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PREAMBLE

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR ALL LAND WITHIN SCOTLAND COUNTY, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF AND CREATING A PLANNING AND ZONING BOARD AND A BOARD OF ZONING ADJUSTMENT IN ACCORDANCE WITH THE STATUTES OF NORTH CAROLINA GOVERNING COUNTY ZONING. BE IT ORDAINED AND ENACTED BY THE BOARD OF THE COUNTY COMMISSIONERS OF SCOTLAND COUNTY, STATE OF NORTH CAROLINA, AS FOLLOWS:

ARTICLE I. GENERAL REGULATIONS AND PROVISIONS

SECTION 1. PURPOSE

This ordinance is designed to guide the growth of the various land uses of the County to encourage the future development of the County in accordance with a plan of land use and population density so that the County may realize its best potentialities as a place to live and work.

SECTION 2. AUTHORITY

The provisions of this ordinance are adopted under authority granted by Chapter 153A, Subsections 121 through 123, 320 through 324, and 340 through 348 of the General Statutes of North Carolina.

SECTION 3. ADMINISTRATIVE MECHANISMS

3.1 Planning and Zoning Board

3.1.1 Appointment and Terms of Planning and Zoning Board Members

3.1.1.1 There shall be a Planning and Zoning Board consisting of seven members.

3.1.1.2 Planning and Zoning Board members shall be appointed for four-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies may be filled by the Scotland county Board of Commissioners for the unexpired term only.

3.1.1.3. Members may be appointed to not more than three successive terms.

3.1.1.4. Planning and Zoning Board members may be removed by the Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other reasonable cause related to performance of duties.

3.1.2. Meetings of the Planning and Zoning Board

3.1.2.1. The Planning and Zoning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take timely action in conformity with Sections 14, 33, 36, 37, 38, and 39.

3.1.2.2. The Board need not conduct its meetings strictly in accordance with quasi-judicial procedures. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

3.1.2.3. Minutes shall be kept of all proceedings.

3.1.2.4. All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

3.1.3. Quorum and Voting.

3.1.3.1. A quorum for the Planning and Zoning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.

3.1.3.2. All actions of the Planning and Zoning Board shall be taken by a majority vote, a quorum being present.

3.1.3.3. A roll call vote shall be taken upon the request of any member.

3.1.4. Planning and Zoning Board Officers.

3.1.4.1. At its first meeting in January of each year, the Planning and Zoning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice-chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

3.1.4.2. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

3.1.4.3. The Inspections and Zoning Department shall serve as technical staff to the Planning and Zoning Board and provide a person to be the Board's Secretary.

3.1.5. Powers and Duties of the Planning and Zoning Board.

3.1.5.1. The Planning and Zoning Board may:

- a. Make studies of the county and surrounding areas.
- b. Determine objectives to be sought in the development of the study area.
- c. Prepare and adopt plans for achieving those objectives
- d. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- e. Make recommendations to the Commissioners concerning proposed zoning text amendments, zoning map changes, and conditional uses.
- f. Perform any other duties assigned by the commissioners.

3.1.5.2. The Planning and Zoning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provision of this ordinance.

3.1.6. Advisory Committees

3.1.6.1. From time to time, the Commissioners may appoint one or more individuals to assist the Planning and Zoning Board to carry out its planning responsibilities with respect to a particular subject area.

3.1.6.2. Members of such advisory committees shall sit as nonvoting members of the Planning and Zoning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning and Zoning Board. However, all formal recommendations to the commissioners shall be made by the Planning and Zoning Board.

SECTION 4. ZONING DISTRICTS ESTABLISHED

For the purpose of this ordinance, all land of the unincorporated territory of Scotland County, excluding the territory under the extra territorial jurisdiction of municipalities as set forth on the accompanying official zoning maps, is hereby divided into eleven districts as follows:

RA – Residential – Agricultural
R1 – Residential Single Family
R2 – Residential District
C1 – Neighborhood Commercial District
HC – Highway Commercial District
I1 – Light Industrial District
I2 – Heavy Industrial District
OS – Open Space District
MHA, MHB – Manufactured Home Overlay District
RAHC – Residential Agricultural Highway Commercial Overlay District
AO – Airport Overlay District

The boundaries and location of said districts are hereby established as designated on the Official Zoning Map or maps accompanying this ordinance and made a part hereof, entitled "Scotland County Zoning Map, (Four Volumes) August 1998." Said map or maps, together with

all notations and designations thereon and amendments thereto, are hereby made fully a part of this Ordinance just as if the same were fully described herein.

SECTION 5. ZONING OVERLAY DISTRICTS ESTABLISHED

5.1 MANUFACTURED HOME OVERLAY DISTRICT (MHA, MHB)

5.1.1 Purpose

In accordance with the comprehensive plan and based on local needs, and as authorized by G.S. 153A-383.1 and G.S. 160A-383.1(e), two types of manufactured home overlay areas may be established. Such overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning district where they would not otherwise be allowed, subject to appropriate conditions. The Planning and Zoning Board and the Board of Commissioners will give close consideration to whether manufactured homes would be compatible with surrounding land use.

5.1.3 Designation

Manufactured Home Class A (MHA) and Manufactured Home Class B (MHB), overlay areas which overlay or overlap existing zoning districts, the extent and boundaries of which are or may be indicated on the zoning map as approved by the Board of Commissioners.

In addition to other permitted uses, Class A manufactured homes shall be permitted in MHA overlay areas, and Class A and B homes shall be permitted in MHB overlay areas. These uses are in addition to other permitted uses. All other applicable requirements, including but not limited to setback and accessory structure requirements, also shall apply to manufactured homes allowed in overlay areas.

5.2 HIGHWAY COMMERCIAL OVERLAY DISTRICT FOR THE RESIDENTIAL AGRICULTURAL (RA) DISTRICT (RAHC)

In accordance with G.S. 153A-342, a Highway Commercial Overlay Area (HC) is established and may be applied to selected portions of RA (Residential Agricultural) districts for the purpose of controlling commercial activities along entrance corridor highways on a selective basis. All commercial activities in the overlay areas shall be approved only as conditional uses, on a case-by-case basis, in accordance with Article V of this Ordinance.

5.3 AIRPORT OVERLAY DISTRICT (AO)

SECTION 6. AIRPORT OVERLAY DISTRICT STANDARDS AND REGULATIONS (AO)

6.1 PURPOSE

The regulations set forth in this subchapter are designed to protect, promote and improve the public safety and general welfare by preventing the location of structures or natural growth which would constitute hazards or obstructions to aircraft operating in the vicinity of the Laurinburg Maxton Airport. Through these regulations a general compatibility between use of property within the airport and in the vicinity thereof can effectively be brought about.

6.2 DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT - Means Laurinburg-Maxton Airport.

2. AIRPORT ELEVATION - 216.6 feet above mean sea level.

3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5.34 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 5.33 of this Ordinance.

5. BOARD OF ADJUSTMENT - An existing Board of Adjustment, (BZA) appointed by Scotland County Board of Commissioners.

6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

7. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. HEIGHT - For the purpose of determining the height limits in all zones set forth in the Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

9. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.

10. NONCONFORMING USE - For the purpose of this section, any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

11. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.34 of this Ordinance.

12. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

13. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 5.33 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

14. RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

15. RUNWAY, LARGER THAN UTILITY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

16. RUNWAY, NONPRECISION INSTRUMENT - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

17. RUNWAY, PRECISION INSTRUMENT - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

18. RUNWAY, UTILITY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

19. RUNWAY, VISUAL - A runway intended solely for the operation of aircraft using visual approach procedures.

20. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, billboards, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

21. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

22. TREE - Any object of natural growth.

6.3 AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Laurinburg-Maxton Airport. Such zones are shown on Laurinburg-Maxton Airport Zoning Map consisting of one sheet, prepared by the Scotland County Department of Planning and Zoning, as amended from time to time, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility, Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Runway Larger Than Utility - With A Visibility Minimum Greater Than 3/4 Mile, Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Runway Larger Than Utility - With A Visibility Minimum up to 3/4 Mile, Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. Runway, Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

5. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.

6. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 foot radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

7. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

6.4 AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger Than Utility Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The elevations of the Runway Larger Than Utility Visual Approach Zone range from 216.6 to 466.6 feet depending upon horizontal distance from the primary surface.

2. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. The elevations of the Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone range from 216.6 to 510.6 feet depending upon horizontal distance from the primary surface.

3. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Nonprecision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. The elevations of the Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Nonprecision Instrument Approach Zone range from 216.6 to 510.6 feet depending upon horizontal distance from the primary surface.

4. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet (breakpoint) along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline. The elevations of the Precision Instrument Runway Approach Zone range from 216.6 to 1,216.6 feet (416.6 feet at breakpoint) depending upon horizontal distance from the primary surface.

5. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surfaces, and extending to a height of 150 feet above the airport elevation, which is 216.6 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surfaces, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surfaces, and extending a horizontal distance of 50,000 feet measured at 90 degree angles to the extended runway centerline. The elevations of the Transitional Zones range from 216.6 to 7,359.4 feet depending upon horizontal distance from the primary surface.

6. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 366.6 feet above mean sea level. The elevations of the Runway Larger Than Utility Visual Approach Zone range from 216.6 to 466.6 feet depending upon horizontal distance from the primary surface.

7. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. The elevations of the Runway Larger Than Utility Visual Approach Zone range from 216.6 to 466.6 feet depending upon horizontal distance from the primary surface.

8. Excepted Height Limitations - This Ordinance shall not be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land, unless otherwise specified by this ordinance.

6.5 USE RESTRICTION

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft,
2. Make it difficult for pilots to distinguish between airport light and others,
3. Result in glare in the eyes of pilots using the airport,
4. Impair visibility in the vicinity of the airport, create bird strike hazards, or
5. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

6.6 NONCONFORMING USE

1. Regulations Not Retroactive - The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and completion of has been diligently pursued in accordance with scheduled and passed inspections.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Laurinburg-Maxton Airport Commission.

6.6 PERMITS

1. Future Uses - Except as specifically provided in a, b, and c in this section, no material change shall be made in the use of land, no structure shall be erected or use otherwise established in any zone hereby created unless a zoning permit indicates the purpose for which the permit is desired and that the proposed use would conform to the regulations contained in this section. If the proposed use conforms to requirements, the permit shall be issued. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Paragraph 4 of this section.

a. In the area lying within the limits of the horizontal zone and conical zone, a zoning permit must specify maximum heights for any tree or structure. Such tree or structure shall not exceed an elevation of 366.6 feet within the horizontal zone or the range of 366.6 to 384.1 feet (depending upon horizontal distance) within the conical zone.

b. In areas lying within the limits of the approach zones but at a horizontal distance of more than 4,200 feet from each end of the runway, zone, a zoning permit must specify maximum heights for any tree or structure. Such tree or structure shall not exceed an elevation of defined by the geographic location with the approach zone.

c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, zone, a zoning permit must specify maximum heights for any tree or structure. Such tree or structure shall not exceed an elevation of 366.6 feet within the horizontal zone or the range of 366.6 to 384.1 feet (depending upon horizontal distance) within the conical zone.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section IV, 10.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the County Planning Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment, (BZA) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board of Adjustment, (BZA) unless the county has furnished a copy of the application to the Airport Manager for advice as to the

aeronautical effects of the variance. If the Airport Manager does not respond to the application within 10 days after receipt, the Board of Adjustment, (BZA) may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, (BZA), this condition may be modified to require the owner to permit the Laurinburg-Maxton Airport Commission, at its own expense, to install, operate, and maintain the necessary markings and lights.

6.7 ENFORCEMENT

It shall be the duty of the Scotland County Planning Director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Scotland County Planning Director upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Scotland County Planning Director shall be promptly considered and granted or denied. Application for action by the Board of Adjustment (BZA) shall be forthwith transmitted by the Scotland County Planning Director.

6.8 BOARD OF ADJUSTMENT

1. The mandate of the existing Board of Adjustment, (BZA), shall be expanded to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the County Planning Director in the enforcement of this Section; (2) to hear and decide special exceptions to the terms of this Section upon which such Board of Adjustment, (BZA) under such regulations may be required to pass; and (3) to hear and decide specific variances.

2. Except as noted above, the existing Board of Adjustment, (BZA), shall remain as previously constituted by the Scotland County Board of Commissioners.

6.9 APPEALS

1. Any person aggrieved by a decision of the County Planning Director, made in the administration of the Ordinance, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within thirty days from the day the Board of Zoning Adjustment decision was rendered and communicated, by filing with the Scotland County Planning Director a notice of appeal specifying the grounds thereof. The Scotland County Planning Director shall forthwith transmit to the Board of Adjustment, (BZA) all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Scotland County Planning Director certifies to the Board of Adjustment, (BZA), after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Scotland County Planning Director cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment, (BZA) or notice to the Scotland County Planning Director and on due cause shown.

4. The Board of Adjustment, (BZA) shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this Section 63-63 of the General Statutes of the State of North Carolina, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

6.10 JUDICIAL REVIEW

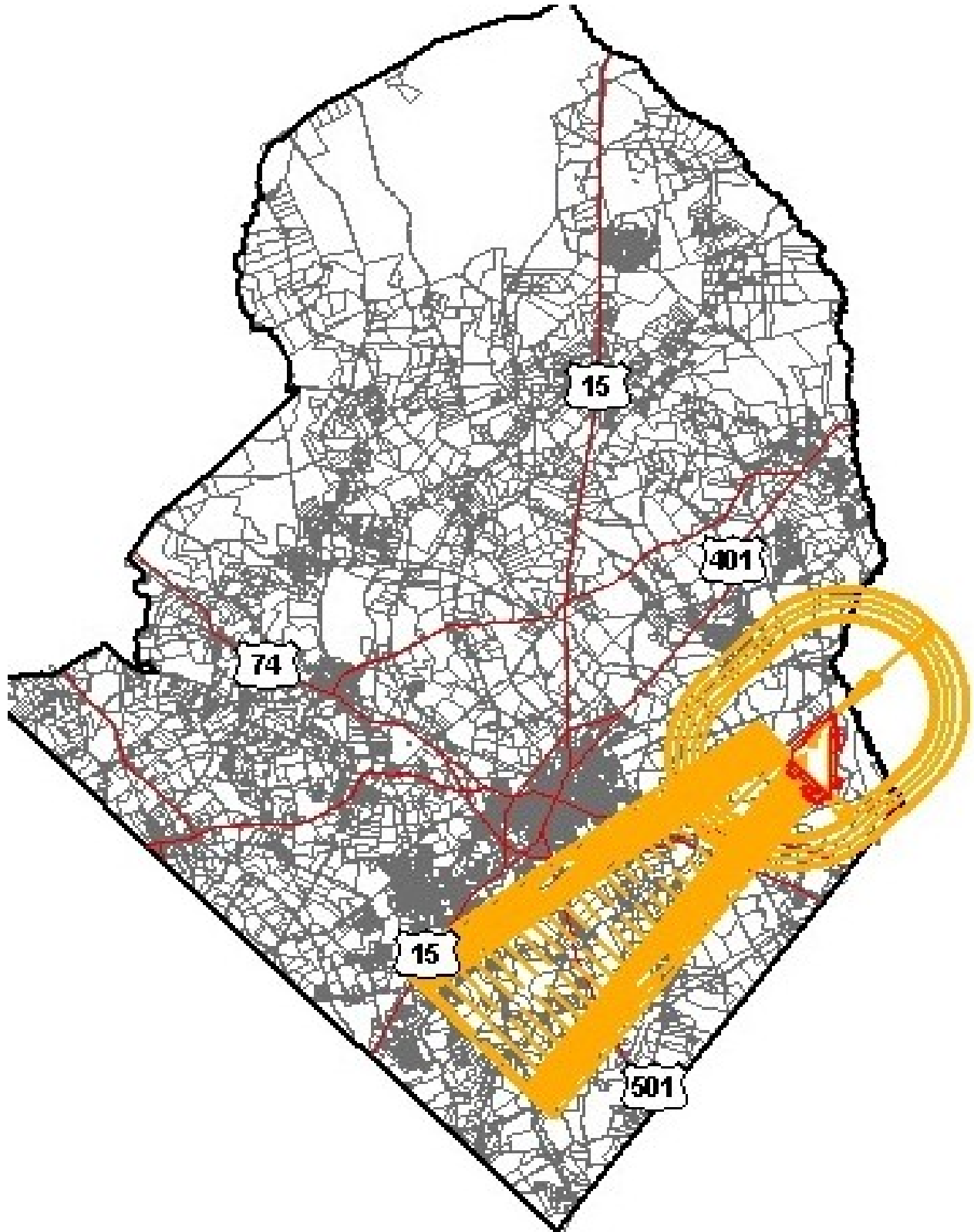
Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, (BZA), may appeal to the Superior Court as provided in Section 63-63 of the General Statutes of the State of North Carolina.

6.11 ENFORCEMENT AND REMEDIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a Class 3 misdemeanor. Each day a violation continues to exist shall constitute a separate offense. In addition the county may institute court action to prevent, retain, correct, or abate any violation of this ordinance, or of airport zoning regulations or of an order or ruling made in connection with its administration or enforcement. Such actions shall include, but not be limited to those for injunctive relief.

6.12 CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.



SECTION 7. INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

7.1 District boundary lines are intended to be along or parallel to property lines or lot lines and to the center line of streets, highways, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

7.2 In the absence of specified distances on the map, dimensions or distance shall be determined by the scale of the zoning map.

7.3 When the street or property layout existing on the ground is at variance with that shown on the zoning map, the Board of Adjustments shall interpret the district boundaries of the ordinance.

SECTION 8. INTERPRETATION OF DISTRICT REGULATIONS

Regulations for each district shall be enforced and interpreted according to the following rules:

8.1 Uses by Right and Condition Uses

All uses listed as permitted uses are permitted by right according to the terms of this ordinance. Conditional uses are permitted subject to compliances with standards for conditional uses and with any additional conditions specified. If similar, but unlisted, uses are proposed as uses by right or as conditional uses, the Zoning Officer shall decide if they are similar enough to be within the spirit of the ordinance for the district under consideration.

8.2 Minimum Regulations

Regulations set forth by this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or higher standard shall govern.

8.3 Restrictive Covenants

Unless restrictions established by covenants running with the land are prohibited by the provision of this ordinance, nothing contained herein shall be construed to render such covenants inoperative.

8.4 Bona Fide Farms

This ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farms within the jurisdiction of this ordinance, except that any use of such property for non-farm purposes shall be subject to these regulations.

8.5 Minor Deviations

8.5.1. Intent – In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare while avoiding undue and unnecessary hardships, on approval by the Planning Director, the following maximum minor deviations may be allowed by the Zoning Official:

- a. Minimum lot area, 10 percent, so long as all environmental health requirements are met.
- b. Minimum lot depth, 10 feet.
- c. Minimum lot width, 5 feet.
- d. Minimum rear yard, 5 feet.
- e. Minimum side yard, 1 foot.

8.5.2. Only one minor deviation of dimensional requirements shall be allowed per land parcel.

8.53. Criteria for approval of a minor deviation from Scotland County Zoning Ordinance Section 16.1 Public Water and Sewer Based Street Frontage and Newly Created Lot Dimension Requirements.

A minor deviation from street frontage requirements is defined as the approval of not more than one new lot that has less than or no street frontage as required in Section 16.1. A minor deviation may be approved by the Scotland County Planning Director in accordance with all of the following criteria:

- a. The request does not involve a flag lot or pipe stem lot. A flag lot or pipe stem lot is described as a lot accessed by a narrow strip of property connecting the street with the proposed lot;
- b. The request is associated with written permission from the property owner across whose property access is provided. Such written permission must contain provisions for maintenance and specify responsibility;
- c. A reflective address sign is permanently posted and obviously visible at the access point from the street;
- d. Not more than three dwellings use the same access easement, each having a clearly visible reflective address sign;
- e. No Scotland County Ordinance violations exist on the parent parcel or proposed parcel;
- f. The parent parcel and resultant lot may not be further subdivided via the minor deviation process;
- g. The proposed access will have or has adequate width, drainage, and is free from obstruction that might impede emergency response;
- h. The approval signature is in accordance with Scotland County Subdivision Ordinance Section 3.0.

8.5.4 Should the applicant not meet one or more of the criteria for a minor deviation, the applicant may appeal to the Board of Zoning Adjustment for a variance to the criteria required for approval of a minor deviation. Should the applicant disagree with the determination of the Planning Director, the applicant may appeal the decision or interpretation of the ordinance to the Board of Zoning Adjustments in accordance with Article VI Board of Zoning Adjustment.

SECTION 9. SEVERABILITY OF ORDINANCE

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

SECTION 10. DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future tense: the singular number includes the plural; the word "lot" includes the word "plot" or "parcel;" the term "shall" is always mandatory; the words "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."

10.1 Building

Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing billboards, and signs and similar structures whether stationary or movable.

10.2 Building. Accessory

A subordinate building, the use of which is customarily incidental to that of a principle building on the same plot. A manufactured home may not be permitted as an accessory building.

10.3 Building. Height of

The vertical distance measure from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge of a gable, hip, or gabled roof.

10.4 Building. Principal

A building in which is conducted the principal use of the plot on which it is situated.

10.5 Dwelling Unit

Any building, or portion thereof, which is designed for living and/or sleeping purposes.

10.6 Family

One or more person occupying a single dwelling or residence and living as a single housekeeping unit and for the purpose of this ordinance, "family" shall include foster children and adult supervisors occupying a dwelling or residence that has been licensed by the State of North Carolina to provide foster care for the children.

10.7 Gross Floor Area

Floor area calculated irrespective of interior walls or closets.

10.8 Group Home

A single family dwelling unit in which a small group of moderately mentally retarded adults can live and learn the habits and fundamentals of normal lives. Group homes do not include halfway houses, alcohol rehabilitation units or drug addiction treatment centers.

10.9 Home Occupation

Any occupation customarily conducted for profit within a dwelling unit and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes.

10.10 Lot

A parcel of land occupied or to be occupied by a main building or group of main building and accessory building(s) together with such yards, open spaces, lot width and lot area as are required by this ordinance and having not less than the 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. Multiple main buildings may occupy a lot in the event the land is zoned for commercial, industrial, multi-family, or for a manufactured home park. Multiple single-family buildings may occupy the same lot only as temporary uses approved by the Board of Zoning Adjustment.

10.10A Lot of Record

A lot, the plat or deed of which, has been recorded at the Scotland County Register of Deeds prior to the adoption of this ordinance.

10.11 Lot, Depth of

The average horizontal distance between front and rear lot lines.

10.12 Lot, Width of

The average horizontal distance between side lot lines measured at the front line of the building or proposed building.

10.12A Manufactured Home

A dwelling unit that:

- (1) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and
- (2) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and
- (3) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development, and conforms to the standards specified in the Scotland County Zoning Ordinance.

10.13 Manufactured Home, Class A –

(Commonly referred to as a double or multi-section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (1) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- (2) The manufactured home has a minimum of 900 feet of enclosed living area;
- (3) The pitch of the roof of the manufactured home has a minimum vertical rise of three feet for each twelve feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (4) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- (5) The exterior siding consist predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (6) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (7) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground;
- (8) The moving hitch, wheels and axels, and transporting lights have been removed; and
- (9) The manufactured home is listed as a real property, not personal property.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

10.14 Manufactured Home. Class B –

(Commonly referred to as a single section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and the satisfies the following additional criteria:

- (1) The manufactured home has a minimum length of fifty-two (52) feet measured along the longest axis and a minimum width of fourteen (14) feet measured at the narrowest part of the other axis.
- (2) The manufactured home has a minimum of seven hundred twenty-eight (728) square feet of enclosed living area;
- (3) The pitch of the roof of the manufactured home has a minimum rise of three feet for each twelve feet of horizontal run;
- (4) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint, wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (5) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and rests upon continuous uniform foundation enclosed, unpierced except for required ventilation and access. The foundation skirting shall be of a non-combustible material or material the will not support combustion. Any wood framing for foundation skirting shall be constructed with treated lumber;

- (6) Stairs, porches, entrance platforms, ramps, and other means of entrance and exits to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina State Building Code.

10.15 Manufactured Home, Class C –

(Commonly referred to as a home or house trailer.) Any manufactured home that does not meet the definitional criteria of a Class A or a Class B manufactured home.

A mobile home is a detached residential unit which is factory assembled and designed to be transported on its own running gear, contains utility connections designed to meet local and state codes, is utilized for year-round occupancy, and is not less than 10 feet by 40 feet in size.

10.16 Manufactured Home Park

A Manufactured Home Park is a parcel or tract of land developed with facilities for locating four (4) or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale.

10.16A Modular Home

A dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

10.17 Nonconforming Building

A building which is situated on a lot in such a manner that it does not meet the yard requirements of the zoning district.

10.18 Nonconforming Land

A lot which does not meet the minimum area requirements of the zoning district in which it is located.

10.19 Nonconforming Use

A legal use of a building and/or of land that antedates the adoption of these regulations and does not conform to the regulations for the zone in which it is located.

10.20 Open Air Market

Any permanent or temporary display of goods in an open or partially open setting. Open air markets include flea markets, outdoor craft shows, fruit and vegetable stands and itinerant merchant displays. NOTE: This definition does not apply to the sale of agricultural or horticultural products or a retail stand on the property where produced.

10.21 Parking Space

The storage space for an automobile not less than 8 feet by 20 feet and the necessary access space of 15% of the total parking area.

10.22 Sign

A structure or display used as an advertisement or notice with an area of less than 300 square feet.

10.23 Street

A public thoroughfare which affords principal means of access to abutting property.

10.23a Street Right-of-Way Dedication

Process in accordance with Scotland County Subdivision Ordinance Section 4.2 (3) by which streets meeting the requirements found in “The North Carolina Department of Transportation, Division of Highways, Subdivision Roads, Minimum Construction Standards” “Addition of Subdivision Roads to the System” as amended, become part of the State Maintained Road System.

10.24 Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including advertising signs, and steel framework towers.

10.25 Use

Any continuous or continual occupation or activity taking place upon a parcel of land including, but not limited to, the location of tents or trailers or the storage of cars, machinery, or other materials.

10.26 Yard, Front

An open space on the same lot with a building located between the front line of the building (exclusive of steps) and the front property line and extending across the full width of the lot.

10.27 Yard, Rear

An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot extending the full width of the lot and which may be used for accessory buildings.

10.28 Yard, Side

An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

10.29 Zoning Official

The official charged with the enforcement of the zoning ordinance

SECTION 11. OFF-STREET PARKING AND LOADING REGULATIONS

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

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section:

- a. Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- b. Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- c. Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- d. Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section 11.4.
- e. Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas (spaces and aisles).
- f. Parking Area Aisles. That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- g. Parking Spaces. A portion of the vehicle accommodation area set for the parking of one vehicle.

11.1 Certification of Minimum Parking Requirements

Each application for a zoning permit submitted to the Zoning Official as provided for in this ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Official to determine whether the requirements of this section are met.

11.2 Number of Off-Street Parking Spaces Required

11.2.1 All land uses in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

11.2.2 Each land use must comply with the parking standards set forth in Appendix 4 – Table of Parking Requirements. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered.

The Board of Commissioners recognizes that the Table of Parking Requirements set forth in Appendix 4 cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Zoning Official is authorized to determine the parking requirements using this table as a guide. The Zoning Official may also require more parking or allow less parking whenever s/he finds that such a deviation are more likely to satisfy the standard set forth in 11.2.1 [above].

11.3 General Design Requirements

11.3.1 Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required.

11.3.2 Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

11.3.3 Parking aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Aisle Width	Degree of Parking Angle				
	0	30	45	60	90
One-Way Traffic	13'	11'	13'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

11.3.4 Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets (roads) is discouraged.

11.3.5 Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

11.3.6 Vehicle accommodation areas that include lanes for drive-in windows, or contain parking areas that are required to have more than 10 parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.

11.3.7 Vehicle accommodation areas that are not provided with the type of surface specified in 11.3.6 shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such a street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets) shall be paved as provided in 11.3.6 for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or tow parking spaces.

11.3.8 Parking spaces in areas surfaced in accordance with 11.3.6 shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with 11.3.7 shall be demarcated whenever practicable.

11.3.9 Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

11.4 Off-Street Loading for Industrial Uses

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate individual needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet and fourteen (14) feet overhead clearance with adequate means for entrance and exits.

<u>Square Feet of Gross Floor Area</u>	<u>Required Number of Berths</u>
1,000 – 19,999	1
20,000 – 79,999	2
80,000 – 127,999	3
128,000 – 191,999	4
192,000 – 255,999	5

256,000 – 319,999	6
320,000 – 391,999	7
Each 72,000 above 400,000	1 additional space

SECTION 12. THE REGULATION OF SIGNS

12.1 Calculation of Sign Area

Sign area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area. In computing area, only one (1) side of a double-faced sign shall be considered.

12.2 Signs in the RA Districts

The following signs are permitted in the RA Districts:

- a. One (1) professional sign or announcement per lot for customary home occupations, kindergartens, or rest homes. Such signs shall not exceed six (6) square feet in area. No such Sign shall be illuminated.
- b. One (1) sign per lot pertaining to the lease, rent, or sale of the property upon which displayed. Such sign shall not exceed six (6) square feet in area. No such sign shall be illuminated.
- c. Church bulletin boards and signs announcing clubs and other recreational facilities and schools. Such signs shall be limited to one (1) per lot and eighteen (18) square feet in area. Such signs may be of the type which is lighted from behind to silhouette letters and figures.

12.3 Signs in R1 Districts

Community uses such as designated in section 25.2b may erect only one non-flashing sign harmonizing with the character of the neighborhood and not exceeding twelve (12) square feet in area. All other permitted uses may erect only one (1) non-illuminated sign not to exceed six (6) square feet in area to advertise a home occupation or the premises for sale or lease.

12.4 Signs in the C1 District

No establishment in this district shall have more than three (3) signs. In no case shall any of these signs be larger than twenty-five (25) square feet in area.

In the case of highway fruit stands or gifts shops, which are conditional uses in the C1 district, only three (3) signs are allowed, none of which shall exceed fifty (50) square feet in area.

12.5 Signs in the I1 and I2 Districts

Business signs and billboards are allowed, provided such are not located within fifty (50) feet of any residential district, provided further that no more than one (1) billboard structure shall be allowed per one hundred (100) feet or less of lot frontage in single ownership with one (1) additional billboard structure allowed per additional one hundred (100) feet of frontage.

12.6 Signs in the HC and OS District

Signs in these districts shall conform to state regulations as contained in the Outdoor Advertising Control Act.

12.7 Illumination of Signs

All illuminated signs shall be placed so as to prevent the light rays or illumination there from being cast directly upon residential buildings.

SECTION 13. OPEN AIR MARKETS

13.1 Open air markets shall be permitted only in area zoned Commercial or Industrial.

13.2 A minimum gross land area of forty thousand (40,000) square feet shall be provided.

13.3 All display areas shall be at least forty (40) feet from any street or road right-of-way.

13.4 The amount of gross land area utilized for display area shall not exceed forty percent of the gross land area.

13.5 Restroom facilities shall be provided for the use of merchants and customers.

13.6 Any building, plumbing, electrical, or mechanical installation shall conform with all state and local codes.

SECTION 14. TEMPORARY MANUFACTURED HOME PERMIT

14.1 Manufactured homes may be allowed on a temporary basis in zoning districts where they are not permitted by right or condition in the following circumstances:

- a. Construction office, manufactured home office,
- b. Business office manufactured home to be utilized only when a permanent structure for the execution of that business is being constructed on the same lot;
- c. Residential manufactured home to be used in the situation where a permanent residential structure is damaged to the point that it is unfit for human habitation.

The above uses may be permitted provided that a nonrenewable permit for no more than six months occupancy is obtained from the County Building Inspector.

14.2 In any district, not more than one (1) manufactured home may be permitted in a rear yard on a temporary basis, provided that the Scotland County Board of Zoning Adjustment shall make a finding that a personal hardship situation justifying a special exception exists. Temporary Use Permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve (12) month periods for so long as the hardship exists. Application for renewal of a Temporary Use Permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Zoning Official and in turn shall be reviewed by the Scotland County Board of Zoning Adjustment to determine relative need. All such mobile homes must have access to water and sewer systems approved by the Scotland County Health Department and said mobile homes must be maintained in such a way as not to create nuisance conditions.

14.3 In any zoning district not more than one (1) manufactured home may be permitted on a property on a temporary basis provided that the primary purpose is to house an individual or individuals to provide security for surrounding properties. Temporary use permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve month periods for as long as the need can be justified. Application for renewal of a temporary use permit shall be made to the zoning official to determine relative need. All such manufactured homes must have access to water and sewer systems approved by the Scotland County Health Department and said manufactured homes must be maintained in such a way as not to create nuisance conditions.

SECTION 15. ZONING PERMIT REQUIRED

15.1 All applications for residential zoning permits or zoning permits for use of land, including those uses requiring a site plan approval, will utilize county forms accompanied by the application fee, deed and survey (tax map photocopy if a survey has not been performed) showing the actual dimensions and shape of the lot to be built upon; the approximate location of any existing buildings; and the approximate location of the proposed building/alteration or other proposed use of land. The application will include other information as lawfully may be required by the Planning and Zoning Department, including: existing or proposed uses of buildings and land; property owners consent forms **for Class A, B and C manufactured homes** confirming the applicants authority to use land; conditions existing on the lot; and any other matters as may be necessary to determine conformance with the enforcement of this ordinance, including but not limited to, field verification by county staff.

15.1.1 Site Plan Required

Each applicant must provide to the Zoning Official a map (or sketch), drawn to scale with sufficient clarity and detail to indicate the characteristics of the total property involved, which follows:

- The boundary of the property;
- The location of the proposed or existing building;
- The location of accessory structures; and,
- Such information as is currently required for an environmental health "Improvement Permit."

Note: "Plats" prepared in connection with "Improvement Permits" for environmental health purposes will satisfactorily fulfill the requirements for the site plan.

15.2 Action to be taken by the Zoning Official:

Unless elsewhere exempted by this ordinance, no use may change, and/or no building, sign or other structure can legally be erected, moved, added to, or structurally altered without a zoning permit. The Zoning Official will approve or deny the zoning permit based on compliance with the Zoning Ordinance unless evidence exists that there is a violation of county land development ordinances on the property.

15.3 Violations Must be Resolved Prior to Permit Issuance

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

SECTION 16. GENERAL REQUIREMENTS

The following land development standards apply to all zoning districts within Scotland County unless otherwise specified.

16.1 Public Water and Sewer Based Street Frontage and Newly Created Lot Dimension Requirements

Pursuant to Scotland County Zoning Ordinance Section 10.10, the minimum street frontage required for newly created lots not utilizing public water and sewer is 100 feet. For newly created lots utilizing either public water or sewer, the minimum street frontage required is 80 feet. For newly created lots utilizing both public water and sewer, the minimum street frontage required is 60 feet. A lot depth of two times the minimum lot frontage is the minimum lot depth required for newly created lots. Minimum lot area requirements for newly created lots are based upon the above dimensions. The minimum street frontage of a lot abutting the turning circle of a cul-de-sac shall not be less than thirty-five (35) feet. Minimum lot area requirements for newly created lots abutting the turning circle of a cul-de-sac shall be the equivalent area for lots with typical frontage as specified in this section.

16.2 Street Minimum Requirements

In addition to requirements set within the “street” definition provided by Scotland County Zoning Ordinance Section 10.23, streets shall be designated as public or private and designed and completed in accordance with Scotland County Subdivision Ordinance 4.2 Street Design Standards and Maintenance, which are incorporated into and made a part of this ordinance.

- (1) All streets, private or those streets proposed to be dedicated to the state roads system, in a subdivision shall be designed and paved as prescribed by, and in accordance with specifications and standards required by the North Carolina Department of Transportation.
- (2) All subdivision streets shall be maintained by the developer to minimum standards of the Department of Transportation as required for acceptance of subdivision streets to the State Maintained System.
- (3) The developer shall petition the Department of Transportation through the Board of Commissioners for all subdivision streets to be accepted to the State maintained System immediately when such streets meet the minimum acceptance standards of the Department of Transportation.

A street may be referred to as a road, subdivision road, or as in Scotland County Zoning Ordinance Section 10.23, as a thoroughfare. When access within an easement or by a driveway is designed and built in accordance with street design standards specified by Scotland County Ordinances and North Carolina Department of Transportation “Subdivision Roads - Minimum Construction Standards”, then the access within an easement or by a driveway may be considered a public or private street or road and shall be considered to have a level of service suitable to satisfy the street frontage requirements for new lots. Otherwise the level of service for access within an easement or by a driveway shall be considered equivalent to a privately maintained residential driveway and not suited for the creation of new lots. Access within easements and by driveways that do not meet the street design and construction requirements shall not satisfy the street frontage requirements. New lots having access within an easement or by a driveway, that do not meet the street frontage requirements may be considered for approval by the Scotland County Board of Zoning Adjustment in accordance with Scotland County Zoning Ordinance Section 44.2 Variances.

16.3 Public Service Use Exemption

Due to the unique nature of public service uses and the need to locate these uses in certain areas of the county irrespective of prevailing zoning district or subdivision regulations, the Zoning Official may approve public service uses in any zoning district; provided however, that all structures observe a minimum fifty feet (50) distance buffer requirement. Lots intending to accommodate public service uses are not subject to street frontage and lot size requirements so long as the lot area does not exceed 3,600 square feet. This exemption shall not apply to public service uses associated with electric substations, tower sites, wastewater treatment facilities, and similar public service uses typically afforded higher levels of location scrutiny. This exemption does not preclude compliance with any other requirement that may be imposed by local ordinances and/or federal or state law.

16.4 Buffers

In any instance which proposes the re-zoning of property to allow a non-residential use to be adjacent to a residential district, the re-zoning must be accomplished through the granting of a conditional use permit which includes provisions for the construction of a buffer. Within reason, the nature of the buffer shall be determined on the basis of adequacy to protect the adjacent residential district from any nuisances created by the proposed non-residential activity. Should it appear that no buffer is needed at the time of the re-zoning request because of vacant land, uninhabited dwelling units, or similar circumstances, the County Commissioners shall reserve the right to require a buffer at a later date based upon changing conditions. The responsibility to provide and maintain a buffer shall be the responsibility of the property owner or lessor who is creating the nuisance. The presence of streets, roads, railroads, bodies of water or other natural or man-made features which may coincide with the boundary between residential and non-residential districts may not preclude the requirement to provide a buffer. A performance bond may be required as one of the conditions of re-zoning. In all commercial and industrial districts, buffers are required for the enclosure of open storage of vehicles, materials, and/or equipment. Type and size of buffer is to be determined by the Planning and Zoning Board. (Note: Conditional Uses are considered by the Board of Zoning Adjustment, except in the case of a Conditional Use associated with buffer establishment during rezoning consideration.)

16.5 Manufactured / Mobile Homes Must Be Manufactured After July 1, 1976

Manufactured homes (also referred to as mobile homes) placed, erected or located on any parcel or lot must have been manufactured after July 1, 1976 and meet or exceed construction and safety standards promulgated by the U.S. Department of Housing and Urban Development in effect at the time of manufacture. A manufactured home or mobile home built before July 1, 1976 that was already properly permitted and properly set-up in Scotland County may remain in the location currently occupied but may not be relocated within the County. All applications for a manufactured home / mobile home zoning permit must include documentation of the manufactured home / mobile home manufacture date.

SECTION 17. STEEL FRAMEWORK TOWERS

In all districts where steel framework towers are permitted as a conditional use the following restrictions shall apply:

- a. Each tower must be so positioned that if it falls no part of the structure will fall outside the boundary of the property upon which it is located; and
- b. Stabilizing guy wires and anchors shall be substantially protected from physical damage.

SECTION 18. SPECIAL ENTERTAINMENT USES

18.1 *Intent* – It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas. A special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than one such within one thousand five hundred (1,500) feet of each other which would create such adverse effects).

18.2 *Definitions:*

18.2.1 Adult bookstore: an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical area,” or an establishment with a segment or section devoted to the sale or display of such material.

18.2.2 Adult motion picture theater: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

18.2.3 Adult motels and hotels: A place where motion pictures not previously submitted to or not rated nit eh Motion Picture Association of America are shown in rooms designed primarily for lodging, which said motion pictures have as the dominant or primary theme matters depicting, describing or relating to specified sexual activities.

18.2.4 Specified anatomical areas: For the purpose of this section, “specified anatomical areas” is defined as:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

18.2.5 Specified sexual activities; for the purpose of this section “specified sexual activities” is defined as:

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

18.3 Uses

The following uses are permitted in the HC (Highway Commercial) district subject to the provisions of this section:

- a. Adult bookstore
- b. Adult motion picture theaters housed in a permanent indoor structure;
- c. Clubs and other places of entertainment operated as a commercial enterprise providing nude or seminude entertainment such as “topless” dancing;
- d. Eating and drinking establishments (including drive-in curb service) providing nude or seminude entertainment such as “topless” dancing;
- e. Any physical culture establishment, masseur, massage parlor, health salon or club not otherwise prohibited;
- f. Adult motels and hotels.

18.4 Location of uses

18.4.1 Uses listed in this section shall be allowed as conditional uses in the HC (Highway Commercial) district.

18.4.2 No use listed in this section shall be within one thousand five hundred (1,500) feet of another use listed in this section.

18.4.3 No use listed in this section may be within one thousand five hundred (1,500) feet of a nursery, public or private school, day care, church or temple.

18.4.4 No use listed in this section may be within one thousand (1,000) feet of a residential district or residence.

18.4.5 For the purpose of enforcing this section distance shall be measured from the exterior wall of the use listed herein to the property line of the use or district dictating the distance standard.

18.5 Landscaping

Landscaping shall be provided that shall be designed to completely shield the use from adjoining properties. The area of landscaping shall be at least fifteen feet wide with a mix of vegetation types and shall incorporate a wall, fence, or other physical barrier wherever possible and advantageous to the interest of protecting adjoining properties.

SECTION 19. PENALTIES FOR VIOLATION

Any person violating any provision of any article of this ordinance, or who shall violate or fail to comply with any order made thereunder or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure having received written notice from the Zoning Official to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed 50 dollars or thirty (30) days in jail. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor, and left at his known place of residence or place of business.

SECTION 20. EFFECTIVE DATE

This ordinance shall be in force from and after its passage and approval.

Passed and adopted this 3rd day of April 1975.

ATTEST:

(signed – John Q. Byrd) _____

County Clerk

(signed – Albert N. McMillan, Jr.) _____

Chairman, Board of County Commissioners

Renumbered and republished, with all amendments through July 7, 2003 incorporated herein, this 7th day of July, 2003.

ATTEST:

(signed – Ann Kurtzman) _____

County Clerk

(signed – Davis Burns) _____

Chairman, Board of County Commissioners

ARTICLE II. APPLICATION AND ENFORCEMENT

SECTION 21. APPLICATION

Except as hereinafter provided for existing nonconforming uses, no building, structure, or premises shall be used and no building or part thereof shall be erected, reconstructed, enlarged, or altered except in conformity with enlarged, or altered except in conformity with the regulations prescribed by this ordinance, excepting that nothing in this ordinance shall affect the height, setback building line, yards, or courts of any building as such exists at the time of the passage of this ordinance.

SECTION 22. NONCONFORMING LAND, USES, AND BUILDINGS

After the effective date of this ordinance, land or structure or the uses of land or structures which would be prohibited under the regulations for the district in which they are located shall be considered as nonconforming. It is the intent of this ordinance to permit

these nonconforming uses to continue provided they conform to the following provisions:

22.1 Nonconforming Land

Where the owner of a lot (or his successor in title thereto at the time of adoption of this ordinance or any amendment thereto) does not own sufficient land to enable him to conform to the applicable lot requirements of this ordinance as amended, the Board of Adjustment may approve, as a special exception, such dimensions as shall conform as closely as possible to the required dimensions. If two or more adjoining and vacant lots of record are in single ownership at any time after the adoption of this ordinance, several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

22.2 Nonconforming Use

Where the use of land or of any building is nonconforming, such use shall not hereafter be enlarged or extended in any way.

a. A nonconforming use shall not be expanded to any lot or lots adjacent to the lot upon which it was located at the time of enactment of this ordinance, even though such additional lots may be at the time or thereafter in the same ownership as the lot containing the nonconforming use.

b. A nonconforming use shall not be changed to any other use, unless such use is listed as a permitted use for the district in which the nonconforming use is located.

c. If the nonconforming use is housed within a structure, the structure shall not be enlarged or expanded while such use is continued. If a nonconforming use is discontinued for any period for the purpose of enlarging or expanding a structure, every future use of the premises shall be a conforming use. Normal maintenance and repair and any alterations necessary to meet the specifications of this or other ordinances of the County shall be permitted.

d. If a building housing a nonconforming use is damaged or destroyed by any means to the extent that the value of the remaining structure is less than forty (40) percent of the cost of replacing the original structure at the time of such damage or destruction, the structure shall not be repaired or replaced, unless the nonconforming use is discontinued and all future uses of the premises shall be permitted uses.

e. If a building housing a nonconforming use is removed, it shall not be replaced, unless the use of the replacement building is a permitted use in the district in which the building is located.

f. If a nonconforming use is discontinued for any reason for a continuous period of 180 days, every future use of the premises shall be a conforming use.

22.3 Nonconforming Buildings

If a building is nonconforming, it may be enlarged in any way that will not increase the extent of nonconformity, provided that the use of the building is a permitted use for the district in which the building is located.

a. If a nonconforming building is removed, it shall be replaced only with a building which conforms in every way with the provisions of this ordinance.

b. If a nonconforming building is damaged or destroyed by any means to the extent that the value of the remaining structure is less than forty (40) percent of the cost of replacing the original structure at the time of such damage or destruction, the structure shall not be repaired or replaced, unless the next structure and use meet all the requirements of this ordinance.

22.4 Exceptions Permitted for Owner-Occupied Residencies

Residences which are nonconforming uses, but are occupied for such use by the owner of the residence, may be rebuilt regardless of the extent of damage or destruction and may be enlarged or expanded provided that:

a. They meet the minimum dimensional requirements for the district in which they are located;

- b. In the event of repairing damage, such rebuilding or repairs shall be made within 180 days of the date of such damage;
- c. The building contains only one residential unit; and
- d. All repairs and construction shall be in conformance with any other applicable ordinances or regulations.

22.5 Special Exceptions

On existing small lot sites, if the area is conforming and the existing structures, including manufactured homes, are moved or destroyed by fire or act of God, the owner may rebuild or replace on that site provided minimum health standards are met:

- a. The lot is properly zoned for the proposed use,
- b. The lot meets the minimum health standards applicable,
- c. The lot meets all set back requirements, front and side yard requirements, and has a total square footage of 11,250 square feet or more; and
- d. The lot is shown and described in metes and bounds on a plat which was recorded in the Office of the Register of Deeds of Scotland County (or of the Register of Deeds of Richmond County if prior to the year 1900) prior to April 3, 1975.

Provided that if two or more adjoining and vacant lots of record are in single ownership, and if said lots could be combined to meet the minimum lot requirements as applicable to the particular zone as specified in this ordinance prior to the adoption of this amendment, then this amendment shall not be applicable.

SECTION 23. ENFORCEMENT

This ordinance shall be administered and enforce by a Zoning Official who shall be designated by the County Manager.

23.1 Health Department Approval for Zoning Permits

The Scotland County Health Department or a private soil scientist licensed in the State of North Carolina shall evaluate property in accordance with the “Laws and Rules for Sewage Treatment, And Disposal Systems” (15A NCAC 18A.1900) to determine the overall site suitability. If the Scotland County Health Department evaluates the property, they may issue an Improvement Permit or advise the applicant accordingly, prior to the Scotland County Planning and Zoning Department issuance of a Zoning Permit. A Zoning Permit is required prior to the Scotland County Health Department release of an Authorization for Wastewater System Construction. No person shall commence or assist in the construction, location or relocation of a residence, place of business or place of public assembly unless the Scotland County Planning and Zoning Department has issued a Zoning Permit and Scotland County Health Department has issued an Improvement Permit and Authorization for Wastewater System Construction. The Scotland County Health Department may evaluate property to determine the overall suitability for an on-site waste water system, but under no circumstances release an Authorization for Wastewater System Construction without first obtaining a copy of the zoning permit. The Scotland County Health Department may advise the applicant on the construction, installation, repair, abandonment, operation, and use of private water supply system.

ARTICLE III. ESTABLISHMENT OF DISTRICT REGULATIONS

District regulations limiting the use of buildings and/or land regulating the size and arrangement of the building on its lot are set forth in this section.

SECTION 24. RA RESIDENTIAL-AGRICULTURAL DISTRICT

24.1 Intent

The RA Residential-Agricultural District is established as a district in which the principal use of the land is for low-density residential and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low density to provide a healthful environment.

24.2 The following uses are permitted:

- a. Single-family dwelling units and manufactured homes on individual lots. Class B and C Manufactured Homes are not permitted where a Manufactured Home Class A Overlay has been applied to any part of an RA district.
- b. Any form of agricultural or horticulture, including the sale of products at a retail stand on the property where produced.

- c. Customary home occupations, including dressmaking, cooking, baking, hairdressing, music instruction, the renting of not more than one (1) room, and the practice of such professions as law, insurance, real estate, accounting, medicine, dentistry, and chiropractic shall be permitted as accessory uses in a residence.
- d. Backyard workshops for building tradesmen and small appliance repair shops, but excluding open storage.
- e. Kindergartens and day nurseries, provided that not less than one-hundred (100) square feet of play area is provided for each child and provided further said aggregate play space is surrounded by a sturdy fence at least four (4) feet in height,
- f. Non-commercial greenhouses and truck gardens and non-commercial raising of pets on a scale that would not be objectionable because of the noise or odor. Provided further that no greenhouse heating plant or private stable shall be located within sixty (60) feet of any front property line nor within thirty (30) feet of any other property line.
- g. Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.
- h. Churches and their customary related uses, including cemeteries, provided that all buildings and graves shall be set back at least twenty (20) feet from any property line.
- i. Public elementary and secondary schools, colleges and universities, and private schools having curricula approximately the same as ordinarily given in public schools.
- j. Public or private parks, playgrounds, community centers, clubs, lodges, golf courses, swimming pools, fishing lakes, family campgrounds, and similar recreational uses.
- k. Public safety facilities, such as fire and police stations and rescue squad headquarters, provided that all vehicles and equipment shall be stored indoors; provided that all buildings shall be set back at least twenty (20) feet from all property lines and shall be designated and landscaped in such a way as to blend in with the surrounding area.
- l. Customary accessory uses and structures, including private garages, swimming pools, and other accessory structures in the rear yard where they shall not cover more than thirty percent (30%) of said rear yard.

24.3 Conditional Uses

The following uses are permitted, subject to any additional conditions imposed:

- a. Temporary sawmills, provided they shall not be operation for more than one (1) year; provided further that all sawmill structures shall be leveled and premises cleaned up within six (6) months after discontinuance.
- b. Manufactured homes in manufactured home park developments.
- c. Public works and public utility facilities, such as steel framework towers, transformer stations, water towers, and telephone exchanges, provided: 1) such facilities are essential to the service of the community and no vehicles or materials shall be stored on the premises; 2) all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.
- d. Accessory buildings may be used for any home occupation permitted in this district. Accessory buildings may be used for living quarters upon approval by the Scotland County Board of Zoning Adjustment.
- e. Group homes.

24.4 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and conditional uses in this district.

- a. Forty (40) feet minimum required front yard.
- b. Minimum required side yard for the principal building shall be ten (10) feet. On corner lots, the side yard, on that side of the lot abutting the side street, road, or easement shall not be less than 20 feet. Accessory buildings on the side of the lot abutting the side street, road, or easement shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street, road, or easement.
- c. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet.

- d. Height of buildings shall not exceed thirty-five (35) feet, unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- e. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street line or within ten (10) feet of any lot line not a street line. An accessory building or use shall be located not less than ten (10) feet from any property line.
- f. Off-street parking space shall be provided as required in section 11 of this ordinance.

24.4.1 Exceptions Permitted

Existing small lots created prior to April 3, 1975 which can not meet either the minimum lot area, lot width, or lot depth; the owner can build or place on the site provided the following are met:

- a. The lot is properly zoned for the proposed use.
- b. The lot meets the minimum health standards applicable.
- c. The lot meets the minimum set back requirements, front, rear and side yard requirements.

SECTION 25. R-1 RESIDENTIAL SINGLE FAMILY

25.1 Intent

This district is designed for medium density residential development and other compatible uses.

25.2 Permitted Uses

The following uses shall be permitted by right:

- a. Single family residences.
- b. Parks, playgrounds, community centers, schools, churches, cemeteries, country clubs, golf courses, day care facilities.
- c. Uses customarily accessory to the above permitted uses.

25.3 Conditional Uses

The following uses are permitted subject to any additional conditions imposed:

- a. Manufactured homes in park developments, subject to the provisions of the Scotland County Manufactured Home Park Development Ordinance.
- b. Public utility substations or pumping stations may be permitted if such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate side yards, fences, and other safety devices to protect the public safety and welfare.
- c. Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established, unless it is found that the appearance and property values of the district will be protected and public safety will not be impaired.
- d. Accessory buildings may be used for any home occupations permitted in this district. Accessory buildings may be used for living quarters upon approval by the Scotland County Board of Zoning Adjustment.
- e. Dressmaking, hairdressing, laundering, and- medical and professional offices may be permitted as home occupations in a residence or an accessory building thereof provided that such occupations shall be engaged in only by residents on the premises, that no more than the equivalent of the area of one floor of the residence shall be used for such occupations, that no display of products shall be visible from the street, and that no objectionable effects shall be produced or created.
- f. Manufactured homes may be permitted when used as a caretaker residence in conjunction with a rest home or convalescent home, provided that said rest or convalescent home existed prior to the adoption of this zoning ordinance, and provided that said rest or convalescent home is required by state law to have a caretaker residence adjacent to the said home. The manufactured home should be placed in the rear yard unless specific circumstances indicate otherwise in the judgment of the Planning and Zoning Board.
- g. Group homes

25.4 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and conditional uses in this district.

- a. A front yard of 30 feet measured from the building to the street shall be required and two side yards of 10 feet each shall be required.
- b. On corner lots, the side yard, on that side of the lot abutting the side street shall be no less than 20 feet. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street.
- c. Minimum required rear yard shall be 20 percent of the mean lot depth, provided that such rear yard need not exceed 30 feet.
- d. On any corner lot, there shall be no planting, fence, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

25.4.1 Exceptions Permitted

Existing small lots created prior to April 3, 1975 which can not meet either the minimum lot area, lot width, or lot depth; the owner can build or place on the site provided the following are met:

- a. The lot is properly zoned for the proposed use.
- b. The lot meets the minimum health standards applicable.
- c. The lot meets the minimum set back requirements, front, rear and side yard requirements.

SECTION 26. R2 RESIDENTIAL DISTRICT

26.1 Intent

The regulations of this district are designed to promote a pleasant rural residential neighborhood in areas adjacent to municipalities, consisting primarily of single family dwellings, those customary home occupations related to farm living, and those community uses providing the social and cultural needs of the area.

26.2 Permitted uses

The following uses shall be permitted by right.

- a. Single and two-family residences, rooming houses, and boarding houses.
- b. Parks, playgrounds, swimming pools, private lodges, community centers, schools, libraries, hospitals (which may include a home for nurses), churches, and cemeteries.

26.3 Conditional Uses

The following uses are permitted subject to any additional conditions imposed:

- a. Public utility substations or pumping stations may be permitted if such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate side yards, fences and other devices to protect the public safety and welfare.
- b. Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established, unless it is found that the appearance and property values of the district will be protected and public safety will not be impaired.
- c. Accessory buildings may be used for any home occupations permitted in this district. Accessory buildings may be used for living quarters upon approval by the Scotland County Board of Zoning Adjustment.
- d. Dressmaking, hairdressing, laundering, medical and professional offices may be permitted as home occupations in a residence or an accessory building thereof provided that such occupation shall be engaged in only by residents on the premises, that not more than the equivalent of the area of one floor of the residences shall be used for such occupations, that no display of the products shall be visible from the street, and that no objectionable effects shall be produced or created.

E. Manufactured Home Parks

- f. Residential structures for more than two families may be permitted if sufficient yard space is provided for light, air, play, and off-street parking, and that water supply and waste water facilities are adequate.
- g. Group homes.
- h. Cluster housing

Residential structures for more than two families shall include cluster housing or planned unit developments of free standing, detached buildings designed to be occupied by three or more families living independently of each other in district units, excluding mobile home or trailer parks or courts, modular homes, tourist camps, tourist courts, and uses of like nature.

An applicant for a building permit for developments of this type shall submit to the County Planning and Zoning Board a plat or drawing, prepared by an architect, engineer or surveyor of the area to be developed. Said plat or drawing shall show the proposed location of the units, common areas, roads, parking and all facilities involved in or related to the development. Drawings of the floor plan and exterior design of the units shall also be submitted.

The applicant shall further submit such other information as may be requested by the Planning and Zoning Board or the Board of Commissioners in order that the health, safety, welfare and general appearance of the surrounding neighborhood or area are protected.

The Board of Commissioners may impose such conditions with regard to the height, lot size, spacing, bulk, open space, parking, access, buffering and general appearance of the development as it deems appropriate, and in so doing may waive, modify or vary any of the area and bulk regulations contained in Article III, Section 26.4 of this ordinance.

26.4 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and conditional uses in this district.

- a. A front yard of 30 feet, measured from the building to the street, shall be required and two side yards of 10 feet each shall be required.
- b. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than 20 feet. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street.
- c. Minimum required rear yard shall be 20 percent of the mean lot depth, provided that such rear yard not exceed 30 feet.
- d. On any corner lot, there shall be no planting, fence, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of and two street lines.

26.4.1 Exceptions Permitted

Existing small lots created prior to April 3, 1975 which can not meet either the minimum lot area, lot width, or lot depth; the owner can build or place on the site provided the following are met:

- e. The lot is properly zoned for the proposed use.
- f. The lot meets the minimum health standards applicable.
- g. The lot meets the minimum set back requirements, front, rear and side yard requirements.

SECTION 27. C1 NEIGHBORHOOD COMMERCIAL DISTRICT

27.1 Intent

The C1 Neighborhood Commercial District is established as a district in which the principal use of land is for the provision of retail goods and services to the surrounding residential neighborhoods. It is the intent of this section to permit existing residences to continue until removed. No new residences shall be permitted.

27.2 Permitted Uses

The following uses shall be permitted by right:

- a. Banks and other financial institutions

- b. Barber and beauty shops
- c. Grocery stores, drug stores, and dry good stores
- d. Hardware stores
- e. Laundries, Laundromats, and dry cleaning pick-up stations
- f. Eating and drinking establishments, excluding drive-ins
- g. Real estate offices
- h. Tax offices
- i. Bookstores
- j. Florists
- k. Churches, not including cemeteries

27.3 Conditional Uses

The following uses shall be permitted subject to any additional conditions imposed:

- a. Live bait stores.
- b. Marinas and minor boat repair facilities.
- c. Service stations which shall have a minimum lot area of 10,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 25 feet to the front of the property line. All automobile repair and parts storage shall be performed inside the structure.
- d. Highway fruit stands and gift shops shall be permitted, provided they have a minimum frontage of 150 feet and a minimum of 5 off-street parking spaces.

27.4 Area and Bulk Regulations

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and conditional uses in this district:

- a. Minimum front yard depth shall be 40 feet from the right-of-way of the street. The first 15 feet from the property line shall be developed for sidewalks, grass, and plants and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking space.
- b. No side yard shall be required, except where a lot abuts a residential district, a 15-foot side yard shall be required. In other cases where a side yard, not required, is provided, it shall be at least 3 feet in width.
- c. Minimum required rear yard shall be 15 feet.
- d. No portion of any entrance driveway leading from a public street shall be closer than 15 feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed 30 feet at its intersection with curb or street line. No two driveways leading from a public street shall be within 20 feet of each other measured along the full height of the curb.
- e. On any corner lot, there shall be no planting, structure, fence, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.
- f. The architectural and general appearance of all buildings and grounds shall be in keeping with the character of the neighborhood. Planting strips and sidewalks shall be provided along the street front to protect and enhance the general appearance of the community.

SECTION 28. HC HIGHWAY COMMERCIAL DISTRICT

28.1 Intent

The HC Highway Commercial District is established as a district in which the principal use of the land is to provide goods and services to passing motorists.

28.2 Permitted Uses

- a. All uses permitted in the Neighborhood Commercial District, subject to all regulations set forth for that district
- b. Drive-in restaurants
- c. Motels
- d. New and used car sales
- e. Automobile repair
- f. Amusement places, including open air drive-in theaters
- g. Manufactured housing and trailer sales
- h. Heavy and farm equipment sales and service
- i. Automotive parts and accessory
- j. Veterinaries and kennels
- k. Building and material sales
- l. Boat and marine sales
- m. nursery and garden stores
- n. Churches, not including cemeteries

28.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and conditional uses in this district:

- a. Minimum front yard depth shall be 40 feet from the right-of-way of the street. The first 15 feet from the property line shall be developed for sidewalks and grass, and plants and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking spaces.
- b. No side yard shall be required, except where a lot abuts a residential district, a 15-foot side yard shall be required. In other cases where a side yard, not required, is provided, it shall be at least 3 feet in width.
- c. Minimum required rear yard shall be 15 feet.
- d. No portion of any entrance driveway leading from the public street shall not be closer than 20 feet to the corner of any intersection measured from the right-of way.
- e. The width of an entrance driveway leading from the public street shall not exceed 30 feet at its intersection with curb or street line. No two driveways leading from a public street shall be within 20 feet of each other measured along the full height of the curb.
- f. On any corner lot, there shall be no planting, structure, fence, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

28.4 Conditional Uses

- a. Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed as required in Section 16.
- b. Steel framework towers.

SECTION 29. I1 LIGHT INDUSTRIAL DISTRICT

29.1 Intent

The I1 Light Industrial District is established as a district in which the principal use of land is for light industrial and warehousing uses which normally seek locations on large tracts of land where the operations involved do not detract from the development potential of nearby underdeveloped properties.

29.2 Permitted Uses

- a. Air conditioning and heating equipment manufacturing
- b. Amusement, recreational, and sporting goods manufacturing
- c. Animal hospitals
- d. Apparel and clothing manufacturing, including hosiery
- e. Assembly halls, armories, coliseums, ballrooms, and similar structures
- f. Auction sales, except livestock
- g. Automobile parking lots and structures
- h. Automobile parts and accessories manufacturing
- i. Bakeries and other establishments manufacturing prepared food products for wholesale distribution
- j. Building materials storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- k. Business machines manufacturing
- l. Cabinet, casket, woodworking and upholstery shops
- m. Coffee, tea, and spices processing
- n. Contractors' offices and storage yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- o. Dairy products processing and distributing facilities
- p. Drugs, medicines, and cosmetics manufacturing
- q. Dry cleaning and laundry plants
- r. Electrical appliances and electronic equipment manufacturing
- s. Electrical supply houses and repair shops
- t. Exterminators
- u. Felt and sandpaper manufacturing
- v. Flour and feed mills
- w. Freezer lockers and ice plants
- x. Furniture manufacturing
- y. Greenhouses and horticultural nurseries
- z. Hardware and house wares manufacturing
- aa. Heating and refrigeration shops
- bb. Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- cc. Industrial trade schools and research laboratories
- dd. Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district.

- ee. Leather products, including luggage and shoe manufacturing
- ff. Light machine tool manufacturing
- gg. Machine and welding shops
- hh. Manufactured home manufacturing and on-site display and sales
- ii. Monument works and sales
- jj. Motorcycle, lawn mowers, and power saw sales and service
- kk. Musical instrument manufacturing
- ll. Offices pertaining to any permitted use
- mm. Oilcloth and linoleum manufacturing
- nn. Pickle processing
- oo. Plumbing and heating supply houses, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- pp. Pottery, porcelain, or vitreous china manufacturing
- qq. Precision instruments and jewelry manufacturing
- rr. Printing, engraving, and publishing establishments
- ss. Public safety facilities, such as fire and police stations and rescue squad headquarters
- tt. Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height.
- uu. Radio and television stations, studios, and towers
- vv. Restaurants, including drive-ins
- ww. Rodenticide, insecticide, and pesticide manufacturing
- xx. Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve feet behind property line. (12)
- yy. Sign painting and fabricating shops
- zz. Tire recapping shops
- aaa. Trailer manufacturing
- bbb. Trucking terminals
- ccc. Vinegar and yeast manufacturing
- ddd. Wholesale and warehousing establishments, except for the storage of dangerous or offensive items, such as uncured hides and explosives
- eee. Wholesale storage of gasoline and oil products, including bottled gas and oxygen
- fff. Window and door manufacturing
- ggg. Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a fence at least six (6) feet in height.
- hhh. Belting and brake lining manufacturing
- iii. Boat and trailer works and sales
- jjj. Bookbinding
- kkk. Bottling works

- lll. Bowling alleys and skating rings
- mmm. Textile manufacturing
- nnn. Home furnishings manufacturing

29.3 Conditional Uses

The following uses shall be permitted subject to any additional conditions imposed:

- a. Mobile home parks, subject to the Scotland County Mobile Home Park Development Ordinance
- b. Manufacturing uses not otherwise named herein which come within the spirit and intent of this zoning district
- c. Steel framework towers

29.4 Area and Bulk Regulations

The following regulations limiting the development and arrangement of buildings and/or land are required for all permitted and conditional uses.

- a. Minimum lot area shall be one (1) acre.
- b. Minimum lot width shall be 20 feet.
- c. Minimum front yard shall be 50 feet.
- d. Minimum side yard on each side of every principal building shall be 15 feet.
- e. Minimum required rear yard shall be 20 feet.
- f. The total ground area covered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area.
- g. No building shall exceed fifty (50) feet in height, unless the depth of the front and total width of the side yards herein shall be increases by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.
- h. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 8 of this ordinance.

SECTION 30. I2 HEAVY INDUSTRIAL DISTRICT

30.1 Intent

The I2 Heavy Industrial District is designed to accommodate all but the most obnoxious industries; however, it is expected that industries permitted here by right, as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glare, noise, and vibration.

30.2 Permitted Uses

The following uses shall be permitted by right:

- a. All uses permitted in the L-1 Light Industrial District
- b. Airports
- c. Barber and beauty shops
- d. Brick, tile, and pottery yards
- e. Building materials and specialties manufacturing
- f. Cafeterias and snack bars in industrial plants
- g. Candy and confectionery manufacturing

- h. Coal and wood yards and pole treating plants
- i. Concrete and asphalt products plants
- j. Contractors offices and storage yards
- k. Farm machinery assembly, sales, and repairs
- l. Fertilizer manufacturing and sales
- k. Food stores, fruit stands, and produced markets
- l. Insulation materials and wallboard manufacturing
- m. Livestock sale barns
- n. Machine tool manufacturing
- o. Meat packing and poultry processing plants
- p. Metal fabricating plants, including boiler and tank works
- q. Motorcycle, lawn mowers, and power saw sales and service
- r. Public works and public facilities, including service and storage yards
- s. Sawmills, planing mills, and pallet and basket factories
- t. Sheet metal, roofing, and plumbing
- u. Customary accessory uses and structures, including open storage

30.3 Conditional Uses

The following uses shall be permitted subject to any additional conditions imposed:

- a. Any junk yards, auto salvage yards, slaughter houses or meat processing plants, businesses or areas for the disposal, reduction or treatment of waste material, commercial or industrial incinerators, aircraft and missile manufacturing; alcohol and alcoholic beverage manufacturing; carbon and battery products manufacturing, chemical manufacturing, either household or industrial; foundries producing iron, steel, copper, brass and aluminum products; glass, ceramic tile manufacturing; ink manufacturing; rubber products manufacturing; or establishments emitting offensive smoke, dust m/noise, or odor may be approved on finding that the public health is not impaired and that surrounding land use will not be adversely affected. Additional space for front, rear and side yards or additional lot area may be required to protect the public interest.
- b. Mining or quarrying operations, provided buffer strips are established which shall be at least 10 feet in width and consist of a compact, evergreen hedge or other type of evergreen foliage screening or shall be a screen-in fence or wall so constructed as to provide at least equivalent screening from adjoining properties. Any buffer strip must be approved by the Zoning Administrator.
- c. Requirements for businesses engaged in the disposal, reduction, or treatment of waste material. (See Appendix 2, "Contents of Applications for Conditional Use Permits")
- d. Steel framework towers

30.4 Area and Bulk Regulations

The following regulations limiting the development and arrangement of buildings and/or land uses are required for all permitted and conditional uses:

- a. Minimum lot area shall be one acre.
- b. Minimum lot width shall be 200 feet
- c. Minimum front yard shall be 50 feet.
- d. Minimum side yard on each side of every principal building shall be 15 feet.
- e. Minimum required rear yard shall be 20 feet.

The total ground area covered by the principal building and all accessory buildings shall not exceed 40 percent of the total area.

No building shall exceed 50 feet in height unless the depth of the front yard and total width of the side yards herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of fifty (50) feet.

SECTION 31. OS OPEN SPACE DISTRICT

The OS Open Space District is established as a district in which the primary use of the land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forest, and other similar open space uses. In promoting the general purposes of this ordinance, the specific intent of this district is:

1. To encourage the preservation and continued use of the land for conservation purposes.
2. To prohibit residential, commercial, industrial, or any other use which would substantially interfere with the preservation of this district.
3. To encourage the discontinuance of uses not permitted in this district.

31.1 Permitted Uses

The following uses shall be permitted by right:

- a. Buffers
- b. Cemeteries
- c. Commons
- d. Crop fields
- e. Golf courses
- f. Horse paths
- g. Highways
- h. Nature preserves
- i. Open space land
- j. Parking
- k. Parks
- l. Pastures
- m. Public buildings
- n. Railroad tracks
- o. Roads
- p. Streets
- q. Trails
- r. Tree farms
- s. Water sheds

31.2 Dimensional Requirements

There shall be no minimum lot areas, widths, or yards required, due to the exceptional physical characteristics of this district.

31.3 Off-Street Parking Requirements

Off-street parking spaces shall be provided, as required in Section 8 of this ordinance.

31.4 Conditional Use

Public works and public utility facilities, such as steel framework towers (communications towers, fire towers, etc.), transformer stations, water towers, and telephone exchanges, provided: 1) such facilities are essential to the service of the community and no vehicles or materials shall be stored on the premises; 2) all buildings and apparatus shall be set back by at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.

ARTICLE IV. CHANGES AND AMENDMENTS

The Board of County Commissioners may amend, supplement, or change the regulations of this ordinance and zoning district lines according to the following procedures:

SECTION 32. ACTION BY THE APPLICANT

The following actions shall be taken by the applicant:

32.1 Initiation of Amendments

Proposed changes of amendments may be initiated by the County Commissioners, Planning and Zoning Board, Board of Zoning Adjustments, or by one or more owners or lessees of property within the area proposed to be changed or affected.

32.2 Application

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied and the names and addresses of the owner or owners of the property. Such application shall be filed not later than two (2) weeks prior to the meeting at which the application is to be considered.

32.3 Fee

A fee, set by the Board of Commissioners, shall be paid to the Scotland County Department of Inspection and Zoning for each application for an amendment to cover the costs of advertising and other administrative expenses involved.

SECTION 33. ACTION BY THE PLANNING AND ZONING BOARD

The following action shall be taken by the Planning and Zoning Board:

33.1 Planning and Zoning Board Consideration

The Planning and Zoning Board shall consider and make recommendations to the County Commissioners concerning each proposed zoning amendment. The Planning and Zoning Board may sit concurrently with the public hearing held by the County Commissioners

SECTION 34. ACTION BY THE BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Scotland County, North Carolina may from time to time, as they see fit, amend any provision of this ordinance according to the following procedures:

34.1 Notice and Public Hearing

No amendment shall be adopted by the County Commissioners until and after public notice and hearing. Notice of the public hearing shall be published at least once a week for two successive calendar weeks prior to the hearing in a newspaper published at least once a week for two successive calendar weeks prior to the hearing in a newspaper published in Scotland County. Notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. Notice may also be made by mailing notices to the owners of surrounding property. Any provisions in these regulations that require a Public Hearing in regards to the modification of any local fees are hereby deleted.

34.2 County Commissioners' Action

Before taking such lawful action as it may seem advisable, the County Commissioners shall consider the Planning and Zoning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning and Zoning Board within 30

days after public hearing by the County Commissioners, the proposed amendment shall be deemed to have been approved by the Planning and Zoning Board.

ARTICLE V. CONDITIONAL USES

SECTION 35. PURPOSE

The development and execution of this ordinance is based upon the division of the County into districts within which the use of land and buildings and the bulk and location of buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest,
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighborhood property or public facilities.

SECTION 36 APPLICATION FOR CONDITIONAL USE

36.1 Initiation of Conditional Use

Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or an exclusive possession interest which is specifically enforceable may file an application to use such land for one or more of the conditional uses provided for this ordinance in the zoning districts in which the land is located.

36.2 Application for Conditional Use Permit

An application for a conditional use permit shall be filed with the Zoning Official on a form prescribed by the Zoning Official. The application shall be accompanied by such plans and/or data prescribed by the Planning and Zoning Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 38. Such application shall be forwarded from the Zoning Official to the Planning and Zoning Board with a request for review of said application and accompanying data and submission of a written recommendation thereon to the County Commissioners.

SECTION 37. PUBLIC HEARING

37.1 Hearing on Application

Upon receipt in proper form of the written recommendations referred to in Section 36.2, the County Commissioners shall hold at least one public hearing on the proposed conditional use.

37.2 Authorization

For each application for a conditional use, the Planning and Zoning Board shall report to the County Commissioners its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Planning and Zoning Board's findings and recommendations concerning conditional use permits shall be submitted in writing to the Board of County Commissioners and shall make specific note that the standards of Section 38 have been reviewed in consideration of the application for a conditional use permit. If an application for a proposed conditional use permit is not approved by the County Commissioners within 90 days of the date upon which such application is received by the County Commissioners, it shall be deemed to have been denied.

SECTION 38. STANDARDS

No conditional use permit shall be recommended by the Planning and Zoning Board unless such board shall find:

- a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially within the neighborhood.
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable districts as to cause a substantial depreciation in the property values within the neighborhood;
- e. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and,
- g. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commissioners pursuant to the recommendations of the Planning and Zoning Board.

SECTION 39. CONDITIONS AND GUARANTEES

Prior to the granting of any conditional use permit, the Planning and Zoning Board may recommend and the County Commissioners may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 38. In all cases in which conditional use permits are granted, the County Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

ARTICLE VI BOARD OF ZONING ADJUSTMENT

SECTION 40. CREATING THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment is hereby created. The Board shall consist of at least five members; each area zoned shall be represented on the Board. Not more than two alternate members may be appointed to serve in the absence of regular members. All members and alternates shall be appointed by the Board of County Commissioners for overlapping terms of three years.

SECTION 41. PROCEEDINGS OF THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall adopt the necessary rules to conduct its affairs and establish regular meeting dates. All meetings of the Board of Adjustment shall be open to the public and a public record of all findings and decisions shall be maintained. The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any decisions of the Zoning Official or his representative or to decide in favor of the applicant on any matter which it is required to consider under this ordinance.

SECTION 42. FILING AND NOTICE FOR AN APPEAL

Appeals of the enforcement and interpretation of this ordinance and request for exceptions or variances shall be filed with the Zoning Official specifying the grounds thereof. The Zoning Official shall transmit to the Board of Zoning Adjustment all applications and records pertaining to such appeals, variances, or exceptions.

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, variance, or exception, give public notice thereof, published once at least one week prior to the hearing in a newspaper published in Scotland County. Variance requests by federal, state, county, or municipal agencies are not subject to fees.

An appeal stops all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Zoning Adjustment that, by reason of facts stated in the record, a halt would, in his opinion, cause imminent peril to life and property, in which instance, proceedings shall not be stopped except by an order from the Scotland County Superior Court.

SECTION 43. FEES FOR VARIANCES OR APPEALS

A fee, according to a published schedule, shall be paid to the Scotland County Department of Inspections and Zoning for each application for a variance, exception, or appeal to cover the necessary administrative costs and advertising.

SECTION 44. POWERS AND DUTIES

The Board of Zoning Adjustment shall have the following powers and duties:

44.1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

44.2 Variances

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary hardship. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board of Zoning Adjustment unless and until it shall make the following findings:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- b. That literal interpretation of the provision of this ordinance would deprive that applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance,
- c. That the special conditions and circumstances do not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.

SECTION 45. APPEAL FROM THE BOARD OF ZONING ADJUSTMENT

Appeal from the decisions of the Board of Zoning Adjustment shall be to the Scotland County Superior Court.

APPENDIX 1 – SUMMARY OF AMMENDMENTS TO SCOTLAND COUNTY ZONING ORDINANCE

Amendment Number	Date of Adoption	Page Number	Article number	Section Number(s)	Amendment Title/Content
1	05-02-77		II	15.5	Special exceptions
2	08-01-77		I	10a	Temporary mobile home permit
3	01-03-78		III	18.3f	Conditional uses
4	09-05-78		II	15.6	Non-conforming lot of record
5	09-02-80		I	5.1	Uses by right and conditional uses
6	09-02-80		I	10b	Temporary mobile home permits
7	09-02-80		I	11	Buffers
8	02-05-96		Preamble; I	2; 3; 7.13; 16.4; 25.3; 36	New section on administrative mechanisms; manufactures home overlay areas; manufactured home definitions; fee procedures
9	03-11-96		Varies	Varies	Numerous minor changes, mainly mechanical – e.g., changing “mobile home” to “manufactured home” and “Zoning Administrator” to “Zoning Official”
10	04-01-96		I; II; III; IV	10c; 17.4; 21.2g; 27.1	Temporary mobile home permit; area and dimension requirements in RA District; change in public hearing notice dates
11	05-06-96		I; III	11; 21.4	Buffers in commercial and industrial districts; conditional uses in Highway Commercial District
12	06-03-96		I	10A	Zoning permit required
13	09-03-96		I; III	10a; 10c; 17.4; 20.2; 21.2	Change in location of temporary manufactured homes; corner lot side yard dimension in RA District; churches allowed in Neighborhood Commercial and Highway Commercial Districts
14	10-04-96		I	9.2; 17.4d	Advertising signs in the RA District; change in the minimum dimension of required side yards in RA District
15	01-06-97		I; III	17.21; 11A; 17.3; 21.4; 24.4	Steel framework towers
16	03-10-97		I	5.5	Minor deviations in interpretation of district regulations
17, 18	03-10-97		I	11B	Special entertainment uses
19	03-10-97		III	22.2	Adds textile and home furnishings manufacturing as permitted uses
20	06-02-97		I	3B	Commercial overlay areas for the RA District
21	06-02-97		I	9.2(4)	Deleted (pertains to signs in RA District)
22	11-03-97		III	17.2a	Prohibits Class B and Class C Manufactured Homes where a Class A overlay has been applied to an RA District
23	02-02-98		I	17.17a; 9A	Defines and regulates “Open Air Markets”
24	05-04-98		III	18.2	Adds “day care facilities” to the list of permitted uses in R1 districts
25	07-13-98		I	10c	Allows renewable temporary manufactured home permits for security purposes
26	09-08-98		I	7.13[mfg. home, C1. B] (7)	Deletes the requirements for hitch, wheels, and axels to be removed from Class B Manufactured Homes
27	11-02-98		III	17.4d	Makes corner lot setbacks in RA Districts consistent with setbacks in R1 districts
28	11-02-98		I	8	Replaces section on off-street parking and loading regulations with new section
29	02-04-02		I	10.2; 10.10; 14.2; 15.1; 15.2; 15.3; 16; 16.1; 16.2; 16.3; 16.4; 23; 23.1; 24.3; 25.4; 26.4; 27.4; 28.3; 24.3; 25.3; 26.3; 42;	Building Accessory definition, Lot Definition; From P&Z Board to BZA; Zoning Permit Requirements; Clarification of Wording; Added Violations to be resolved prior to permits; Name from Buffers to General Requirements; Changed Minimum Lot sizes; Clarified Minimum Street Requirements; Public Service Use added; Buffers; Enforcement Clarification; Health Department Approval for Zoning Requirements; General Statutes 153A-340; Added to individual Zoning Districts; 25.4, 26.4, 27.4, 28.3 Area and Bulk Regulations; 24.3 Conditional Uses Changed to individual Zoning Districts, 25.3, 26.3; Changed published days from 2 to 1
30	03-11-02		I	8.5	Minor deviation from street frontage.

31	03-10-03		I	16.5	Section 16.5 Manufactured / Mobile Homes Must Be Manufactured After July 1, 1976
32	07-07-03		I	6.0	Airport Overlay District Standards and Regulations (AO)

Appendix 2

CONTENTS OF APPLICATIONS FOR CONDITIONAL USE PERMITS FOR BUSINESSES ENGAGED IN THE DISPOSAL OR REDUCTION OF WASTE MATERIAL.

Any party making application for a conditional use permit pursuant to Section 23.3(a) of the Scotland County Zoning Ordinance, for a business engaged in the disposal, reduction or treatment of waste material shall file an application for a conditional use in compliance with Article V of the Scotland County Zoning Ordinance. Each application shall contain the following information:

1. A description of the company, full information on its financial capability, including but not limited to, proof of financial responsibility in accord with applicable North Carolina Waste management rules, and a detailed history of all of the company's past activities in the field of hazardous and/or low level radioactive waste management, including a synopsis of every other facility it has operated. This information shall include the name address of all persons or entities who own or control 5% or more of the shares of the applicant corporation, or 5X or greater interest in the entity making application. The names and addresses of all parent and subsidiary corporations or entities related to the applicant shall also be included.
2. Evidence of liability insurance, including environmental impact liability insurance, with an insurance company licensed to do business in the State of North Carolina in an amount equal to or greater than that required by the Federal Resource Conservation and Recovery Act, including proof of coverage existing at the time of application, and a history of any claims against the parent company or any other subsidiary of the parent company or other company related to the applicant.
3. Justification for and anticipated benefits from the project.
4. A description of the scope of the proposed project including a schedule of how much and what kinds of hazardous and/or low-level radioactive material the facility will accept, where the material will come from, what pretreatment will be required of wastes unacceptable to the facility without such pretreatment, and how long the facility is expected to operate.
5. The estimated project costs, including information on the construction costs for the facility; the yearly site operation expenses, and an estimate of the costs for the lifetime of the project.
6. The proposed method of financing the project, including development, operation and closure stages.
7. The proposed number of employees and types of positions, including information on the training and experience required for each position, salaries to be paid, and safety precautions to be undertaken.
8. The anticipated date to begin construction.
9. The anticipated date to begin operation.
10. A detailed estimate cost of the types and amounts of county services local government will need to provide each year for the facility.
11. A description of emergency procedures and contingency plans as required by state and federal laws, including, but not limited to, safety and security precautions that will be in place at the facility (this information should include details on emergency assistance that will be required from the surrounding community).
12. A description of the environmental protection measures to be taken by the applicant to prevent contamination on and around the facility site and a description of planned monitoring systems, with an estimated annual budget for each of these items.
13. A description of environmental protection measures to be used during transportation of materials to and from the facility, with an estimated annual budget for these arrangements and an estimate of the volume of material to be transported during each year of the facility's operation.
14. A description of the site closure plan for the facility, the anticipated date of closure and an estimate of the site closure costs.
15. A description of anticipated need for post-closure care, including the anticipated annual cost of same.
16. A detailed description of the applicant's in-house monitoring and safety programs.
17. Copies of any and all state and federal permits which have been acquired with reference to the application. If no permits have been acquired, copies of all documents submitted to federal and state governments in support of requests of permits shall be submitted.
18. Ten copies each of a map, or maps, that include the following information:
 1. Ownership:
 - a. Name, address and telephone number and verifiable credentials of professional person(s) responsible for design and for surveys.
 - b. Name, address and telephone number and verifiable credentials of professional person(s) responsible for design and for surveys.
 - c. Description of any existing legal right-of-ways or easements affecting the property.

- d. Reference to existing restrictive covenants on the property, if any.
2. Description: Location of property by tax map and parcel number as well as reference to the deed book and page number or other evidence of title of the current owner.
3. Features: Each map shall show the following information:
 - a. The map shall be drawn to a scale of not less than 200 feet to an inch.
 - b. Location sketch map showing relationship of the project site to the surrounding area.
 - c. Graphic scale, date, approximates North arrows legend.
 - d. The location of property with respect to surrounding property and streets, the names of all adjacent property and streets, or the names of adjacent developments. The name and address of adjacent property owners according to the county tax records.
 - e. Zoning classification of proposed project and adjacent property.
 - f. The location of all boundary lines of the property.
 - g. The total acreage of land on the project in Scotland County and any other county if applicable.
 - h. The location of existing and/or platted streets, easements, buildings (including mobile homes), railroads, parks, cemeteries, bridges, sewers, water mains, culverts, water wells, and gas and electric lines.
 - i. The location of water bodies, water courses (including sinkholes, dry stream beds and pond overflow streams), ground water aquifers, springs and other pertinent features within a one mile radius.
 - j. The location, dimensions and acreage of all property proposed to be set aside for various uses on the applicant's property.
 - k. The location, dimensions and acreage of all property proposed to be set aside for various uses on the applicant's property.
 - l. The location of all test wells and/or borings.
 - m. The location of the 100 year flood plan, flood of record, standard project flood, and inundation due to a dam break.
 - n. The location of faults, dikes, sills, recharges area and other pertinent geologic structures.
4. Topographic Map: A topographic map with contours at vertical intervals of not more than five (5) feet, at the same scale as the project site map. The date and method of preparing the topographic survey shall be stated.
5. Transportation Route Map: A map showing proposed transportation route(s) to and from the facility site, including location of towns and emergency and safety facilities, and an estimate of the maximum daily volume of material to travel on each route.
19. Technical and scientific information relating to the specific facility including:
 1. Contaminant flow to water table including leachate monitoring, collecting and withdrawal systems; clay and synthetic lines (extra thickness, multiple liners); spill prevention and containment measures.
 2. Contaminant movement with groundwater, including ground water monitoring systems at the site and in potentially affected area; subsurface "slurry wall" barriers' controls on other ground water withdrawals in area.
 3. Predictability of contaminant movement, based on preconstruction borings and ground water modeling.
 4. Potential effect on surface waters; planned collection systems for surface water run-off; planned exclusion systems for surface water run-on.
 5. Potential effect on aquifers; planned provisions for alternate water supply systems and facilities for immediate pumping and treatment of contaminated water.
 6. Potential effect on public water supplies; planned run-off collection and treatment and provisions for alternate supply systems.
 7. Possibility of site flooding based on 100 year maximum rainfall frequency; planned special facility design, special control dikes and buffer zone setback in area of standard project flood area.
 8. Potential human exposure to treated waste water, including planned safety procedures, clothing, instruction, and practice for employees; planned oversized or redundant treatment capacity, effluent monitoring and automatic shutdown systems.
 9. Nature and predictability of pollution movement, including planned stack height for incinerators with continuous stack and plume monitoring and recording, until emission levels are predictable; planned segregation of incompatible wastes.

10. Potential human exposure to air pollution, including planned pollution equipment, special combustion monitoring and automatic shutdown systems and special air monitoring arrangements.
11. Safety of transportation route, including evacuation and re-routing plans, planned training and certification of truck drivers and other waste handling personnel and truck safety features.
12. Potential for noise impact, including limitation on hours for delivery and muffler installation.
13. Potential for impact on environmentally significant or sensitive lands, planned bonding, insurance, financial responsibility and monitoring.
14. Proximity to residential or sensitive sites, including planned purchases of buffer zones on adjacent lands, reduction in facility size and distance limitation between similar facilities.
15. Compatibility with existing land uses, including orientation and layout of site plans; planned buffer zone setback from use area to facility owner's exterior property line, referred to as "minimum interior buffer setback;" planned aesthetic design of facility and landscaping.
16. Compatibility with land use plans.
17. Impact on existing or future economic activity, including predicted tax base expansion and privilege license tax.
18. Potential for natural or other disaster including tornados and, including special facility design and evacuation plans to deal with such occurrences.
19. Post-Use problems, including bonding, liability, financial responsibility, and monitoring community and environmental health.
20. Any additional information the Scotland County Zoning Board or the Scotland County Board of Commissioners may deem relevant in assessing the facility's impact on the health and welfare of the citizens of the county.
21. In order that the Zoning Board and the County Commissioners shall have sufficient technical expertise and knowledge available to independently assess the application and the information presented, an application fee of \$100,000.00 shall be paid to Scotland County as a deposit towards such assessment costs. Any unused portion shall be refunded and any additional cost will be billed, on a monthly basis, to the applicant. These funds shall be used to defray the cost of any needed professional assistance that may be required by the County to evaluate the conditional use application, verify its contents and evaluate the impact of the application on the community, public health and the environment. To the end, the County may obtain assistance including, but not limited to, that of lawyers, biologists, geologists, engineers, chemists, hydrologists, emergency response, transportation and public health experts, land appraisers, and professional testing laboratories.

The review procedures shall not begin nor shall the application be designated as complete until such time as all required data and information are submitted and the appropriate fees are paid.

Appendix 3

Table 1 – Summary of Area and Bulk Regulations

December, 1999

Zoning district	Minimum Lot Area (sq. ft.)	Minimum Lot Width per d.u. (ft)	Minimum Lot Depth (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Maximum Lot Coverage (all buildings)	Maximum Building Height (feet)	Corner Lot Exceptions (feet)
RA (with neither water nor sewer)	20,000	100	200	40	10	20% of lot depth, not to exceed 30'	20%	35 (see 24.4g)	20
RA (with water, but not sewer)	12,800	80	160	40	10	same	none listed	none listed	20
RA (with both water and sewer)	7,200	60	120	40	10	same	none listed	none listed	20
R1 (with neither water nor sewer)	20,000	100	200	30	10	same	none listed	none listed	20
R1 (with water, but not sewer)	12,800	80	160	30	10	same	none listed	none listed	20
R1 (with both water and sewer)	7,200	60	120	30	10	same	none listed	none listed	20
R2 (with neither water nor sewer)	20,000	100	200	30	10	same	none listed	none listed	none listed
R2 (with water, but no sewer)	12,800	80	160	30	10	same	none listed	none listed	none listed
R2 (with both water and sewer)	7,200	60	120	30	10	same	none listed	none listed	no obstructions
C1	none listed	75	120	40	0 (see 27.4c)	15	none listed	none listed	no obstructions
HC	none listed	75	120	40	0	15	none listed	none listed	no obstructions
I1	1 acre	200	none listed	50	15	20	40%	50 (see 29.4g)	none listed
I2	1 acre	200	none listed	50	15	20	40%	50 (see 30.4g)	none listed

APPENDIX 4 TABLE OF PARKING REQUIREMENTS

Use	Parking Requirements
A. RESIDENTIAL	
1. Residential, Single-family	Two spaces per dwelling unit plus one space per room rented out.
2. Residential, Two-family	Two spaces for each dwelling unit, except that one-bedroom units require only one space.
3. Residential, Multi-family	With respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1 ½ spaces for each one-bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low-or moderate income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development.
4. Homes for handicapped, nursing care, child care, halfway houses	3 spaces for every five beds except for use exclusively serving children under age 16, in which case 1 space for every 3 beds shall be required.
5. Rooming houses, boarding houses	1 space for each bedroom.
6. Hotels, motels, tourist homes	1 space for each room to be rented plus additional spaces (in accordance with other sections of this table) for restaurants and other facilities.
7. Home occupations	4 spaces for offices of physicians or dentists; 2 spaces for attorneys, 1 space for all others.
B. SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT	
1. Convenience stores; miscellaneous retail	1 space per 200 square feet of gross floor area.
2. Wholesale	1 space per 400 square feet of gross floor area.
C. OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE	
1. Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc., entirely within a fully enclosed building	1 space per 200 square feet of gross floor area.
2. Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use, entirely within a fully enclosed building	1 space per 400 square feet of gross floor area.
3. Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	1 space per 150 square feet of gross floor area.
4. Operations designed to attract and serve customers or clients on the premises within or outside a fully enclosed building	1 space per 200 square feet of gross floor area.
5. Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use	1 space per 400 square feet of gross floor area.
6. Banks with drive-in windows	1 space per 200 square feet of area within the main building plus reservoir land capacity equal to 5 spaces per window (10 spaces if window serves two stations).
D. MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT	
1. Majority of dollar volume of business done with walk-in trade, all operations conducted entirely within or outside a fully enclosed building	1 space per 400 square feet of gross floor area.
2. Majority of dollar volume of business not done with walk-in trade, operations conducted within or outside a fully enclosed building	1 space for every 2 employees on the maximum shift except that, if permissible in the commercial district, such uses may provide 1 space per 200 square feet of gross floor area.
E. EDUCATIONAL, CULTURAL, RELIGIOUS,	

PHILANTHROPIC, SOCIAL, FRATERNAL USES	
1. Elementary and secondary schools (including associated grounds and athletic and other facilities)	1.75 spaces per classroom in elementary schools, 5 spaces per classroom in high schools.
2. Trade or vocational schools	1 space per 100 square feet of gross floor area.
3. Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.	1 space per 150 square feet of gross floor area.
4. Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings but not including elementary or secondary school buildings)	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 2 space for every 200 feet of gross floor area designed to be used neither for services nor residential purposes.
5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area.
6. Social, fraternal clubs and lodges, union halls, and similar uses	1 space per 300 square feet of gross floor area
F. RECREATION, AMUSEMENT, ENTERTAINMENT	
1. Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses	1 space for ever 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion – for example, tennis courts or bowling alleys) plus 1 space per 200 feet of gross floor area used in a manner not susceptible to such calculation.
2. Movie theatres	1 space for every four seats.
3. Coliseums, stadiums, and all other facilities designed to seat or accommodate simultaneously more than 1,000 persons	1 space for every four seats.
4. Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
5. Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	1 space per 200 square feet of area within enclosed buildings, plus space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6. Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	Miniature golf course, skateboard park, water slide, and similar uses—1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area; Par 3 course—2 spaces per golf hole plus one space per 200 square feet of building gross floor area.
7. Horseback riding; stables (not constructed pursuant to permit authorizing residential development)	1 space per horse that could be kept at the stable when occupied to maximum capacity.
8. Automobile, motorcycle and go-cart racing tracks	1 space for every 3 seats.
G. INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES	
1. Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater.
2. Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	3 spaces for every 5 beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only 1 space per unit.
3. Institutions (other than halfway houses) where mentally ill persons are confined	1 space for every 2 employees on maximum shift.
4. Penal and correctional facilities	1 space for every 2 employees on maximum shift.
H. RESTAURANTS, BARS, NIGHT CLUBS	
1. No substantial carry-out or delivery service, no drive-in service, no service or consumption outside a fully enclosed structure	1 space per 100 square feet of gross floor area.
2. No substantial carry-out or delivery service, no drive-in service, service or consumption outside a fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats.
3. Carry-out and delivery service, consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats.
4. Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats plus reservoir lane capacity equal to 5 spaces per drive-in window.
I. MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS	

1. Motor vehicle sales or rental; mobile home sales	1 space per 200 square feet of gross floor area.
2. Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.)	1 space per 200 square feet of gross floor area.
3. Motor vehicle repair and maintenance, not including substantial body work	1 space per 200 square feet of gross floor area.
4. Motor vehicle painting and body work	1 space per 200 square feet of gross floor area.
5. Motor fuel sales	1 space per 200 square feet of gross floor area of building devoted primarily to motor fuel sale operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces.
5. Car wash	Conveyor type-- 1 space for every 3 employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type—2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
J. STORAGE	
Storage of goods not related to sale or use of those goods on the same lot where they are stored-- all storage within or outside completely enclosed structures	1 space for every 2 employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
K. MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES	
1. Post office	1 space per 200 square feet of gross floor area.
2. Airport	1 space per 200 square feet of gross floor area.
3. Sanitary landfill	1 space for every two employees on maximum shift.
4. Military Reserve, National Guard Centers	1 space per 100 square feet of gross floor area.
L. OTHER FACILITIES	
1. Scrap materials salvage yards, junkyards, automobile graveyards	1 space per 200 square feet of gross floor area.
2. Services and enterprises related to animals, such as veterinarians and kennels	1 space per 200 square feet of gross floor area.
3. Emergency services, such as police stations, fire stations, rescue squads, ambulance services	1 space per 200 square feet of gross floor area.
4. Agricultural, silvicultural, mining, quarrying operations	1 space for every two employees on maximum shift.
5. Dry cleaner, Laundromat	1 space per 200 feet of gross floor area.
6. Open air markets and horticultural sales	1 space per 1,000 square feet of lot area used for storage, display, or sales.
7. Funeral home	1 space per 100 square feet of gross floor area.
8. Crematorium	1 space per 200 square feet of gross floor area.
9. Nursery schools; day care centers	1 space per employee plus 1 space per 200 square feet of gross floor area.
10. Bus stations, train station	1 space per 200 square feet of gross floor area.
11. Commercial greenhouse operations	1 space per 200 square feet of gross floor area.

Adopted by the Scotland County Board of Commissioners this 2nd day of May, 2005.

J. D. Willis, Chairman

Anne W. Kurtzman, Clerk

Edward H. Johnson, Scotland County Attorney