

P14-54
Town of Eastover Supplement to County Zoning Ordinance

(Large Scale Poultry and Swine Farms)

P14-54. Revisions and amendments to the County Zoning Ordinance, applicable only to properties within the corporate limits of the Town of Eastover, by creating Article I, entitled Administrative Provisions, containing Sections 101 through 110; amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by inserting in alphabetical order the terms: *ratite*; *poultry farm, large scale*; and *swine farm, large scale* with each terms accompanying definition; and amending Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix, by inserting *Poultry Farm, Large Scale* and *Swine Farm, Large Scale* as a permitted use in the A1 zoning district; and inserting a footnote number 8 after the land use *Agricultural or Rural Farm Use* clarifying that the land use *Agricultural or Rural Farm Use* is not inclusive of land uses specifically listed elsewhere in the Use Matrix. (Eastover)

AMEND the Eastover Zoning Ordinance by ESTABLISHING Article I, entitled: Administrative Provisions, applicable to the properties within the corporate limits of the Town, to read as follows:

ARTICLE I
ADMINISTRATIVE PROVISIONS

SECTION 101. INTENT AND PURPOSE.

An ordinance establishing zoning regulations in the Town of Eastover, North Carolina, and providing for the administration, amendment and enforcement of this ordinance and defining the duties and powers of a Board of Adjustment in accordance with the provisions of the North Carolina General Statutes.

This ordinance is to provide for the public health, safety and general welfare, encourage orderly development, protect the quality of the environment and regulate the location and use of structures and land for commerce, industry, residences, parks, public uses, and other uses of land in accordance with a comprehensive land use plan and any detailed land use plan specific to the town.

State Statute Reference: N. C. GEN. STAT. § 160A-381 et seq.

SECTION 102. Title.

This ordinance shall be known and may be cited as the “Eastover Zoning Ordinance.”

SECTION 103. AUTHORITY.

The Eastover Town Council, pursuant to the authority conferred by N. C. GEN. STAT. § 160A-381 et seq. does hereby adopt, approve, ordain and enact into law this ordinance.

SECTION 104. JURISDICTION.

On and after December 4, 2007, this ordinance shall govern the use of all lands lying within the town.

[Editor’s note: December 4, 2007 is the date of adoption of the town’s initial zoning and when the resolution for the town to use the County Zoning Ordinance.]

SECTION 105. APPLICATION.

The provisions of this ordinance shall be interpreted and applied as minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, general welfare and protection of the property rights of the owners of land within the town.

SECTION 106. ORDINANCE ADMINISTRATOR.

This ordinance shall be administered and enforced by the Town Manager or the manager’s designee. This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the County Planning and Inspections Director or the director’s designee who is charged with the day-to-day enforcement of this ordinance. If the manager and director find that they are not authorized to make a determination or judgment or that the question automatically falls within the jurisdiction of the Board of Adjustment, then the matter shall be referred to the board for review and decision in accordance with the provisions of Article XVI.

SECTION 107. ZONING PERMIT.

(a) Zoning permit required. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration or repair of any structure, or the use of any land or building, including accessory structures, until the County Code Enforcement Manager or the manager's designee has issued a zoning permit for such work or use. Such permit shall include a statement that the plans, specifications for, and intended use of such land or structure, in all respects, conform to with the provisions of this ordinance and the subdivision ordinance. Application for a zoning permit shall be made in writing to the on forms provided for that purpose. Zoning permits shall be void after six months from date of issue unless substantial progress on the project has been made by that time.

(b) Approval of plans. The Code Enforcement Manager shall review all applications for a zoning permit for any purpose regulated by this ordinance and the subdivision ordinance for conformity with this ordinance and the subdivision ordinance. To this end, every application for a zoning permit shall be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Code Enforcement Manager to ascertain whether the proposed activity is in conformance with this ordinance and the subdivision ordinance:

(1) The actual shape, location and dimensions of the lot;

(2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;

(3) The existing and intended use of all such buildings or other structures; and

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance and the subdivision ordinance are being observed.

For any non-residential use, the Code Enforcement Manager shall not issue a zoning permit except in conformance with an approved site plan. The site plan shall also, without limitation, comply with all applicable standards of Article XV.

(c) Issuance of zoning permit. If the proposed activity as set forth in the application conforms with the provisions of this ordinance and the subdivision ordinance, the Code Enforcement Manager shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Code Enforcement Manager shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this ordinance or of the subdivision ordinance and the town reserves the right to rescind any zoning permit mistakenly issued in contravention of the provisions of this ordinance or of the subdivision ordinance.

SECTION 108. CERTIFICATE OF OCCUPANCY REQUIRED.

No land or structure (except for signs) or part thereof hereafter erected, moved or altered in its use shall be used until the Code Enforcement Manager has issued a *Certificate of Occupancy* stating that such land, structure or part thereof conforms with the provisions of this ordinance and the subdivision ordinance. Within three days after notification that a structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Code Enforcement Manager to make a final inspection thereof, and to issue a *Certificate of Occupancy* if the building or premises or part thereof conforms with the provisions of this ordinance and the subdivision ordinance, or if such certificate is refused, to state the reason for the refusal in writing.

SECTION 109. BONA FIDE FARM EXEMPTION.

Except for large scale poultry farms and large scale swine farms as defined herein, the provisions of this ordinance do not apply to bona fide farms. This ordinance does not regulate or exercise controls over croplands, timberlands, pasturelands, orchards, grain warehouses and storage facilities, or other farmlands, or any farmhouse, barn, or other farm buildings, including tenant or other dwellings for persons working on said farms, so long as such dwellings shall be in the same ownership as the farm and located on the farm. Not inclusive of large scale poultry farms and large scale swine farms, the following items shall be deemed proof of qualification for the bona fide farm exemption:

- (a) A farm sales tax exemption certificate;
- (b) A copy of the property tax listing showing that the farm qualifies for the present-use-value property taxation that applies to agricultural, horticultural, and forestry uses;
- (c) A copy of the farm operator's federal income tax form that demonstrates farm activity;
- (d) A forestry management plan; or
- (e) A farm identification number issued by the U.S. Department of Agriculture.

Large scale poultry farms, large scale swine farms, residences for non-farm use or occupancy, and other non-farm uses are subject to the provisions of this ordinance.

SECTION 110. FEES.

Each applicant for a zoning amendment, either general or for a conditional zoning district, text amendment, appeals from decisions of administrative officials, variance or special use permit

shall pay a nonrefundable fee in accordance with a schedule recommended by the Planning Board and adopted by the Town Council.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by INSERTING into alphabetical order the following terms with accompanying definitions to be applicable only to the properties within the Town of Eastover:

Ratite: A bird whose breastbone is smooth so that flight muscles cannot attach, such as an ostrich, an emu, and a rhea. Ratite farms are subject to the provisions of this ordinance to the same extent as poultry farms.

Poultry Farm, Large Scale: A lot, structure, or building used for the raising, feeding, breeding, processing or keeping of 50 or more chickens, turkeys, geese, ducks, pigeons or other poultry, calculated collectively in any combination of the aforementioned birds.

Swine Farm, Large Scale: A tract of land, to include any structure or building on a tract of land, devoted to the raising, feeding, breeding, processing or keeping of ten or more animals of the porcine species.

AMEND Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix, by INSERTING into alphabetical order under the “Land Uses” column: *Poultry Farm, Large Scale* and *Swine Farm, Large Scale* and allowing the aforementioned land uses only as a permitted use in the A1 Agricultural zoning district, indicated by INSERTING a “P” in the “Zoning Classification” column entitled “A1” to be applicable only to the properties within the Town of Eastover.

[Editor’s note: See next page for Use Matrix indicating the above insertions.]

SECTION 403 USE MATRIX

P = PERMITTED USE

S = SPECIAL USE (Sec. 1606 – Bd of Adj approval required)

Z = CONDITIONAL ZONING (Art V – Town Council approval required)

LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
AGRICULTURAL OR RURAL FARM USE ⁸	P	P	P	P	P	P	P	P	P											
POULTRY FARM, LARGE SCALE		P																		
SWINE FARM, LARGE SCALE		P																		

⁸[Includes only those agricultural or farm uses not otherwise listed within this section.](#)

⁸Includes only those agricultural or farm uses not otherwise listed within this section.