
9. Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility is referred to as the site triangle.

(Ord., § 3.12, passed - -93; Am. Ord., passed 3-10-98)

**§ 153.229 OFF-STREET PARKING AND LOADING REQUIREMENTS**.

Off-street parking and loading requirements for the HC District shall be provided according to provisions set forth in §§ 153.070 et seq.

(Ord., § 3.12, passed - -93)

**§ 153.230 SIGNS**

 Refer to Section 153.080 et. Seq.

**SC SHOPPING CENTER DISTRICT**

**§ 153.240 PURPOSE.**

The purpose of the SC Shopping Center District is to allow intensive commercial development to occur and to prevent strip development from occurring along highway corridors. The center will allow retail trade and services and will provide off-street parking, controlled traffic movement and pedestrian safety. (Ord., § 3.13, passed - -93)

**§ 153.241 PERMITTED USES.**

The following uses shall be permitted by right for the SC District:

(A) Retail sales.

(1) Auto accessories;

(2) Appliances;

(3) Baked goods;

(4) Cameras;

(5) Candy;

(6) Catalog stores;

(7) Clothing and fabric;

(8) Department stores;

(9) Drugs;

(10) Flowers;

(11) Furniture;

(12) Groceries;

(13) Hardware;

(14) Hobby and craft shops;

(15) Jewelry;

(16) Leather goods;

(17) Magazines and books;

(18) Musical instruments;

(19) Pet shops;

(20) Restaurants;

(21) Shoes;

(22) Specialty shops;

(23) Sporting goods;

(24) Toys;

(25) Wallpaper and paints.

(B) Institutional Services.

(1) Business;

(2) Financial;

(3) Governmental;

(4) Professional (medical, engineers, etc.).

(C) Personal and individual services.

(1) Barber and beauty shops;

(2) Shoe repair;

(3) Indoor theaters

(4) Laundromats and dry cleaners.

(D) Other.

(1) Customary and incidental accessory uses and buildings.

(Ord., § 3.13, passed - -93; Am. Ord., passed 7-10-01)

**§ 153.242 SPECIAL USES.**

The following are uses are permitted in the SC District when authorized by the Town Council:

(1) Service stations (Special conditions for service stations: a service station must have a landscape buffer around two of four sides, and a parking curb around two of four sides. The intent of the buffers and curbs is to discourage cars from cutting through the service station area and causing traffic problems.);

(2) Commercial Amusements meeting the requirements of Sections 153.095-153.097;

(3) Public facilities;

(4) Carwashes.

(5) Adult establishments meeting the requirements of § 153.090 - § 153.092.

(Ord., § 3.13, passed - - 93; Am. Ord., passed 7-10-01)

**§ 153.243 DIMENSIONAL REQUIREMENTS.**

(A) Area. The minimum land area of any SC District shall be three acres.

(B) Setback. No building shall be less than 80 feet from any street right-of-way, including Interior streets, or 50 feet from any side or rear property line. The first 25 feet from the street right-of-way line shall be developed for necessary driveways, service roads, walkways and landscaping only. Where lots have a double frontage, the required front yard shall be provided on both streets.

(C) Lot Coverage. The total ground area covered by the principal building and all accessory buildings (including any roofed area) shall not exceed 45% of the total ground area of the shopping center.

(D) Minimum lot width. The minimum lot width shall be 50 feet measured at the front building setback line.

(E) Height. No building shall exceed 35 feet in height or two stories.

(F) Maximum depth from public right-of-way. The maximum depth on the Shopping Center district and any lot or parcel of land zoned Shopping Center shall be 200 feet from the right-of-way line of any highway.

(Ord., § 3.13, passed - -93)

**§ 153.244 DUMPSTER REQUIREMENTS.**

(A) Dumpsters. One 4-cubic-yard screened and covered dumpster on a concrete pad shall be provided per 6,000 square feet of floor area or fraction thereof. Trash shall not be stored outside of the dumpster. Areas for screened dumpsters shall be provided so as to be out of the traffic flow and accessible to garbage trucks at all times.

(Ord., § 3.13, passed - -93)

**§ 153.245 PARKING LOTS; FIRE LANES AND HYDRANTS.**

(A) Curb cuts in the SC District shall be no closer than 150 feet from an intersection.

(B) A minimum of 600 feet of frontage along a street shall be required before two access ways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three access ways are permitted. No shopping center shall have more than three access ways to one street.

(C) Access ways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line.

(D) The principal access ways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked as to exit and entrance.

(E) At its intersection with the property line, an access way shall not be less than 100 feet from another access way or 50 feet from a corner of the property. Notwithstanding, at least one access way will be allowed for each shopping area.

(F) A 12-foot wide paved fire lane must be provided to the front and rear or side of each commercial establishment, separate from customer, pedestrian and vehicular traffic flow, and which may be used to reach loading and unloading areas. Off-street loading and unloading areas shall be marked so as to be distinguished from driveways and parking areas. Required loading areas shall be designed so as not to block the fire lane.

(G) Traffic shall be diverted upon entering the parking lot or speed bumps shall be provided to slow traffic.

(H) No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant. (Ord., § 3.13, passed - -93)

**§ 153.246 BUFFERING AND LANDSCAPING.**

 (A) Buffer abutting neighboring lots.

(1) A buffer shall be maintained in the SC District along property lines abutting and neighboring lots not a part of the shopping center. The buffer shall be a vegetative buffer of a minimum width of five feet that will reach a minimum height of ten feet within five years and have an opaque understory. There shall also be a solid fence with a minimum height of six feet.

(2) Adjacent to a residential area, the buffer shall be a vegetated landscaped buffer ten feet wide that will reach a minimum height of ten feet within five years with an understory which is an opaque screen, and a solid fence with a minimum height of six feet.

(3) If natural vegetation currently exists, that may be used, but the screening purposes must be met, so that a combination of fence and vegetation may be required to meet the objective.

(B) Buffer adjacent to street. The buffer area adjacent to a street shall be landscaped to include shrubs or hedges. For every 50 feet of road frontage, a tree or shrub of at least four feet in height shall be required. A landscaped four-foot earth berm may be substituted.

(C) Interior landscaped strips. Interior landscaped strips shall be incorporated into parking lots, with deciduous trees (shade trees) planted on the strips. Specifically, one shade tree with a minimum width of nine feet shall be planted for every ten parking spaces. The tree should be planted in front of the parking space so as not to interfere with pedestrian traffic and so that no damage can occur to the tree from car doors. Interior plantings shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

(D) Retention of existing trees. The developer shall retain existing trees 18 inches in diameter, unless such trees would unreasonably burden the developer.

(Ord., § 3.13, passed - -93)

**§ 153.247 SIGNS.**

 Refer to Section 153.080 et. Seq.

 (Ord., § 3.13, passed - -93)

**§ 153.248 PLAN PREPARATION AND APPROVAL PROCEDURES.**

No lot on which a Shopping Center District use is permitted will be allowed without the information presented with the request for a zoning certificate.

Any development regulation authorized under G.S. §160D, not just concerning zoning, will follow applicable procedures for legislative decisions and will adopt any development regulation by ordinance, not by resolution as required by G.S. §160D-601.

The decision on the application for a development agreement shall be processed as a legislative decision and will consider The Town of Robersonville as a party within the finalized development agreement. If a water and sewer authority is entering the development agreement it may enter as a party but will not enter as independent parties as stated in G.S. §160D-947(e).

(A) Ownership information. The tract or parcel of land involved must be in one ownership or the subject of an application filed jointly by the owners of all of the property.

(B) Sketch plan.

(1) Prior to preparing the preliminary plan, the developer shall submit a sketch plan prior to submission of a detailed preliminary plat/plan to the Planning Board. The Planning Board shall forward the sketch plan, along with its recommendation on the sketch plan, to the Town Council for a public hearing. Thereafter, the Town Council shall make a zoning decision on the appropriateness of a shopping center use on the proposed site.

(2) Following the public hearing, the Town Council shall have 62 days in which to take action on the sketch plan zoning request. Failure to take action within the specified time shall be deemed as approval by the Town Council.

(3) The Planning Board shall advise the developer of the general compliance requirements of the zoning ordinance. The sketch plan shall be drawn at a scale not more than 1 inch = 100 feet and shall contain such information as: owner's name and address, site location, site description (including natural and man-made features), conceptual space designated, street/access way layout, cross sections, proposed drainage, proposed water and sewer hookups, existing zoning as well as zoning of all adjacent properties, existing land uses and conservation resources. The developer shall take this opportunity to inform the general public of his general development intentions and those impacts of the area.

(C) Preliminary plan. The developer shall prepare a preliminary plan at a scale of 1 inch = 100 feet or less, and shall show the following information:

(1) Name of shopping center, developer, scale, date, and tax map, block and parcel number;

(2) Vicinity map;

(3) Dimensions and bearing of exterior property lines and approximate North arrow;

(4) Land contours and vertical intervals of not less than two feet;

(5) Roads and easements in the vicinity;

(6) Parking areas, with spaces well defined and numbered, and landscape islands identified;

(7) All existing structures and proposed structures;

(8) Road cross section details;

(9) Water, sewer, and electrical services must be provided by the town municipal services; service hookups must be constructed and designed in accordance with municipal specifications, with plans showing this service;

(10) Surface and/or subsurface drainage plan;

(11) Location of street lighting;

(12) Responsibility for electric system design;

(13) Location of flood plains, flood hazard areas, and 100-year-flood line;

(14) Location of conservation resources;

(15) Buffer and landscaping plan;

(16) Adjoining property owners and zoning designations;

(17) Shopping center sign location, setback and dimensions;

(18) Location of refuse containers;

(19) The identification of all gas, water, electric, telephone, television cable, and sewage lines that will service the shopping center; streetlights, solid waste containers and surface water drainage plans shall also be included;

(20) Service lines and site locations of fire hydrants;

(21) Delineation of future development areas adjacent to the proposed site.

(D) Preliminary plan approval.

(1) Upon receipt of 10 copies of a properly submitted plan to the Planning Board along with the necessary comments and recommendations from the North Carolina Department of Transportation, the County Health Department, the County Engineer, and any other agencies and offices as may be deemed necessary or desirable, the Chairman of the Planning Board and any of its designated members shall meet to review plans as submitted. Meetings shall be scheduled to review plans as necessary. A public hearing shall be held by the Planning Board. Upon review, the Planning Board shall either approve or deny the preliminary plan.

(2) Following the initial review, the Planning Board shall have 62 days in which to take action on the preliminary plan. Failure to take action within the specified time shall be deemed as approval by the Planning Board.

(3) The recommendation shall be forwarded to the Town Council for a final decision. The Town Council, at its option, may conduct a public hearing on the preliminary plan.

(E) Construction. If the preliminary plan is approved, the developer may obtain the required development permit and then proceed with construction of the shopping center and installation of improvements.

(F) Issuance of construction permits. Construction permits will be issued by the Building Inspector in accordance with the approved preliminary plan. The issuance of permits in this manner shall include but not be limited to: grading, paving, sedimentation and erosion control, building, electrical, water and sewer.

(G) Final site development plan. After preliminary plan approval and after the developer has constructed the shopping center in accordance with the requirements of the zoning ordinance, the developer shall prepare a final site development plan. This plan shall show all the information as listed on the preliminary plan, (see subsection (C) above), all improvements, and shall be signed by the Planning Board Chairman prior to the issuance of an occupancy permit.

(H) Occupancy permit. No building in the shopping center shall be occupied until all improvements have been completed for the phase of the shopping center under review and a final site development plan for that phase has been signed by the Planning Board Chairman. Final site plans shall comply with the zoning ordinance. Required improvements shall include but not be limited to: installation of water and sewer systems, installation of paved streets and parking areas, electric systems and street lighting. A field inspection by the appropriate inspection officials and engineering officials shall be conducted to verify the installation of required improvements.

(Ord., § 3.13, passed - -93)

**O&I OFFICE AND INSTITUTIONAL DISTRICT**

**§ 153.260 PURPOSE.**

The O&I Office and Institutional District provides a location for those businesses and institutions which do not necessarily require a central location. Permitted in this district are certain uses which would be considered inimical to the function of the Central Business District. It is not intended to permit in this district any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or use of dangerous materials.

 (Ord., § 3.14, passed - -93)

**§ 153.261 PERMITTED USES.**

The following are permitted uses in the O&I District:

(1) Commercial amusements meeting the requirements of Sections 153.095-153.097;

(2) Animal hospitals;

(3) Armories;

(4) Art and school supply stores;

(5) Assembly and repair of blinds and awnings;

(6) Auction sales and warehousing;

(7) Automobile and truck rentals;

(8) Automobile repair stations;

(9) Automobile sales and service;

(10) Automobile washing establishments;

(11) Bakeries;

(12) Banks, finance and loan companies;

(13) Barber and beauty shops;

(14) Blueprinting, photostating and newspaper printing;

(15) Broadcasting studios;

(16) Bus passenger stations;

(17) Candy and ice cream stores;

(18) Clothing assembly;

(19) Contractors offices;

(20) Dairy products distribution;

(21) Dental laboratories;

(22) Drug stores;

(23) Dry goods stores;

(24) Food and fiber processing (not to include slaughter houses);

(25) Frozen food stores and locker rentals;

(26) Garden supply and seed stores;

(27) Grocery stores;

(28) Hardware stores;

(29) Hobby shops;

(30) Hotels, motels and multi-family units;

(31) Laundries, dry cleaning and linen supply service;

(32) Locksmiths and gunsmiths;

(33) Medical and dental clinics;

(34) Meeting halls for social and fraternal clubs;

(35) Monuments and cut stone sales;

(36) Radio, T.V. and appliance sales, repair and rental;

(37) Tailor shops;

(38) Taxi stands and garages;

(39) Tire recapping and retreading;

(40) Welding, blacksmiths and machine shops;

(41) Wholesale storage, sales and storage service;

(42) Accessory storage, offices and buildings customarily associated with the above permitted uses;

(43) Any use not noxious, toxic or offensive by reason of odor, dust, vibration, smoke, gasses or fumes. Should a reasonable doubt arise, the Board of Adjustment shall determine if the establishment is within the spirit of the district;

(44) Communications towers;

(45) General and professional offices;

(46) Governmental offices;

(47) Churches (excluding) day care and private school activities;

(48) Primary and Post-Secondary Schools.

(Ord., § 3.14, passed - -93; Am. Ord., passed 4-10-07)

**§ 153.262 SPECIAL USES.**

 (Ord. passed 2-11-97)

**§ 153.263 DIMENSIONAL REQUIREMENTS.**

Dimensional requirements for the O&I District shall be as set forth in § 153.056.

(Ord., § 3.14, passed - -93)

**§ 153.264 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the O&I District shall be as set forth in §§ 153.070 et seq.

(Ord., § 3.14, passed - -93)

**§ 153.265 SIGNS.**

 Refer to Section 153.080 et. Seq.

**HM HEAVY MANUFACTURING DISTRICT**

**§ 153.275 PURPOSE.**

The HM Heavy Manufacturing District is established for the exclusive use of manufacturing type uses. The establishment of this district recognizes the necessity of providing and maintaining areas which are prohibited from the intrusion of incompatible areas. It is not intended to permit in this district any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or use of dangerous materials.

(Ord., § 3.15, passed - -93)

**§ 153.276 PERMITTED USES.**

The following are permitted uses in the HM District:

(1) Assembly, fabrication or repair of farm machinery;

(2) Bag manufacture;

(3) Bakery plants;

(4) Blending fertilizer plants;

(5) Boat manufacture plants;

(6) Clothing manufacture plants;

(7) Coal yards;

(8) Dairy products processing;

(9) Ice plants;

(10) Industrial equipment machinery repair and servicing;

 (11) Laboratories for research and testing;

(12) Metals or metal products manufacturing, processing or fabrication;

(13) Optical and scientific instruments, jewelry, home products and musical instruments manufacturing;

(14) Pharmaceutical products manufacturing;

(15) Plastics and plastic products processing or fabrication;

(16) Railroad car repair and manufacture;

(17) Railroad freight yards, terminals or classification yards;

(18) Sign manufacture, printing and maintenance;

(19) Storage warehouses;

(20) Textile manufacturing;

(21) Tinsmith shops;

(22) Tire recapping and retreading;

(23) Tobacco processing;

(24) Venetian blind manufacture, contractor and cleaning shops;

(25) Welding shops;

(26) Wood or wood products processing or fabrication. (Ord., § 3.15, passed - -93)

**§ 153.277 SPECIAL USES.**

The following uses are permitted in the EM District when authorized by the Town Council:

(1) Animal hospitals;

(2) Automobile wrecking yards and junkyards;

(3) Bulk storage of industrial chemicals;

(4) Bulk storage of petroleum and petroleum products;

(5) Day care;

(6) Fertilizer manufacture and sales;

(7) Any other manufacturing use which the Town Council finds not to be injurious to the public health, safety, and welfare.

(Ord., § 3.15, passed - -93; Am. Ord., passed 2-12-07)

**§ 153.278 DIMENSIONAL REQUIREMENTS.**

Dimensional requirements for the EM District shall be as set forth in § 153.056.

(Ord., § 3.15, passed - -93)

**§ 153.279 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the EM District shall be provided according to provisions set forth in §§ 153.070 et seq.

(Ord., § 3.15, passed - -93)

**§ 153.280 SIGNS.**

 Refer to Section 153.080 et. Seq.

**LM LIGHT MANUFACTURING DISTRICT**

**§ 153.290 PURPOSE.**

The LM Light Manufacturing District provides a place for the location of manufacturing and other uses which would be inimical or incompatible with general business areas. It is not intended to permit in this district any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or use of dangerous materials.

(Ord., § 3.16, passed - -93)

**§ 153.291 PERMITTED USES.**

The following are permitted uses for the LM District: manufacturing, processing, fabrication, assembly or activity of the following:

(1) Automobile sales and service;

(2) Bag manufacture;

(3) Bakery plants;

(4) Boat assembly and sales;

(5) Bottling works;

(6) Building materials, storage and sales;

 (7) Building contractor offices and related activities

 (8) Bus garages;

(9) Circuses, carnivals, fairs;

(10) Clothing;

(11) Coal storage and sales;

(12) Cold storage plants;

(13) Commercial recreation building and facilities;

(14) Dairy products processing;

 (15) Dry cleaning and laundry plants;

(16) Electrical and industrial equipment storage, repair and servicing;

(17) Farm machinery including sales;

 (18) Food and food products (including slaughter houses);

 (19) Glass;

(20) Grain;

(21) Greenhouses and nurseries;

(22) Ice plants;

(23) Industrial research and educational facilities;

(24) Laboratories for research and testing;

(25) Leather goods;

(26) Lumber yards;

(27) Off-street parking facilities;

(28) Outdoor shooting ranges

(29) Printing, publishing and reproduction establishments

(30) Repair and servicing of office and household equipment;

(31) Restaurants;

(32) Service stations;

(33) Sign manufacture, painting and maintenance;

(34) Stonecutting, monument manufacture and sales;

(35) Storage warehouses and yards;

(36) Tinsmith shops;

(37) Trade contractor plant or storage yards;

(38) Tire recapping, retreading and sales;

(39) Truck stops and truck terminals;

(40) Venetian blind manufacture, contractor and cleaning shops;

(41) Welding shops;

(42) Wood or wood products, including furniture sales.

(Ord., § 3.16, passed - -93)

**153.192 SPECIAL USES.**

The following residential uses are permitted in the M District when authorized by the Town Council for areas appropriately indicated on the Zoning Map:

(1) Single-family dwellings;

(2) Two-family dwellings;

(3) Multi-family dwellings;

(4) Mobile home parks.

(Ord., § 3.16, passed - -93)

**§ 153.193 DIMENSIONAL REQUIREMENTS.**

Dimensional requirements for the LM District shall be as set forth in § 153.056.

(Ord., § 3.16, passed - -93)

**§ 153.294 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the LM District shall be provided according to provisions set forth in §§ 153.070 et seq.

(Ord., § 3.16, passed - -93)

**§ 153.295 SIGNS.**

 Refer to Section 153.080 et. Seq.

**P PUBLIC AND SEMI-PUBLIC DISTRICT**

**§ 153.305 PURPOSE.**

The SP Semi-Public District provides a place for the location of those activities and services which are required for the maintenance of general public commerce, health, entertainment, enlightenment or well-being.

(Ord., § 3.17, passed - -93)

**§ 153.306 PERMITTED USES.**

The following are permitted uses in the SP District:

(1) Auditoriums;

(2) Cemeteries;

(3) Churches;

(4) Church or public bulletin boards, not exceeding 12 square feet in area;

(5) Fire stations or police stations;

(6) Golf courses and private recreational areas;

(7) Parks and playgrounds;

(8) Reservoirs and areas of water impoundment;

(9) Schools and educational facilities;

(10) Swimming pools;

(11) Utility substations, pumping stations, water tanks, towers and service of storage yards;

(12) Racetracks and stadiums. (Ord., § 3.17, passed - -93)

**§ 153.307 SPECIAL USES.**

The following uses are permitted in the SP District when authorized by the Town Council after consideration by the Planning Board and a public hearing has been held by the Town Council:

(1) Airports and airfields;

(2) Group homes for children;

(3) Prisons and places of incarceration;

(4) Radio and television towers and substations;

(5) Sewage treatment facilities and areas of treated sewage or chemical discharge or application;

(6) Solid waste landfills;

(7) Sanatoriums for the mentally or physically handicapped or diseased.

(Ord., § 3.17, passed - -93)

**§ 153.308 DIMENSIONAL REQUIREMENTS.**

Dimensional requirements for the SP District shall be as set forth in § 153.056.

(Ord., § 3.17, passed - -93)

**§ 153.309 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements for the SP District shall be provided according to provisions set forth in §§ 153.070 et seq.

(Ord., § 3.17, passed - -93)

**§ 153.310 SIGNS.**

 Refer to Section 153.080 et. Seq.

**PLANNING BOARD**

**§ 153.311** **AUTHORITY AND ESTABLISHMENT**

The Planning Board is hereby established in accordance with NCGS 160A-361 and 160A-387.

**§ 153.312 MEMBERSHIP**

The Planning Board shall consist of six (6) members, five (5) members residing within the Town shall be appointed by the Town Council and one (1) member residing in the ETJ shall be appointed by the Martin County Board of Commissioners.

**§ 153.313 QUORUM**

A majority of the six (6) members of the Planning Board excluding vacancies shall constitute a quorum.

**§ 153.314 VOTING**

An affirmative vote of the majority of the quorum present is required for all decisions of the Planning Board. A vote resulting in a tie shall be treated as a denial of the recommendation or decision.

**§ 153.315 POWERS AND DUTIES**

In the application and enforcement of this Ordinance, the Planning Board shall have the following powers and duties:

 (A) **Review and Recommendation**

(i) Amendments to the text of this Ordinance

(ii) Amendments to the Official Zoning Map

(iii) Sketch plans for major subdivisions

(iv) Preliminary plats for major subdivisions

(v) Final plats for major subdivisions

(vi) Establishment of vested rights

(B) **Final Approval Authority**

(i) Site plans

**BOARD OF ADJUSTMENT**

**§ 153.320 BOARD OF ADJUSTMENT CREATED.**

(A) A Board of Adjustment is hereby created as provided in G.S. §160D-1-9(d); 302; 403(b); 405; 406; 702; 705; 1405. The Board shall consist of six members. The extraterritorial jurisdiction population estimate shall be updated with every decennial census with representation on the Board of Adjustment proportional as defined by G.S. §160D-307. All members shall be appointed by the Town Council. The term of office of the members of the Board shall be for a term not to exceed three years. Two alternate members shall also be appointed by the Town Council, one from the extraterritorial jurisdiction and one from within the city limits. These alternates shall serve in the absence of one of the regular members. The alternate members, while attending any regular or special meetings of the Board and serving in the absence of any regular member, may exercise all the powers and duties of a regular member.

(B) All members shall be appointed for overlapping terms. Vacancies shall be filled for the unexpired term only. Members may be removed by the Town Council upon written charges after a public hearing. Board members shall receive no compensation for their services.

(Ord., § 6.01, passed - -93)

**§ 153.321 ORGANIZATION.**

The Board of Adjustment shall elect one of its members as Chairman and one as Vice-Chairman and appoint such other officers as necessary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry out the provisions of this ordinance.

(Ord., § 6.02, passed - -93)

**§ 153.322 MEETINGS AND QUORUM.**

1. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or absent or failing to vote, and indication of such fact. The final disposition of appeals shall be made by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record. No final action shall be taken on any matter unless a quorum is present. A quorum shall consist of four-fifths of the total number of regular members of the Board.

(Ord., § 6.03, passed - -93)

1. All members appointed to the board shall, before entering their duties, qualify by taking an oath of office.
2. The Board of Adjustment will follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. For decisions requiring a quasi-judicial process all mandatory procedures outlined in G.S. §160D-406 will be followed.

**§ 153.323 POWERS AND DUTIES OF BOARD; APPEALS.**

(A) The Board of Adjustment shall have the powers enumerated below:

(1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer;

(2) To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in undue hardship and so that the spirit of the zoning ordinance will be observed and substantial justice will be done.

(B) The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor of the applicant any manner upon which it is required to pass under this zoning ordinance or to effect any variance authorized by this zoning ordinance.

(C) A fee of $250 shall be paid to the town of for each appeal to cover advertising and administrative costs. (Ord., § 6.04, passed - -93) (D) Appeals from the enforcement and interpretation of this zoning ordinance and requests for variances shall be filed with the Zoning Enforcement Officer, who shall transmit all such records to the Board of Adjustment.

(E) The Board of Adjustment shall fix a reasonable time not to exceed 60 days for the hearing of the appeal, and shall publish such notice of hearing in a newspaper of general circulation not more than 25 days nor less than 15 consecutive days prior to the hearing.

(F) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Superior Court.

(Ord., § 6.07, passed - -93)

(G) The aggrieved individual shall have thirty-days (30) to file an appeal and it will be presumed that if the notice of determination was sent by mail, it was received on the third business day after it was sent.

(H) All enforcement actions, including fines, shall be paused during the appeal process.

**§ 153.324 CONSIDERATION OF PROPOSED VARIANCES.**

(A) Application for variance. A variance from the terms of this zoning ordinance may be granted by the Board of Adjustment when a written application demonstrates all of the following:

(Ord., § 6.05, passed - -93)

 (1)        Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2)        The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3)        The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4)        The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

 (G.S. §160D-1-9(d); 302; 403(b); 405; 406; 702; 705; 1405)

(B) No change in permitted uses may be authorized by variance.

(C) The Board of Adjustment will follow the quasi-judicial process as outlined in G.S. §160D-406 when reviewing special use permit applications and will not impose conditions on the special use permits that are not within the statutory authority to impose as stated in G.S. §160D-705(c).

**ADMINISTRATION AND ENFORCEMENT**

**§ 153.335 SPECIAL USE APPROVAL.**

(A) Factors considered. Permission may be granted for the establishment of Special uses shown in the district regulations if the Town Council finds from the evidence produced after a study of the complete records that:

(1) The proposed use does not adversely affect the general plans for physical development of the town and will not be contrary to the purpose stated in these regulations.

(2) The proposed use will not adversely affect the health and safety of the town residents and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

(3) The proposed use shall be subject to the minimum dimensional requirements of the district in which it is to be located, and shall conform to the off-street parking and loading regulations.

(B) Procedure.

(1) All requests for Special uses shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have 62 days from the time the proposed request was first considered by the Planning Board to submit its recommendation to the Town Council. If the Planning Board fails to submit a report within the above period, it shall be deemed to have recommended approval of the proposed request for Special use.

(2) Before granting a Special use, the Town Council shall hold a public hearing on the matter. A notice of the public 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 for the first time not less than 10 days nor more than 25 days before the fixed date for the hearing.

(3) The Town of Robersonville shall obtain the applicant/landowner’s written consent to conditions related to a Development Approval to ensure enforceability.

(4) The Town Council may issue a Special use permit if its findings are favorable. As an additional safeguard, the Council may impose or require as conditions such additional restrictions and standards as may be necessary to protect the health, safety, and welfare of the community, and to protect the value and use of property in the general neighborhood.

(5) Wherever the Town Council shall find that any of the terms, conditions, or restrictions imposed on the special use are not being complied with, the Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(C) Special uses existing at the time of adoption. Uses which are permitted specially in a zone and exist at the time of the adoption of the zoning ordinance shall be treated as permitted uses. Expansion of such uses shall be subject to the same kind of conditions established for similar uses by the Town Council.

(Ord., § 5.01, passed - -93)

**§ 153.336 ZONING ENFORCEMENT OFFICER.**

1. The Town Manager shall appoint a town employee as the Zoning Enforcement Officer. This person may also serve as the Building Inspector for the town, but the Zoning Enforcement Officer will not necessarily be the Building-Inspector. The Zoning Enforcement Officer shall enforce and administer the provisions of the zoning ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

(Ord., § 8.01, passed - -93)

1. If inspecting, the individual must enter the premises during reasonable hours and upon presenting credentials. The individual completing the inspection may enter the premises provided that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

**§ 153.337 ZONING PERMIT.**

(A) Permit required; fee. No building, sign or other structure shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit for such work. No existing building or land shall be used or its use changed until the Zoning Enforcement Officer has issued a zoning compliance certificate/permit. Every person obtaining a zoning permit hereafter shall pay a fee as provided in a schedule of zoning permit fees adopted by the governing body in Section 153.340 (Ord., § 8.02, passed - -93)

(B) Permit application; expiration of permit. An application may be obtained from the Town Manager during regular office hours. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or authorized agent of the landowner. If a building permit is issued, that permit shall be valid for six (6) months after issuance unless work under the permit has commenced. Building permits also expire is work is discontinued for a period of 12 months after work has commenced. Pursuant to G.S. §160D-403(c) all development approvals and permits shall expire one (1) year after issuance unless work has substantially commenced. Written notice thereof shall be given to the person affected, including notice that further work as described in the cancelled permit shall not proceed unless or until another permit has been obtained. (Ord., § 8.03, passed - -93)

(C) A development approval will be provided in writing and the application must be made by the person with a property interest or a contract to purchase the property

(D) Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to G.S. §160D attach to and run with the land.

(E) The same review and approval process required to issue a development approval, including any required notice or hearing, in the review and approval of any revocation of the approval. A development approval may be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to The Town of Robersonville for enforcement purposes; or for false statements or misrepresentation made in securing the approvals. Any development approval mistakably issued in violation of an applicable State or local law may also be revoked.

(F) Appeals of Administrative Decisions shall go directly to the Board of Adjustment.

(G) Site-specific vesting plans shall be vested for two (2) to five (5) years. Multi-phase developments which shall be defined as long-term projects of at least 25 acres shall be vested up to seven (7) years. Multi-phase developments which shall be defined as long-term projects of at least 25 acres shall be vested up to seven (7) years.

(H) 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.

(I) When considering a subdivision guarantee all requirements laid out in G.S. §160D-802 shall be followed by the (Board/town/village/county). For minor subdivisions that require a performance guarantee an expedited review process shall be used as outlined in G.S. §160D-802.

**§ 153.338 CERTIFICATE OF OCCUPANCY.**

(A) When required. A certificate of occupancy issued by the Building Inspector is required in advance of:

(1) Occupancy or use of a building hereafter erected, altered, or moved;

(2) A change of use of any building or land.

(B) Application. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of the zoning ordinance. If the certificate of occupancy is denied, the Building Inspector shall state in writing the reason for refusal, and the application shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(Ord., § 8.04, passed - -93)

**§ 153.339 INTERPRETATION OF CHAPTER; CONFLICTS.**

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

(Ord., § 8.05, passed - -93)

**§ 153.340 FEE SCHEDULE**

Zoning Compliance Permits $50 Residential / $75 Commercial

Sign Permit $25 Residential / $50 Commercial

Special Use Application $250

Zoning Text Amendment Application $250

Rezoning Application $250

Variance Application $250

Sketch Plan Review $100

Final Plat Review $100

Appeal from Zoning Administrator Decision $250

Annexations (Voluntary) $250

**§ 153.998 VIOLATIONS.**

(A) Notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

(B) If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any structure or land is used in violation of this zoning ordinance, the Zoning Enforcement Officer shall inform the Town Manager. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such structure or land or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord., § 8.06, passed - -93)

(C) All suits at law or in equity and/or all prosecutions resulting from violations of any zoning ordinance heretofore in effect, which are now pending in any of the courts of the United States or of this State shall not be abated or abandoned by reason of the adoption of this ordinance for these provisions but shall be prosecuted to their finality the same as if this ordinance had not been adopted; any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this zoning ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which heretofore has been instituted or prosecuted. (Ord., § 8.08, passed - -93)

(D) If the dwelling has been vacated and closed for a period of one (1) year or after a public officer issues an order or proceedings have commenced under the substandard housing regulation regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Board of Adjustment may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract person intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the consistent shortage of decent and affordable housing in this State, then in such circumstances, the Board of Adjustment may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following;

1) It is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the current value of the dwelling, the ordinance shall require that the owner either repair of demolish an remove the dwelling within 90 days.

2) If it is determined that the repair of the dwelling to rend it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in Martin County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

**§ 153.999 PENALTIES.**

1. Any person who violates the provisions of the zoning ordinance may receive a Notice of Violation for the offense, outlining the scope of the offense or illegal non-conformity. If proper steps are not taken, in order to conform to the ordinance, within 30 days of receiving the notice, the property owner may be fined fifty ($50.00) a day until proper compliance is met.
2. If a repeat offense\* occurs within 24 months of the prior violation notice, the property owner may receive a Notice of Violation for the offense; re-outlining the scope of the offense or illegal non-conformity. If proper steps are not taken, in order to conform to the ordinance, within 15 days of receiving the notice, the property owner may be fined two hundred ($200.00) a day until proper compliance is met.

*\*Violations are only considered to be repeated if the violation is pertaining to the same property, the property / portion of property is under same ownership as during the prior violation, and it constitutes the same violation reason as a previous violation letter.*

1. The Zoning Administrator may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction, and order of abatement or by any remedy authorized by North Carolina General Statute 160A‑175 and 160D-404, as amended.
2. All enforcement actions, including fines, shall be paused during the appeal process.

**APPENDIX A. CONFLICT OF INTEREST STANDARDS**

No member of an appointed board, governing board, or staff shall use their position for their private gain. Members of appointed boards, governing boards, or staff are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and removed themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per G.S. §160D-109.

Members of appointed boards and governing boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial, and readily identifiable financial impact on a member and prohibits a board member from voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. G.S. §160D-109(f).

A member of the Board shall give notice to the chairman forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member’s participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.

If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person.