



# **Columbus County Land Use Regulation Ordinance**

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## ARTICLE I

### INTRODUCTION

#### Section I. General Purpose.

The following land use regulations are adopted for the purpose of promoting health, safety, and general welfare of the citizens of Columbus County. These standards shall allow for the placement and growth of such uses with the appropriate approval and permitting, while maintaining the health, safety, and general welfare standards of established residential and commercial uses in Columbus County.

#### Section II. Legal Authority.

This ordinance is adopted under the general ordinance authority granted to counties by the General Assembly of North Carolina. (General Statutes 153A-121).

#### Section III. Territorial Coverage.

Pursuant to N.C.G.S 153A-122, this ordinance shall apply to all areas of unincorporated Columbus County which are not within the extraterritorial planning jurisdiction of any municipalities. All municipalities, their respective corporate limits, and extra-territorial jurisdiction shall be exempted from the ordinance, unless they choose to adopt this ordinance or some form thereof. This ordinance shall apply to all areas in Columbus County's planning jurisdiction that are not already zoned at the date this ordinance is adopted.

## ARTICLE II

### ESTABLISHMENT OF ZONING DISTRICT(S)

#### Section I. General Use District (G-U)

The General Use District is established as a zoning district in which the principal use of land is for uses that are in harmony with residential, agricultural, and commercial development in Columbus County. Any use not discussed in Article IV is a permitted use in the (G-U) district if it can be properly identified and determined to be a classified land use by the Planning Director. If a land use cannot be determined by the Planning Director or his designee, the use is not permitted, and a text amendment to this ordinance will be required before the use will be approved and permitted.

#### Section II. Bona Fide Farm Operations

Bona fide farm operations are exempt from this ordinance. Bona fide farm operations include growing crops, raising livestock and poultry, growing plants in a greenhouse or nursery, and tree farming as defined by N.C.G.S. 106-581.1.

## ARTICLE III

### BOARD OF ADJUSTMENT

#### Section I. Establishment, Membership and Rules of Procedures

1. The Columbus County Board of Commissioners does hereby create and establish a Board of Adjustment.
2. The Board of Adjustment shall consist of five voting members and two alternate members. In so far as possible, members of the board shall be appointed from different areas within the County's jurisdiction. Initial appointment of the board shall have terms of appointment as follows: Three (3) members for a term of three (3) years, two (2) members for a term of two (2) years and two (2) members for a term of one (1) year. Following the expiration of terms of the first appointed board members, the successors to the regular members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only.
3. The Planning Director and/or his designee shall serve as clerk to the Board of Adjustment.
4. The Board of Adjustment is a quasi-judicial body. Meetings of the board shall be held at the call of the Chairman and at such other times as the board may determine. The board shall establish rules of procedure at the first called meeting or as soon thereafter as possible.
5. A quorum is not obtained unless five voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until five other voting members are present and vote.
6. As required by N.C.G.S. 153A-345.1 and 160A-388, a concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of a certiorari. For purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
7. A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte

communications, a close familial, business or other association relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

8. As early as possible in each new year the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.
9. All decisions of the Board of Adjustment run with the land, never the person or corporation. Special Uses may have time limits imposed on their validity.
10. The minutes of the Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.
11. Minutes shall be filed in the office of the Planning Director, as a public record.
12. The chair of the board, any member acting as chair of the board, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person, who while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
13. The Board of Adjustment shall have the authority to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 153A-345.1 and 160A-388.
14. All other rules regarding the Board of Adjustment, not stated herein, are set out more fully in N.C.G.S. 153A-345.1 and 160A-388.

## Section II. Powers and Duties

The Board of Adjustment shall hear and take final action on the following development review procedures:

- Variance
- Special Use Permit
- Appeal of Administrative Decision

## ARTICLE IV

### SPECIAL LAND USES

#### Section I. Regulated Uses.

Special Use permits are only required for the land uses listed below:

- Heavy Industrial uses (unless in an area already zoned as I-II – Heavy Industrial)
- Light Industrial Uses (unless in an area already zoned as I-I – Light Industrial)
- Industrial Parks
- Private and Public Utilities and related operations
- Solar Energy Generation Facilities (See Appendix A)
- Propane, Fuel Oil, Gasoline, or Other Hydrocarbon Bulk Storage Facilities
- Junk, Storage, Recycling, Reclamation, or Salvage Yards
- Electronic Gaming Operations
- Wireless Communication Towers or other steel frame structures/towers
- Firing Range (Indoor/Outdoor)
- Landfill (Demolition and Sanitary)
- Mining/Quarrying, Borrow Pits, and/or Extraction Operations
- Go-Cart, Motor Cross, and or other categories of race tracks.
- Intensive Livestock Farming
- Meat Packing Facilities
- Land Application of Animal and Human Waste
- Adult Businesses (See Columbus County Code Dealing With Adult Business Establishments: Article II. Masseurs, Massage Parlors, Health Salons and Clubs --Section 18-16 through 18-68)
- RV Campgrounds (See The Columbus County Code Dealing With Campgrounds: Article VI. Resort Vehicle Campgrounds -- Section 18-152 through 18-255)
- Manufactured / Mobile Home Parks (See – The Columbus County Manufactured/Mobile Home Park Ordinance Adopted November 3, 2009 and as Amended)

#### Section II. Definitions and Rules of Construction

Rules of Construction:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural singular.
- C. The word "shall" and "will" are mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "parcel", "plot" and "tract".
- F. The word "building" and “structures” are synonymous.

G. The phrase "used for" shall include the terms "intended to be used", or "intended for" and "designed for" and "occupied for".

H. Words used here in the masculine gender shall be interpreted to include the feminine gender.

I. References to section numbers herein refer to the Columbus County Land Use Regulation Ordinance unless specifically stated otherwise.

**Definitions:**

Words and terms set forth below shall have the meanings ascribed to them. Any word, term(s) or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent editions of Merriam-Webster's Dictionary, Black's Law Dictionary unless, in the opinion of the Administrator, established customs or practices in Columbus County justify a different or additional meaning. Furthermore, for the purpose of this Ordinance, certain words, terms and phrases are herein defined as follows:

**Adult Business:** An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons. This includes any establishment that, as their primary business, is involved in the sale of adult oriented literature, video recordings, etc.

**Asphalt Plants:** A plant used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

**Bona Fide Farms:** A commercial agricultural use of a tract of five (5) or more acres used exclusively for the raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities, as set forth in NCGS 105-277.1 et seq. This shall include the retail sale of agricultural products grown or raised on the premises or agricultural products purchased for resale. In addition, this Ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

**Cement Mixing Facilities:** A facility that combines various ingredients to form concrete. Some of these inputs include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, and cement. This includes ready mix and central mix plants.

**Chemical Manufacturing:** The mechanical or chemical transformation of materials and substances into new products, including the assembly of component parts and the blending of materials.

**Chemical Storage Facility:** Chemical storage facilities are places for bulk storage of any raw chemicals not covered by other categories. They may be either gas, liquid, or solid. This does not include warehouse storage of packaged chemicals or chemical products.

**Comprehensive Land Use Plan:** A general plan for the future development of Columbus County, adopted by the Columbus County Board of Commissioners according to the provisions of the North Carolina General Statutes.

**Chipping Mill:** The conversion of wood or logs into wood chips.

**Electronic Gaming Ordinance:** A business enterprise, whether principal or accessory, where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of \$10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309 or to any game regulated by the North Carolina Education Lottery Commission.

**Electrical Generating Facility:** An industrial facility also referred to as a power station, generating stations, power plants, power house or generating plant is an industrial facility for the generation of power.

**Explosive Manufacturing:** Explosive and emulsion manufacturing projects.

**Firing Range:** A specialized facility designed for firearms practice where ammunition is used. May be indoor or outdoor.

**Fuel Oil Bulk Storage:** Storage facilities where 30,000 gallons or greater of fuel is stored.

**Industrial Uses:** Any use or category of uses that meet the criteria set forth below for Heavy, Light, or Industrial Park uses:

1. Heavy Industrial - Intensive industrial processes that encompass more than one acre and generate EPA controlled discharges as part of their by product, and by their nature, create high decibel noise, smoke, or dust. May also include mining and related excavations and extractions of material for sale off site, asphalt plants, explosive manufacturing, chemical manufacturing, paper mills, and large scale wood processing operations.
2. Light Industrial - Industry that is less intensive and not otherwise covered by the definition of Heavy Industry. Examples may include, but not be limited to, small manufacturing, small spinning/sewing operations, solar farms, cement mixing facilities, warehousing, small scale craft and wood working facilities.
3. Industrial Park - Large tracts of land that are designated as an industrial park, typically operated by the County, that has water and sewer available to it.

**Intensive Livestock Operation/Animal Operation:** Any enclosure, pen, feedlot, building, or group of buildings intended to be used, or actually used, to feed, confine, maintain, or stable a concentration of cattle, horses, sheep, poultry, or swine and that meet the following criteria as defined by N.C.G.S. 143-215.10B:

1. Anytime the total number of animals meets or exceeds the following threshold level:
  - Cattle - minimum 100 animals
  - Horses – minimum 75 animals
  - Swine – minimum 250 animals
  - Sheep/goats - minimum 1000 animals
  - Poultry - minimum 30,000 animals
2. Where dietary needs are met primarily by means other than grazing; and,
3. Where liquid animal waste is primarily handled through a liquid waste management system, or any agriculture feedlot activity with a liquid animal waste management system that discharges to the surface waters of the State.

Intensive livestock operations include any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations or areas directly connected to or associated with such operations.

Intensive livestock operations typically include an enclosure, pen, feedlot, building or group of buildings intended for the confined feeding, breeding, raising or hold of animals where animal waste may accumulate or where vegetative cover cannot be maintained due to the concentration of animals.

**Junk, Storage, Recycling, Reclamation, or Salvage Yards:** Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, however not limited to: scrap iron and other metals, scrap building/construction materials, plastic pipe, paper, rags, vehicles, vehicle parts and components, rubber tires, bottles, cans and household goods. The term includes junkyards and auto wrecking yards but does not include uses established entirely within enclosed buildings.

**Landfill (Demolition & Sanitary):** A sanitary landfill is a site used for the disposal of solid wastes beneath layers of soil and other materials. A demolition landfill is a site that is used for the disposal of stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

**Land Application of Waste:** Land application of any human or animal waste, treated or untreated.

**Manufactured Mobile Home:** A structure defined by the Manufactured/Mobile Home Park Ordinance for Columbus County as approved November 3, 2009 and as may be amended.

**Manufactured Home Park:** A parcel (or contiguous parcels) of land as defined by the Manufactured/Mobile Home Park Ordinance for Columbus County as approved November 3, 2009 and as may be amended.

**Meat Packing Facility:** A facility used for processing and packing meats to be sold for wholesale.

**Mining:** The breaking or disturbing of surface soil or rock in order to remove minerals to make them suitable for commercial, industrial or construction use.

**Mining does not include:**

- Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area;
- Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building;
- Excavation or grading when conducted in aid of construction borrow pits in conjunction with site prep for an approved development;
- Mining operations where the affected land does not exceed one (1) acre in area;
- Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land; or,
- Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose of and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

**Nonconforming Use:** The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated. Any building or land use covered by this Ordinance that is not operational during a one (1) year period from adoption of this Ordinance shall be considered a nonconforming use.

**Propane or Gasoline Bulk Storage:** The storage of product at 30,000 gallons or greater for the purpose of an individual or corporation to sell various quantities for profit.

**Race Tracks (Includes Go-Cart, Motocross, etc.):** Any facility used for the purpose of racing vehicles such as cars, four-wheelers, dirt bikes, go-carts, etc.

**Recreation Vehicle (RV) Campgrounds:** Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle park shall also be known as a campground or travel trailer park.

**Site Plan:** A specific and detailed plan of development meeting the requirements of this ordinance.

**Solar Farm/Park:** Any parcel of land one (1) acre or greater where solar panels are located for the purpose of selling power. (See Light Industrial)

**Wireless Communication Facility:** A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

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

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

## ARTICLE V

### SPECIAL USE APPROVAL PROCESS

#### Section I. Purpose and Procedures

Special Use Permits shall be granted by the Columbus County Board of Adjustment as permitted by 153A-340(c1) for the uses listed as special uses in Article IV.

The owner of the property or his agent who is requesting a Special Use Permit shall submit a Special Use Permit application to the Planning Director at least three weeks prior to a public hearing on the application scheduled before the Planning Board. The Special Use permit application can be found on the Columbus County Planning Department website found at [columbusco.org](http://columbusco.org). Such application shall include all of the requirements pertaining to this Ordinance including any proposed site plans, the names and addresses of all adjacent property owners including property owners that are directly across from any public or private street or roadway, and the requisite fee established by the Columbus County Planning Department Fee Schedule. After a public hearing, the Columbus County Planning Board shall forward a recommendation to the Columbus County Board of Adjustment for their consideration.

### Planning Department Administrative Review:

1. Pre-Development Conference: All applicants shall meet with the Planning Director to discuss the permit application, proposed site plans, and additional information needed for approval process.
2. Technical Review Committee: The Planning Director shall make and distribute copies of the proposed site plan to the Chairman of the Planning Board, the Clerk to the Board of Commissioners, the Columbus County Health Department, the Columbus County Board of Education (*only, if the project involves multi-family housing*), the Columbus County Inspections Department, the Columbus County Soil and Water Conservation District, the Columbus County Fire Marshal, the Columbus County Tax Administrator and the local District Engineer of the State Department of Transportation. The Technical Review Committee shall be given ten (10) days to review and respond with comments. The Technical Review Committee shall forward their comments, if any, to the Planning Director. The Planning Director shall consider any reasonable request submitted by the committee member in writing which will be reviewed by the Planning Director and/or the Planning Board Chairman, who then shall grant or deny the request. Upon receipt of comments from the Technical Review Committee, the Planning Director shall prepare a report summarizing the comments, if any, for review by the Planning Board and the applicant. The applicant may then submit a revised site plan to the Planning Department at least five (5) days prior to the public hearing before the Planning Board.
3. Prior to approval of the site plan, the Planning Director may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

### Section II. Planning Board Action

1. After the Pre-Development Conference, the Planning Director shall set a date and time for a public hearing before the Planning Board. Notice of the public hearing shall be given once a week for two successive calendar weeks in a local newspaper of general circulation, said notice to be published the first time at least ten (10) days, but not more than twenty-five (25) days, prior to the date fixed for said public hearing. In addition to the newspaper advertisement, the property concerned shall be posted indicating that a public hearing will take place regarding a proposed zoning change/permitting action by the Columbus County Planning Department, at least one week before the public hearing. The posting shall also include the phone number of the Planning Department so that more information can be provided upon request.
2. The Planning Board shall consider the application, the comments of the applicant, and any comments of any interested persons attending the public hearing. In conducting the public hearing, the Planning Board shall follow the same rules and procedures as employed in the conduct of public hearings held before the Columbus County Board of

Commissioners. Following the public hearing, the Planning Board shall forward a recommendation to grant, deny, or grant with conditions the Special Use permit to the Board of Adjustment.

3. No Planning Board member shall participate in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection. Vacant positions on the Planning Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite majority.
4. In deciding whether or not to recommend the issuance of a Special Use permit, the Planning Board shall use as a guide the specific conditions outlined in this Article for each use proposed. In making their recommendation to the Board of Adjustment, the Planning Board shall consider the following criteria:
  - A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
  - B. That the use meets all required conditions and specifications;
  - C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
  - D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Columbus County Land Use Plan.

Based above criteria, the Planning Board shall then forward a recommendation to the Board of Adjustment regarding the Special Use Permit.

### Section III. Board of Adjustment Action

1. After the public hearing before the Planning Board, the Planning Director shall schedule an evidentiary hearing before the Board of Adjustment.
2. Prior to the hearing before the Board of Adjustment, the Planning Director shall pursuant to NCGS 160A-388(a2) notify by first class mail all owners of property abutting the property that is the subject of the hearing and to owners of property across any public or private street from the subject property. Within that same time period, the property concerned shall be posted indicating that a public hearing will take place regarding a proposed zoning change/permitting action by the Columbus County Planning

Department, at least one week before the public hearing. The posting shall also include the phone number of the Planning Department so that more information can be provided upon request.

3. The Planning Director shall provide to the Board of Adjustment, copies of the application, site plans, reports and any other written administrative material relevant to the evidentiary hearing. The administrative materials may be submitted at the hearing or distributed, in written or electronic form, to the Board prior to the evidentiary hearing. At the same time a copy of the administrative materials shall be submitted to the applicant or landowner, if he is not the applicant. The administrative materials shall become part of the hearing record. Any objections to the inclusion or exclusion of administrative materials shall be made at the hearing.
4. At the evidentiary hearing the applicant, the owner of the subject property, local government, adjacent landowners and any other interested person who has relevant evidence to offer, shall have the right to present evidence and participate in the hearing.
5. At the evidentiary hearing, the Board of Adjustment shall consider the application and other relevant evidence, including sworn testimony and exhibits and may deny, grant or grant with reasonable and appropriate conditions the Special Use permit. In conducting the evidentiary hearing, the Board of Adjustment shall follow quasi-judicial procedures as set forth in NCGS 153A and 160A.
6. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members of the Board shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
7. No Board of Adjustment member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection.
8. In rendering a decision on a Special Use permit, the Board of Adjustment shall consider the following conditions for each proposed use:
  - A. Whether or not the use materially endangers the public health or safety;
  - B. Whether or not the use meets all required conditions and specifications;

- C. Whether or not the use will substantially injure the value of adjoining or abutting property or will be a public necessity; and
  - D. Whether or not the location and character of the use, will be in harmony with the area in which it is located and be in general conformity with the Columbus County Land Use Plan.
9. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing reflecting the Board's determination of any contested facts and their application to the applicable standards. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Commissioners. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first class mail to the applicant, property owner, and to any other person who has submitted a written request for copy prior to the date the decision becomes effective.
10. In granting the Special Use Permit the Board of Adjustment may designate conditions which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the hearing at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use permit, their heirs, successors and assigns. The Special Use permit shall be kept on file in the office of the Planning Department, including in the Planning Department's electronic data files.

#### Section IV. Denials and Appeals

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

No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use permit except through the Columbus County Superior Court within thirty (30) days.

If denied, the applicant must wait for a period of six (6) months before a new application can be submitted.

#### Section V. Failure to Comply/Notification of Adjacent Property Owners

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

## Section VI. Expiration of Special Use Permit

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

## Section VII. Modifications of Plans

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

## Section VIII. General Requirements for Special Uses

A site plan must be submitted with the Special Use Permit Application and may be prepared by the applicant. The site plan must include the following:

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
4. The nature of the proposed use of the building or land, including the extent and location of the use;
5. The location and dimensions of off-street parking and loading space and means of ingress and egress;
6. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
7. The location and type of all required buffers;
8. Required Driveway Permits from the Department of Transportation;
9. A landscape plan that meets requirements of the Highway Corridor Overlay District (if applicable);

10. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
11. The location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways.
12. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

## ARTICLE VII

### ENFORCEMENT AND PENALTIES

#### Section I. Administration & Enforcement.

The Planning Director of his/her designee shall be responsible for the administration and enforcement of this ordinance.

If the Planning Director shall determine that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to within ten (10) working days correct the violation. He may order the discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of addition, alterations, or structural changes thereto; the discontinuance of any illegal work being done; and may take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

#### Section II. Conflict with Other Laws.

Wherever the provisions or application of this ordinance impose higher standards than are required in any other local ordinance or regulation, the provisions or application of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions or application this ordinance, the provisions of such other statute or local ordinance or regulation shall govern.

#### Section III. Penalties

Any person, firm or corporation who violates any provision of any article of this ordinance; or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any structure after having received written notice from the Ordinance Administrator to cease work, shall, upon conviction, be guilty of a Class 3 misdemeanor as provided by N.C.G.S. § 14-4 as may be amended from time to time, and shall be punishable by a fine not to exceed fifty (\$50.00) dollars, or imprisonment not to exceed twenty days. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to the owner, the agent of the owner, or the contractor and left at his

known place of residence or place of business. In lieu of or in addition to the criminal penalties outlined above, each person violating this ordinance shall be subject to a civil penalty, under N.C.G.S. 153A-123(c), in the amount of two-hundred (\$200.00) dollars per day. No penalty shall be assessed prior to notice to the violator. For every day a violator is in violation of this ordinance, it shall be considered a separate offense. If the violator does not pay such penalty within 30 days of notification of its assessment by written citation it and any subsequently accruing penalty may be recovered by the County in a civil action in the nature of a debt. Any contest of said penalty shall be by appropriate action taken in the General Court of Justice for Columbus County.

Section IV. Severability Clause

Should any section or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so declared to be unconstitutional or invalid.

Section V. Ordinance Amendments

After a recommendation from the Planning Board, this Ordinance may be amended by the Board of Commissioners following a public hearing on the proposed changes. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
G. TRENT BURROUGHS, Chairman

ATTESTED BY:

\_\_\_\_\_  
JUNE B. HALL, Clerk to the Board

## APPENDIX A

### Minimum Solar Farm Requirements

1. All solar farms must be set back from an adjacent highway right-of-way at least 50 feet. Similarly, a side or rear set-back distance of 30 feet from any property line is required.
2. A vegetative buffer consisting of either one or two rows of staggered evergreen vegetation is required as per the vegetative buffer design specification sheet available from the Columbus County Planning Department. A vegetative buffer may be constructed using any of those evergreen varieties identified or an approved equivalent. A staggered two row buffer is to be located between any solar farm fencing and an adjacent highway. Similarly, a two row vegetative buffer is required to screen the farm from the direct view of adjacent residential housing units. Where required, a single row vegetative buffer is required along perimeter fencing as noted in item three (3) below.
3. A vegetative buffer consisting of one row of evergreen vegetation is required along all perimeter areas not covered under item number 2 above ( i.e. where two row vegetative buffering is called for) but with the following exception(s):
  - a. Where a natural vegetative buffer already exists on the property and which allows for said natural vegetative buffer to remain and be maintained in an undisturbed natural state which provides adequate screening to adjacent parcels on the side or sides, or along the back fence line of the solar farm.
  - b. When a solar farm is located over 250 feet from an adjacent highway such that only minimal vegetative screening is needed to prevent the farm from becoming a distraction to drivers on the adjacent highway or to adjacent landowners.
4. Vegetative buffers may be located within the required setback areas.
5. The maximum height for a ground mounted solar system under these guidelines is 15 feet above ground level.
6. General Standards:
  - a. All Solar Farms shall comply with all Building and Electrical Codes
  - b. Shall not create a visual safety hazard for any passing motorist or aircraft
  - c. Shall be removed, at the property owner's expense, or at the solar farm owner's expense within one hundred and eighty (180) days of determination by the Planning Department that the facility is no longer being maintained in an operable state of good repair or is no longer supplying solar power.
  - d. All solar farms must be maintained in a reasonable fashion with regard to the facility grounds such that the facility does not become a public eyesore or contain undergrowth which may harbor vermin due to the excessive length of grass and other vegetation located inside or outside of the perimeter fencing.