

ARTICLE I ADMINISTRATIVE PROVISIONS

SECTION 101. INTENT AND PURPOSE.

An ordinance establishing zoning regulations in the Town of Godwin, 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.

The zoning regulations and districts as set forth in this ordinance have been made in accordance with a comprehensive land use plan and are designed to protect the public health, safety and welfare; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; protect the quality of the environment, and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

These regulations have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the Town of Godwin.

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

SECTION 103. TITLE.

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

SECTION 102. AUTHORITY.

The Godwin Board of Commissioners, 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 _____, 2013, this ordinance shall govern the use of all lands lying within the town.

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 of Godwin.

SECTION 106. ORDINANCE ADMINISTRATOR.

This ordinance shall be administered and enforced by the County Planning and Inspections Director or the Director'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 Code Enforcement Coordinator (hereinafter "Coordinator"). If the Coordinator, finds that he is 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 Section 1504.

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 Coordinator 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 the provisions of this ordinance and the Godwin Subdivision Ordinance. Application for a zoning permit shall be made in writing to the Coordinator 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.

B. Approval of Plans. The Coordinator shall review all applications for a zoning permit for any purpose regulated by this ordinance and the Godwin Subdivision Ordinance for conformity with this ordinance and the Godwin 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 Coordinator to ascertain whether the proposed activity conforms to this ordinance and the Godwin 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.

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

For any non-residential use, the Coordinator shall not issue a zoning permit for any new use or change in existing use except in conformance with an approved site plan. The site plan shall also, without limitation, comply with all applicable standards of the Article XIII of this ordinance.

C. Issuance of Zoning Permit. If the proposed activity as set forth in the application conforms with the provisions of this ordinance and the Godwin Subdivision Ordinance, the Coordinator shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Coordinator 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 Godwin Subdivision Ordinance and the Director reserves the right to rescind any zoning permit mistakenly issued in contravention of the provisions of this ordinance or of the Godwin 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 Coordinator has issued a "Certificate of Occupancy" stating that such land, structure or part thereof conforms with the provisions of this ordinance and the Godwin 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 Coordinator 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 Godwin Subdivision Ordinance; or if such certificate is refused, to state the reason for the refusal in writing.

SECTION 109. BONA FIDE FARM EXEMPTION.

The provisions of this ordinance do not apply to bona fide farms. This ordinance does not exercise controls over croplands, timberlands, pasturelands, orchards, or other farmlands, or any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. To qualify for the bona fide farm exemption, the land must be a part of a farm unit with a N.C. Cooperative

Extension Office or U.S. Department of Agriculture farm number assigned. 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, waiver, appeal from administrative decisions, variance or Special Use Permit shall pay a nonrefundable fee in accordance with a schedule recommended by the Planning Board and adopted by the Godwin Board of Commissioners.

ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS

For the purpose of interpreting this ordinance certain words or terms are herein defined.

SECTION 201. INTERPRETATIONS OF COMMON TERMS AND WORDS.

For the purpose of interpreting certain words or terms contained within this ordinance, the following shall apply:

- A. Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "person" includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.
- E. The word "lot" shall include the words "piece," "parcel," "tract" or "plot."
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."
- G. Any reference to an "article" or "section" shall mean an article or section of this ordinance, unless otherwise specified.
- H. The word "county" means County of Cumberland.
- I. The word "town" means Town of Godwin.
- J. The word "County Planning Board" means Cumberland County Joint Planning Board.
- K. Where any provision of this ordinance conflicts with any other provision of this ordinance, any other town regulation, or any local, State, or Federal law, the most restrictive provision will apply.

SECTION 202. METHODS OF CALCULATION.

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the section shall prevail.

A. Fractional Requirements. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

B. Computation of Time. The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the town, that day shall also be excluded.

C. Calculations of Measurement. The spatial separations required by this ordinance shall be calculated as follows:

1. Distance. By drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation from a Use/Structure. By drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another structure, the property line, or a well or septic, as applicable.

3. Area. Multiplying the length times the width and then further calculate to provide total acreage or square footage.

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

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

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

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

A. Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance;

B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and

C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry and animal and poultry husbandry as defined in N.C. GEN. STAT. § 105-277.2. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

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

Alter: To make any change, addition or modification in construction, occupancy or use.

Alternative Structure (regarding Telecommunication Facilities): A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting equipment, steeples, billboards and electric transmission towers. (Section 829)

Amusement Center: An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

Ancillary Use: That which is commonly subordinate to or incidental to a principal or primary use – also see *Accessory Structure or Use*.

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

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

Assembly: An event causing a company of persons to collect together in one place, and usually for some common purpose, such as for deliberation and legislation, worship or social entertainment.

Bars & Nightclubs: Establishments including private clubs, a sport bars/clubs etc., that may be licensed to sell alcoholic beverages to be consumed on the premises and do not meet the criteria to be a restaurant.

Bed and Breakfast: A form of temporary/transient housing located within a residential structure and meals provided to overnight guests only. (Section 802)

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

Billboard: See Section 1206, for all sign-related definitions.

Board of Adjustment: A quasi-judicial body whose establishment, powers, authority, and responsibility is described in detail in Article XV.

Board of Commissioners: The governing body of the Town of Godwin.

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

Bona Fide Farm: Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. (Section 109)

Borrow Source Operations: The removal of soil, sand or other soil materials, with further processing limited to dry screening to remove roots, trash, objectionable and other deleterious material. The provisions of this ordinance shall not apply to bona fide farming activities, operations subject to North Carolina Department of Transportation contractual agreements, or jurisdiction for the duration of the contract only, and any operations exempt from the State Mining Commission's regulations. These exemptions shall apply in all zoning districts. (Section 803)

Buffer: An opaque fence, wall, hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties. (Sub-section 1002.G)

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

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers, manufactured homes and attached or unattached structures consisting of roof and supporting members, and similar structures whether stationary or movable.

Building, Principal (Main building and/or structure): A building in which the principal use is conducted for the lot on which it is situated.

Building, Setbacks: The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces, and porches, etc.).

Building, Temporary: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

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

Building Frontage: The linear foot of a building that runs approximately parallel to and faces public or private street(s).

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

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

Call Center: A central building or office place where agents or operators man banks of telephones to either make outgoing, or field incoming telephone calls for a specific company or organization.

Camouflage: To disguise with paint or other aesthetic means so as to blend with the surrounding area.

Campground/RV Parks: Land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground. (Section 823)

Canopy, Marquee or Awning: A roof-like cover extending over a sidewalk, walkway, driveway or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature. (Section 1002.A)

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- A. Burial park for earth internment;
- B. Mausoleum; or
- C. Columbarium.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of this ordinance (and NC State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use upon completion of the building or site final inspection. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Change of Use: Changing the original purpose of the building to a different use or changing the lot configuration due to changed requirements (e.g., adding display or storage areas).

Club or Lodge (Private, Nonprofit, Civic or Fraternal): Non-profit associations of persons, who are bona fide, dues-paying members, which own, hire or lease a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with applicable Federal, State and local laws. (Section 804)

Code Enforcement Coordinator: The individual assigned this position that is charged with the day-to-day interpretation and enforcement of this ordinance.

Conditional Use: A use or occupancy of a structure, or a use of land, permitted only upon the successful rezoning to a Conditional Zoning District and made subject to the limitations and conditions specified therein. (Article V, Article VI, & Article VII)

Condominium Development: A project of two or more units in one or more multi-unit buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act, N. C. GEN. STAT. 47A-1, *et seq.*, and shall be approved under the requirements for condominium developments set forth in the Godwin Subdivision Ordinance.

Conservancy Organization: Any legally established incorporated entity, whether for profit or non-profit, whose primary mission is dedicated to the protection of the environment and natural resources.

Convalescent Home (Nursing Home): An institution that is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities or obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care. (Section 819)

Convenience Container and Recycling Facility: A County-owned, -leased or -operated site, generally two acres or less in size, serving the surrounding community for the temporary collection, storage and transference of solid waste, yard waste and recyclables. (Section 805)

Coordinator: See *Code Enforcement Coordinator*.

Day Care Facility: A building or dwelling regularly used for recreational or supervisory care of nine or more persons (adults or children), not including the operator's own family members, during any 24-hour period. It does not matter where it is located, whether the same or different persons attend and whether or not it is operated for profit. The following are not included: public schools; nonpublic schools, as described in N. C. GEN. STAT. § 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and bible schools normally conducted during vacation periods. (Section 806)

Density: The average number of families, persons, housing units or buildings per unit of land. For purposes of this definition, public utility easements for sub-stations shall not count toward density.

Density Development: The division of land, in such a way as to allow development at the density of the parallel zoning district while at the same time promoting the preservation of natural topography by requiring that all development occur on 60% of the overall acreage with open space designation for the other 40%. (Article VII)

Detention Facility: A publicly or privately operated jail or prison designed for the detention of juveniles or adults as pretrial detainees or as convicted inmates serving terms of incarceration. (Section 807)

Director: See *Planning and Inspections Director*.

Driveway: A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Dwelling: A building or portion thereof designed, arranged or used for permanent living quarters. The term “dwelling” shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence.

Dwelling, Multiple Family: A residence designed for or occupied by two or more families with separate housekeeping and cooking facilities for each.

Dwelling, Single Family: A detached residence designed for or occupied by one family only.

Equestrian Facilities: Commercial stand alone facilities or as an integral part of and in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.

Easement: A right given or reserved by the owner of land for specific limited use of that land.

Facade: The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over five persons. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Fences or Walls: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it. (Section 1002.C)

Fences or Walls, Solid: A solid fence or wall is defined as one in which the openings through which clear vision and the free passage of air from one side to the other does not exceed 25% of the fence or wall. All others are open fences or walls. (Section 1002.C)

Flea Market: Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles. (Section 825)

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level.

Floor Area, Net: The horizontal area of each floor of a building or structure; excluding those areas not directly devoted to the principal, incidental, or accessory use, such as: storage areas, stairwells, elevators, closets, restrooms, maintenance rooms, hallways, and similar areas.

Food Sales/Grocery Stores: Stores specializing in the sale of foodstuffs as its principal business with incidental sales of household supplies.

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

Garage, Private: An accessory building or portion of a building permitted in any district allowing residential uses, providing for the storage of private motor vehicles used by the occupants of the principal building, and in which no business, occupation or service for profit is in any way conducted, except in an approved home occupation.

Godwin Subdivision Ordinance: The Godwin Subdivision Ordinance is a technical ordinance which governs the division and development of property located within the jurisdictional boundary of the Town of Godwin.

Golf Course/Driving Range: Land developed for the recreational purpose of golf, excluding miniature golf courses and including country clubs, private and public courses, driving ranges and pro and snack shops. (Section 808)

Governmental Use: A building, structure or facility owned and operated or occupied by a unit of local government of the State, including but not limited to a municipality, any agency of the State, the United States or any State thereof, or any Indian tribe recognized as such by the federal government. This definition does not include any utility, whether owned and/or operated by any public or private agency.

Group Development: A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land. (Godwin Subdivision Ordinance)

Group Home: A home with support and supervisory personnel, some or all of whom are nonresident, that provides room and board, personal care and habilitation services in a residential environment to not more than six resident handicapped persons, 24 hours a day, seven days a week.

Group Quarters: A building or group of buildings, which houses more than two persons in other than a traditional family setting. Housing may be in individual rooms or communal rooms with bathroom facilities and other common use areas. Housing may be free of charge or with a fee (monetary or service). This definition shall not include foster care homes, therapeutic foster care homes or other uses specifically listed in Section 403, Use Matrix, i.e., group homes and residential habilitation support facilities. It does include, but is not limited to, rooming/boarding houses, dormitories, children's homes, religious quarters, membership lodgings, halfway houses, alcohol and drug abuse centers, homeless shelters and hospice facilities. (Section 810)

Halfway House: An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation and rehabilitation for prison parolees and juveniles. This shall not include facilities defined and licensed as "group homes." Halfway houses will be regulated as "group quarters." (Section 810)

Handicapped Person: A person with a temporary or permanent physical, emotional or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to themselves or others as defined in N. C. GEN. STAT. § 122C-3(11)(b).

Hazardous Materials Storage: The keeping, retention or leaving of hazardous materials in closed containers, tanks, cylinders or similar vessels; or vessels supplying operation through closed connections to the vessel. (Section 811)

Highway Plan: A plan formally known as "Fayetteville Area Metropolitan Planning Organization Highway Plan" that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

Home Occupation: Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof. (Section 902.A)

Hospital: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services primarily for inpatients and including as related: clinic facilities, laboratories, outpatient departments, training facilities and staff offices. (Section 819)

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

Junk Yard: Any area in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, vehicles, rubber tires and bottles. A “junk yard” includes a motor vehicle wrecking yard, but does not include uses established entirely within enclosed buildings. It also includes residential outside storage of the above items. (Section 817)

Kennel: Any premises where four or more dogs which are five months old or older are kept permanently commercially or as pets, excluding pet grooming shops, veterinary clinics and veterinary hospitals. (Section 813)

Land, Gross Area: The square footage of all the area included within the external boundary of the property to be developed excluding existing public streets and railroad right-of-ways.

Land, Net Area: The land area required to meet the minimum dimensional zoning district standards as required by this ordinance.

Landfill, Demolition/Inert Debris: A waste disposal unit that receives wastes which are chemically and physically stable such as: stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, Sanitary: A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A N.C. ADMIN. CODE 13B regarding solid waste management.

Lateral Access: The provision of ingress and egress between adjoining or abutting current or future non-residential uses to facilitate the circulation of vehicular traffic between those uses and designed to relieve traffic congestion, provide protection from through traffic, and limit individual driveway access along public rights-of-way.

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

Lot: A parcel of land occupied or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds.

Lot, Corner: A lot abutting the intersection of two or more streets in which access has not been denied, or a lot abutting on a curved street or streets, which streets have an angle of intersection of not more than 135 degrees. (Section 1001 G-Corner Lots, 1002 C-Fences, 1002 D-Corner Visibility, Article XII-Sign Regulations)

Lot, Depth: The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

Lot, Flag: A lot where the main body of the lot is separated from the street giving access to the property, but which has an included strip of land at least 20 feet in width connecting the lot to the street, thus providing lot access.

Lot, Frontage: The linear feet of property measured along the property line that abuts a public street. On a private street the distance is measured along the right-of-way line adjoining the street.

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

Lot, Through: A lot, other than a corner lot, having frontage on at least two parallel or approximately parallel streets.

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

Lot of Record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Cumberland County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Cumberland County Register of Deeds and, if applicable, meets all requirements of the Godwin Subdivision Ordinance.

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

Manufactured Home: A manufactured building designed to be used as a single-family dwelling unit, which has been constructed and labeled indicating compliance with the HUD administered National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. (Section 814)

Manufactured Home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department

of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

A. 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.

B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.

C. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.

D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

E. 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 permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home.

F. 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.

G. The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. (Section 814)

Manufactured Home Park: A multi-family development on any site or tract of land with more than two spaces intended to be occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park. (Godwin Subdivision Ordinance)

Manufactured Home Space: A plot of land within a manufactured home park designed for the accommodation of one manufactured home. (Godwin Subdivision Ordinance)

Massage and Bodywork Therapy: Systems of activity applied to the soft tissues of the human body for therapeutic, educational or relaxation purposes as regulated by N.C. GEN. STAT., Chapter 90, and the North Carolina Board of Massage and Bodywork Therapy. The application may include:

- A. Pressure, friction, stroking, rocking, kneading, percussion or passive or active stretching within the normal anatomical range of movement;
- B. Complimentary methods, including the external application of water, heat, cold, lubricants and other topical preparations;
- C. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

Massage and Bodywork Therapist: Any person who is licensed by the North Carolina Board of Massage and Bodywork Therapy to practice massage and bodywork therapy as defined and regulated by N.C. GEN. STAT., Chapter 90.

Mini-Warehouse/Storage Facilities: A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's personal property, goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. (Section 815)

Mixed Use: A single building containing more than one type of land use where the residential use occupies no more than 40% of the total building floor area and the non-residential use occupies a minimum of 60% of the total floor area or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. (Article VI & Section 816)

Mobile Storage Units: Self-contained portable units designed to be temporarily placed on a lot for the purpose of loading and/or unloading the contents, with the unit being transported to and stored at a permanent storage facility. (Examples include: Pods, U-pack, Mini-Mobile, etc.) (Section 901.E)

Modular Structure: A manufactured structure designed for year-round residential or commercial use, with major components or modules pre-assembled and transported to a site for final assembly, foundation, construction, and utility connection. Such structures must meet all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

Motor Vehicle: A machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle, except that said definition shall not include a “manufactured home” or “mobile home” as defined in County Health Department regulations and this ordinance.

Motor Vehicle Parking Lot: An area or plot of land used for, or designated for, the short-term parking of serviceable motor vehicles, either as a principal use or as an accessory use. (Article XI)

Motor Vehicle Parking Lot, Commercial: A tract of land which is used for the storage of legally licensed, insured and registered motor vehicles, not accessory to any other use on the same or any other lot, and which contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.

Motor Vehicle Parking Space: An area of not less than 20 feet in length and nine feet in width for one automobile, plus the necessary access space. (Article XI)

Motor Vehicle Parking, Off-Street: A parking space located outside of a street right-of-way. (Article XI)

Motor Vehicle Storage Lot: A plot of land used for the open storage of vehicles, which does not meet the definition of a junkyard or motor vehicle parking lot.

Municipal Influence Area: Areas within the County that are assigned to a specific municipality where that municipality’s development standards shall be applicable. The official Municipal Influence Area Map is filed with the appropriate municipality’s Clerk and the Clerk to the County Commissioners, and maintained by the Planning Board.

Nonconforming Lot: A lot existing at the effective date of this ordinance or any amendment to it that was created in compliance with the Godwin Subdivision Ordinance in effect at the time of lot creation and that does not meet the minimum area or lot width or depth requirements of the district in which the lot is located. (Sections 903 & 904)

Nonconforming Structure: An existing structure that does not comply with the intended use or dimensional requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments thereto. (Sections 903 & 904)

Nonconforming Use: Any existing use of land or structure which does not comply with the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments thereto. (Sections 903 & 904)

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

Obscene Matter: Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this ordinance.

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Ordinance: This, the Godwin Zoning Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date and the effective date of any amendment to the Godwin Zoning Ordinance. This ordinance consists of two parts – a text and a map, in hardcopy or digital format.

Personal Property: Property owned, utilized, and maintained by an individual or members of the common residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment. (Section 901.D)

Planning and Inspections Department/Planning & Inspections Staff (County Planning Staff): The County agency that is contracted with the town for planning services and is responsible for and tasked with planning and land use matters for the town and the surrounding area.

Planning and Inspections Director: The individual responsible for the leadership of the Cumberland County Planning and Inspections Department, and who serves as advisor to the Cumberland County Joint Planning Board. Throughout this ordinance, references to *Director* include the individual assigned to this position and/or the Director's designee.

Planning Board: The Cumberland County Joint Planning Board created by and with members appointed by the County Board of Commissioners for purposes of offering recommendations to the Commissioners and the governing body of contracted municipalities on planning and land use matters and issuing final rulings on matters specifically delegated to the board by the Commissioners.

Plat/Plan: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this ordinance, the Godwin Subdivision Ordinance, and other applicable regulations.

Premises: A lot and the structure or structures located on it.

Principal Structure/Principal Uses: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Public Utility Station: A structure or facility used by a public or quasi-public utility agency to store, distribute or generate electricity, gas, communications and related equipment or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Public Water and/or Sewer: Municipal, sanitary district, community, and privately owned water and/or sewer systems as regulated and controlled by the North Carolina Utilities Commission, North Carolina State Board of Health, North Carolina Department of Environment and Natural Resources (NCDENR) and the County Health Department.

Public Way: Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Quarry Operations: The extraction or removal by any means, to include, but not limited to, such activities as blasting, excavating, jacking of minerals, ores or other materials which are processed by washing, wet screening, classifying, crushing, material gradation or other treatment which combines, mixes or blends with other materials. (Section 821)

Quasi-Judicial: A hearing where the decision is involving the finding of facts regarding a specific application of this ordinance and the exercise of discretion when applying the standards of this ordinance. Quasi-judicial decisions include decisions involving variances, special use permits and appeals of administrative determinations.

Recreation, Indoor: An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theatres and related amusements. (Section 822)

Recreation, Outdoor: An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities. (Section 822)

Recreation, Outdoor (with mechanized vehicle operations): An area or establishment, which requires the use of motors or engines for the operation of equipment or participation in the activity. This definition includes but is not limited to go-cart tracks, bicycle motorcross (BMX) courses and the like. This definition does not include golf courses (golf carts) or other low impact motorized activities or vehicles.

Recreational Vehicle: A vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping,

travel or seasonal use. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle Park: See “Campground/RV Park” above.

Religious Worship Activity: Any premises, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include without charge religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (parsonage) but excluding day care facilities, food sales, second hand shops, festivals, bazaars and facilities for residence or training of religious orders, unless otherwise authorized by the ordinance.

Residential Habilitation Support Facility: A day care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment to more than six resident handicapped persons. (Section 824)

Restaurant: An eating establishment, including cafeterias, cafes, grills, fast-food establishments, etc., that has gross receipts from food sales and non-alcoholic beverage sales of at least 30% of the total gross receipts including alcoholic beverage sales. This definition does not include those uses regulated by Section 826.

Right-of-Way: An area owned and maintained by the town, other municipality, the State of North Carolina, a public utility, a railroad or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Septage: A fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic waste origin removed from a sewage collection, treatment and disposal system.

Septage Disposal Site: A site that has been approved for the disposal of septage by the County Health Department, and if applicable, the North Carolina Department of Environment and Natural Resources.

Setback: The distance or separation between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located as required by this ordinance and/or the Godwin Subdivision Ordinance. (Section 1004)

Sexually Oriented Business: Any business or enterprise that has as one of its principal business purposes or as a predominant purpose of its business an emphasis on matter and conduct depicting, describing or related to anatomical areas and sexual activities specified in N.C. GEN. STAT. §14-202.10. (Section 826)

Shopping Center: A group of retail and other commercial establishments that is planned and designed for the site on which it is built, functioning as a unit, with common entrance ways, off-street parking, landscaped areas, and pedestrian paths provided on the property as an integral part of the unit.

Sign: See Section 1202 for all sign-related definitions.

Site Plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance and the Godwin Subdivision Ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in Article XIII.

Solid Waste Disposal Facility: Any depository of solid waste, excluding earth for fill and septage. This definition includes, but is not limited to, sanitary landfills, sewage treatment facilities and waste incinerators. This definition does not include “Convenience Container and Recycling Facilities” as defined herein. (Section 827)

Special Use: Those uses for which a permit is required for the proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review at a public hearing by the Godwin Board of Adjustment and which may be allowed only after the findings of fact and the imposition of reasonable conditions. (Section 1506)

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

Street, centerline: A line officially determined to be lying halfway between the two edges of the street right-of-way.

Street line: The dividing line between a street or road right-of-way and the contiguous property.

Street, Private: Any road, street, or alley which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. (This does not include neighborhood public roads, cart paths and ingress/egress easements.) Requirements for private streets are in the Godwin Subdivision Ordinance.

Street, Public: A dedicated, and accepted for maintenance purposes, public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.

Subdivision: All divisions of a less than ten acre tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, with certain modifications as more particularly defined in the Godwin Subdivision Ordinance.

Swimming Pool, Private: Any structure which contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with a single-family residence and which is available only to the family and guests of the house holder. This includes in-, on- and above-ground swimming pools. (Section 902.C)

Swimming Pool, Public: Any swimming pool that does not meet the definition of “Private, Swimming Pool” located above. The County Health Department also regulates public swimming pools. (Section 902.C)

Temporary: A permit or event for a limited period of time. (Section 901)

Therapeutic Foster Care Home: A 24-hour residential treatment facility located in a private residence which provides professionally trained parent substitutes who work intensively with children and adolescents who are emotionally disturbed or have a substance problem, or both. These homes shall not serve more than two children or adolescents.

Tower: Any fabricated structure or device including, but not limited to, relay stations for commercial operations, such as cable television, telecommunication, radio, television stations and the operation of such uses. “Tower” shall not include structures that support antennae or similar devices that support or facilitate HAM radio or Citizen Band communication. (Section 829)

Townhouse: A single structure on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other dwelling units by at least one common wall.

Transient Lodgings: Land used or intended to be used or occupied by a group of two or more detached or semidetached buildings, except mobile homes, or by a multiple building containing guest rooms, with automobile parking space and incidental utility structures which are provided in connection therewith, all of which is used or designed for use primarily by automobile transients.

Unit: A use, group, structure, or other entity regarded as an elementary structural or functional constituent of a whole.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1505)

Vehicular Surface Area: An area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where motor vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the vehicular parking area. "Vehicular surface area" does not include covered vehicle parking areas or multi-level vehicle parking areas.

Vertical Mixed Use: Buildings erected for two or more different uses, providing space for non-residential uses on the ground floor with residential areas located on the upper floors and functionally designed to share vehicular and pedestrian access and parking areas. (Article VI)

Yard: A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted herein.

Yard, Front: An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

Yard, Rear: An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

Yard, Side: An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

Yard Sale: All general sales open to the public, conducted from or in an area that is residentially zoned or residentially used for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage sale." (Section 901.D)

Zero Lot Line Development: A single development including, but not limited to, patio houses, townhouses, condominiums, businesses, individual lots and including one or more structures comprising at least two individual lots, dwelling units, or businesses, whether attached or detached, intended for separate ownership and developed in accordance with the standards of the Godwin Subdivision Ordinance.

Zoning: A police power measure, enacted by the Godwin Board of Commissioners pursuant to enabling statutes, in which the town is divided into districts or zones within which Permitted, Conditional, and Special Uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

Zoning District: An area established by this ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

ARTICLE III ZONING DISTRICTS CLASSIFICATION

SECTION 301. ESTABLISHMENT OF DISTRICTS.

For the purpose of this ordinance the areas affected shown on the town's zoning map are divided into the following general classes of districts.

SECTION 302. CONSERVANCY DISTRICT.

CD Conservancy District. This district is designed to preserve and protect identifiable natural resources from urban encroachment. The general intent of the district is to provide open area uses for such resource areas that will continue to provide limited development potential while preserving existing conditions to the extent feasible. Areas to be zoned in this district shall be identifiable as swamp, marsh, flood land, poor or very severe soils areas or managed and unmanaged woodland on USGS (Geological Survey) maps, soil maps prepared by the USDA (Department of Agriculture) Soil Conservation Service or other appropriate sources and on file in the County Planning and Inspections Department.

SECTION 303. AGRICULTURAL DISTRICTS.

A. A1 Agricultural District. This nonexclusive district is designed to promote the continuation and preservation of agricultural activities in those areas most suitable for the activities. It is intended that the owners of properties in this district can rely upon development standards designed to protect the surrounding viable agricultural economy while co-existing with other residential or non-residential uses including large lot residential. The provisions of the district have been specifically formulated to further the objectives of the Growth Vision Plan which provides for a more diversified local economy coupled with well-managed growth and development in the small municipalities.

B. A1A Agricultural District. This district is primarily designed to allow for residential use of single-family residential dwellings and/or Class A manufactured homes on lots with an area of one acre or greater and is to be located within predominantly agricultural areas. The district is not intended to encourage large scale developments and shall not be considered for tracts of land greater than ten acres.

SECTION 304. RESIDENTIAL DISTRICTS.

Residential districts are composed of certain existing residential areas of the town and certain areas where similar residential development should be encouraged to occur.

The regulations for these districts are designed to stabilize and protect the essential characteristics of each district by promoting and encouraging a suitable environment for family life and prohibiting certain incompatible activities of a commercial or industrial nature. To these ends, development is limited to dwellings that provide homes for the residents plus certain additional uses as schools, parks, recreation facilities and certain other public facilities. This system of classification is utilized to optimize orderly development by providing a variety of living environments based on different levels of permitted population density, facilitating the adequate provision of transportation and other public services.

A. R40 Residential District. A district designed primarily for single-family dwelling units with a lot area of 40,000 square feet or above.

B. R40A Residential District. A district designed primarily for single family dwelling units including the use of manufactured homes on individual lots, with a lot area of 40,000 square feet or above.

C. RR Rural Residential District. A district for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, 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 a sufficiently low density to provide for a healthful environment.

D. R15 Residential District. A district designed primarily for single-family dwelling units with a lot area of 15,000 square feet or above.

E. R7.5 Residential District. A district designed primarily for single-family dwellings on lots with a lot area of 7,500 square feet or above.

F. R6 Residential District. A district designed for a mix of single- and multi-family dwellings.

G. R6A Residential District. A district designed for a mix of single- and multi-family dwellings including the use of manufactured homes on individual lots and in manufactured home parks with a lot area of six thousand 6,000 square feet.

H. R5A Residential District. A district designed primarily for multi-family dwelling units with a maximum density of 13 ½ dwelling units per net acre.

SECTION 305. PLANNED PROFESSIONAL DISTRICT.

O&I(P) Office and Institutional District. This district is designed primarily for agencies and offices rendering specialized services in the professions, finance, real estate and brokerage, as well as both public and private institutional functions, public assembly, religious and certain cultural and recreational activities and group housing. The uses in

this district classification may be characterized generally as having no retail or wholesale trade, except as incidental use. The district is often situated between business and residential areas and may also consist of a mix of limited business and residential uses. The regulations are designed for maintaining more compatibility with nearby residential districts than a commercial district would provide. To promote the essential design features with the O&I(P) district, plan approval is a requirement.

SECTION 306. PLANNED COMMERCIAL DISTRICTS.

A. C1(P) Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. This district is customarily located adjacent to an arterial street and generally surrounded by residential areas. To promote the essential design features with the C1(P) district, plan approval is a requirement.

B. C2(P) Planned Service and Retail District. This district is designed to allow for the non-residential development of land with service and retail uses not typically considered intrusive to neighboring residential properties or in areas generally requiring a greater degree of restrictions regarding the commercial use of properties.

C. C(P) Planned Commercial District. This district is designed primarily for a wide variety of retail and wholesale business, commercial and contract services, commercial recreation and amusement, public assembly and office uses. This district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. To promote the essential design features with the C(P) district, plan approval is a requirement.

SECTION 307. PLANNED INDUSTRIAL DISTRICTS.

A. M1(P) Planned Light Industrial District. This district is designed for a wide variety of light industrial operations involving manufacturing, processing and fabrication of materials, operations involving wholesaling and bulk storage, other non-retail uses and certain public assembly and recreational uses. The general intent of the district is to prohibit residential, retail and heavy industrial uses of the land. By their nature, the uses permitted in this district are generally not compatible with residential or shopping center uses. To promote the essential design features with the M1(P) district, site plan approval is a requirement.

B. M(P) Planned Industrial District. This district is designed primarily for a variety of industrial operations, including basic manufacturing, wholesaling, distribution, and processing industries. The general intent is to encourage the new use of certain lands for industrial purposes that strengthen the local economy and affording limited external

effect with suitable open spaces, landscaping, parking and service areas. This district is customarily located on larger tracts of land with good highway and rail access and buffered from residential districts by use of existing or planted vegetation or other types of screening, or by other more compatible uses. Typically, commercial activities are not permitted except those having only limited contact with the general public and not involving the sale of merchandise at retail except for items produced on the premises or for the purpose of serving employees, guests and other persons who are within the district with an industrial activity. To promote the essential design features within the M(P) district, site plan approval is a requirement.

SECTION 308. CONDITIONAL ZONING DISTRICTS.

A. Companion Districts. Each district includes a companion Conditional Zoning district (e.g. A1 has A1/CZ) where no uses are permitted by right. This district is designed for the development and use of the property subject to predetermined ordinance standards and rules imposed as part of the legislative decision creating the district and applying it to the particular property. (Article V)

B. Mixed Use Development - Conditional Zoning District (MXD/CZ). The purpose of this district is to encourage innovative development on a conditional basis by providing use flexibility while maintaining quality design standards tempered with proper controls regarding buffering, landscaping, open space designation, density and other conditions (Article VI)

C. Density Development - Conditional Zoning District (DD/CZ). The purpose of this district is to promote the preservation of open space and the rural areas within the town, through permanent restriction of development on a percentage of a tract, buffering, and clustering of lots, while at the same time providing for the residential development of land. (Article VII)

SECTION 309. DORMANT/CORRESPONDING ZONING DISTRICTS.

This ordinance makes dormant a certain previously existing zoning district created under the County Zoning Ordinance of July 3, 1972, and subsequent amendments. The following previously existing zoning district now corresponds to a current district as indicated:

C3 Heavy Commercial District shall correspond to the C(P) Planned Commercial District.

SECTION 310. ZONING DISTRICTS MAP.

All the territory included in the town is classified into one or more zoning districts and the boundaries of each of these districts are hereby adopted as show on a series of maps in digital format, which is to be considered a part of this ordinance and entitled "Zoning Maps, Godwin, North Carolina." The zoning maps and all notations, references and all amendments thereto, and other information shown thereon are made a part of this ordinance, the same as if such information set forth on the map were all fully described and set out in this ordinance. The zoning maps are public record and shall be kept on file with the County Planning and Inspections Department, where it shall be available for inspection by the public.

Regardless of the existence of purported copies of the zoning map, which may from time to time be made or published, the zoning map on file with the County Planning and Inspections Department and amendments thereto, as entered in the minutes of the Godwin Board of Commissioners, shall be final authority as to the current zoning status of lands, buildings and other structures in the zoning districts.

SECTION 311. INTERPRETATION OF DISTRICT BOUNDARIES.

If dispute exists as to the boundaries of any district shown on the zoning maps, the following rules shall apply:

A. Extensions of Line. Where such district boundaries are indicated as approximately following a street or railroad rights-of-way, alley lines and lot lines, or extensions of such lines, those shall be considered to be such boundaries. Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, or such centerlines extended, such centerlines shall be considered to be such boundaries.

B. Un-Developed Property. For un-developed property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale of the map.

C. Natural, Developed, or Topographical Features. Where natural, developed, or topographical features existing on the ground are at variance with those shown on the zoning maps, or in other circumstances not covered by sub-sections A and B above, the Board of Adjustment shall interpret the district boundaries.

D. Jurisdiction After Annexation. When any portion of the territory subject to this ordinance as shown on the zoning map has been annexed into the corporate limits of the town, such area or areas shall remain subject to the provisions of the previous jurisdiction's regulations for a maximum period of 60 days thereafter, or until such time that the area or areas are subject to the town regulations (initial zoning), whichever occurs first.

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ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES

SECTION 401. GENERAL.

Within the various use districts, as established in Article III and subject to the requirements of this ordinance, no land, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any use other than the uses permitted by the various districts as established herein. The use regulations for the various districts are intended to be permissive in nature and none other than those specifically listed shall be construed as being allowable uses. Some land uses may be allowed through Conditional Zoning or by issuance of a Special Use Permit only upon findings that certain conditions exist or should be applied, and is requested and agreed to by the property owner. The establishment of these uses shall be allowed only after review through appropriate measures and approval of plans.

Permitted uses in the various districts are indicated in the appropriate column of the following matrix. Special Uses, with Board of Adjustment approval and issuance of the permit, and some uses in Conditional Zoning districts, after Board of Commissioner approval are also indicated in the matrix. All proposed non-residential uses, including changes in an existing use, in any planned district require site plan review and approval and shall be in compliance with the standards of this ordinance and the Godwin Subdivision Ordinance.

SECTION 402. USES BY RIGHT.

All uses of property are allowed as a use by right except where this ordinance specifies otherwise or where this ordinance specifically prohibits the use. In the event, a use of property is proposed that is not addressed by the terms of this ordinance, the minimum ordinance standards for the use addressed by this ordinance that is most closely related to the land use impacts of the proposed use shall apply. In addition, the Mayor, the Godwin Board of Commissioners, or the Ordinance Administrator may initiate a text amendment addressing such proposed use, provided that the drafting and adoption of said amendment will not cause delay in the permitting of the proposed use.

SECTION 403. USE MATRIX.

The matrix on the following pages indicates Permitted and Special uses as well as some uses allowed only in a Conditional Zoning district.