

***TOWN OF STEDMAN
ZONING ORDINANCE***

EFFECTIVE DATE: SEPTEMBER 15, 1987

Town of Stedman Zoning Ordinance
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STEDMAN ZONING ORDINANCE

An Ordinance Establishing Zoning Regulations for The Town of Stedman, North Carolina, and providing for the administration, enforcement and amendment thereof and creating a Board of Adjustment in accordance with the Statutes of North Carolina governing municipal zoning.

ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION

SECTION 1.1. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and are designed to less congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; 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 Stedman.

SECTION 1.2. AUTHORITY

The Board of Commissioners of the Town of Stedman, pursuant to the authority conferred by Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections.

SECTION 1.3. TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance, Town of Stedman, North Carolina."

SECTION 1.4. JURISDICTION

These regulations shall govern the use of all lands lying within the Town.

SECTION 1.5. EXEMPTION

The provisions of this ordinance do not apply to bona fide farms. This Ordinance does not exercise controls over crop lands, timber lands, pasture lands, or other farm lands, not over any farm house, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses are subject to the provisions of this Ordinance.

ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATION

SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTICS

For the purpose of this Ordinance the areas affected as described herein are divided into the following general classes of districts.

2.11. RESIDENTIAL DISTRICTS

Residential districts are composed of certain existing residential areas of the Town and certain areas where similar residential development appears likely 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 activities of a commercial or industrial nature. To these ends, development is limited to dwellings which 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 facilities.

R15 Residential District

A district designed primarily for single family dwelling units with a lot area of fifteen thousand (15,000) square feet or above.

R10 Residential District

A district designed primarily for single family dwellings on medium sized lots with a lot area of ten thousand (10,000) square feet or above.

R10M Residential District

A district designed for a mix of single family and multi-family dwellings including the use of mobile homes on individual lots.

2.12. C1 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.

2.13. C(P) Planned Commercial District

The intent of this district is to assure the grouping of buildings on a parcel of land as to constitute a harmonious, efficient and convenient retail shopping area. To promote the essential design features within this district, plan approval is required. Any site plan shall assure traffic safety and the harmonious and beneficial relations between the

commercial area and contiguous land.

2.14. C3 Heavy 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. Since this district has such a wide selection of uses, it will not be expanded without consideration as to its effects on surrounding lands and is limited to those areas of mixed commercial activity which lie adjacent (to) or at the intersection of major arterials and those areas which exhibit a highly mixed composition of commercial land uses.

2.15. M2 Heavy Industrial District

This district is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with residential, or commercial and service uses. The general intent is to encourage the continued use of certain lands in the Town for heavy industrial purpose. The district is customarily located on larger tracts of land with good highway and rail access buffered from residential districts by other more compatible uses. Commercial activities are not permitted except those having only limited contact with the general public and those 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.

SECTION 2.2. ZONING MAPS AND INTERPRETATION OF DISTRICT BOUNDARIES

2.20. Zoning Maps

All the territory included in each of the zoning areas described in Section 2.1 is hereby classified into one or more zoning districts as established in Section 1.4. and the boundaries of each of these districts are hereby adopted as shown on a series of map sheets entitled "Zoning Maps, Town of Stedman, North Carolina."

The zoning maps and all notations, references and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance, the same as if such information set forth in the map were all fully described and set out herein. The "Zoning Maps", properly attested, shall be kept on file with the Planning Board and 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 maps on file with the Planning Board and amendments thereto entered in the minutes of the Town Board of Commissioners shall be final authority as to the current zoning status of lands, buildings and other structures in the Town of Stedman.

2.21. Interpretation of District Boundaries

If a dispute exists as to the boundaries of any district shown on the "Zoning Maps", the following rules shall apply:

2.211. Extensions of Line. Where such district boundaries are indicated as approximately following street or railroad right-of-ways, alley lines and lot lines, or extensions of such lines, shall be considered to be such boundaries. Where district boundaries are indicated as approximately following the centerline of stream beds or river beds, or such centerlines extended, such centerlines shall be considered to be such boundaries.

2.212. Unsubdivided Property. In Unsubdivided 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.

2.213. Physical or Cultural Features. Where physical or cultural features existing on the ground are at variance with those shown on the zoning maps, or in other circumstances not covered by Sections 2.211 and 2.212, the Board of Adjustment shall interpret the district boundaries.

ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES

SECTION 3.1. TABULATION OF PERMITTED USES

Within the various use districts, as established in Article II 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. Permitted uses in the various districts are indicated in the appropriate column of the following tables. Conditional uses allowed in certain districts, after approval of the Board of Adjustment, are indicated in the following tables. Special entertainment uses only permitted in the C3 Heavy Commercial and M2 Heavy Industrial Districts are enumerated, regulated and defined in Section 3.4.

TABLE 1-A PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICTS--R15, R10

PERMITTED USES

Accessory Uses incidental to any permitted use (See Section 3.3)
Agricultural or Rural Farm Use
Dwelling-multifamily
Dwelling-Single-family
Home occupations, incidental
Library
Public agency owned and operated recreation, such as neighborhood center buildings, parks, museums, playgrounds and similar facilities
Religious worship activities
Schools, public
Swimming pools, incidental to a principal use (See Section 3.3 Subsection 3.334, as an incidental use in every zoning district)
Telephone exchange operations
Temporary construction building

CONDITIONAL USES

Boarding house operations
Cemetery
Children's day care facility
Club or lodge, except such uses defined and/or regulated in Section 3.4
Convalescent home
Fire station operations
Home care unit

Home for the aged
 Hospital or sanitarium
 Mobile home, individual, for construction, office and exhibition
 Nursing home
 Private recreation club or swimming club, activities not operated as a business for profit
 Public and community utility stations or substations
 Radio or Television Transmitting
 Rooming house operation
 Schools-private, elementary or secondary
 Tower

TABLE 1-B
PERMITTED AND CONDITIONAL USES
RESIDENTIAL DISTRICT R10M

The following uses are permitted in the R10M Residential District:

1. Any permitted or conditional use allowed in the R10 Residential District.
2. Manufactured home, Class A, individual for residential occupancy.
 (Ord. Of 1-7-99)

TABLE 1-C
PERMITTED AND CONDITIONAL USES
C1 LOCAL BUSINESS DISTRICT

PERMITTED USES

Accessory uses, incidental to any permitted use (See Section 3.3)
 Addressing service
 Ambulance service
 Apparel and accessory sales
 Auction sales, excluding livestock auctioning
 Automobile off-street parking, commercial lots
 Automobile parts and accessories sales, contained within a building and without outside storage
 Automobile service station operations
 Baking, on premises and retail only
 Bank, savings and loan company and other financial activities
 Barber or beauty college
 Barbering and hairdressing services
 Books and printed matter distribution, except as defined and regulated in Section 3.4
 Candy or confectionery making, on premises and retail only
 Clinic services, medical and dental

Club or lodge, except such uses defined and/or regulated in Section 3.4
Dairy products sales, on premises, retail sales only
Delicatessen operations (including catering)

Dry cleaning and laundry collection, no cleaning on premises except in conjunction with service counter, provided not more than twenty-five hundred (2500) square feet are devoted to these processes
Eating and drinking facilities operated as commercial enterprises, except as regulated in Section 3.4
Fire station operations
Flower shop
Food sales
Hardware, paint and garden supply sales
Laundry or dry-cleaning customer self-service
Library
Newsstand sales
Office use-of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist or other medically oriented profession
Office use-with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material
Pharmaceutical sales
Post office
Private recreation club or swimming club activities, not operated as a business for profit
Reducing salon care, not including massage parlors as regulated in Section 3.4
Religious worship activities
Repair, rental and/or servicing, of any product the retail sale of which is a use by right in the same district
Swimming pools, incidental to a principal use (See Section 3.3, Subsection 3.34, as an incidental use in every zoning district)
Tailoring (dressmaking)
Taxicab stand operations
Teaching of art, music, dance, dramatics or other fine arts
Telephone exchange operations
Temporary construction building
Variety, gift and hobby supply sales
Vending machines operations outdoor

CONDITIONAL USES

Assemblies, community, assembly hall, armory, stadium, coliseum, community center
Children's day care facility

Mobile home, individual, for construction, office and exhibition
 Public recreation, such as neighborhood center buildings, parks, museums,
 playgrounds and similar facilities operated on a non-profit basis
 Public and community utility stations or substations
 Tower

TABLE 1-D
PERMITTED AND SPECIFIED CONDITIONAL USES
C(P) PLANNED COMMERCIAL AND C3 HEAVY COMMERCIAL DISTRICTS

PERMITTED USES

Accessory uses incidental to any permitted use (See Section 3.3)
 Addressing service
 Ambulance service
 Apparel and accessory sales
 Auction sales, excluding livestock auctioning
 Automobile off-street parking, commercial lots
 Automobile parts and accessories sales combined within a building and without outside storage
 Automobile and truck rental
 Automobile repair and/or body work, excluding commercial wrecking, dismantling or storage of junked vehicles
 Automobile sales, new and used
 Automobile service station operations
 Automobile washing
 Baking, on-premises and retail only
 Bakery production and wholesale sales
 Bank, savings and loan company and other financial activities
 Barber and beauty college instruction
 Barbering and hairdressing services
 Bicycle sales and repairing
 Blacksmith services
 Boats and accessories, retail sales and service
 Book binding
 Books and printed matter, distribution, except as defined and regulated in Section 3.4
 Bus repair and storage terminal activities
 Bus station activities
 Candy or confectionery making, on premises and retail only
 Carpet and rug cleaning
 Catalogue sales
 Children's day care facility

Clinic services, medical and dental
Club or lodge, except such uses defined and/or regulated in Section 3.4
Convalescent home
Curio and souvenir sales
Dairy products sales, on premises retail sales only
Delicatessen operations (including catering)

Dry cleaning and laundry collection, no cleaning on premises except in conjunction with service counter, provided not more than twenty-five hundred (2500) square feet is devoted to these processes
Eating and drinking facilities, operated as commercial enterprises, except as regulated in Section 3.4
Employee's service, not designed for or available to public customers
Exterminating service
Farm supplies merchandising, excluding farm machinery
Fire station operations
Flower shop
Food freezer operations
Food sales
Funeral home
Fur sales, including cold storage
Greenhouse operations, commercial
Hardware, paint and garden supply sales
Home furnishing and appliance sales
Hospital and sanitarium
Janitorial service
Laboratory operations, medical or dental
Laboratory, research
Laundry or dry cleaning customer self-service
Library
Locksmith, gunsmith
Mobile home sales, but excluding any residential occupancy
Monument sales
Newspaper publishing
Newsstand sales
Office supplies and equipment sales and service
Office use-of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist or other medically oriented profession
Office use-with no premises stock of goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material

Optician services
 Pawn shop
 Pet sales, excluding kennel activities or outside storage of animals
 Pharmaceutical sales
 Photography, commercial
 Plant husbandry, including sale of produce raised on premises
 Post office
 Printing and reproduction
 Private recreation club or swimming club activities, not operated as a business for profit
 Public utility works, shops or storage yards
 Radio or television studio activities only
 Railroad station operations
 Reducing salon care, not including massage parlors as regulated in Section 3.4
 Recreation or amusement enterprise-conducted inside a building and for profit, and not otherwise listed herein
 Recreation or amusement enterprise-conducted outside a building and for profit, and not otherwise listed herein
 Religious worship activities
 Retailing or servicing, with operations conducted and merchandise entirely within a building and not otherwise listed herein
 Second hand, pawn and swap shop sales
 School-business and commercial
 School-for nurses or other medically oriented profession
 School-public
 School-private, elementary or secondary
 School-trade or vocational
 Swimming pools, incidental to a principal use (See Section 3.3, Subsection 3.34, as an incidental use in every zoning district)
 Tailoring (dressmaking)
 Taxicab stand operations
 Teaching of art, music, dance, dramatics, and other fine arts
 Telephone exchange operations
 Temporary construction building
 Theater productions-indoor, which show only films previously submitted to and rated by the Motion Picture Association of America and not including theaters defined in Section 3.4
 Tower
 Trades contractor activities, excluding outside storage of equipment or supplies
 Trading stamp redemption
 Trailer rentals, including terminal activities hauling and/or storage, incidental to same, but excluding mini-warehousing as defined herein

Transient lodgings, except as defined in Section 3.4
 Truck terminal activities repair and hauling and/or storage
 Vending machines operations outdoor
 Vending machine rental
 Wholesale sales with operations conducted and merchandise store entirely within a building and not otherwise listed herein

CONDITIONAL USES

Animal medical care, including kennel operations
 Assemblies, community, assembly hall, armory, stadium, coliseum, community center
 Automobile wrecking yards and junkyards
 Boarding house operations
 Builders supply, no outside storage
 Fairground activities, including carnivals and circuses
 Farm machinery sales and servicing
 Mobile home, individual, for construction, office and exhibition
 Public recreation, such as neighborhood center buildings, parks, museums, playground and similar facilities operated on a nonprofit basis
 Public and community utility stations or substations
 Recreation vehicle park
 Rooming house operations
 Theater productions, outdoor, which show only film previously submitted to and rated by the Motion Picture Association of America

TABLE 1-E PERMITTED AND CONDITIONAL USES M2 HEAVY INDUSTRIAL DISTRICT

PERMITTED USES

Abattoir operations
 Accessory uses, incidental to any permitted uses (See Section 3.3)
 Airport Operations
 Automobile off-street parking, commercial lots
 Automobile and truck rental
 Automobile repair and/or body work, excluding commercial wrecking, dismantling or storage of junked vehicles
 Automobile washing
 Bakery production and wholesale sales
 Blacksmith services
 Book binding
 Books and printed matter, distribution, except as defined and regulated in Section 3.4
 Bottled gas distributing, bulk storage
 Bottling

Builders supply-with or without outside storage
Bus repair and storage terminal activities
Cabinet making
Carpet and rug cleaning
Coal sales and storage
Construction storage, outside
Dairy products sales and processing
Dry cleaning, commercial
Employee's service, not designed for or available to public customers
Exterminating service
Farm machinery sales and servicing
Farm supplies merchandising, excluding farm machinery
Fire station operations
Food freezer operations
Greenhouse operations commercial
Hatchery operations
Ice manufacturing
Industrial operations not otherwise prohibited
Industrial sales of equipment or repair service
Industry, pilot operation
Laboratory, research
Laundry, commercial
Livestock sales and auctioning
Machine tool manufacturing or welding
Manufactured home sales
Mini-warehousing
Monument sales
Monument works
Newspaper publishing
Nursery operation (plants), retail and production
Plant husbandry, including sale of produce raised on premises
Printing and reproduction
Public and community utility stations or substations
Public utility works, shops or storage yards
Railroad station operations
Repair, rental and/or servicing, of any product the retail sale of which is a use by right in the same district
Sawmill or planing activities
Second hand, pawn, and swap shop sales
Sheet metal fabrication
Storage-flammable
Storage-open

Storage-warehouse
Swimming pools, incidental to a principal use (See Section 3.3, Subsection 3.34, as an incidental use in every zoning district)
Telephone exchange operations
Temporary construction building
Tire recapping
Tobacco processing
Tobacco sales warehouse
Tower
Trades contractor activities, excluding outside storage of equipment or supplies
Trades contractor activities, with outside storage of equipment or supplies
Trailer rentals
Truck terminal activities, repair and hauling and/or storage
Upholstering or furniture refinishing
Vehicle, (commercial, government) repair or storage

CONDITIONAL USES

Automobile wrecking yards and junkyards
Mobile home, individual, for construction, office and exhibition
Privately owned and operated solid waste disposal facilities
Quarry operations

SECTION 3.2. TEMPORARY USES

The Zoning Inspector may issue a temporary Certificate of Occupancy for the following uses in accordance with the provisions of this Section. In cases where the desirability of permitting the use is questionable, the matter shall be referred to the Board of Adjustment for a decision.

3.21. Temporary Events.

The Zoning Inspector may issue a temporary occupancy permit for bazaars, carnivals, religious revivals, sports events, circuses, festivals and similar uses for a fixed period of time not to exceed thirty (30) days in any one calendar year, and subject to limitations as the Zoning Inspector may impose the character of the district affected.

3.22. Temporary Construction Offices.

The Zoning Inspector may issue a temporary occupancy permit for construction offices in any district at any site where erection, addition, relocations and/or structural alterations are taking place, provided that such construction office shall be removed immediately upon completion of the project.

3.23. Temporary Office and Exhibition.

The Zoning Inspector may issue a temporary occupancy permit for mobile structures

used solely as offices or for purposes of exhibition in any district for a fixed period of time not to exceed six (6) months and only upon satisfactory evidence that the use of such mobile structure shall not violate any code or regulation or the intent of this Ordinance. The temporary permit may be renewed upon similar evidence of use of such mobile structure.

SECTION 3.3. INCIDENTAL USES

3.31. Home Occupations.

Home occupations are permitted only as an incidental use. Provided further home occupations shall be permitted subject to the following limitations:

- (a) No display of products shall be visible from the street;
- (b) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception;
- (c) No accessory buildings or outside storage shall be used in connection with the home occupation;
- (d) Not over twenty-five percent (25%) of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation;
- (e) Only residents of the dwelling may be engaged in the home occupation; and
- (f) Traffic generation shall not exceed the traffic volumes generated by nearby residents.

3.32. Outside Storage and Display.

Outside storage of goods, equipment and material shall be prohibited in any C(P) District. Outside display of merchandise, which is normally required in conducting the commercial operation, is permitted in any of the above named districts.

3.33. Other Incidental Uses.

Incidental accessory retail uses include apothecary shops incidental to a hospital or clinic, variety, book, cafeterias, soda bars, coffee and barber shops incidental to institutional or professional office buildings or manufacturing facility. Incidental retail uses shall be conducted solely for the convenience of the employees, patients, patrons, students or visitors and not the general retail public. Such retail use which is

conducted wholly within the principal building without access thereto other than from within the building, without exterior advertising display shall be permitted.

Accessory structures shall not be rented or occupied for gain or inhabited by other than employees performing services on the premises of the owner, leasee or tenant of the premises. No accessory building to be used for living quarters shall be constructed upon a lot until the construction of the principal building has commenced.

3.34. Swimming Pools.

Every swimming pool as defined by the Cumberland County Board of Health regulations (Section 1, Definitions) is permitted as an incidental use and shall be regulated as follows:

- (a) That the setback for a swimming pool from any side or rear lot line equal ten (10) feet plus one (1) foot for each foot over (10) of vertical length or height of pool in the case of aboveground pools;
- (b) That a fence be erected to a minimum height of three (3) feet to completely enclose the portion of the yard containing the pool with a gate that can be securely fastened for below ground pools;
- (c) That all mechanical equipment be located a minimum of five (5) feet from the property line;
- (d) That all floodlights be shielded from adjacent properties to reduce offensive glare;
- (e) That all electrical wiring shall be in conformance with the National Electrical Code;
- (f) That a water discharge plan for the proposed use be submitted showing the location of buildings, yard dimensions and other pertinent data. This plan shall also stipulate the type of system used for disposal of waste from the site. No permit shall be issued until the Zoning Enforcement Officer determines that the water discharge plan is adequate by meeting one or more of the following criteria:
 - (1) The discharge system shall drain directly into the street's storm drainage system, other public storm drainage systems, or natural stream; or
 - (2) Enough hose is made available to discharge such water into

the above public ways; or

- (3) That water discharge can be accomplished on the lot without threat of discharge onto adjacent lots.
- (g) That a swimming pool in any zoning district may not be located in a required front yard, including residential corner lots subject to Section 7.17.

SECTION 3.4. SPECIAL ENTERTAINMENT USES

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics. These types of uses are prohibited in the Stedman jurisdiction.

3.41. Definitions.

- (a) Adult bookstore. An establishment having a substantial or significant portion of its stock in trade in 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 areas," or an establishment with a segment or section devoted to the sale or display of such material.
- (b) Adult motion picture theater. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating specified sexual activities or specified anatomical areas for observation by patrons therein.
- (c) Adult motels and hotels (transient lodges, adult). A place where motion pictures not previously submitted to or not rated by the 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.
- (d) Massage parlors. Any establishment which offers service in the form of massage, bath, exercises, or similar services in combination, to club members or to the public for a charge.
 - (1) The term massage parlor does not include:
 - (a) Hospitals, nursing homes, medical clinics, or the offices or quarters of licensed physician, a surgeon or an osteopath.

- (b) Exercise clubs exclusively for members or clientele of one sex alone where the service, without massage in any form, is performed by persons of the same sex as the members or the clientele.
 - (c) Barber shops and beauty parlors.
- (2) For the purpose of this article, the terms massage parlors, health clubs or health salons are used synonymously as defined herein, by the above definition for massage parlors.
- (e) Specified anatomical areas. For the purpose of this Section, specified anatomical areas are defined as:
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- (f) Specified sexual activities. For the purpose of this Section, specified sexual activities are defined as:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

3.42. Prohibited Uses.

- (a) Adult bookstores.
- (b) Adult motion picture theaters housed in a permanent indoor structure.
- (c) Clubs, lodges and other places of entertainment operated as a commercial enterprise providing nude or semi-nude entertainment such as topless

dancing.

- (d) Eating and drinking establishment including drive-in curb service providing nude or semi-nude entertainment such as topless dancing.
- (e) Physical culture establishments, masseurs, massage parlors and health salons.
- (f) Adult motels and hotels (transient lodges, adult).

ARTICLE IV. CONDITIONAL USES

SECTION 4.1. CLARIFICATION

Some land uses have a particular impact on the surrounding area that cannot be adequately controlled by general regulations. Their establishment shall be allowed only after review and approval of plans and shall be called conditional uses. Conditional uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and conditions as set forth in Section 4.2.

SECTION 4.2. GENERAL PROVISIONS

In granting approval for a conditional use permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for protection of health, the general welfare and the public interest, including the requirement that detailed plans for each conditional use proposal be submitted as part of the application for a conditional use permit. Any change, enlargement or alteration in such use shall be reviewed by the Board of Adjustment and new conditions may be imposed where findings require. In granting a conditional use permit, the Board of Adjustments shall give due consideration to:

- (a) The location, size, design and operating characteristics of the proposed development so that it will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- (b) The harmony in scale, bulk, coverage, function and density of the proposed development.
- (c) The availability of public facilities and utilities.
- (d) The generation of traffic and the capacity of surrounding streets.
- (e) The purpose and intent of the general land use plans for the physical development of the district and the protection of the environment.

Developers are encouraged to discuss their conditional use plans with the Planning Staff before submission. The staff shall assist the developer, upon request, by reviewing conditional use plans to insure that the technical requirements of this section are met before submission to the Board of Adjustment.

SECTION 4.3. CHILDREN'S DAY CARE FACILITIES.

Regardless of any other requirements in this ordinance, the following specific provisions shall be met as minimum standards prior to the approval of any children's day care facility as a conditional use in a residentially zoned area:

- (a) Minimum lot size: Twenty thousand (20,000) square feet;
- (b) Building setback minimum from any public or private street: Thirty (30) feet;
- (c) Rear yard setback minimum: Thirty-five (35) feet;
- (d) Side Yard setback minimum: Twenty (20) feet;
- (e) Corner lot setback minimum from interior lot lines: Twenty (20) feet;
- (f) Minimum distance to another children's day care facility as defined herein, whether conforming or nonconforming, shall be two thousand five hundred (2,500) feet;
- (g) Minimum paved off-street parking spaces: Two (2) plus one (1) for each employee;
- (h) Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two (2) autos at one time for the purpose of loading and unloading passengers;
- (i) All children's outside play areas shall be enclosed with at least a four-foot high fence; and
- (j) Other conditions as deemed necessary by the Board of Adjustments in accordance with Section 4.2.

The above requirements are minimum standards which must be met by the applicant and may not be varied by the Board of Adjustment. Once these requirements are met the applicant shall be entitled to a conditional use permit.

SECTION 4.4. GOLF COURSES; SPECIFIC PROVISIONS

Regardless of any other requirements in this Ordinance, the following specific provisions shall be met as minimum standards prior to the approval of any golf course (privately owned) as a conditional use in a residentially zoned area:

- (a) Minimum lot size: Ten (10) acres;
- (b) Building or facility setback from any public street: One hundred (100) feet;
- (c) Rear yard setback minimum: Two hundred (200) feet;
- (d) Side yard setback minimum: Two hundred (200) feet; and
- (e) Corner lot setback minimum front interior lot lines: Two hundred (200) feet.

(Note: The above setbacks are intended to include any permanent or temporary structure such as, but not limited to, clubhouse, equipment storage, greenhouse, swimming pool, tennis courts and restaurant.)

- (f) Minimum off-street parking spaces: Four (4) per hole, plus one (1) per two hundred (200) square feet of restaurant and/or retail space, and one (1) space per employee;
- (g) Incidental uses to a golf course may include pro shop, eating establishment, drinking establishment when in conjunction with an eating establishment (not including those operating under Section 3.4 of this Ordinance) tennis courts, swimming pool, and practice area. Permitted incidental uses may only exist as long as the golf course is in operation and open daily;
- (h) Any other conditions as deemed necessary by the Board of Adjustments in accordance with Section 4.2.

SECTION 4.5 TELECOMMUNICATION TOWERS – Minimum Provisions and Requirements

- (a) (Standards Required to be Met Prior to Approval or Location.)
Without regard or in addition to any other provision to this zoning ordinance, each applicant, developer, or owner shall meet the specific provisions set out in this section as minimum standards prior to approval or location of any telecommunication tower in any district.
- (b) Performance Standards, Special Requirements.
 - (1) Setbacks.

- (a) Residential Zones. A tower less than three hundred (300) feet in height shall be set back from all adjacent property lines a distance not less than the height of the tower. A tower taller than three hundred (300) feet shall be set back from property and/or lease lines a distance equal to the height of the tower. The distance shall be measured from the base of the tower.
 - (b) Commercial/Industrial Zones. Any Tower shall be set back from the property and/or lease lines a minimum of fifty (50) feet or one (1) foot of setback for each three (3) feet of tower height, whichever is greater.
 - (c) Nearby structures. Structures located near towers shall not encroach the setbacks of the towers, unless such towers are of monopole design and construction, in which case buildings and structures may be located within the setback distances.
- (2) Fencing. The tower base shall be enclosed by a chain link fence that is at least ten (10) feet in height and located at least (10) feet from the base of the tower.
 - (3) Buffer Area. The tower compound shall be surrounded by a buffer area that is at least twenty-five (25) feet wide. The buffer shall shield the entire tract. No structures, including guide wire or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of twenty-five (25) feet and that shall be spaced no greater than twenty (20) feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of at least (3) feet and an expected attainment of six (6) feet in height within four (4) years of planting. The hedge shall constitute a complete shield or visual blockage. If it is determined by a zoning officer of the Inspections Department that a natural buffer already exists that substantially complies with the purpose and intent of this performance standard, to an equal or greater degree, such an alternate natural buffer shall be considered adequate. If an alternate natural buffer is used, it is the user's responsibility to insure that the buffer remains unchanged for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure from view, the applicant or tower user(s) shall install buffers as required by this performance standard.

- (4) Applicant's Certification. The applicant, owner, or developer shall certify that the proposed tower will be constructed and operated in accordance with all applicable local, state, and federal laws and ordinances, including, but not limited to, all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.
- (5) Engineer's Certification. Prior to the issuance of a building permit for a tower, the applicant, owner, or developer shall submit drawings sealed by a licensed engineer and the certification of a licensed engineer that the tower will meet all applicable local, state, and federal building codes and structural standards.
- (6) Radio, Television Disturbance. The operation of the equipment, antenna(e), or other devices placed on the tower shall not diminish the reception of radio, television, or other similar items on adjacent property.
- (7) Tower Height. The height of the tower shall not exceed four hundred fifty (450) feet. When a tower is located on a building or structure, the combined height of the building or structure and the tower shall not exceed four hundred fifty (450) feet.
- (8) Aesthetics. The exterior appearance of any building or structure associated with a tower and located in a residential zone shall maintain a residential architecture quality, including , without limitation, a pitched roof and frame or brick veneer construction.
- (9) Use Restriction. No building or structure associated with a tower and located in a residential zone may be used as an employment site or location for any worker. However, periodic maintenance, inspection, and renovation of the facility shall be permitted.
- (10) Property Values. Each applicant, owner, or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In zoning districts where the tower is a use by right, the applicant, owner, or developer may satisfy the requirement by submitting a statement which is signed by a licensed appraiser or real estate broker which expresses an opinion that the use will not be detrimental or injurious to the

property values of the surrounding neighborhood.

- (11) Tower Separation. No tower may be constructed closer than one thousand five hundred (1,500) feet to any other tower. However, a concealed tower, as defined by Section 10.2 Definitions of this zoning ordinance, shall be exempt from the separation requirement established by this subsection. Upon application, the Board of Adjustment may vary the separation requirement established by this subsection.
- (12) Electromagnetic Interface. In order to protect the public from unnecessary exposure to electromagnetic radiation, the applicant, developer, owner, or operator of the tower shall document that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.
- (13) Lighting. If lighting is required by the FAA, lighting shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by federal statutes, regulations, and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer, or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.
- (14) Financial Responsibility, Obsolescence. A tower that is not used for a period of at least six (6) months shall be determined to be obsolete and shall be removed. The owner of the tower shall remove an obsolete, unused, or structurally unsound tower within ninety (90) days. The building inspector may establish a shorter period of time for the removal of a tower that is structurally unsound. To assure the removal of unused, obsolete, or improperly maintained towers, the applicant, owner, or developer shall submit a statement of financial responsibility for each tower that is at least seventy-five (75) feet tall. If the County must effect removal, removal costs shall be charged against the issuer or party charged under the statement of financial responsibility.
- (15) Post-approval Certification. The owner or operator of a tower shall

submit a statement signed and sealed by an engineer that the tower is structurally sound. At least once each six (6) years, the owner or operator of a tower shall submit a statement signed and sealed by an independent registered and licensed engineer that the tower is structurally sound. If a tower is determined not to be structurally sound, the owner or operator of the tower shall, within sixty (60) days or a shorter time period established by the building inspector, effect repairs to restore the structural soundness of the tower.

- (16) Camouflage. The owner, applicant, or developer shall camouflage the tower so that it better blends into the surrounding area. Methods of camouflage include paint, architectural design or structure, and other means. A communication tower and associated equipment totally concealed within a building or structure so as to be architecturally indiscernible shall not be regulated as a tower within this zoning ordinance.
- (17) Outside Storage. No outside storage on the site of the tower shall be permitted.

(c) Site Plan Required.

- (1) The applicant, owner, or developer of a tower that is at least seventy five (75) feet in height shall submit a site plan with the application for a building permit to authorize construction or erection of the tower.
- (2) The site plan shall include:
 - (a) Identity of the proposed or intended user(s) of the tower.
 - (b) The certification of a register engineer that the tower has the structural integrity and/or capacity to support or to accommodate more than one (1) use or user.
 - (c) The statement and supporting information and documentation by the applicant, owner, or developer that no structures or facilities suitable for co-location are available within the coverage area.
 - (d) The statement of the owner indicating the intent and willingness to permit shared use of the tower and the

potential for limitations on the number of other users that the proposed tower can accommodate.

- (e) Elements and design that meet all requirements of the zoning ordinance and subdivision ordinance.

ARTICLE V. NONCONFORMING USES

SECTION 5.1. CLARIFICATION

Any structure or use of land, existing at the time of the enactment of this Ordinance, or any amendment thereto, used for a purpose not permitted in the zoning district in which it is located shall be considered a nonconforming use and shall be regulated as follows.

SECTION 5.2. GENERAL PROVISIONS

No structure or land containing a nonconforming use shall hereafter be extended, nor shall its total value be enhanced, except as provided in this article.

5.21. Discontinuance Open-Air Uses.

All nonconforming uses not carried on within a structure, except those which are incidental and necessary to activities within a structure, shall be discontinued within three (3) years from the effective date of this Ordinance. All such uses which are made nonconforming by an amendment of this Ordinance or extension of the area in which this Ordinance is applicable shall be discontinued within three (3) years after the date of such amendment or extension. Uses to be discontinued under this section shall include outdoor sales areas, automobile parking lots not immediately adjacent to and used in conjunction with a structure which the parking lot serves, storage yards, signs, billboards and similar uses. Where nonconforming use status applies to structure and premises in combination, if the building is removed or destroyed, the nonconforming use of the land shall cease and any subsequent use of the land and buildings placed thereon shall be in conformity with the provision of this Ordinance.

5.22. Continuance of Nonconforming Uses

Any nonconforming use may not be changed to any other nonconforming use, unless the Board of Adjustment finds that such use is no more detrimental to the neighborhood than the initial nonconforming use of the property in question, and no change of title or possession, or right to possession of property involved shall be construed to prevent the continuance of such nonconforming use.

5.23. Continuance of Nonconforming Structures

A nonconforming structure may be enlarged or extended provided that its nonconformity is not increased and provided further that if such structure is to be remodeled or rebuilt to an extent exceeding one-third of its then reproducible value, as determined by the Zoning Inspector, the entire building or structure must be in conformity with the dimensional requirements of the district.

5.24. Reconstruction Prohibited

Any nonconforming structure or any structure containing a nonconforming use, which has been damaged by fire or other causes, may be reconstructed and used as before if it be done within one year of such damage, unless such structures have been determined by the Zoning Inspector to have been damaged to an extent exceeding fifty (50) percent of its then reproducible value or its bulk, exclusive of foundations, in which case any repair, reconstruction or use shall be in conformity with the provision of this ordinance.

5.25. Resumption of Nonconforming Use Prohibited

The resumption of a nonconforming use of a structure shall not be permitted if such nonconforming use is discontinued, or ceases regardless of intent, for a continuous period of one year.

SECTION 5.3. PROVISIONS FOR MANUFACTURED HOME LOTS AND PARKS

Notwithstanding any other provisions of this Article V to the contrary, the continuance of the use of land and structures for individual manufactured home or manufactured home park purposes in zoning districts in which the individual manufactured homes or manufactured home parks are not a permitted use shall be regulated as follows:

5.31. Definitions.

For the purposes of this section 5.3, the following definitions shall replace the definition of the words “mobile home” as otherwise used in this Ordinance:

- (a) **Manufactured home:** A dwelling unit that:
 - (1) Is not constructed in accordance with the standards set forth in the North Carolina State Building Code;
 - (3) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and
 - (4) Exceeds forty (40) feet in length and eight (8) feet in width.
- (b) **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:
 - (1) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.

- (2) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
 - (3) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
 - (4) The exterior siding consists predominately 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.
 - (5) 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 a permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home.
 - (6) 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.
 - (7) The moving hitch, wheels and axles, and transporting lights have been removed.
- (c) **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.
 - (d) **Manufactured Home, Class C:** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

5.32. Continuance of Individual Nonconforming Manufactured Home Uses

Individual lots in districts not zoned for manufactured home use on which there is located a pre-existing (i.e., existing thereon at the time of such zoning) nonconforming manufactured home may continue to be used as an individual manufactured home lot,

subject to the following:

- (a) In the event that the use of the nonconforming individual lot as a site for a pre-existing individual manufactured home is discontinued for a period of one (1) year or more, such use of the lot shall not be resumed and only the uses permitted for the zoning district in which the lot is located shall be allowed.
- (b) The land area of the individual manufactured home lot, as it existed at the time of zoning of the district in which the lot is located, shall not be expanded.
- (c) A manufactured home located on an individual manufactured home lot at the time the district in which the lot is located was zoned shall not be replaced except in accordance with provisions of this Section 5.3.

5.33. Continuance of Pre-Existing Nonconforming Manufactured Home Park Uses

Tracts or parcels of land in districts not zoned for manufactured home park use on which there is a located a pre-existing nonconforming manufactured home park may continue to be used as a manufactured home park, subject to the following conditions:

- (a) In the event that a tract or a parcel of land, or part thereof, as a manufactured home park is discontinued for a period of one (1) year or more, such use of land, or part thereof, shall not be resumed and only the uses permitted for the zoning district in which the land is located shall be allowed.
- (b) The land area of the manufactured home park, as it existed at the time of the zoning of the land on which the park is located, shall not be expanded.
- (c) A manufactured home located in a pre-existing nonconforming manufactured home park at the time the district in which the park is located was zoned shall not be replaced except in accordance with provisions of this section.

5.34. Replacement of Pre-Existing Manufactured Homes on Individual Nonconforming Lots

A pre-existing manufactured home on an individual nonconforming manufactured home lot may be replaced by another manufactured home during the period in which the pre-existing nonconforming use of the lot is allowed to continue, provided that the replacement structure, as newly positioned on the lot, conforms to the following requirements:

- (a) The replacement structure in any residentially zoned district shall be a Class A manufactured home and the replacement structure in any of the following

nonresidential zoning districts: C(P) Planned Commercial, C3 Heavy Commercial, C1 Local Business, and the M2 Heavy Industrial shall be a Class A or Class B manufactured home as defined in this section, provided that such replacement structures are used exclusively for residential purposes.

- (b) The replacement structure shall meet the structure setback and other applicable provisions of this Ordinance for the zoning district in which the lot is located.
- (c) The replacement structure shall meet the current requirements of the Cumberland County Fire Prevention Ordinance and the fire prevention code adopted therein.
- (d) The replacement structure shall meet the current requirements of the Cumberland County Minimum Housing Code.
- (e) The replacement structure shall meet the current requirements of the Cumberland County Public Health Regulations pertaining to sewerage and water systems.
- (f) In the event of conflict among the requirements set forth above, the replacement structure must meet the stricter of the conflicting requirements.

5.35 Replacement of Pre-Existing Manufactured Homes in Nonconforming Manufactured Home Parks

A pre-existing manufactured home in a nonconforming manufactured home park may be replaced by another manufactured home during the period in which the pre-existing nonconforming use of the land on which the park is located is allowed to continue, provided that the replacement structure, as newly positioned in the park, conforms to the following requirements:

- (a) The replacement structure shall be placed in the manufactured home park so that the structure in place is set back from the external boundaries of the park a distance which meets the setback and other applicable provisions of this Ordinance for the zoning district in which the park is located, as though the park were a single lot or tract within such district. For the purposes of this subsection, front yard setback requirements shall be measured from a public street constituting an external boundary of the park, if any. Other setback requirements shall be treated as rear and side yard setbacks, as appropriate, and be measured from the boundary of the park other than a public street.
- (b) The replacement structure and the manufactured home lot on which it is placed shall meet the current internal dimensional requirements for a “mobile home

park” as defined and set forth in this Ordinance, to include without limitation lot area, density, and yard space requirements.

- (c) The replacement structure shall meet the current requirements of the Cumberland County Fire Prevention Ordinance and the fire prevention code adopted therein.
- (d) The replacement structure shall be a Class B or better manufactured home and shall otherwise meet the current construction and other standards for manufactured homes established by applicable local ordinances and North Carolina and Federal laws and regulations.
- (e) The replacement structure shall meet the current requirements of the Cumberland County Public Health Regulations pertaining to manufactured homes and manufactured home parks.
- (f) The replacement structure shall meet the current requirements of the Cumberland County Minimum Housing Code.
- (g) In the event of conflict among the requirements set forth above, the replacement structure must meet the stricter of the conflicting requirements.

5.36. Map of Pre-Existing Nonconforming Manufactured Home Lot or Park

Every owner of land on which a pre-existing nonconforming manufactured home individual lot or park is located shall file with the Cumberland County Planning Department, for the use of the County Zoning Inspector, a map or site plan of the land area of such lot or park showing the dimensions to scale of the area at the time of the zoning of the land on which the lot or park is located, showing the location and external dimensions to scale of each manufactured home existing therein at such time, and showing such other pertinent information as the planning department and the zoning inspector may require.

5.37. Zoning Permit Required

No replacement of a pre-existing nonconforming manufactured home hereunder shall be permitted unless the owner of such replacement has made application to the zoning inspector for a zoning permit for such replacement and the permit had been issued. The application shall describe the proposed replacement manufactured home by manufacturer’s name, model and serial number, year of manufacture and dimensions and shall show the proposed location of the replacement by outline on a copy of the map of the manufactured home individual lot or park on file with the planning department. The zoning inspector shall issue a zoning permit for the replacement only

upon a determination that the replacement and its location meets the requirements for replacing a pre-existing nonconforming manufactured home set forth above. The zoning inspector may demand any additional information reasonably required to make such a determination and may deny a permit if such information is not submitted. No provision herein shall waive or release any other requirement for a permit pertaining to the replacement or lot or park in which it is to be located which may be set forth in this ordinance or other local, state, or federal law.

ARTICLE VI. PLANNED DISTRICTS

SECTION 6.1. GENERAL OBJECTIVES

This article recognizes that through ingenuity, imagination and quality design community development can be improved. The careful review of development plans by the Planning Staff is a process which will:

- (a) Permit creative approaches to the development of land, reflecting changes in the technology of land development;
- (b) Provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower development costs;
- (c) Provide and insure an environment of stable character compatible with surrounding land uses;
- (d) Accomplish a more desirable environment than would otherwise be possible; and
- (e) Enhance the appearance of the community.

See Article XII for administrative procedures.

SECTION 6.2. GENERAL PROVISIONS

The burden shall be on the developer to show that his plans are in the best interests of the community and the users of the proposed developments. Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. The development plan shall show and careful review shall be given the following information:

- (a) Proposed land uses, the location of various land uses, their types and densities;
- (b) Proposed circulation pattern for vehicles and pedestrians;
- (c) Proposed parks and other common open space areas, proposed means of dedication of any common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
- (d) Delineation of the units or phases to be constructed in progression;

- (e) Relation to land uses in surrounding areas and to the general development plan;
- (f) The layout of car parking and loading areas, service areas, entrances, exits, yards, courts and landscaping, control of signs, lighting, noise or other potentially adverse influences as to protect the residential character within and/or adjacent to the planned development; and
- (g) The setbacks' size and screening of various land uses.

In any planned district no Zoning Permit or Certificate of Occupancy shall be issued by the Zoning Inspector except in conformance with a plan submitted to and approved in accordance with Article XII.

SECTION 6.3. PLANNED DISTRICTS

Plans for the C(P) Planned Commercial District must meet all of the general provisions of this Article and the yard, lot, parking, building, sign and other requirements pertaining to these districts as contained in this Ordinance. In addition, the Planning Staff may require that additional information be shown which is needed to properly evaluate the merits of the proposed development as to the adherence to the general land use plan and the impact of the proposed development on surrounding land uses.

ARTICLE VII. LOT AND YARD REGULATION

SECTION 7.1. LOT REGULATION

General lot regulations shall apply as herein set forth.

7.11. One Principal Structure Per Lot

Every principal structure hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory buildings on one lot of record except as provided for Group Developments (see Section 7.18).

7.12. Street Access

No structure shall be erected on a lot which does not abut a public street or approved private street for at least twenty (20) feet, such frontage (abutting) to be continuous from the property line to the front yard building setback line, where the lot width must conform with the provisions of Section 7.3.

7.13. Reduction of Lot Size Prohibited

No lot shall be reduced in area so that lot and/or yard areas below the minimum required under this ordinance shall result. If two (2) or more adjacent platted lots are in common ownership and are platted on record in the office of the Register [Registrar] of Deeds of Cumberland County on the effective date of this Ordinance for the zoning area, and such platted lots individually are too small to meet the yard and area requirements of the district in which they are located, such groups of platted lots shall be considered as defined herein and the lot or lots shall be subject to the requirements of this ordinance. However, lots fifty (50) feet or more in width may be treated as recorded lots less than minimum width.

7.14. Recorded Lots Less Than Minimum Requirement

Where any lot of record on the effective date of this Ordinance or amendment thereto for the zoning area in a district which allows residential uses does not contain sufficient land to permit conformance to the dimensional requirements of this Ordinance, such lot may be used as a building site for a single family residence, provided that the lot area and yard dimensions are not reduced below the minimums specified in this ordinance by more than seventeen (17) percent in the R15 and R10 Residential Districts.

7.15. Lots Without Community Water and/or Sewer

Any lot that is not served by community water and/or sewer, in addition to the regulations of the district in which said lot is located, must be certified by the Cumberland County Health Department to be large enough to meet all applicable regulations regarding water supply and/or sewage disposal.

7.16. Building Lines on Irregularly Shaped Lots

Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Inspector. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots.

7.17. Corner Lots

All structures on corner lots in residential districts shall be set back at least fifteen (15) feet from the side street property lines or forty (40) feet from the center line of the side street, whichever is the greater distance. Structures on corner lots in residential districts on which houses are to front on each of the intersecting streets shall observe the front yard requirements on each of the intersecting streets within the same block if they are located within subdivisions which are recorded after the effective date of this Ordinance. Structures on corner lots in residential districts which observe the front yard requirements of the two intersecting streets may reduce the required rear yard by twenty (20) feet.

7.18 Group Developments

In no case shall any part of a residential building be located closer than twenty (20) feet to any part of another principal building. For each story of height over the first, an additional ten (10) feet of separation shall be added. One vehicular access to a public street shall be provided for each sixty (60) parking spaces or fraction thereof. No parking space shall be located within fifteen (15) feet of any street right-of-way line. Each parking space shall be within two hundred (200) feet of the residential building it is designed to serve. Five hundred (500) square feet of open space or recreation area, not to be devoted to any other purpose, shall be provided for each dwelling unit.

SECTION 7.2. YARD REGULATION

General yard regulations shall apply as follows:

7.21. Projection Into Yard Space

Every part of a required yard shall be open from its lowest point (grade level) to the sky, unobstructed except for the ordinary projections of sills, belt courses, buttresses, cornices, ornamental features, sun decks, balconies, open porches and eaves; provided that none of the above projections shall project into a required yard more than four (4) feet. Canopies, eaves and marquees may extend into a required yard in a commercial or industrial district provided that no more than ten (10) percent of the square footage within the required yard is covered by such canopies, eaves and marquees, and provided further that supports for such canopies, eaves and marquees shall not be solid and shall not interfere with the free movement of traffic, the required off street

parking and the sight view of adjacent properties.

Open fire escapes, outside stairways, open wheelchair ramps, the ordinary projection of chimneys and flues, swimming pools, flag poles, decorative fountains and other similar items may be erected in required yards when placed so as not to obstruct light and ventilation necessary for the structure.

7.22 Determination of Front Yard Setback

The front yard requirements of this Ordinance shall not apply on lots where the average depth of existing front yards on developed lots, located within one hundred(100) feet on each side of a lot, within the same block and zoning district as such lot, is greater or lesser than the minimum required front lot depth. In such cases the depth of the front yard on such lot shall not be less than the average front yard depth on such developed lots. This provision shall not require a structure to set back from the street or road a greater distance than that distance set forth in this ordinance or the setback line observed by the closer of the two (2) existing main buildings on immediately adjoining lots. In no case, however, shall any residential structure be placed closer than fifty (50) feet from the center line of a street on which it faces or within forty (40) feet from the centerline of a side street. The location of a residential structure with respect to the street line in any commercial or industrial district shall not be used as a factor in determining the required setback from the street line for any new buildings to be erected in such districts.

7.23. Fences and Walls

The setback requirements of this Ordinance shall not apply to any retaining wall. Open fences and walls may be erected to any height. Solid fences and walls shall be limited to three (3) feet in height when projected into or enclosing a minimum front yard; shall be limited to six (6) feet in height when projecting into or enclosing a minimum side yard and/or rear yard; provided, that in no case shall a solid fence or wall exceed three (3) feet in height within twenty-five (25) feet of a public right-of-way line.

7.24. Corner Visibility

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet shall be permitted within twenty (20) feet of the intersection of two (2) streets.

7.25. Rear yards on through lots

The depths of rear yards on through lots shall be at least equal to the minimum required front yards for the district in which it is located and no accessory buildings shall be located in the rear yard on through lots.

7.26. No other building in required yard space

No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building. When two (2) or more uses occupy the same building, sufficient parking areas, yard widths, lot area, open space, etc., must be provided so that the dimensional requirements pertaining to each of the uses will be met in full.

7.27. Buffer Requirements

Where a commercial off-street parking and loading space, utility regulating and pressure control stations, protective service buildings abut residential areas and where an office, commercial or industrial district abuts a residential district to the side or rear property line, there shall be installed and maintained along such side and rear property line a buffer. Also, a buffer shall be required to effectively screen from any residential district which abuts a side or rear yard or from any street, any outside storage of materials, equipment and products.

7.28. Location of accessory buildings in any district

No accessory building shall be erected in any required front or side yard or within fifteen (15) feet of any side street line or within five (5) feet of any lot line not a street line or within five (5) feet of any building or other accessory building. In no case, however, shall an accessory building be placed closer to a street than the principal building.

7.29. Building height

Multiple family dwellings and office, commercial and industrial buildings shall not be limited to height except that for each one foot of height greater than thirty-five (35) feet the side and rear yard setbacks shall be increased by one foot.

7.30. Side yard exception

In the C3 Heavy Commercial District, where the lot has a width of one hundred fifty (150) feet or less at the front yard setback line, the minimum side yard width requirement shall apply only to one side.

7.31. Satellite Dishes

Satellite antenna receiving dishes shall not be located in the front yard area. Satellite dishes located in the side or rear yard shall not be located within five (5) feet of the property line.

SECTION 7.3 DISTRICT DIMENSIONAL PROVISIONS

Except for the special provisions as noted in Sections 7.1 and 7.2, the following district dimensional regulations shall be met:

Section 7.3 District Dimensional Provisions

District	Minimum Lot Size (See Paragraphs 7.13, 7.14, 7.15 and 7.19)				Minimum Yard Regulations				
	Square Feet Dwelling Units			Frontage (in feet)	Side Yard Width (in feet) By Structure (See Paragraphs 7.17, 7.29)				
	First Dwelling Unit	2 nd , 3 rd & 4 th Dwelling Units	5 or more Dwelling Units		Front Yard Setback (in Feet) (See Paragraph 7.23) Measured from R/W line	1 Story	2 Story	For each Additional Story greater than 2 add:	Rear Yard Depth (in feet) (See Paragraphs 7.17, 7.25, 7.29)
R15	15,000	15,000	15,000	75	30	15	15	10 ft/story	35
R10	10,000	7,500	7,500	75	30	10	15	8 ft/story	35
R10M	10,000	7,500	7,500	75	30	10	15	8 ft/story	35
District	Minimum Area (See Paragraph 5.15)		Minimum Yard Regulations						
			Front Yard Setback In Feet (See Paragraph 7.23)		Side Yard Width Except As Regulated By Paragraphs 7.29 & 7.30		Rear Yard Depth In Feet (See Paragraphs 7.27 & 7.29)		
			Measured from R/W Line	Measured from Street Centerline					
C1			45	75	15		20		
C3			45	75	15		20		
C(P)	Two Acres (Net)		50	80	30		30		
M2			50	80	30		20		

ARTICLE VIII. OFF-STREET PARKING AND LOADING

SECTION 8.1. GENERAL PROVISIONS

All uses of land and building shall be provided with adequate off-street parking and loading space to meet the minimum standards in accordance with the provisions of this Article.

8.11. Plan approval.

Each application for a Zoning Permit or Certificate of Occupancy 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 Inspector to determine whether or not the requirements of this Article are met.

8.12. Certificate of Occupancy.

The Certificate of Occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the Zoning Inspector until the provisions of this Article are fully met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and further use of the premises shall cease until the requirements of this Article are met.

8.13. Combination.

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

8.14. Permanency.

The off-street parking and loading space required by this Article shall be permanent space and shall not be used for any other purposes unless other space is provided which will fully meet the requirements of this Ordinance.

8.15. Remote Parking Space.

Except for residential uses, if the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the pedestrian entrance to such principal use, provided such land is in the same ownership by deed or long term lease. In such cases, the applicant for a permit for the principal use shall submit with his application an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use.

8.16. Existing Parking Facilities.

Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the use served shall not hereafter be reduced below that minimum requirements of this Article.

8.17. Permissive parking and loading facilities.

Off-street parking or loading facilities which serve any existing use of land or buildings are permitted in any district provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

8.18. Increased intensity of existing use.

When the intensity of use of any building or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units specified herein, parking and loading facilities shall be provided for such increase in intensity of use.

8.19. Change of existing use.

Whenever the existing use of a structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the structure was erected prior to October 7, 1976, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use shall exceed those for the existing use.

SECTION 8.20. OFF-STREET PARKING

8.21. Minimum off-street parking requirements.

Off-street parking spaces shall be provided and permanently maintained by the owners or occupants of the following types of property uses on the basis indicated:

USES	REQUIRED PARKING
All dwelling units	Two (2) spaces for each dwelling unit, except one and one-half (1 1/2) spaces for each dwelling unit in a multi-family complex
Art galleries, libraries, museums	One space for each four hundred (400) square feet of gross floor area
Automobile gas stations	Fifteen (15) parking spaces
Automobile repair and/or	One space for each two hundred (200) square

sales garage	feet of gross floor not used exclusively for storage area
Banks	One space for each two hundred (200) square feet of gross floor space plus; one space for each two (2) employees
Commercial amusement	One space for each four (4) persons in design capacity
Drive-in restaurants	One space for each four (4) inside seats in addition to any outside serving spaces
Funeral homes	One space for each four (4) seats in chapel
Furniture stores	One space for each four hundred (400) square feet of gross floor area
General, professional, governmental offices	One space for each three hundred (300) square feet of gross floor area
Hospitals	One space for each two (2) beds intended for patient use, plus one space for each employee on the largest shift
Lodges, fraternal, and social organizations	One space for three hundred (300) square feet of gross floor area
Manufacturing, processing, fabrication, assembly, construction, contracting building trades	One space for each vehicle used directly in the conduct of the use, plus two (2) additional spaces for each three (3) employees on the largest shift
Medical clinics, doctor's and dentist's offices	Five (5) spaces for each doctor practicing on the premises
Mobile home and travel trailer sales lot	One space for each employee and one space for each three thousand (3000) square feet of display area
Motel, hotel, tourist home	One space for each room or unit to be rented plus; one space for each three employees, plus

	one space for each one hundred (100) square feet of floor area utilized for meeting rooms
Nursery, kindergarten, elementary, and junior high schools	One space for each employee
Nursing homes, convalescent and old age homes	One space for each four beds intended for resident use, plus; one parking space for each employee on the largest shift.
Planned shopping center	Parking ratio of five and five tenths (5.5) parking spaces to every one thousand (1000) square feet of gross leasable floor area for centers whose floor areas are under four hundred thousand (400,000) square feet; five (5) parking spaces to every one thousand (1000) square feet of gross leasable floor area for centers of four hundred thousand (400,000) square feet and over
Religious worship	One space for each five (5) seats
Retail stores, service shops, food and beverage establishments, exclusive of planned shopping centers and furniture stores	One space for each two hundred (200) square feet of gross floor area
Rooming or boarding houses	One space for each bedroom
Senior high schools	Four (4) spaces for each classroom and administrative office
Veterinary clinics	Four (4) spaces for each veterinarian
Vocational and business schools	One space for each three hundred (300) square feet of gross floor area
Wholesale establishments	One space for nine hundred (900) square feet of gross floor area

8.22. Computation

When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

8.23. Size

A required off-street parking space shall be at least eight (8) in width and at least twenty (20) feet in length measured at right angles to the axis of the vehicle exclusive of access drives, aisles or ramps. Such space shall have a vertical clearance of at least six (6) feet, six (6) inches. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.

8.24. Access

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All commercial and industrial off-street parking areas and all off-street parking lots for residential use where three (3) or more spaces are required shall be so arranged that egress from the parking space is by forward motion of the vehicle.

8.25. Lighting.

Any lighting used to illuminate off-street parking areas shall be directed away from residential districts and public streets.

8.26. Public Area.

No portion of any street right-of-way or public parking facility shall be considered as fulfilling or partially fulfilling area requirements for off-street parking space required by the provisions of this Ordinance.

8.27. Residential parking limitation.

Where parking for more than five (5) cars are permitted or required in residential districts, the lot may be used only for parking and not for any type of loading, sales, repair work, dismantling, servicing or long term storage, either of merchandise or vehicles.

SECTION 8.3. OFF-STREET LOADING

Off-street loading spaces accessory to use permitted in any district shall be permitted in accordance with the following regulations. The Zoning Inspector shall determine the sufficiency of loading spaces permitted or required by this Ordinance.

8.31. Minimum off-street loading requirements.

Off-street loading spaces shall be provided and permanently maintained by the owners or occupants of the following types of land uses on the basis indicated:

USE	REQUIRED SPACE
Retail operations, and all first floor nonresidential uses, with a gross floor area of less than twenty thousand (20,000) square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet.	One loading space
Retail operations, (including restaurant and dining facilities within hotels and office buildings) with a total usable floor area of twenty thousand (20,000) square feet or more devoted to such purposes.	One loading berth for every twenty thousand (20,000) square feet of floor area requiring not more than seven (7) spaces
Office buildings and hotels with a total usable floor area of one hundred thousand (100,000) square feet or more devoted to such purposes	One loading berth for every one hundred thousand (100,000) square feet of floor area
Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over and as follows:	Minimum number of loading berths required:
10,000 to 40,000 sq. feet	One (1) loading berth
40,000 to 100,000 sq. feet	Two (2) loading berths
100,000 to 160,000 sq. feet	Three (3) loading berths

160,000 to 240,000 sq. feet	Four (4) loading berths
240,000 to 320,000 sq. feet	Five (5) loading berths
320,000 to 400,000 sq. feet	Six (6) loading berths
Each 90,000 above 400,000 sq. feet	One (1) loading berth

8.32. Location.

One or more loading berths or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every structure erected after the enactment of this Ordinance.

8.33. Screening.

All motor vehicle loading spaces abutting any residential district shall be completely screened.

8.34. Size.

A loading berth shall have minimum plan dimensions of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance. A loading berth shall be sufficient to allow normal loading operations of a kind and magnitude appropriate to the use served thereby.

8.35. Access.

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley, without hindering the movement of vehicles over a street or alley, and of pedestrians over a sidewalk.

8.36. Utilization.

Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking spaces or access drives or aisles.

ARTICLE IX. SIGN REGULATIONS

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to insure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated or maintained shall be in accordance with the provisions of this Article.

SECTION 9.1. GENERAL PROVISIONS

9.11. Zoning Permit Required.

No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced or relocated until a zoning permit has been issued by the Zoning Inspector.

9.12. Measurement of sign area.

Sign area shall be computed by measuring the smallest shape to encompass each portion of the sign devoted to conveying a message, making anything known or attracting attention, excluding structural supports. Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced sign or "V" type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than forty-five (45) degrees shall be subject to measurement of sign area on both sides.

9.13. Maintenance and appearance of signs.

All signs together with braces, guys, and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint, or other surface deterioration.

9.14. Signs facing residential districts.

No billboard shall face or be oriented toward any adjoining or abutting residentially zoned district within two hundred (200) feet of the residential district boundary line. Illuminated signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

9.15. On site interference.

The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

9.16. Unsafe and unlawful signs.

If the Zoning Inspector shall find that any sign is unsafe or is a menace to the public or has been constructed, erected, or is being maintained in violation of this Ordinance, he shall give written notice of such violation to the owner of the sign. If the owner of the sign fails to remove or alter the structure so as to comply with the required standards within thirty (30) days after such notice, such sign may be removed, or altered to comply, by the Zoning Inspector at the expense of the owner of the sign. The Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be promptly removed by the sign owner.

9.17. Cessation of purpose and removal.

Any sign now or hereafter existing which no longer advertises any bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land or structure upon which such sign may be found. Such sign shall be removed within thirty (30) days after written notification from the Zoning Inspector except that temporary activities sign posting shall be removed by the permittee within seven (7) days following the date of termination of such events. Upon failure to comply with any notice within the time specified the Zoning Inspector is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the sign.

9.18. Signs permitted in conjunction with nonconforming uses.

Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regards to sign size.

SECTION 9.2. SIGNS PROHIBITED

Erection or maintenance of signs having any of the following characteristics is prohibited.

9.21. Signs not to constitute traffic hazards.

No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape, or color, it may impair, obstruct the view, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop, look, drive-in, danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. In any case signs shall be prohibited within twenty (20) feet of a street intersection measured to the intersection of the two (2) nearest street lines.

9.22. Signs erected on public streets.

No sign shall be erected or maintained within any public street right-of-way nor be

allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

9.23. Obstruction of ingress or egress of building.

No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

9.24. Obscene matter prohibited.

No sign shall be erected or maintained which bear(s) or contain(s) statements, words, or pictures of an obscene character.

9.25. Signs on private property; consent required.

No sign may be erected by any person on private property of another person without first obtaining the verbal or written consent of such owner.

9.26. Portable Signs.

Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another and typically has space provided for advertising messages that may be changed at will by the replacement of lettering or symbols is prohibited in any district.

SECTION 9.3. SIGNS PERMITTED IN ANY DISTRICT

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zone.

9.31. Temporary real estate sales signs.

For the purpose of advertising a specific lot, building, or premise for sale, lease, or rent, temporary real estate sale signs are permitted not exceeding eight (8) square feet in area and provided only one such sign shall be displayed for each street abutting the lot or premise set back at least five (5) feet from any property line.

9.32. Temporary signs advertising real estate subdivisions.

For the purpose of advertising real estate subdivisions for which a plat has been officially recorded, one sign is permitted at each main entrance to the development named on the sign, such sign not to exceed thirty-two (32) square feet in area.

9.33. Temporary signs pertaining to construction.

For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one sign for each firm, company, or use, not exceeding twenty (20) square

feet for such sign and set back at least five (5) feet from the property line.

9.34. Traffic control signs.

Signs which only regulate traffic on private property are permitted.

9.35. Transportation facilities signs.

For the purpose of identifying public transportation facilities, signs are permitted provided that such signs shall not contain commercial advertising or related messages.

9.36. Special informational signs.

For the purpose of giving directions and information, off-premises signs and on-site signs pertaining to conditional uses where not otherwise permitted may be approved by the Board of Adjustment subject to a conditional use permit specifying the size, location, lighting, design, and display. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the Board of Adjustment may judge to be beneficial to the total community.

SECTION 9.4. SIGNS PERMITTED BY DISTRICT

In addition to the aforementioned signs the following signs are also permitted:

9.41. Residential Districts:

9.411. Dwelling identification sign. One identification sign not exceeding two (2) square feet in area is permitted for each residential dwelling unit. For one and two family dwelling units, identification signs shall be at least five (5) feet from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building. Identification signs may be illuminated but non-flashing and motionless.

9.412. Large scale residential development signs. Identification signs are permitted on the premises of a residential group development limited to one sign for each public street front; each sign not to exceed (10) square feet in area. Such signs may be lighted, but non-flashing and motionless, and located not less than five (5) feet from any street right-of-way line.

9.413. Special gate signs. A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group housing development, estate, farm or other residential entity, provided there are not more than two (2) signs for each main entrance, with a total sign area for each such entrance not to exceed thirty-two (32) square feet. Under this provision, if such a special gate sign is

utilized no other main entrance identification sign is permitted.

9.42. C(P) Planned Commercial District.

Signs for uses permitted in the C(P) Planned Commercial District, shall be regulated as follows:

9.421. Signs permitted. Two (2) detached business signs are permitted bearing the name of the shopping center and the names of types of businesses, except that three (3) such detached signs are permitted for shopping centers having frontage on two (2) or more public streets with no more than two (2) such signs for each street front. One attached business sign is permitted for each business and which is integral with or attached to the principal building except structures with frontage on two (2) streets may have two (2) attached business signs, one per street frontage.

9.422. Sign area. Attached business signs shall not exceed one (1) square foot in area for each front foot of the structure or portion wherein the use referred to is conducted. Frontage to be used in calculating the permitted attached business sign area shall include frontage whereon a sign may be erected on each of these frontages. Detached business signs shall not exceed one hundred (100) square feet each, except as follows:

- (a) When only one (1) detached business sign is to be erected on a lot such sign shall not exceed two hundred (200) square feet.

9.423. Illumination. Any illuminated sign shall be lighted with non-flashing and motionless illumination.

9.424. Location. Detached business signs one hundred (100) feet or less in height shall be set back from any street giving driveway access to the property a distance of one (1) foot for each foot of height above ground level; provided, that no such detached business sign shall be located closer than fifteen (15) feet to any property line.

Detached business signs more than one hundred (100) feet in height shall be set back from any property line a distance of one (1) foot for each foot of height above ground level.

Attached business signs shall be placed on the building or on canopies attached to the building in which the use referred to takes place. Business signs placed on buildings or canopies shall extend no more than eighteen (18) inches from the surface.

9.43. C3 Heavy Commercial District.

Signs for uses permitted in the C3 District shall be regulated as follows:

9.431. Signs Permitted. Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three (3) or more streets, in which case two (2) detached signs per business occupant shall be permitted. Billboards are permitted as regulated below.

9.432. Sign Area. The combined total sign area of all signs for a single business occupant shall not exceed seven hundred fifty (750) square feet or four (4) square feet of sign area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed one hundred (100) square feet in area. No billboard sign shall exceed six hundred fifty (650) square feet in area.

9.433. Illumination. Any illuminated sign shall be lighted only with non-flashing and motionless illumination.

9.434. Height. Detached business and billboard signs shall not exceed a height of thirty-five (35) feet above ground from the base.

9.435. Location. Business signs shall not be located closer than five (5) feet to any street line and no sign not integral with or attached to a building shall be located nearer than five (5) feet to any property line. Billboards shall not be located closer than thirty (30) feet to any street line, closer than five (5) feet to any side property line, or closer than fifty (50) feet to any detached sign or structure located on the same lot or on land in the same ownership or located within three hundred (300) feet of any billboard.

9.436. Temporary activities sign posting. For the purpose of endorsing or advertising temporary activities such as displays, festivals, circuses, fairs, contests, fund drives, elections, campaigns, exhibits, meetings, conventions, sales, performances, dances, drives, and the like, signs are permitted in the C3 District after first obtaining a sign permit from the Zoning Inspector for such a temporary sign or group of signs. The Zoning Inspector may refer the request to the Board of Adjustment for final determination if there is doubt as to the merits of such a request.

9.44. M2 Heavy Industrial District.

Signs in the M2 District shall be the same as permitted in the C3 District.

9.45. C1 Local Business District

Signs for uses permitted in the C1 Local Business District shall be regulated as follows:

9.451. Signs Permitted. An unlimited number of business signs are permitted which are located in the buildable area of the lot. One sign per establishment may be placed in the required yard space, except on through lot or lots having frontage on three (3) or more streets, in which case two (2) detached signs per establishment shall be permitted.

9.452. Sign Area. No detached sign shall exceed (50) square feet in area. The combined total sign area of all signs on the premises shall not exceed four hundred (400) square feet or two (2) square feet of sign area per linear foot of frontage on a public street, whichever is lesser.

9.453. Illumination. Any illuminated sign shall be lighted only with non-flashing illumination. Any lights used for illumination shall be so arranged as to reflect light away from oncoming traffic and any adjoining residential district.

9.454. Sign Height. No sign shall be attached to a building so as to extend more than ten (10) feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten (10) feet higher than the nearest edge of the roof. No part of any detached sign shall be more than thirty-five (35) feet above the ground at its base.

9.455. Location. No sign shall be located closer than (5) feet to any street line. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than five (5) feet to any street or property line. In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building if such building be located within one hundred (100) feet of a residential district.

ARTICLE X. DEFINITION OF TERMS

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

SECTION 10.1. INTERPRETATION OF COMMONLY USED TERMS AND WORDS

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.

The word "person" includes a firm, association, corporation, trust and company, as well as an individual.

The word "used" or "occupied" include the words "intended," "designed" or "arranged to be used or occupied."

The word "structure" shall include the word "building".

The word "lot" shall include the words "plot" or "parcel".

The word "shall" is always mandatory and not merely directory.

SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Accessory structure or use: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Alley: A public or private way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Automobile service station: A building or lot where gasoline, oil, grease, and accessories are supplied and dispensed to the motor vehicle trade and where battery charging, tire repair, and minor mechanical services are rendered.

Automobile wrecking yard: A business of buying, selling, or dealing in used vehicles of a type required to be licensed under the laws of this State for the purpose of wrecking, dismantling, disassembling such vehicles to obtain second hand parts or component material thereof and including processing automobiles for scrap involving crushing, smashing, baling, burning or reduction of metal for industrial consumption.

Buffer: A buffer is a site-obscuring fence or wall or a site-obscuring hedge or other natural plantings of comparable opacity. When planted the natural planting shall have an initial height of at least three (3) feet and of such variety that an average height of

six (6) feet could be expected by normal growth within four (4) years from the time of planting.

Children's day care facility: A building or premises regularly used for recreational or supervisory care of six or more children unrelated to the operator, but not including foster homes.

Conceal: To place within a building or structure or otherwise remove from sight.

Condominium development: A project of two (2) 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 [G.S. § 47A-1 et seq.] when approved under the requirements for condominium developments set forth in the Stedman Subdivision Ordinance.

Dwelling: A building designed for or used by one or more families for residential purposes.

Dwelling, multiple family: A residence designed for or occupied by two (2) 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.

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

Gross floor area: The total number of square feet within a building devoted to a particular use, including the space occupied by such supporting facilities as storage areas, work areas, toilets, mechanical equipment and the like.

Group development: A group of two (2) or more principal structures built on a single lot, tract, or parcel of land.

Group quarters: Group quarters include rooming and boarding houses, membership lodgings, residence halls and dormitories, retirement homes and orphanages and religious quarters.

Home occupation, incidental: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character

thereof, and in connection with which there is no display, no stock-in-trade, nor commodity sold which is not produced on the premises and only one person, not a resident on the premises, is employed specifically in connection with the incidental home occupation.

Junk yard, salvage yard: The use of more than 200 square feet of a lot for the storage, dismantling, wrecking, abandonment, buying or selling or otherwise dealing in either wholesale or retail, any castoff, second hand salvage or unsalvageable material of any sort. This definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural or other business use permitted in the zone or material or equipment kept on any premises for use in construction of any building on said premises.

Kennel: Any premises where four (4) or more dogs which are five (5) months old or older are kept commercially or as pets, excluding pet grooming shops, veterinary clinics, and veterinary hospitals.

Land, gross area: "Gross area" shall include all the area included within the external boundary of the area to be committed to the Planned Neighborhood Development excluding existing public streets and railroad right-of-ways.

Land, net area: "Net area" shall mean the land area required to meet the minimum dimensional standards for the zoning districts, as required by this ordinance.

Lot: A lot is a parcel of land in undivided ownership of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as herein required. A lot must have frontage on a public street, or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a structure on such land, and may consist of:

- (a) A single lot of record, or
- (b) A combination of complete lots of record, of complete lots of record plus portions of lots of record, or of portions of lots of record, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot, corner: A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at any angle of less than one hundred thirty-five (135) degrees.

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

Lot lines: The property lines bounding a lot.

Lot measurements:

- (a) Depth of lots shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of lots shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the minimum building setback line.

Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Cumberland County, or a lot described by the metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Cumberland County.

Lot, through: An interior lot having a frontage on two (2) streets, or a corner lot having frontage on three (3) streets.

Mini-warehouse: A building or buildings designed to provide separate access to individually rented storage compartments used exclusively for storing personal property including non-combustible office or business supplies, and, without any direct retail or wholesale sales conducted on the site.

Mobile home: A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. Any such structure to be classed as a mobile home must be constructed in accordance with State of North Carolina regulations for mobile homes. Further, any structure meeting all the requirements specified in the North Carolina Building Code for One and Two Family Dwelling shall not be considered a mobile home for the purpose of this Ordinance.

Modular dwelling: A factory manufactured dwelling structure designed for year-round living with major components or modules pre-assembled and transported to a site for

final assembly and utility connections. All exterior walls are supported by a permanent foundation, approved by the Building Inspector, enclosing the area between the ground and the floor. A modular dwelling has an average width of at least sixteen (16) feet, and average length of at least forty (40) feet and at least one thousand (1,000) square feet of living space.

Nonconforming structure: An existing structure which does not comply with the 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.

Nonconforming use: Any existing use of the 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.

Open fence or wall: An open fence or wall is defined as one in which the openings through which clear vision and free passage of air is possible from one side to the other on a horizontal plane occupying seventy-five percent (75%) or more of the side area of the fence or wall. All others are solid fences or walls.

Parking space: The standing storage space for one automobile, plus the necessary driveway access space.

Planning Board: The Cumberland County Joint Planning Board.

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

Principal use: The primary purpose or function that a parcel or structure serves or is intended to serve.

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 and the Cumberland County Health Department.

Recreation vehicle: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation.

Recreation vehicle parks: An area of ground where one or more lots or spaces are rented, leased or held out for rent or lease to owners or users of recreation vehicles, including tents designed for camping.

Religious worship activity: Church, temple, or synagogue, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit, but excluding day care nurseries and facilities for residence or training of religious orders.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word "sign" does not include the flag, pennant, or insignia of any nation, state, other political unit, nor does the word "sign" include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic, or informational structures required by or authorized by law, or by federal, state, county or city authority.

Types of signs:

- (a) **Identification sign:** A sign used to identify only the name and/or address of the individual, family, organization, enterprise, subdivision, group housing development, or other such facility occupying the premises; the profession practiced on the premises, the name of the building on the premises on which the sign is displayed.
- (b) **Bulletin board:** A sign used to announce meetings, programs, occupants, purposes, operating hours and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such nonresidential uses permitted in residential districts.
- (c) **Business sign:** A sign which directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced or offered upon the premises where such sign is located or to which it is attached.
- (d) **Billboard:** A sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold, produced or offered upon the premises upon which such sign is located.
- (e) **Incidental Sign:** A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as "entrance," "exit," "no admittance," "telephone," "parking," etc.

Solid waste disposal facilities: Any depository of solid waste, excluding earth for fill.

Street: A dedicated and accepted public right-of-way for vehicular traffic which afford(s) the principal means of access to abutting properties.

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.

Tower: Telecommunication towers, including, but not limited to, relay stations for commercial operations, such as cable television, radio/cellular telephones, 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 communications.

Transient lodgings: Land used or intended to be used or occupied by a group of two (2) or more detached or semidetached buildings, except mobile homes, or by a multiple building containing guest rooms, with automobile parking spaces and incidental utility structures which are provided in connection therewith, all of which is used or designed for use primarily by automobile transients.

Variable lot residential development: A variable lot residential development consists of single-family residential structures on individual lots where the developer may reduce the size of such lots in accordance with certain standards defined in the Stedman Subdivision Ordinance while maintaining applicable overall density standards for the zoning district in which it is located.

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: A yard extending across the full width of the lot adjoining the street on which the lot fronts.

Yard, rear: A yard extending across the full width of the lot adjoining the rear lot line.

Yard, side: A yard adjacent to any side lot line extending from the front yard to the rear yard.

ARTICLE XI. BOARD OF ADJUSTMENT

SECTION 11.1. ESTABLISHMENT OF BOARD OF ADJUSTMENT

The Stedman Town Board of Commissioners, pursuant to G.S. Chapter 160A, Section 160-388 does hereby establish a Board of Adjustment. Such Board shall consist of at least five (5) members appointed by the Stedman Board of Commissioners. The appointments shall be for staggered terms with one (1) original appointment for a three (3) year term, two (2) appointments for two (2) year terms and the remainder appointed for one (1) year terms. Subsequent or new reappointments shall be for three (3) year terms; all appointments to fill vacancies shall be for the unexpired term. The Stedman Board of Commissioners shall also appoint two (2) alternate members at large to serve on the Board in the absence of any regular member. Alternate members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of any regular member absent from the meeting.

SECTION 11.2. PROCEEDINGS OF BOARD OF ADJUSTMENT

The Board shall elect a chairman and vice-chairman from among its members and may appoint a secretary. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman is authorized in his official capacity to administer oaths and compel the attendance of witnesses in any matter coming before the Board. Any member of the Board while temporarily acting as chairman shall have and exercise like authority. The Board shall keep minutes of its proceedings, show the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board shall also keep records of its examination and official action.

SECTION 11.3. POWERS AND DUTIES

11.31. Administrative Review.

The Board of Adjustment shall have the powers and duty to act in all matters relating to the administrative review of any order, requirement, decision or determination made by the Zoning Inspector or other administrative official.

11.32. Variance.

The Board of Adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of the Zoning Ordinance relating to the use, construction or alteration of buildings or structures or the use of land, where there are unnecessary hardships in the way of carrying out the strict letter of this Ordinance, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

11.33. Conditional Use.

The Board of Adjustment shall have the authority to permit exceptions, called conditional uses, in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the Ordinance.

11.34. Interpretation.

The Board of Adjustment shall have the responsibility to interpret the official Zoning Maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in administration of this Ordinance. The Board shall hear and decide all matters referred to it or upon which it is required to pass under any such Ordinance.

SECTION 11.4. REQUIRED VOTE

The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this Ordinance. A concurring vote of four-fifths of the members of the Board is also required to decide in favor of an applicant on any matter with the Board is required to pass including granting variance from the provisions of this Ordinance and issuing a conditional use permit.

ARTICLE XII. ADMINISTRATIVE PROVISIONS

SECTION 12.1. INTERPRETATION

The district regulations shall be enforced and interpreted according to the following rules:

12.11. Uses by Right.

All uses of property shall be prohibited except those which are permitted under the terms of this Ordinance as permitted uses and nonconforming uses. Conditional uses are permitted according to specific criteria and approval of the Board of Adjustment.

12.12. Minimum Provisions.

Provisions set forth by this Ordinance shall be minimum provisions. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher criteria shall govern.

12.13. 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 determination of the number of dwelling units permitted on a lot results in 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.

SECTION 12.2. GENERAL APPLICATION

The regulations set forth in this Ordinance affect all land, every structure, every use of land and/or structures and shall apply as follows:

12.21. Zoning affects every building and use.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the provisions of this Ordinance.

12.22. Completion of existing buildings.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued. If any amendment to this Ordinance is hereafter adopted changing the boundaries of districts, the provisions of this paragraph shall apply in the same manner as when originally adopted.

12.23. Conforming uses or structures.

After the effective date of this ordinance, any existing building or uses of land or

buildings which conforms with the regulations for the district in which it is located may continue without a specific permit. Any subsequent structural alteration or change in use shall conform with the regulations herein specified.

SECTION 12.3. ENFORCEMENT

12.31. Enforcing Inspector.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector who shall also be known as the Town Zoning Inspector. This official, or his representative shall have the right to enter upon the premises necessary to carry out his duties in the enforcement of this Ordinance.

It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Inspector who is charged with the enforcement of this Ordinance. If the Zoning Inspector 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, he shall refer such matters to the Board for review and decision. From the decision of the Board of Adjustment, recourse shall be had to the courts as provided by law.

12.32. Zoning permit.

12.321. 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 Zoning Inspector has issued a zoning permit for such work or use including a statement that the plans, specifications and intended use of such land, or structure in all respects conforms with the provisions of this Ordinance. Application for a zoning permit shall be made in writing to the Zoning Inspector on forms provided for that purpose. Zoning permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

12.322. Approval of Plans. It shall be unlawful for the Zoning Inspector to approve any plans or issue a zoning permit for any purpose regulated by this Ordinance until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Inspector shall require that every application for a zoning permit be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Inspector to ascertain whether the proposed activity is in conformance with this Ordinance:

- (a) The actual shape, location and dimensions of the lot.

- (b) 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.
- (c) The existing and intended use of all such buildings or other structures.
- (d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

12.323. Issuance of zoning permit. If the proposed activity as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Zoning Inspector 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.

12.33. 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 Zoning Inspector shall have issued a Certificate of Occupancy stating that such land, structure or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state refusal in writing with the cause.

12.34. Violations

12.341. Procedural Remedies. In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land use is in violation of this Ordinance, the Town of Stedman, in addition to other remedies, may institute any appropriate action or proceedings:

- (a) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- (b) To restrain, correct or abate such violation.

- (c) To prevent the occupancy of said building, structure or land.
- (d) To prevent any illegal act, conduct, business or use in or about such premises.

12.342. Penalties. A violation of this Ordinance shall also constitute a misdemeanor, punishable upon conviction thereof, by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days. Each day that the violation continues to exist shall be considered a separate offense.

SECTION 12.4. ADMINISTRATIVE PROCEDURES

12.41. Hearings.

Any case involving an appeal, variance or a conditional use permit requires a public hearing to be held by the Board of Adjustment and any case involving a change of zoning district classification and other ordinance changes requires a public hearing to be held by the Stedman Board of Commissioners.

Each Board shall fix a reasonable time for hearing and give public notice as well as due notice to the parties in interest. At the hearing any person or party may appear in person or by agent or attorney. Each Board shall take action on a matter within a reasonable time after the termination of the proceedings.

12.42. Appeal.

Appeals may be taken to the Board of Adjustment by any person aggrieved, or by an officer, department, board or bureau of the Town affected by any decision of an administrative official charged with the enforcement or interpretation of this Ordinance thought to be in error. Such appeals shall be filed with the Board of Adjustment by notice specifying the grounds for appeal. Appeal shall be filed within six (6) months from the date of the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken together with any additional written reports or documents as he deems pertinent. The Board of Adjustment may, after a public hearing, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

12.43. Variance.

The Board of Adjustment may authorize, in specific cases, such variances from the terms of this Ordinance upon request of a property owner or his authorized agent and

may require any evidence necessary to make a determination of the case. Before any variance may be granted by the Board, the Board must find that all of the following conditions exist for an individual case:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located.
- (c) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (g) The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries.
- (h) The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for the requested variance. In granting a variance, the Board of Adjustment may attach and the record reflect such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable. The record shall also state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist.

Any variance granted becomes null and void if not exercised within the time specified in

such approvals, or if no date is specified within one year from the date of such approval.

12.44. Conditional use permit.

The Board of Adjustment, upon request of a property owner or his authorized agent after public hearing, may authorize and subject to appropriate conditions and safeguards which the Board deems necessary, conditional use permits, when in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

Any conditional use granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one year from the date of such approval.

12.45. Planned Commercial District.

In the C(P) Planned Commercial District, no zoning permit or Certificate of Occupancy shall be issued by the Zoning Inspector except in conformance with a plan submitted to the Planning Staff and approved by the Town Board of Commissioners.

Plans for developments shall be submitted to the Planning Staff in accordance with the schedule established by the Planning Board. The Planning Staff shall ensure the plan is in compliance with this Ordinance and the Stedman Subdivision Ordinance, if applicable. The Town Board of Commissioners may approve alternate yard requirements if such approval will provide a more logically planned development.

Plans submitted for approval shall be in twelve (12) copies, drawn to scale of not less than one (1) inch equals one hundred (100) feet, and shall show all information necessary to properly evaluate the plan including:

- (a) The dimensions and location of the property; buildings and existing and proposed streets.
- (b) The parking and general circulation plan, including entrances, exits and pedestrian ways.
- (c) The service area, including off-street loading facilities, service drives and dimensions thereof and proposed uses of all buildings.
- (d) The proposed location and material of fences, walls, buffer strips and landscaping.

- (e) The name of the developer, the date, the scale, the north arrow and the person or firm preparing the plan.

After such review and negotiation by the Planning Staff, the Town Board of Commissioners may approve the plan and state the conditions of such approval, if any, or shall disapprove the plan and state its reasons. When an applicant disagrees with a condition of approval, the condition may be appealed to the Town Board of Commissioners who will approve or disapprove the condition.

The approved plan shall be filed with the Zoning Inspector. The approved plan may be amended in the same manner as provided for original plan approval.

SECTION 12.5. AMENDMENTS

The regulations and the number, area, boundaries of districts, and classifications of the zoning districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the Stedman Town Board of Commissioners on its own motion after a public notice and hearing as provided by law. No amendment shall become effective unless and until it is first submitted to, considered by, and reported on to the Planning Board. The Planning Board, upon its own initiative, may hold public hearings, public notices of which shall be given, for the consideration of any proposed amendment of the provisions of this ordinance, or the Zoning Map, and report its recommendation to the Commissioners. Failure of the Planning Board to make a recommendation within a period of thirty (30) days after the amendment has been referred to shall constitute a favorable recommendation.

After the initial zoning process, the next application to rezone that piece of property may be filed at any time. After there has been an application to rezone property subsequent to the initial zoning process, any application to rezone property thereafter, shall be considered no earlier than one (1) full year after the previous application. Where there must be a period of one (1) year before another application to rezone a property can be made, the one (1) year period shall begin to run from the date of the last public hearing to rezone the property. A petition to rezone may be withdrawn only if made in writing, and submitted to the office of the Planning Director, five (5) days in advance of the date of legal publication in the newspaper. If an application to rezone property is withdrawn, the one year limitation before another application can be made shall still apply and shall begin to run from the day of receipt of the letter of withdrawal. The time limit for rezoning applications shall not apply to rezonings initiated by the Town of Stedman Board of Commissioners or the Planning Board.

SECTION 12.6. FEES

Each applicant for an appeal from administrative decisions, variances, conditional use permits or request for rezonings shall pay a fee in accordance with a schedule

recommended by the Planning Board and adopted by the Town Board of Commissioners.

In addition to the above, each applicant for a change in zoning or in the text of this development ordinance shall pay a non-refundable fee of twenty-five (\$25.00) dollars to the Town of Stedman. The town shall issue a receipt for this fee which sum shall be applied to the expense of processing the application and advertising. However, this fee shall not apply to requests originating with the Town of Stedman.

**FEE SCHEDULE
TOWN OF STEDMAN**

REQUESTED DISTRICT	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
R15	130	260	300	400
R10	130	260	300	400
R10M	130	260	300	400
C1	260	260	300	400
C(P)	260	260	300	400
C3	260	260	300	400
M2	260	260	300	400

Site plan review fees for the C(P) Planned Commercial District shall be \$26.00.

Filing fees for text amendments to the Zoning Ordinance shall be \$130.00

If the general rezoning request is for more than one zoning classification, the fee will be the same as for separate rezoning requests.

ARTICLE XIII. LEGAL STATUS PROVISIONS

SECTION 13.1. APPLICATION

In their interpretation and application, the provisions of this Ordinance shall be considered 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 community. Where other ordinances or regulations heretofore adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

SECTION 13.2. VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Board of Commissioners hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 13.3. EFFECTIVE DATE

The Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the Town of Stedman, this the 15th day of September, 1987.