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## ARTICLE 1

### PURPOSE AND AUTHORITY

#### 1-1 **Purpose**

The zoning regulations and districts as herein set forth have been made in accordance with a land use plan and designed to promote the orderly development of the community; lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and preserve the natural environment. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

#### 1-2 **Authority**

The Town Council of the Town of Stanfield enacts this ordinance pursuant to the authority granted by the General Statutes of North Carolina (NCGS 160D-702).

#### 1-3 **Title**

This ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Stanfield, North Carolina, and the zoning map referred to herein shall also be known as the “Official Zoning Map of the Town of Stanfield, North Carolina”.

#### 1-4 **Territorial Jurisdiction**

On and after the effective date of this ordinance, these regulations shall govern the use of all land and structures within the corporate limits of the Town of Stanfield, North Carolina and within the extraterritorial jurisdiction area as defined by ordinance and as now or hereafter fixed, said territory being indicated on the “Official Zoning Map of the Town of Stanfield, North Carolina” as is on file in the Town of Stanfield Town Hall and is recorded in the Stanly County Register of Deeds. This map and its boundaries shall be incorporated and made part of this Ordinance.

#### 1-5 **Conflict with Other Regulations**

It is not intended that this Ordinance shall in any way repeal, annul, or interfere with existing provisions of any other law or ordinance, except any ordinance which these regulations specifically replace. It is not intended that these regulations shall interfere with any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building, land, yard, or size of structure than is called for by other ordinances, permits, easements, or agreements, then the provisions of these regulations shall apply. In the event of any conflict in limitations, restrictions, or standards applying to a project or development, the more restrictive provisions shall apply.

**1-6     Interpretation and Validity**

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

**1-7     Effective Date**

These regulations shall become effective on *December 2, 2010*. Upon such date, these regulations shall replace the Stanfield Zoning Ordinance adopted on November 23, 1993, and any amendments to said Ordinance made after said date. All suits of law and/or all prosecutions resulting from the violation of the provisions of any version of this ordinance heretofore in effect, which are not pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality. Nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted (NCGS 160D-702).

## ARTICLE 2

### APPLICABILITY

#### 2-1 **Applicability**

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

#### 2-2 **Vested Rights and Permit Choice**

##### A) *Purpose*

NCGS 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.

Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

##### B) *Permit Choice*

1. If an application is submitted for development subject to this ordinance, and the ordinance is amended between the time the application is submitted and a development approval decision is made, the applicant may choose which version of the ordinance will apply.
2. If this ordinance is amended after a development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply.

##### C) *Establishment of a Vested Right*

A person claiming a common law or statutory vested right shall submit information to the town Zoning Administrator to substantiate that claim.

##### D) *Duration of Vested Rights*

1. The following table establishes the term of duration of specific statutory vested rights.
2. Except where a longer vesting period has been granted, if a statutory vested right is established and work intentionally and voluntarily ceases for a period of twenty-four (24) consecutive months, the statutory vesting expires.
3. Terms may only be extended by action of the Board of Commissioners in a Legislative Hearing upon demonstration that a project has or will continue to make substantial

progress towards completion. Any extension of time granted under this provision shall not place any other additional conditions on the approval.

4. A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures, and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following: plans approved subject to conditional zoning, preliminary plats, plans approved as part of planned developments, commercial and multifamily site plans, plans associated with special use permits.
5. For the purposes of this section, a multi-phased development is one that 1) contains at least 25 acres and 2) is to occur in more than one phase, and 3) is subject to a master development plan showing the type and intensity of each phase.

Table 1 Duration of Vested Rights

<b>Type of Approval</b>	<b>Statutory Vested Rights Duration</b>
Building Permit	6 months
Site-Specific Vesting Plan	2 years
Multi-Phased Development	7 years from approval of initial phase of development
All other approvals (includes basic zoning permit for use by right)	1 year
Final Plat	Vested at time of issuance
Development Agreement	As specified in the terms of the agreement



## ARTICLE 3

### ESTABLISHMENT OF DISTRICTS

#### 3-1 Zoning Districts Established

##### A) *Types of Zoning Districts*

All areas within the zoning jurisdiction of the Town of Stanfield are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance, and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the town's jurisdiction fall within one of the following three categories.

##### 1) *General Zoning Districts*

Each general district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general district may be layered with an overlay district, which is a special type of general use district.

##### 2) *Conditional Zonings*

- a) Most conditional zonings are established as parallel or counterpart districts to a general district. In such cases, references in the zoning ordinance to the general district shall be construed to also include the counterpart conditional zoning. Conditional zonings, like general districts, may be layered with overlay districts.
- b) Each conditional zoning with a counterpart general district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this section. All regulations and uses which apply to a general district also apply to the counterpart conditional zoning. Projects approved through conditional zoning are exempt from dimensional regulations for the district, provided they are established as part of the approval.
- c) Additional conditions, which may be suggested by the petitioner as part of the rezoning process, shall be binding upon property within conditional zoning in perpetuity or until the property is rezoned by the Stanfield Board of Commissioners. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the Town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Stanfield Board of Commissioners during the rezoning process.

- d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals which may not be undertaken for some time.

### 3) *Overlay Districts*

Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for any overlay district.

A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change.

### B) *Districts Named*

The following zoning districts are hereby established.

<b><i>District Abbreviation</i></b>	<b><i>District Name</i></b>
RA & RA-CZ	Residential-Agricultural District, Residential-Agricultural Conditional Zoning
R-20 & R-20-CZ	Residential (Low Density) District Residential (Low Density) Conditional Zoning
R-15 & R-15-CZ	Residential (Medium Density) District Residential (Medium Density) Conditional Zoning
R-12 & R-12-CZ	Residential (Moderate Density) District Residential (Moderate Density) Conditional Zoning
CB & CB-CZ	Central Business District, Central Business Conditional Zoning
GB & GB-CZ	General Business District, General Business Conditional Zoning
I & I-CZ	Industrial District, Industrial Conditional Zoning
PD-CZ	Planned Development Conditional Zoning
PR	Public Recreation
SE-CZ	Special Entertainment Conditional Zoning

## 3-2 **General Districts and Conditional Zonings**

### A) *Residential-Agricultural District (RA and RA-CZ)*

#### 1) *Intent*

The Residential-Agricultural (RA) district and Residential-Agricultural Conditional Zoning (RA-CZ) are provided to encourage the continuance of agricultural uses as well as to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthy environment.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the RA district and RA-CZ Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

B) *Single Family Residential District-Low Density (R-20 and R-20-CZ)*

1) *Intent*

The R-20 district and R-20 Conditional Zoning are low density residential districts intended to ensure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to ensure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthful environment.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the R-20 district and R-20-CZ Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

C) *Single-Family Residential District-Medium Density (R-15 and R-15-CZ)*

1) *Intent*

The R-15 district and R-15 Conditional Zoning are primarily medium density residential districts intended to accommodate single-family residences and private and public community uses with access to public water and sewer.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the R-15 district and R-15 Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

D) *Single-Family Residential District-Moderate Density (R-12 and R-12-CZ)*

1) *Intent*

The R-12 district and R-12 Conditional Zoning are primarily moderate density residential districts intended to accommodate single-family residences and private and public community uses with access to public water and sewer.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the R-12 district and R-12-CD Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

E) *Central Business District (CB and CB-CZ)*

1) *Intent*

The Central Business district and Central Business Conditional Zoning are established to encourage a traditional town center within Stanfield. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic uses, educational and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The district provides an opportunity for live-work integration and mixed residential/commercial uses. The district anchors the surrounding residential neighborhoods while also serving the broader community.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the CB district and CB-CZ Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

F) *General Business District (GB and GB-CZ)*

1) *Intent*

The General Business district and General Business Conditional Zoning are established to provide a wide array of retail and personal service uses to a large trading area for persons residing in and/or traveling through the Stanfield area. Such uses shall be located and designed in such a manner so as to promote aesthetics and the safe and efficient movement of traffic.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the GB district and GB-CZ Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

G) *Industrial District (I and I-CZ)*

1) *Intent*

The Industrial district and Industrial Conditional Zoning are designed primarily for general commercial and industrial land uses, including manufacturing, processing, and assembling of goods, product distribution facilities, and broad variety of specialized commercial and industrial operations.

2) *Permitted Uses*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a Special Use Permit are listed in the Table of Uses in Section 3-7.

3) *Dimensional Requirements*

Development in the I district and I-CZ Conditional Zoning shall meet the general dimensional requirements listed in Section 3-6.

H) *Planned Development Conditional Zoning (PD-CZ)*

1) *Intent*

The Planned Development Conditional Zoning is a customized conditional zoning intended for mixed-use and multi-family developments which would not be possible within any of the standard zoning districts.

2) *Permitted Uses*

No uses shall be permitted by right in the Planned Development Conditional Zoning.

3) *Dimensional Requirements*

Dimensional requirements for development locating in the PD-CZ district shall be established as part of the conditional zoning application and approval process.

I) *Special Entertainment Conditional Zoning (SE-CZ)*

1) *Intent*

This district is established to ensure that sexually oriented businesses will be appropriately located within the Town's jurisdiction to prevent unwanted and unacceptable adverse impacts upon surrounding properties.

2) *Permitted Uses*

No uses shall be permitted by right in the Special Entertainment Conditional Zoning.

3) *Dimensional Requirements*

Dimensional requirements for development locating in the SE-CZ district shall be established as part of the conditional zoning application and approval process.

J) *Public Recreation (PR)*

1) *Intent*

The Public Recreation district is intended to accommodate recreational facilities for private and public community uses with access to public water and sewer.

2) *Permitted Uses*

All uses in the Public Recreation District will require the issuance of a Special Use permit.

3) *Dimensional Requirements*

Development in the Public Recreation District shall meet the requirements established as part of the Special Use permit application and approval process.

**3-3 Overlay Districts**

There are no overlay districts at this time.

**3-4 District Boundaries**

The boundaries of these districts are hereby established as shown on a map entitled "The Official Zoning Map of the Town of Stanfield, NC", adopted by the Stanfield Board of Commissioners. Said map and all explanatory matter thereon accompany and are hereby made a part of this article. Said map shall be retained in the office of the Town Clerk or his/her authorized agent.

### **3-5 Rules Governing Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

- A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- B) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom, as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale shown on said zoning map.
- D) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five feet beyond the district boundary line.

### 3-6 Dimensional Requirements

Each permitted use shall conform to the dimensional requirements of the district in which it is located unless additional requirements are necessary.

**Table 1: General Requirements**

Zoning District	Minimum Lot Size	Lot Width (feet)	Minimum Setback Requirements			Maximum Height (feet)
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
RA	1 acre <sup>1</sup>	100 <sup>2</sup>	50	15 <sup>3</sup>	40	35 <sup>6</sup>
R-20	20,000 sq. ft. <sup>1</sup>	100 <sup>2</sup>	50	15 <sup>3</sup>	40	35 <sup>6</sup>
R-15	15,000 sq. ft. <sup>1</sup>	95 <sup>2</sup>	45	15 <sup>3</sup>	40	35 <sup>6</sup>
R-12	12,000 sq. ft. <sup>1</sup>	90 <sup>2</sup>	35	10 <sup>3</sup>	30	35 <sup>6</sup>
CB	N/A	N/A	N/A	N/A	N/A	35 <sup>6</sup>
GB	N/A	N/A <sup>2</sup>	30	20 <sup>4</sup>	25 <sup>5</sup>	50 <sup>6</sup>
I	N/A	N/A <sup>2</sup>	30	25 <sup>4</sup>	25 <sup>5</sup>	50 <sup>6</sup>

<sup>1</sup> Must comply with all Stanly County Environmental Health requirements for septic tanks and private wells

<sup>2</sup> As measured at the front yard setback, Must conform to minimum street frontage at street right-of-way, per Section 4-4

<sup>3</sup> An additional 10 feet shall be required on all side yards which abut a public or private street

<sup>4</sup> 30 feet shall be required on all side yards which abut a public or private street or a lot located in RA, R-20, R-15, or R-12

<sup>5</sup> 30 feet shall be required on all lots whose rear yard abuts a RA, R-20, R-15, or R-12 district

<sup>6</sup> Maximum height may be increased for such uses as church steeples, water towers, telecommunications towers, etc.

**Note: Minimum setback requirements differ for Manufactured Home Parks. See Section 5.1.26.**



### 3-7 Table of Uses

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
ABC Store							X	X			
Accessory Dwelling Unit	5.1.1	XS	XS	XS	XS						
Adult Establishment	5.1.2										SS
Agriculture, Bona Fide Farm	5.1.3	XS	XS								
Amusement Arcade							S	S			
Amusement Park, Fairgrounds, Carnivals	5.1.4							SS	SS		
Animal Grooming	5.1.5	SS					SS	SS			
Animal Hospital (with outdoor kennel)	5.1.5	SS									
Animal Hospital (indoor only)		S					S	X			
Animal Rescue, Large	5.1.45	XS	XS								
Animal Shelter/Kennel	5.1.5	SS									
Antique Store		S	S	S	S		X	X			
Appliance Repairs and Sales							X	X			
Art Supply Store							X	X			
Auditorium		S						S	S		
ATM	5.1.6						XS	XS	XS		
Auto Parking Lot, Deck, etc.							X	X	X		
Auto Service Station, Autobody Repair	5.1.7							XS	XS		
Automotive Supply Store							X	X			
Autonomous Vehicle Delivery/Distribution									S		
Bakery-Retail							X	X			
Bakery-Wholesale								X	X		
Banks, Savings and Loan, Credit Unions							X	X	X		
Banquet and Event Facilities	5.1.8	SS					SS	SS	SS		
Barber Shop							X	X			
Bar/Tavern	5.1.43						XS	XS			
Beauty Salon							X	X			
Beauty Supply Store							X	X			
Bed and Breakfast Inn	5.1.9	SS	SS	SS	SS		SS				
Bicycle Sales/Service							X	X			
Billiard Parlor								X			
Book Store							X	X			
Bowling Lanes								X			

X-Use by Right  
 XS-Use by Right with Supplemental Requirements  
 S-Special Use  
 SS-Special Use with Supplemental Requirements

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
Building Material and Lumber Storage and Sales	5.1.10							XS	XS		
Car Wash-Auto, Self-Service	5.1.11							SS	SS		
Car Wash-Industrial	5.1.12								SS		
Cemetery	5.1.13	SS									
China and Tableware Shop							X	X			
Church	5.1.14	XS	XS	XS	XS		XS	XS	XS		
Cleaning and Maintenance Service-Office							X	X	X		
Clock Shop, Repair							X	X			
Clothing Store							X	X			
College/University	5.1.15	SS					SS	SS			
Community Center		X	X	X	X		X				
Computer and Data Processing Service							X	X			
Consignment Store							S	X			
Construction Company/ Contractor	5.1.14								XS		
Continuing Care Facility	5.1.16	SS	SS	SS	SS						
Correctional Facility									S		
Country Club		S	S	S	S						
Customary Home Occupation	5.1.17	SS	SS	SS	SS		SS	SS	SS		
Dairy Product Processing and Distribution									X		
Day Care Center	5.1.18	SS	SS	SS	SS		SS	SS			
Day Care Home	5.1.19	SS	SS	SS	SS						
Department Store							X	X			
Distribution Center (product)									X		
Doctor's Office							X	X			
Dry Cleaning, Laundry Plant	5.1.20						SS	SS	SS		
Dwelling, Modular Home		X	X	X	X						
Dwelling, Multi-Family Housing										S	
Dwelling, Single-Family		X	X	X	X						
Dwelling, Two-Family										S	

X-Use by Right

XS-Use by Right with Supplemental Requirements

S-Special Use

SS-Special Use with Supplemental Requirements

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
Electric, Heating, Conditioning, Ventilating, Plumbing Supplies and Equipment Sales								X	X		
Employment Agency							X	X			
Fabric and/or Notions Store							X	X			
Family Care Home		X	X	X	X						
Farm Equipment Sales and Services								X	X		
Farm Supply Store								X	X		
Farmer's Market		S	S	S	S		S	S	S		
Fitness Center							X	X			
Floor Covering Store							X	X			
Florist-Retail							X	X			
Florist-Wholesale								X	X		
Flour and Feed Mills									S		
Food Catering Facility							X	X			
Food Truck							XS	XS	XS		
Formal Wear-Sales and Rental							X	X			
Fraternal and Service Organization Meeting Facility		S					X	X			
Funeral Home, Mortuary								X	X		
Furniture Store							X	X			
Garden Supply Store							X	X			
Gas Station, Convenience Store	5.1.7						SS	SS	SS		
Gift Shop							X	X			
Glass Contractor								X	X		
Golf Course		S									
Grocery Store							X	X			
Group Care Facility	5.1.21	SS									
Group Care Home A	5.1.21	XS	XS	XS	XS						
Group Care Home B	5.1.21	XS	XS								
Gun and Ammunition Sales							X	X			
Gunsmiths							X	X			
Hardware Store							X	X			
Hobby, Toy, and Craft Shop							X	X			
Home Electronics Sales and Repair							X	X			

X-Use by Right

XS-Use by Right with Supplemental Requirements

S-Special Use

SS-Special Use with Supplemental Requirements

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
Hospital								X			
Hotel, Motel	5.1.22	SS						XS	SS		
Industrial Equipment Sales and Repair	5.1.23								XS		
Insurance Agency							X	X			
Jewelry Sales and Repair							X	X			
Junkyard and Auto Salvage	5.1.24								SS		
Laundromat							S	S			
Lawn and Garden Care Service								X	X		
Library (public)		S	S	S	S		X	X			
Locksmith							X	X			
Lumber and Sawmill									S		
Machine Shop								X	X		
Manufactured Goods, Class 1									X		
Manufactured Goods, Class 2									S		
Manufactured Home and Recreational Vehicle Sales									S		
Manufactured Homes, Class A	5.1.25	XS									
Manufactured Homes, Class B				Not Permitted							
Manufactured Homes, Class C				Not Permitted							
Manufactured Homes, Class D				Not Permitted							
Manufactured Home Parks	5.1.26	SS									
Meal Packing Plants									S		
Medical Supply Store							X	X			
Mixed Building Use	5.1.48						SS				
Motor Vehicle Rental	5.1.27						XS	XS			
Motor Vehicle Repair	5.1.28								XS		
Motor Vehicle Sales								X	X		
Museum							X	X			
Music Store							X	X			
Newsstand							X	X			

X-Use by Right

XS-Use by Right with Supplemental Requirements

S-Special Use

SS-Special Use with Supplemental Requirements

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
Nursery (Horticultural) Greenhouses		S						S	S		
Office Equipment Store							X	X			
Offices, Public and Private							X	X			
Optician and Optical Supply Store							X	X			
Paint and Wall Coverings Store							X	X			
Pawn Shop								S	S		
Pet Shop	5.1.29						XS	XS			
Pharmacy							X	X			
Photocopying Service							X	X			
Photographic Studio							X	X			
Photographic Supply Store, Photo Finish Laboratory							X	X			
Post Office							X	X			
Private Club	5.1.30	SS					SS	SS	SS		
Produce Stand	5.1.31	SS	SS								
Public Safety Station (Police, Fire, Rescue)		X	X	X	X		X	X	X		
Real Estate Agency							X	X			
Recreation Facilities, Public and Private	5.1.32	SS	SS	SS	SS	SS	SS				
Recycling Center									S		
Restaurant (Drive-Through)							S	S	S		
Restaurant (Free-Standing)							S	S	S		
Restaurant (within another facility)							S	S	S		
Roof Repair and Installation	5.1.33								XS		
Rooming Quarters	5.1.34	XS	XS	XS	XS						
School, Vocational							X	X	X		
School, Public and Private	5.1.35	XS	XS	XS	XS						
Screen Printing Shop							X	X			
Shoe Store							X	X			
Shopping Center (<50,000 square feet)							S	X		S	

X-Use by Right

XS-Use by Right with Supplemental Requirements

S-Special Use

SS-Special Use with Supplemental Requirement

Use	Supplemental Reqs.	Residential				Business				Conditional	
		R-A	R-20	R-15	R-12	PR	CB	GB	I	PD-CZ	SE-CZ
Shopping Center (50,000-150,000 square feet)								X		S	
Shopping Center (>150,000 square feet)								S		S	
Sign Painting Shop	5.1.46						SS	SS	SS		
Skating Rink (indoor)								X			
Small Engine Sales & Service	5.1.42						XS				
Sporting Goods and Apparel Store							X	X			
Storage Facility	5.1.36							XS	XS		
Swimming Pool Sales, Service, and Supplies	5.1.37						SS	XS	X		
Tailor and Alterations							X	X			
Tanning Salon							X	X			
Tattoo Parlor								X	X		
Telecommunications antennae (on existing building)	5.1.38	XS	XS	XS	XS		XS	X	XS		
Telecommunications Towers and Facilities	5.1.38	SS	SS	SS	SS		SS	SS	XS		
Temporary Uses	5.1.39						SS	SS	SS		
Theater (indoor)							X	X			
Tire Sales and Repair								X	X		
Travel Agency							X	X			
Truck or Bus Terminal									S		
Upholstery Shop							X	X			
Utility Services	5.1.40	SS	SS	SS	SS		SS	SS	SS		
Video Rental and Sales							X	X			
Warehouse (industrial use)								S	X		
Welding Shop								S	X		
Wholesale Sales Operation								X	X		
Woodworking Shop	5.1.41						XS	X	X		

X-Use by Right

XS-Use by Right with Supplemental Requirements

S-Special Use

SS-Special Use with Supplemental Requirement

## ARTICLE 4

### GENERAL PROVISIONS

#### 4-1 **Conformity Required.**

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his/her control except in accordance with all of the applicable provisions of this ordinance. For the purpose of this ordinance, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

#### 4-2 **Height and Density Requirements.**

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located.

#### 4-3 **Street Frontage Required.**

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

- A) Any lot for which a residential use or lot has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
- B) Any lot for which a non-residential use or lot has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- C) A development site consisting of one (1) or more legal lots of record which is developed under a coordinated, approved site-specific plan and which is accessed solely by driveways shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the Town to be adequate for public and emergency vehicle access, but which should not be less than 35 feet.

#### 4-4 **Lot to Abut a Dedicated Street**

No lot may be created after the effective date of this ordinance which does not have at least 60 feet of dedicated street right-of-way frontage, if the lot is located off of a major collector street, or 35 feet of dedicated street right-of-way frontage, if the lot is located off of a minor collector street, except as follows:

- A) Lots located in the General Business (GB) zoning districts are required to have at least 35 feet of dedicated street right-of-way frontage, regardless of whether the lot is located off of a major collector street or a minor collector street.
- B) A lot not having at least 35 feet of dedicated street right-of-way frontage may be created if located entirely within a planned shopping center or office park.
- C) A lot with frontage onto a cul-de-sac shall have at least 25 feet of dedicated street frontage.
- D) A single-family residence (including a manufactured home or modular home) may be constructed on a lot which was recorded on or before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot has access to a dedicated street by an easement of at least 20 feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street.
- E) As many as three (3) single-family residences located in a Residential District, which otherwise meet all minimum Zoning and Subdivision requirements, may access properties by way of a shared private drive either owned jointly or by individual property owner. Rights to access (easements with a minimum width of 35 feet) shall be legally recorded on each affected deed and plat. The shared drive shall have at least 60 feet of dedicated right-of-way frontage if lots are located off of a major collector street, or 35 feet of dedicated right-of-way frontage if lots are located off of a minor collector street. Exceptions to the minimum width may be made on a case-by-case basis regarding driveways legally established prior to the effective date of this addition to the ordinance.
- F) Parcels located in Industrial Zoning, within an Industrial Park, are not required to have dedicated street right-of-way provided they are served by a minimum 60' right-of-way street built to NCDOT standards. Access must be recorded on Plat. The street must be completely built out, including paving, to the development site by final inspection of new business construction. Street must extend the entire parcel frontage.

#### **4-5 Lot Size**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the minimum lot width or depth, front, side, or rear yards, lot area per dwelling unit, or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the coterminous of narrow strips of land for public utilities or street right-of-way purposes.

#### **4-6 Yard Designation**

- A) On lots which abut more than one (1) street the front of the lot shall be parallel to the more prominent street. Exceptions may be made to this rule by the Zoning Administrator based upon the arrangement of existing and proposed streets and the orientation of buildings on adjoining lots. Where neither street is more prominent than the other, the Zoning Administrator shall decide which street shall be the front based upon these same criteria.



- B) Where multiple buildings are permitted on a single lot of record, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.
- C) On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

#### **4-7 Yard Use Limitations**

No part of a yard or other open space required around any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

#### **4-8 Through Lots**

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

#### **4-9 One Principal Building.**

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple principal buildings used as part of a permitted commercial, industrial, institutional, multi-family, mixed use, or governmental development may be erected on a single lot of record or as expressly permitted by this ordinance when such buildings meet all of the location and design requirements set out herein.

#### **4-10 Separation of Buildings.**

On any single lot of record, principal structures (where more than one is allowed) shall be separated by a minimum of 30 feet of yard area.

#### **4-11 Non-Residential Principal Structure Setbacks in Residential Districts.**

Wherever non-residential principal structures are allowed within residentially zoned districts, they shall be required to maintain the same setbacks as required of residential structures in that district.

#### **4-12 Lot of Record**

- A) Where the owner of a lot of official record in any district at the adoption of this ordinance or his successor in title thereto does not have sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as building site; provided, however, that the setback requirements of the district are complied with, or a variance is obtained from the Board of Adjustment. No such variance may be

granted to allow residential structures closer to any side property line than seven and one-half (7 ½) feet.

- B) Notwithstanding the foregoing, and excluding the R12 district, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

#### **4-13 Design Standards for Lots**

##### **A) Lot Size and Configuration**

- 1) Flag lots and zero frontage lots shall only be permitted to serve above-ground utility sites, including telecommunications towers.
- 2) All new residential lots shall meet the dimensional requirements listed in Article III, Section 3-6, Table 1.

##### **B) Means of Access in Non-Residential Zoning Districts**

- 1) All vehicular access to a development containing multiple destinations (e.g. malls, strip centers, multiple building developments, etc.) shall be provided by means of a shared driveway, side street, or frontage road.
- 2) No new driveway on any development site shall be created less than 80 feet from a street intersection, except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise.
- 3) The approaches to loading and unloading areas in mixed-use and commercial districts shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
- 4) Buildings with uses requiring public access shall provide the primary pedestrian access from the street front.
- 5) At least one (1) driveway or other vehicular link shall be provided between adjacent mixed-use and commercial properties, such as shops and offices that require public access.
- 6) Whenever practicable, driveways shall be aligned with driveways on the opposite side of the public street.
- 7) Sidewalks shall be provided between the building and all new public streets in the Central Business (CB) zoning district. Such sidewalks shall be made of concrete or brick and continue along the entire property frontage parallel to the street. All sidewalks shall be dedicated for public use. A site plan showing the proposed length and width of the sidewalk must be submitted to the Zoning Administrator for approval.

- 8) A coordinated system of service alleys shall be designed and used in the Central Business (CB) zoning district to permit utility and service access, including the loading and unloading of goods. Such alleys shall connect whenever possible and shall not be restricted, except as intended by design as stated in this section.

#### C) Means of Access in all Zoning Districts

- 1) No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the Zoning Administrator.
- 2) For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area unless so approved by the Zoning Administrator as part of the development project.
- 3) A site consisting of one (1) or more legal lots of record which is developed under an approved and coordinated site-specific plan may be permitted, on a case-by-case basis, to be served by a private street network. This site shall only be required to abut a public street along some portion of the development site, the minimum distance of which shall be determined by the Zoning Administrator to be adequate for public and emergency vehicle access, but which shall not be less than 35 feet.
- 4) The number of driveway intersections along major arterial streets with a posted speed limit in excess of 30 mph and an average daily traffic volume greater than 5,000 vehicles per day shall be minimized whenever practicable. In no case shall there be more than one (1) driveway per street frontage on a lot or development site except:
  - a) Where street frontage exceeds 700 feet, there may be two (2) driveways;
  - b) Where street frontage exceeds 1,200 feet, three (3) driveways or access points shall be allowed;
  - c) Three (3) driveways shall be the maximum allowable on any street frontage.

#### D) Services and Utilities

- 1) Mechanical equipment at ground level shall be placed on the parking lot side of buildings, away from public streets and buildings on adjacent sites. All such equipment shall be substantially screened from public view.
- 2) In all non-residential zoning districts, mechanical equipment and antennas located on rooftops shall be camouflaged as a normal architectural feature of the building or hidden by a decorative cornice or parapet wall.

- 3) In all non-residential zoning districts, all utility equipment (includes meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street side of a principal structure.
- 4) All utility lines serving new development or subdivisions shall be placed underground whenever practicable.
- 5) Utilities shall run along alleys whenever practicable.
- 6) In all non-residential zoning districts, all trash and recycling receptacles and storage areas shall be located away from public streets and screened entirely from public view.
- 7) In all non-residential zoning districts, all non-vegetative screening used to block public view of trash and recycling receptacles and storage areas shall be made of materials compatible in color and type to the principal structure(s) on the property.
- 8) In all non-residential zoning districts, all stormwater detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g. neatly landscaped, well maintained, vegetated, surrounded by decorative fencing, etc.).
- 9) Projections of light shall be confined to stay within property lines to prevent light trespass.
- 10) Light poles shall be limited to 30 feet in height.
- 11) All exterior lighting shall use cut-off type fixtures to minimize the component of light above horizontal glare.
- 12) Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all lighting requirements herein for as long as the emergency exists.

#### **4-14 Front Yard Setbacks for Dwellings**

The front yard setback requirements for dwellings shall not apply to any lot where the average setback of existing buildings is located wholly or partially within 100 feet on either side of the proposed dwelling and on the same side of the block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of 10 feet, from the street right-of-way, whichever is greater.

#### **4-15 Height Limitations and Exceptions**

- A) The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, telecommunications towers, chimneys, smokestacks,

conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures except as otherwise provided in the vicinity of airports.

B) In no instance shall any of the provisions of this section apply to:

- 1) Telecommunications towers and facilities. Refer to Section 4.1.38 for requirements.
- 2) Towers erected and maintained by a public authority for public safety or emergency communication purposes. However, towers shall not encroach upon the approach/departure path of the Stanly County airport.
- 3) Antennas or antenna structures used by individuals or groups licensed in the amateur radio service by the Federal Communication Commission except as stated below:
  - a) Towers shall not be used by any other use, company, or agency unless in accordance with Section 4.1.38 of this Ordinance.
  - b) Towers shall not encroach upon the approach/departure path of the Stanly County airport.

#### **4-16 Building Standards**

- A) In all zoning districts, building facades shall be substantially parallel to the front property line, except that:
- 1) Corner buildings may be oriented to address the corner.
  - 2) Buildings, interior to a development site, may be arranged to front a common courtyard, parking area, driveway, or private street.
- B) In non-residential zoning districts, all development sites shall front public streets.
- C) Any side of a non-residential building that is not intended to serve the public and which is located in a non-residential zoning district shall be screened from public view and the view of adjacent properties to the extent that all loading, storage, solid waste, maintenance equipment, and similar items are not visible to the public.
- D) Any side of a building that faces an arterial or collector street and which is located in a non-residential zoning district, shall be treated as a building façade.

#### **4-17 Accessory Structures and Uses**

- A) In no event shall ‘accessory use’ or ‘accessory structure’ be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- B) All accessory uses and accessory structures shall conform to the applicable requirements of this ordinance, including all dimensional requirements and use, design, and landscaping standards applicable to primary use/structure. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

- C) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts. Accessory dwellings shall also meet the requirements of Section 5.1.1.
- D) All accessory uses and structures shall require the issuance of a zoning permit.
- E) Structures accessory to residential uses (except in the RA district *with 5 or more acres*) shall have a combined floor area (aggregate of all detached accessory structures) of no more than 35% of the total floor area of the principal structure *or 700 sq ft per acre, whichever is greater*.
- F) Accessory structures shall meet the following side and rear yard setbacks:
  - 1) In all districts except the CB district, side and rear yard setbacks shall be 10 feet. In the CB district, side and rear yard setbacks shall be five (5) feet.
  - 2) In the case of corner lots, accessory buildings or structures shall be set back at least 25 feet from any side street right-of-way. Such structures shall be at least five (5) feet from any other building on the same lot. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
  - 3) No accessory structure shall be located in a required front yard nor shall any accessory structure on a residential lot located in any zoning district be placed between the street and the rear building line of the principal structure except that:
    - a) Accessory structures located more than 100 feet from the street may be placed in the front yard of a property in the RA district.
    - b) Detached accessory structures may be located in the required rear or side yard, except that no such structure shall be located closer than 10 feet from any rear or side yard line, but in the case of corner lots such buildings or structures shall be set back at least 25 feet from any side street right-of-way.
- G) Petroleum storage, accessory to a permitted principal use or building, is permitted.
- H) Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Section applicable to the principal structure.
- I) An accessory structure may not exceed the height of the principal structure.
- J) Radio transmission facilities for use by ham radio operators or two-way radio facilities for governmental or business communication shall be deemed accessory uses, provided no transmitter or antenna tower exceeds 80 feet in height. Any such tower shall meet the applicable setback requirements for the underlying zoning district unless such tower is located in a Residential district. In Residential zoning districts, the setback in all directions for such towers shall be a distance equal to the height of the tower.

- K) A structure constructed as a manufactured home may only be used as a residential structure except when serving as a manufactured home sales office for a subdivision development or a construction trailer. In no instance may a manufactured home be used for any other nonresidential purposes.
- L) Swimming pools, located as an accessory use on any site, including single family residential sites, shall be:
- 1) Located in a side or rear yard only and according to the setback requirements of accessory structures.
  - 2) Completely enclosed by a fence or wall no less than four (4) feet and no more than eight (8) feet in height above grade as measured on the side of the fence wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.
- M) Enclosures for animals, including barns, chicken coops, and livestock pens, shall only be allowed as accessory structures in the Residential-Agricultural (RA) and the Single-Family Residential-Low Density (R-20) zoning districts. Barns may be constructed prior to the principal structure or may serve as the principal structure on properties with an area no less than 5 acres. Animal enclosures on bona fide farms are exempt from this requirement. Such structures are also subject to the following setback requirements:
- 1) No person shall keep livestock, to include goats, cows, and sheep but excluding pigs and horses, in any structure or enclosure within 100 feet from any adjacent lot line. Said structure shall be at least 150 feet from the nearest structure with human inhabitants, excluding the residence which is the primary structure on the lot. Enclosures containing cows should be sized to at least one (1) acre pasture area for each cow. Enclosures containing goats and sheep should be sized to at least one acre (1) pasture area provided for every six (6) goats or sheep or any combination thereof, up to six (6) total per acre.
  - 2) No person shall keep poultry, exotic birds, or rabbits in any structure within 100 feet from any adjacent lot line and said structure shall be at least 150 feet from the nearest building with human inhabitants, excluding the residence which is the primary structure on the lot.
  - 3) Horses for personal use may be kept in an enclosure containing at least one (1) acre of fenced pasture for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six (6) months. A barn may also be used to house horses for personal use as an accessory structure allowed under this section with the number of stalls equal to or exceeding the number of horses permitted on the lot. Any barn or enclosure that houses a horse or horses under this section shall meet the following minimum setback requirements:
    - a) 100 feet from adjacent property lines

- b) 150 feet from pre-existing adjacent residences not resided in by the horse owner
- 4) Pigs shall not be allowed to be kept in enclosures in any zoning district.

#### **4-18 Temporary Structures and Uses**

Temporary structures and uses, when in compliance with all applicable provisions of this ordinance and all other ordinances of the Town of Stanfield, shall be allowed. The following temporary structures and uses shall be permitted.

- A) Construction trailers used in conjunction with construction projects, provided that the following conditions are met:
  - 1) Construction trailers may be located at a building site where there is a valid building permit for the construction project or, in the case of a residential subdivision, a valid building permit for at least one (1) of the residential units being constructed.
  - 2) All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
- B) Temporary structures located in a subdivision containing 25 or more lots and used as sales offices for the subdivision development are permitted provided that the following conditions are met:
  - 1) Any structure shall be located on a lot which is compliant with the regulations of this ordinance and shall meet all yard requirements for the applicable zoning district. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.
  - 2) A manufactured home may be used as a temporary sales office, provided that it is provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for mobile homes.
  - 3) At the completion of the sales in a tract or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation. The Zoning Administrator may grant a one (1) year extension on the operation of a sales office if deemed necessary. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.
- C) Temporary structures and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot. The temporary uses shall be terminated upon completion of construction and the temporary structures removed from the site.

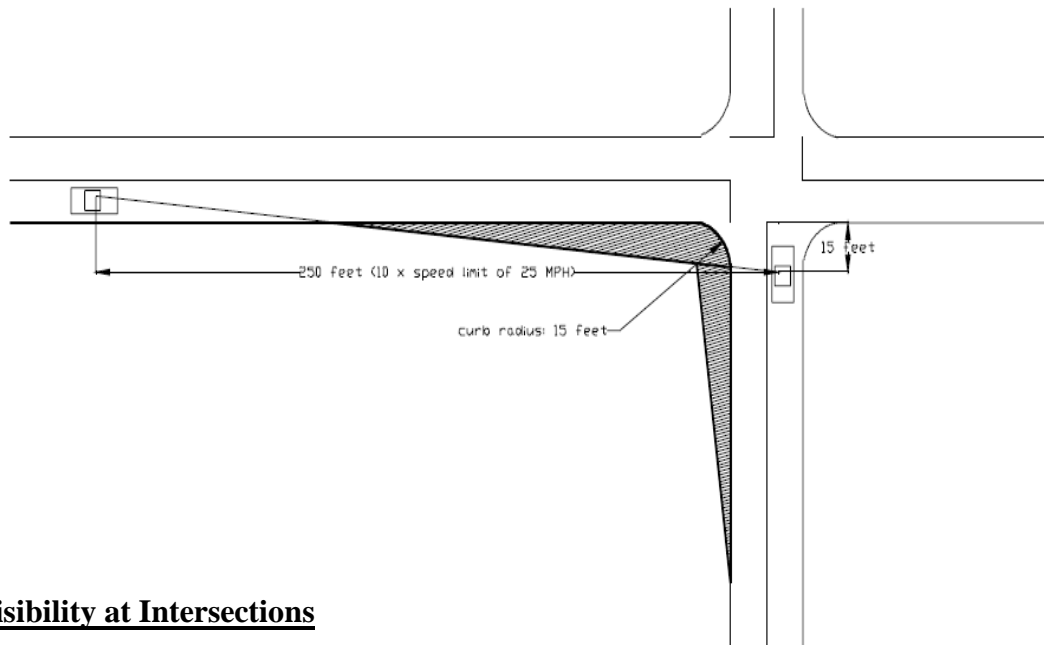


- D) Yard, garage, and tag sales are permitted without a permit, as a temporary use on any residential lot in any district. Such sales shall be limited to no more than two (2) days per calendar month on the same lot.

#### **4-19 Fences or Walls Permitted**

Except as otherwise noted, fences or walls are permitted in the various districts, subject to the following regulations:

- A) In residential districts (RA, R-20, R-15, R-12), fences or walls consisting of materials approved by the Zoning Administrator may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of three (3) feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of six (6) feet in height, except as otherwise specifically stipulated herein. Wire or chain link fences shall be prohibited in front yards.
- B) In non-residential districts, the maximum height of all fences and walls shall be 12 feet, except that no maximum shall apply to jails or prisons where the fence or wall is installed behind any required setbacks.
- C) No electrical fences, except for livestock protection fences, shall be permitted.
- D) All new fences installed will require a Fence Permit, issued by the Zoning Administrator.



#### **4-20 Visibility at Intersections**

- A) A clear view at each corner of an intersection shall be maintained by establishing an unobstructed 'sight triangle'. The extent of the required sight triangle varies according to the speed limit of the streets forming the intersection. For streets signed 35 MPH (miles per hour) or greater, the area to be clear of view obstructions at intersections without signals is generally to be the triangular area formed by the point of the intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the

point of intersection. For intersecting streets signed for less than 35 MPH (miles per hour), the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to drive visibility at intersections without signals. As indicated, the sight triangle will vary according to the speed limit for traffic on the approaching street.

- B) No planting, structure, sign, fence, wall, berm, or other obstruction to vision shall be installed, constructed, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.
- C) The limitations of this section may be modified by the Zoning Administrator in the instances noted below, so long as adequate visibility is maintained relative to the intended speed limit:
  - 1) Existing natural grades;
  - 2) Trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;
  - 3) Fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
  - 4) The approved and intentional use of traffic calming techniques to reduce speed.

#### **4-21 Negative Access Easements**

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except that those easements required by the Town to limit driveways on existing public streets.

#### **4-22 Parking of Commercial and Recreational Vehicles**

- A) For purposes of this Ordinance, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreational vehicle for living, sleeping, or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes), shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreational vehicles.
- B) On any lot located in the RA, R-20, R-15, or R-12 zoning districts, commercial vans and trucks may be parked on an overnight basis on public streets provided that they don't impede traffic or endanger the safety of pedestrians. This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in these districts for a period of up to 24 hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot. No residentially developed lot may be used as the base of operations for any freight hauling truck.

## ARTICLE 5

### SUPPLEMENTAL REQUIREMENTS FOR CERTAIN USES

#### **5-1 Supplemental Use Regulations**

The following regulations shall be applicable to uses as indicated in Section 3-7, Table of Uses.

##### **5.1.1 Accessory Dwelling Unit**

1. An accessory dwelling unit may be attached, within, or detached (separate) from the principal dwelling. The accessory dwelling unit may be located in a detached separate accessory structure if the lot is at least 150% that of the required minimum lot size for the zoning district in question.
2. The principal use of the lot shall be residential and the principal structure on the lot shall be a single-family dwelling.
3. No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling; this person shall live on the parcel containing the accessory dwelling.
5. Manufactured homes may not be used for the accessory dwelling unit.
6. The ground floor of an accessory dwelling unit may be no greater than 50% of the ground floor area of the principal dwelling unit.
7. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
8. A detached accessory dwelling may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
9. If the accessory dwelling unit is located in an accessory structure, said structure shall be located in the rear yard and shall not occupy greater than 30% of the rear yard.
10. No accessory dwelling structure shall be located closer than 15 feet from any side or rear lot line.
11. An accessory structure housing the dwelling unit shall not exceed the height of the principal dwelling.
12. Roof and exterior wall materials of said accessory structure shall be comparable in comparison and appearance to that of the principal structure.

13. The accessory dwelling shall be occupied only by a relative (through blood, marriage, or adoption), servant, or caregiver of the owner of both the accessory dwelling and primary dwelling. An accessory dwelling shall, at no time, be used as a rental unit.

### **5.1.2 Adult Establishments**

1. Adult establishments shall be permitted as a special use, requiring a Special Use Permit, in the Special Entertainment Conditional Zoning (SE-CZ) only and shall be subject to the additional location criteria set forth in this section.
2. No lot containing an adult establishment shall be within 2000 feet (determined by a straight line and not street distance) of another lot containing an adult establishment.
3. No lot containing an adult establishment shall be located on any lot whose property line is within 1500 feet (determined by a straight line and not street distance) of the property line of a church, school, library, public park or playground, or daycare center, as measured by a horizontal straight-line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
4. No lot containing an adult establishment shall be located on any lot whose property line is within 1000 feet (determined by a straight line and not street distance) from a lot located in a residential (RA, R-20, R-15, R-12) district, as measured by a horizontal straight-line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
5. No more than one adult establishment shall be located within the same structure or portion thereof.
6. No adult establishment may provide sleeping quarters.
7. No printed material, video, photography, live performance, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
8. In addition to the requirements of Article IX of this ordinance, the following provisions for signage are required. No freestanding (detached) sign shall be permitted. Attached signage on all building faces shall not exceed 100 square feet total. In no case shall signage cover more than 10% of the wall area of any wall of the principal structure. A site plan showing the location and number of attached signs must be submitted to the Zoning Administrator prior to the issuance of any permits to verify compliance with this section.
9. Parking shall be installed in accordance with Section 6-5 (D) of this ordinance and the number of spaces required shall be determined at the same rate as that required for the closest corresponding non-adult use.

### **5.1.3 Agriculture, Bona Fide Farms**

1. To qualify for bona fide farm status, a minimum land area of 10 acres is required.
2. Outdoor storage of implements and equipment shall be located in the rear yard.
3. Agricultural uses must maintain a minimum 10-foot riparian buffer, or equivalent control as determined by the Stanly County Soil and Water Conservation office, along all perennial waters indicated on the most recent version of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.
4. No pens, enclosures, buildings, or other structures intended or used for the containment of animals shall be permitted within 100 feet of the property line. This shall not include pastures, riding rings, or similar areas intended or used for the containment of animals in such small numbers that they do not present any significant offsite impacts related to noise, odor, or stormwater runoff.
5. Two (2) or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the location requirements of this ordinance.

### **5.1.4 Amusement Parks, Agricultural Fairs, Carnivals**

1. Permanently established outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district or containing a legal, conforming residential use.
2. No permanently established outdoor amusement facilities, such as miniature golf courses, or mechanical rides shall be located within 500 feet of the closest point of any abutting property located in a residential district.
3. Hours of operation for both permanent and temporary amusement facilities shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
4. Temporary amusement uses, such as agricultural fairs and carnivals, shall be allowed through the issuance of a Temporary Use Certificate of Zoning Compliance by the Zoning Administrator, provided that:
  - a. The applicant for a Temporary Use Certificate of Zoning Compliance shall provide the proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate the impact on the neighborhood or community in general.
  - b. On a case-by-case basis, the Stanfield Board of Commissioners may regulate the use and location of proposed buildings, set the time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general.

### **5.1.5 Animal Shelters, Animal Kennels, Animal Hospital, and Animal Boarding and Grooming Services**

1. An animal boarding and/or kennel facility located in the R-A district must have a minimum lot size of five (5) acres.
2. Any structure which houses animals and is not fully enclosed shall be located at least 250 feet from any abutting lot line.
3. Any run located partially or wholly outdoors shall be located at least 500 feet from any abutting lot line.
4. A maximum of 40 outdoor runs shall be permitted.
5. All pens and Kennels must be surrounded by a chain link fence not less than six (6) feet in height.
6. Two or more principal buildings used as part of the facility may be located on a single lot of record which such buildings meet the location requirements of this ordinance.

### **5.1.6 Automatic Teller Machines (ATMs)**

1. Automatic teller machines shall be permitted as accessory uses to banks and other financial institutions as either freestanding or attached facilities.
2. Automatic teller machines shall be permitted as accessory uses to any commercial use when located on the inside of a building or when attached to the exterior of the principal building.
3. Automatic teller machines shall be permitted as freestanding facilities in shopping center parking lots only when the location of such facilities do not present a hazard to the motoring public using the parking lot and they are lighted and located in such a manner as to maximize the safety of the public using the facility.

### **5.1.7 Automobile Service Station/Gas Station, Convenience Store**

1. Gasoline pump islands shall be located no closer than 15 feet from any lot line.
2. Pump island canopies may be constructed to extend to the street right-of-way, provided a special use permit has been obtained.
3. Suitable landscaping shall be provided along all sides of the property which abut Residential (R-A, R-20, R-15, R-12) districts as per Section 8-4 (B) of this ordinance.

### **5.1.8 Banquet and Event Facilities**

1. All facilities and structures related to the use shall be located at least 100 feet from any lot line in a Residential (R-A, R-20, R-15, R-12) district.
2. Outdoor seating and entertainment areas shall not be permitted adjacent to a public street or within 50 feet of a residential use or residentially zoned lot.
3. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

### **5.1.9 Bed and Breakfast Inn**

1. The establishment shall be allowed to serve food only to registered guests unless a Special Use Permit has been obtained to serve food to the general public in an established dining room.
2. Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least impact on adjoining residential uses.
3. Bed and Breakfast establishments shall comply with all regulations and requirements within 15A NCAC 18A.2200.
4. A bed and breakfast inn located in a residentially zoned district (RA, R-20, R-15, R-12) is limited to either a wall sign or freestanding sign to identify the business. Only one (1) sign is permitted per establishment. Wall signs are limited to four (4) square feet in area and shall not extend above the parapet of the building. Freestanding signs are limited to five (5) feet in height.

### **5.1.10 Building Material and Lumber Storage and Sales**

1. All outdoor storage areas shall meet the requirements of Section 8-6 (A).

### **5.1.11 Car Wash, Automatic, Full Service, Self Service**

1. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
2. Car washes, vacuums, and similar devices shall be a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
3. Car washes accessory to a principal use shall be located in the side or rear yard only.

#### **5.1.12 Car Wash, Industrial**

1. Industrial car washes shall be permitted only as accessory uses to a permitted business or industrial use and shall be located in the rear yard only.
2. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

#### **5.1.13 Cemetery**

1. Tombstones, crypts, monuments, columbariums, and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
2. Sales of crypts or monuments shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a Residential (R-A, R-20, R-15, R-12) district and 40 feet from any such rear lot line.
3. A minimum of three (3) acres shall be required for any cemetery being developed as a principal use.
4. It shall be unlawful for any person to bury any human being on any lot or premises within the corporate limits except within an approved and permitted cemetery.

#### **5.1.14 Churches**

1. Exterior lighting shall be directed and screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
2. Convents, rectories, parsonages, or similar uses may be placed on the site as accessory uses.
3. Accessory uses such as church offices, religious bookstores serving only the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and daycare centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.
4. If located in an R-20, R-15, or R-12 district, churches and associated facilities must be located on a lot that has a minimum size of one (1) acre.

#### **5.1.15 College, University, Boarding School**

1. Colleges/universities shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated.



2. Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
3. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs a minimum of six (6) feet in height (at maturity).
4. Two or more principal buildings used as part of the college or university may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
5. Dormitories shall be permitted only as accessory uses to a college, university, or boarding school.
6. Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

#### **5.1.16 Continuing Care Facility (Rest Home, Nursing Home)**

1. The density levels and minimum yard requirements shall be based on the regulations of the underlying zoning district.
2. Two (2) or more principal buildings used as part of the continuing care facility may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
3. Driveway access to accessory structures shall be through the main entrance to the facility. Accessory structures must be arranged to provide for adequate on-site vehicular and pedestrian traffic.

#### **5.1.17 Customary Home Occupation**

Customary home occupations may be established in a principal dwelling unit or in an accessory building, provided a Special Use Permit has been issued. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located:

1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No outside storage of materials or equipment shall be allowed in connection with the home occupation.
3. Use of the dwelling for the home occupation shall be limited to 25% of the heated finished area of the principal residential structure. Any portion of a garage or basement may also be devoted to the home occupation.

4. If an accessory structure is used for the customary home occupation, it shall be located in the rear yard only.
5. Residents of the dwelling plus a maximum of two (2) non-residents may be engaged in the customary home occupation or otherwise report to work at the dwelling.
6. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
7. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
8. Only vehicles used primarily as passenger vehicles, such as automobiles, vans, and pick-up trucks (maximum of 1 ton) shall be permitted in connection with the conduct of the customary home occupation.
9. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside of the principal dwelling unit shall be prohibited.
10. Customary home occupations may be in operation at any time between the hours of 8:00 a.m. and 9:00 p.m.
11. A customary home occupation located in a residentially zoned district (RA, R-20, R-15, R-12) is limited to either a wall sign or freestanding sign to identify the business. Only one (1) sign is permitted per establishment. Wall signs are limited to four (4) square feet in area and shall not extend above the parapet of the building. Freestanding signs are limited to five (5) feet in height.

#### **5.1.18 Day Care Center**

1. All outdoor play and/or recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
2. Outdoor activities are limited to the fenced area and to the hours between 7:00 a.m. and 6:00 p.m.
3. At least one (1) off-street passenger loading/unloading space separate from required parking shall be provided for every 20 children enrolled. Adequate onsite turnaround area shall be provided for all loading/unloading.
4. Day care centers associated with churches/places of worship which have enrollment capacities in excess of 25 enrollees shall be deemed separate uses and may be allowed subject to the regulations covering such uses in the underlying zoning district.
5. Day care centers shall comply with all regulations and requirements within 15A NCAC 18A.0200, 10A NCAC Chapter 9, and NCGS Section 110.

6. A day care center located in a residentially zoned district (RA, R-20, R-15, R-12) is limited to either a wall sign or freestanding sign to identify the business. Only one (1) sign is permitted per establishment. Wall signs are limited to four (4) square feet in area and shall not extend above the parapet of the building. Freestanding signs are limited to five (5) feet in height.

#### **5.1.19 Day Care Home**

1. A day care home must be clearly incidental to the residential use of the dwelling and must not change the residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
2. All outdoor play and/or recreation areas shall be surrounded by a fence or wall at least four (4) in height.
3. Outdoor activities are limited to the fenced area and to the hours between 7:00 a.m. and 6:00 p.m.
4. Care shall not be provided on a 24-hour basis in any residential district.
5. The facility shall be staffed by persons residing in the dwelling in which the day care center is located; however, two (2) non-residents may report to work at the center.
6. The owner of the day care center shall reside on the premises.
7. The day care center shall be located in a structure originally constructed as and designed for a single-family dwelling and shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling, or which changes its exterior residential character.
8. Day care centers shall comply with all regulations and requirements within 15A NCAC 18A.0200, 10A NCAC Chapter 9, and NCGS Section 110.
9. A day care home located in a residentially zoned district (RA, R-20, R-15, R-12) is limited to either a wall sign or freestanding sign to identify the business. Only one (1) sign is permitted per establishment. Wall signs are limited to four (4) square feet in area and shall not extend above the parapet of the building. Freestanding signs are limited to five (5) feet in height.

#### **5.1.20 Dry Cleaning Services, Laundry Plants**

1. A maximum area of 2,000 square feet floor space is allowed in the Central Business (CB) zoning district, provided the emission of steam and other obnoxious byproducts are controlled.

#### **5.1.21 Group Care Facility, Group Care Home**

1. If not State licensed, the Group Care Home shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, on-premises management/supervisory personnel, and admission standards that allow only residents to have a commitment and desire to adjust to society and are not dangerous to other as defined in State law.
2. A minimum of 100 square feet of heated building area shall be provided to each resident.
3. A Group Care Home may not be located within a distance of one-half (1/2) mile from any other Group Care Home. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Group Care Home is to be located to the nearest point of the lot line of another Group Care Home.
4. No Group Care Home shall be operated or occupied without a Certificate of Zoning Compliance and Certificate of Occupancy.

#### **5.1.22 Hotel, Motel**

1. Retail uses and restaurants may be located as an accessory use within any motel or hotel.

#### **5.1.23 Industrial Equipment, Sales, Supplies, and Repair**

1. All service and open storage areas shall meet the requirements of Section 8-6 (A) of this ordinance.

#### **5.1.24 Junkyard, Auto Salvage**

1. A minimum of two (2) acres for the site shall be provided.
2. The site shall be completely enclosed by a solid fence which shall extend from the surface of the ground to a uniform minimum height of at least six (6) feet from the ground at any given point. All business activity, including storage of vehicles or other materials, shall be conducted within the fenced area.
3. Wrecked vehicles or other junk and scrap shall be stored at a height no greater than five (5) feet.
4. Any gasoline, oil, and other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

### **5.1.25 Manufactured Home, Class A**

#### **1. Setup**

The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance (including tie-down standards). The structure shall have all wheels, axles, transporting lights, and towing apparatus removed. If any of these items cannot be removed, they shall be screened from view with landscaping or fencing if it is still visible after the unit is underpinned.

#### **2. Foundation**

The structure shall not be occupied unless it is supported on masonry blocks or jacks and provided with continuous underpinning from the bottom of the walls to the ground made of continuous brick, pressure-treated wood, vinyl, pre-painted aluminum material, or other material specifically made for manufactured housing, un-pierced except for required ventilation and an access door.

If pressure treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

#### **3. Pitch**

The pitch of a manufactured home roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run and shall be finished with a type of shingle that is commonly used in standard single-family residential constructions.

#### **4. Width**

All manufactured homes shall be at least twenty (20) feet wide.

#### **5. Occupancy**

No manufactured home shall be used as a storage building. No manufactured home shall be permitted to remain unoccupied for more than 90 days.

### **5.1.26 Manufactured Home Parks**

This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks. Where the intent of the standards herein contained can be met by other means not specifically listed, The Stanfield Board of Commissioners may approve other methods and designs to solve unique problems associated with individual developments on an individual basis. In no case may the Stanfield Board of Commissioners approve a design of less than the minimum standards.

#### ***Minimum Sizing***

1. A manufactured home park must be on a lot with a minimum size of five (5) acres and have access to public water and sewer service.
2. All manufactured homes in the park shall be located in designated spaces, with a minimum size of 5,000 square feet.

3. Each manufactured home space shall be at least 30 feet in width at the interior street right-of-way line and 45 feet in width at the front yard setback line.

### ***Setbacks***

1. The minimum setback for any structure within a manufactured home park from a publicly maintained street right-of-way line or any property line shall be 40 feet. In addition to this requirement, a 20-foot minimum front setback from any interior street right-of-way shall be observed.
2. All manufactured homes within a manufactured home park shall be located no closer than 20 feet from each other.

### ***Site Requirements***

1. Manufactured home spaces shall not be located on ground that lies within the 100-year floodplain, as established by the most recently issued maps published by the Federal Emergency Management Agency (FEMA).
2. Manufactured homes shall not be placed on land having an excessive slope or other characteristics making the land unsuitable for such placement. Each manufactured home space shall be graded so as to prevent any water from accumulating on the space.
3. The location of each manufactured home stand must be at an elevation distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tie down requirements.

### ***Accessory Structures***

1. Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be: 1) residential in character 2) located only in the side or rear yards and 3) no closer than five (5) feet from the mobile homes space boundary and no closer than 10 feet from any mobile home on another space within the park. However, for a carport having a capacity not exceeding two (2) car spaces, the only requirements shall be that such structures observe the same front yard setbacks as required for the manufactured home and that such structures be located no closer than five (5) feet from any property line, or from the edge of any buffer. In no instance shall an accessory or corner structure be located in a required buffer area.

Accessory structures of benefit to all residents of the manufactured home park shall be permitted within the park. Said structures (i.e. community pools, laundry facilities, game rooms, club houses, etc) shall be located at least 20 feet from any interior street line and 30 feet from any manufactured home located within the park. All vending machines must be located indoor or, if outdoors, under a covered surface adjacent to a common building (i.e. administrative office) or facility (i.e. community pool). Vending machines on individual manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations) may be allowed within the manufactured home park.

### ***Street Frontage***

1. All manufactured home parks shall abut and have at least 50 feet of frontage on a public road. No manufactured home lots shall be directly accessible from a public street.
2. Manufactured home parks shall not be located on through lots unless the park is designed in a manner that does not encourage motorists from using the park as a means of traveling from one public street to another.

### ***Internal Streets***

1. Manufactured home parks with 20 or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than 20 manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks required to have only one entrance and exit area shall provide at least one permanent turn-around within the park. In addition, all dead-end streets which provide access to five (5) or more manufactured homes shall be provided with a permanent turn-around. All such required turnarounds shall have a minimum diameter of 50 feet.
2. No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed to minimum NCDOT subdivision road standards except that all such one-way streets shall be paved to a minimum width of 12 feet and all two-way streets shall be paved to a minimum width of 18 feet. All streets shall be located within a minimum 40-foot-wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility, and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than 40 feet may be approved.
3. Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces and instructing them on the purpose of these addresses.
4. Permanent traffic control signs shall be installed within the park. Such signs shall include, at a minimum the following:
  - (a) Stop sign(s) where park streets access public roads;
  - (b) Stop sign(s) at the intersection of interior streets;
  - (c) "No Parking" signs along interior streets except where streets have been paved

to a width of at least 30 feet;

- (d) One-way streets shall be marked as such at appropriate intervals and “Do not Enter” signs shall be posted.
- 5. Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park.
- 6. Speed reduction bumps on paved internal streets are permissible but they shall be painted and appropriate signs indicating the bump must be placed along the street.
- 7. All dead-end internal streets which provide access to five (5) or more manufactured home spaces shall be provided with a permanent turnaround. All such turnarounds shall have a minimum paved surface diameter of 50 feet.
- 8. Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at an angle of less than 70 degrees. Where streets intersect with a state-maintained road, the design standards of NCDOT shall apply.
- 9. Maintenance of all internal streets, signage, and drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pothole breaks in the pavement, rough surfaces, ponding of water during rainy periods and excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
- 10. Where there is a street offset in the alignment of a street across an intersection within and abutting the manufactured home park, the offset of the center lines shall not be less than 125 feet.

### ***Parking***

- 1. At least two (2) off-street parking spaces with no less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment paving) on a well compacted sub-base shall be provided for each manufactured home space. Required Parking spaces may be located in the required front or side yards of the manufactured home space. Individual home and visitor parking spaces shall be located outside the roadway, shoulder, or drainage ditches.

### ***Trash Collection***

- 1. At least one (1) water-tight and rodent proof garbage or trash container with a 24-gallon minimum capacity and 40-gallon maximum capacity shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in these containers. It shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu collection racks, covered roll out trash containers may be provided. In lieu of requiring individual garbage and



trash containers for each manufactured home, trash dumpsters may be installed in convenient collection locations within the manufactured home park, excepting any individual manufactured home space.

2. If dumpsters are provided, each dumpster shall be water-tight and rodent proof and located at least 50 feet from any property line or public street right-of-way and at least 40 feet from any manufactured home. All such dumpsters shall be materially screened from any adjacent manufactured home in the park according to Section 8-6 (C) of this Ordinance. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from said containers or dumpsters at least once per week. The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the manufactured home park is not permitted.
3. Where suitable collection service is not available from municipal or private agencies the manufacture home park operator shall provide this service.

#### ***Utilities***

1. Manufactured home parks that contain over 20 manufactured home spaces or more than one internal street shall contain streetlights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersections of any internal street and a public street, and elsewhere in the park at a maximum of 300-foot intervals.
2. Each manufactured homes space shall have individual electric and telephone service connections provided. All electric, telephone, cable television, and other utility lines shall be placed underground unless unsuitable underground conditions exist. In such cases aboveground utility lines may be provided.
3. Each manufactured home must have an individual meter connected to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be the property of the manufactured home and distinctly identified with paint.

#### ***Mailboxes***

1. Mailbox spaces within the manufactured home park shall be provided in accordance with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where 20 or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

#### ***Administrative Office***

1. One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which which is used as a residence by the resident manager. An administrative office is not required.

### ***Water and Sewer***

1. An accessible, adequate, safe, and potable supply of water shall be provided. Where connection to a municipal water supply is available, connection shall be made thereto, and its supply used exclusively. When a municipal water supply is not available, an adequate water supply source shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Stanly County Health Department. Any water supply source must be capable of providing 300 gallons of water per day per manufactured home space. Each space shall be provided with a minimum ¾ inch size copper or PVC water service line.
2. Adequate and safe sewage disposal facilities shall be provided. Collection systems and sewage treatment plants must comply with the requirements of the North Carolina Department of Health and Environment and the Stanly County Health Department. Individual septic tank systems are permissible in accordance with the regulations of the Stanly County Health Department. There shall be no more than one (1) manufactured home connected to an individual septic tank unless otherwise permitted by the Stanly County Health Department.

### ***Grounds***

1. All manufactured home parks shall provide screening in the form of a minimum 10-foot-wide screen/buffer along all adjoining properties on the side and rear property lines. Such screening shall materially screen all structures within the manufactured home park from all adjacent properties and shall meet the landscaping requirements of Section 8-4 (B). All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home.
2. The ground of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage, and other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings, and storage areas shall be properly maintained. The manufactured home park operator shall take all necessary steps to prevent infestation by rodents, vermin, and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.

### **5.1.27 Motor Vehicle Rental and Leasing**

1. Any car washing or cleaning facilities shall be allowed as accessory uses only and shall be located in the side or rear yard only.
2. Parking and storage of rental vehicles shall be limited to the side and rear yards and shall be placed and screened in accordance with the standards for on-site parking.

### **5.1.28 Motor Vehicle Repair**

1. A motor vehicle repair, service, body, or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard surrounded by a fence at a minimum height of five (5) feet.
2. Storage yards and buildings associated with motor vehicle repair establishments shall not be used for indefinite storage of wrecked, partially dismantled, or inoperative vehicles. Such vehicles shall only be permitted to be stored on the site if they are actively in the process of being repaired; this storage period shall not exceed one (1) year.

### **5.1.29 Pet Stores**

1. All facilities associated with a pet store shall be located indoors.

### **5.1.30 Private Club**

1. All facilities and structures related to the use shall be located at least 500 ft from any lot line in a Residential (RA, R-20, R-15, R-12) district.
2. Outdoor seating and entertainment areas shall not be permitted adjacent to a public street or within 50 feet of a residential use or residentially zoned lot.
3. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street; *but shall apply otherwise unless superseded by State Law.*

### **5.1.31 Produce Stand**

1. A produce stand shall not be located in a road right-of-way.
2. If located in an RA or R-20 district, a produce stand is not required to meet that district's setback requirements; a minimum 25-foot front yard setback shall be required.
2. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it shall not be visible from any public road.
4. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. If located on a lot under different ownership, the owner/operator of the produce stand must have written permission from the property owner.
6. A produce stand may be a principal or accessory use on the lot upon which it is located.

#### **5.1.32 Recreation Facilities, Public or Private**

1. Outdoor swimming pools shall be located at least 50 feet from any side or rear lot line.
2. If located in an R-20, R-15, or R-12 district, any recreation facility, except for parks and playgrounds, must be located on a lot with a minimum size of one (1) acre.

#### **5.1.33 Roofing Repair and Installation, Sheet metal**

1. All outdoor storage areas shall meet the requirements of Section 8-6 (A).

#### **5.1.34 Rooming Quarters**

1. Rooming quarters may be allowed in a single-family dwelling, provided a Special Use Permit has been issued.
2. The rooming quarters must be in the same building as the principal dwelling
3. The principal dwelling, in which the rooming quarters are located, must be owner-occupied.
4. At all times, the character of the use shall be residential and shall be designed and maintained to appear as a single-family use.

#### **5.1.35 Schools (Public and Private)**

1. Any school which has greater than 100 students must have access to a major or minor thoroughfare, or through a collector road.
2. If located in a Residential (R-A, R-20 R-15, R-12) district, any school facility must be located on a lot with a minimum size of five (5) acres.
3. Two (2) or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

#### **5.1.36 Storage Facility, Self-Storage Warehouse**

1. Self-storage warehouse spaces shall be used for storage only. No space shall be leased for any other purpose.
2. In the General Business (GB) zoning district, all storage spaces shall be enclosed in a building. Outside storage areas shall be allowed in the Industrial (I) zoning district only.
3. Two (2) or more principal buildings used as part of the warehouse facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

### **5.1.37 Swimming Pool Sales, Service, and Supplies**

When located in a commercially zoned district (CB, GB), display of goods shall be limited to the interior of the building only.

### **5.1.38 Telecommunications Towers and Facilities**

If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-location on an existing telecommunications tower, 2) locate on an existing Duke Power transmission tower or similar structure, or 3) locate camouflaged antennae within an existing structure, then telecommunications towers and facilities will be allowed as a special use in the RA, R-20, R-15, R-12, CB, and GB zoning districts, and as a use by right in the industrial (I) zoning district, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance:

#### ***Tower Design***

1. In all Residential-zoned districts (RA, R-20, R-15, and R-12) and in all commercial zoning districts (CB and GB), all telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible. In the industrial (I) zoning district, a monopole or lattice construction steel structure tower is acceptable. Monopoles must be designed to “telescope” or collapse inward; lattice towers must be designed to collapse inward upon itself.
2. It is the intent of Stanfield to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Stanfield. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist Stanfield in reducing the total number of towers in the Town. Stanfield requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms and to publicize the fact that space is available on a lease basis as part of the special use permit process.
3. The maximum allowable height of a tower must be under 200 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

#### ***Tower Location***

1. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least 12 feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

2. Stealth tower locations are encouraged by Stanfield. Telecommunications towers that can be located in or on existing structures or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Towers which are located in a stand of trees, rather than in an open field, are preferred.
3. Towers are prohibited on the top of buildings or structures in all of the Residential (R-A, R-20, R-15, and R-12) and Commercial (CB and GB) zoning districts. In the Industrial zoning district, towers may be permitted on roofs or walls with an approved Special Use Permit after submittal of a report by a qualified and licensed Professional Engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Towers on roofs may be allowed when the tower height 1) does not exceed more than 30% of the height of the building, or 2) is no more than 50 feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

4. Stanfield recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a Special Use Permit be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. Stanfield requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

### ***Design Standards***

1. All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district or otherwise integrated through location and design to blend in with the existing characteristics of the site, to the extent practical (i.e. structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding).
2. A minimum eight (8) foot high chain link fence is required around telecommunications towers and any equipment building(s). Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The Zoning Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

**Note:** Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers of the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

3. Landscape screening shall be required along the outside of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings. Landscape materials shall consist of evergreen shrubs planted with a 20-foot

screen/buffer with 12 trees [1/3 shall be evergreen] and 20 shrubs required per 100 feet of buffer strip (see Section 5.5.1). Evergreen shrubs should be of a size expected to reach a minimum of six (6) feet in height at maturity. The remaining 2/3 of the required trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality and designed and installed to meet the requirements of Article VIII of this ordinance.

Screening requirements shall not apply to telecommunications towers which are camouflaged, which contain antennas within another structure (such as a steeple), or which are co-located on an existing tower.

The Zoning Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on the site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Zoning Administrator may also waive screening on those sides of the proposed tower that are located adjacent to vacant properties or along any public right-of-way.

4. Minimum setback requirements for free-standing towers located within the RA, R-20, R-15, R-12, CB, and GB zoning districts shall be one (1) foot for every one (1) foot of actual tower height (i.e. a 100 foot tower would require a 100 foot setback on all sides) or the documented collapse zone, whichever is greater. Minimum setbacks for free standing towers located in the industrial (I) zoning district shall be determined by the minimum setbacks of the underlying zoning district. These setback requirements are applicable on all sides of the property, including any side along the road right-of-way, and for all leased area of a parcel. The purpose of these setback requirements is to prevent damage to off-site property from tower failure or collapse. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located. Minimum setback requirements may be reduced by the Stanfield Board of Commissioners, if warranted.
5. All towers shall be located a minimum of 300 feet from the nearest residential dwelling unit.
6. Telecommunications towers not required to have FAS painting/markings shall have either a galvanized finish or be painted a non-contrasting light blue, gray, or black finish.
7. Telecommunications providers who are leasing a portion of a lot for location of a telecommunication tower shall obtain a signed certification from the property owner that no future development or subdivisions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.
8. Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent for a period greater than 90 consecutive days). Such removal shall take place within six

- (6) months of the first day the tower was abandoned and be completed within this same six (6) month period.
9. Towers under 200 feet in height shall not contain any light fixtures exceeding 15 feet in height. Furthermore, lighting of all towers in a residential district (RA, R-20, R-15, and R-12) shall be directed towards the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require nighttime strobe lights as per the Federal Aviation Administration.
  10. Free-standing telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
  11. Any planned increase in tower height to an existing approved telecommunication tower located within the RA, R-20, R-15, R-12, CB, and GB zoning districts requires the provider to apply for an amendment to the original Special Use Permit. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Zoning Administrator. Planned height increase for towers which were constructed prior to the adoption of these regulations and/or do not have a Special Use Permit on file with the Town shall be required to apply for a Special Use Permit, which includes a review and approval by the Town.
  12. Applications by providers to use co-location space on an existing tower shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height in all zoning districts except the industrial (I) zoning district, the co-locator or owner shall request an amendment to the original Special Use Permit issued to the original tower provider. The regulations of Section 11-4 shall apply, which requires review and approval of an amendment to the Special Use Permit by the Stanfield Planning Board and Board of Commissioners. Co-location applicants also must comply with all requirements provided in Section 11-4 unless such requirements were provided by the original Special Use Permit applicant. If the co-locator or owner proposes to increase the tower height in the industrial district, this would require a new zoning permit and building permit.
  13. Free-standing signs are prohibited. Wall signs shall be limited to: 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure, provided it does not exceed nine (9) square feet in size and 2) "No trespassing" signs, "Danger-High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence and/or on the tower at its base.
  14. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunication tower prior to the issuance of a Special Use Permit or an amendment to that permit. Once approved, documentation of adequate insurance must be provided to the Stanfield Zoning Administrator every 12 months.
  15. Outdoor storage of equipment or other related items is prohibited.



16. Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

### ***Special Use Permits***

1. All applications for a Special Use Permit (or amendment to the original Special Use Permit) for a telecommunication tower must include the following information:
  - A) Identification of intended provider(s);
  - B) Documentation by a registered Professional Engineer (PE) that the tower has sufficient structural integrity to accommodate more than one user, if applicable.
  - C) A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.
  - D) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
  - E) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to existing Special Use Permits.
  - F) Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
  - G) Documentation, if applicable, that towers over 200 feet are necessary for a minimal level of service;
  - H) A site plan(s) drawn to scale, identifying the site boundary, tower(s), and existing and proposed structures, including equipment buildings, access, fencing area, fall radius, and landscape screening. Landscape screening information shall detail the type of landscaping, amount of plantings, and location. A plan is not needed for providers who are seeking an amendment to a Special Use Permit for co-location on an existing tower, when the equipment building is to be located within the existing fenced area.
  - I) Documentation of monopole tower or lattice tower collapse area, if applicable
  - J) Expert testimony that demonstrates to the satisfaction of the Stanfield Board of Commissioners that the provider has explored all means for stealth tower locations and co-location opportunities. If applicable, evidence may consist of the following:

1. Existing or approved telecommunications towers with available co-location space are not located within the search area.
  2. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
  3. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
  4. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the space requirement between antennae cannot be met.)
  5. Existing or approved towers lack co-location space.
  6. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower cannot be structurally strengthened to accommodate an additional user.
2. Towers shall not restrict or interfere with air traffic or travel to and from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAS) standards.
  3. The following requirements apply for telecommunications tower Special Use Permit requests:
    - A) Decisions by the Stanfield Board of Commissioners to approve or deny a Special Use Permit for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.
    - B) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Stanfield Board of Commissioners at a public hearing, as suggested by federal law
    - C) The decision of the Stanfield Board of Commissioners must be based upon substantial evidence which must be recorded in the official meeting minutes, as per federal law.
    - D) In determining if a telecommunications tower should be approved or denied, the Stanfield Planning Board and Board of Commissioners may consider the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower and any mitigating factors concerning the aesthetics may also be considered. In reaching a decision, the Town Council may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

***Telecommunications Antennae and Associated Equipment Locating on Existing Towers and Structures.***

1. Provided the structural integrity of the tower is not compromised or diminished, as determined and documented by a licensed Professional Engineer, telecommunications antennae may be located on any existing tower, water tank/tower, or similar structure by right in all zoning districts, as long as the addition does not increase the original height of the existing structure or tower. Such antennae shall be painted to match the color of the structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.
2. Each applicant shall provide documentation certifying that their telecommunications equipment complies with Federal Radio Frequency Emission Standards.
3. Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple or co-locate on an existing tower. Nor shall any screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silo, or similar structure.
4. Applications by providers to use co-location space on an approved existing telecommunications tower shall be permitted by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height on a tower located in all zoning districts except the industrial (I) zoning district shall require the co-locator or applicant to apply for an amendment to the original Special Use Permit or apply for a new Special Use Permit.
5. Outdoor storage of equipment or other related items is prohibited.
6. Equipment buildings associated with telecommunications antennae shall not be used as an employment center in any zoning district. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
7. Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

**5.1.39 Temporary Seasonal Use and Structure**

The establishment of temporary sales lots for Christmas trees and other seasonal agricultural products and related goods are permitted for a maximum of three (3) months upon the issuance of a Temporary Use Certificate of Zoning Compliance by the Zoning Administrator. The following conditions and exceptions shall apply.

1. No more than one (1) trailer shall be used to store goods for sale.

2. The use may only be located on a vacant lot, on a lot occupied by a non-residential use, or on the site of a bona fide farm operation.
3. Off-street parking may be provided behind or to the side of the established use but not in front of the street right-of-way.
4. On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.

#### **5.1.40 Utility Services**

Buildings and facilities associated with utility services (including electricity, natural gas, telephone, cable television and internet, water, and sewer) shall require the issuance of a Special Use Permit.

#### **5.1.41 Woodworking Shop**

1. The site shall be utilized in a manner that prevents noise and dust from adversely impacting adjacent properties.
2. All outdoor storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

#### **5.1.42 Small Engine Sales & Service**

Outdoor areas used for repairs or storage shall be screened from view of adjacent streets and all residentially zoned properties by an eight (8) foot in height privacy fence.

#### **5.1.43 Bar/Tavern**

1. All facilities and structures related to the use shall be located at least 500 feet from any lot line in a Residential (RA, R-20, R-15, R-12) district.
2. Outdoor seating entertainment areas shall not be permitted adjacent to the public street or within 300 feet of a residential use or residentially zoned lot.

#### **5.1.44 Construction Company/Contractor**

All outdoor storage areas shall meet the requirements of Section 8-6(A).

#### **5.1.45 Animal Rescue, Large**

1. The property must have more than 10 acres.
2. The rescue must provide proof of non-profit status and liability insurance on a yearly basis.
3. All fences must be kept in good repair.

4. Large animal rescues will be allowed to house up to 1.5 times the normal allowed animals per acre with supplemental feeding.
5. The entirety of the property (buildings, pastures, and fencing) must be kept clean and orderly at all times.

#### **5.1.46 Sign Painting Shop**

The site, to include indoor and outdoor work and storage areas, shall be utilized in a manner that prevents noise, dust, paint, and fumes from adversely impacting adjacent properties.

#### **5.1.47 Food Truck**

Permit –

- A. A Food Truck permit shall be required prior to the operation of a Food Truck; see Stanfield General Ordinances regarding Privilege License.
- B. An applicant may apply for more than one such permit.
- C. No permit issued shall authorize a Food Truck to operate on or from a public street.

General Requirements –

- A. Food Truck vendors shall provide documentation of approval from the Stanly County Department of Inspections. A valid health permit must be maintained for the duration of the Food Truck permit and shall be placed in a conspicuous location for public inspection.
- B. Temporary connections to potable water are prohibited.
- C. No liquid, grease, or solid waste may be discharged from the Food Truck. Absolutely no waste may be disposed of in tree pits, storm drains, the sanitary sewer system (except by permit only), or public streets.
- D. All areas near the Food Truck must be kept clean at all times.
- E. Trash receptacles shall be provided by the vendor for customers to dispose of all waste associated with the Food Truck. The Food Truck vendor shall be responsible for removing all trash, litter, and refuse from the site. This includes waste improperly discarded by customers. Public trash receptacles shall not be used for compliance with this section.
- F. The noise level from the Food Truck shall comply with the municipality's noise ordinance.
- G. No signage shall be allowed other than signs permanently attached to the movable trailer or motorized vehicle and a portable menu sign no more than six square feet in

display area on the ground in the customer waiting area and 2 ground signs to be removed daily.

H. No vendor shall remain on site at one property for more than 12 consecutive hours.

I. No Food Truck shall operate as a drive-through.

J. Food Trucks shall not connect to electric receptacles owned by the Town.

Location Requirements –

A. Food Trucks may only conduct business in the following locations:

1. On all privately owned Commercial property subject to the approval of the property owner.
2. On any zoning lot, when performing a solely catering function for the owner and not selling food to the general public.
3. Location requirements shall not apply in any respect to food vending to any non-profit fundraising event, market, or festival sanctioned by the Town.

B. A Food Truck may locate on a vacant lot or a lot with another principal structure.

C. The Food Truck shall not block drives, other access to loading/service areas, or emergency access and fire lanes. Food Trucks shall be positioned at least ten feet away from any fire hydrants, any fire-department connection, utility box or vault. The Food Truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A Food Truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, building entrances and exits.

Enforcement –

A Food Truck permit may be denied, suspended, or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, or if the Food Truck is found to constitute a danger to the public health and safety. Notice of revocation shall be made in writing to the permit holder.

**5.1.48 Mixed Use Building**

1. The applicant shall provide a sketch of the building and property that denotes the residential and commercial use areas.
2. Adjacent uses shall be identified by type (residential, commercial, or mixed use).
3. The commercial use proposed must be identified as a use allowed in the underlying zoning district.
4. Hours of operation shall be compatible with surrounding uses.

5. Noise intensity shall be compatible with surrounding uses.
6. Types of uses proposed shall be compatible with surrounding uses.
7. In multi-story buildings, commercial use areas are encouraged on the ground floor.
8. If the mixed use involves the conversion of a residential building to a commercial use, documentation shall be provided from Stanly County as to whether or not a building permit is required.
9. Buildings in the commercial core of the town that have historically been used solely for commercial purposes shall retain a commercial use and should not serve solely as a single-family dwelling.

## ARTICLE 6

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 6-1 **Purpose and Applicability**

In order to have safe, well designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings, the following standards apply to all accessory and principal use parking lots in all zoning districts, unless otherwise noted.

#### 6-2 **Parking Lot Requirements**

- A) Accessory parking lots located in the General Business (GB) or Industrial (I) zoning district shall be located primarily to the rear of the principal building and may be accessed from the front, side, or rear of the property. No more than two (2) rows of parking shall be located between a primary façade and the street.
- B) On multi-building development sites in the Central Business (CB) and General Business (GB) zoning districts, where the principal buildings are located close to the perimeter of the development site, parking may be permitted to be located in the front of any building which does not front a public street (such as an interior courtyard parking arrangement). On such sites, any street fronting a portion of the development which is intended to provide screening between the public street and interior parking lot(s) but which has not yet been developed shall be subject to the parking area landscaping standards found in Section 9-4 (C). At the discretion of the Zoning Administrator, additional landscaping may be requested to be incorporated into the parking lot itself and may only be required for that portion of the lot which is exposed to the public street.
- C) Parking lots and parking garages located in the Central Business (CB) and General Business (GB) zoning districts shall not abut an intersection of arterial streets or occupy lots which terminate a vista (a distant view through or along a street or public space).
- D) In the Central Business (CB) zoning district only, on-street parking directly in front of the lot shall count toward fulfillment of the parking requirement for that lot.
- E) All off-street parking shall be served by interior circulation drives. No private off-street parking spaces shall directly connect to public streets.

#### 6-3 **Parking Lot Paving**

- A) All driveway and parking areas, that are required to have 10 parking spaces or more, shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking. This standard does not apply to single family detached residential lots and shall only apply to that portion of a business lot that is used for and serves employee and/or visitor parking.
- B) All parking areas shall be curbed; however, broken curbing is allowed to permit the free flow of storm water. This standard does not apply to single family detached residential lots



and shall only apply to that portion of a business lot that is used for and serves employee and/or visitor parking.

- C) Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement, or brick pavers. This standard does not apply to single family detached residential lots.
- D) All driveways entering from Town owned streets shall be paved with asphalt, concrete, or brick pavers a minimum of 15' in length at the entrance leading to the parking lot area. This standard shall apply to all new paved and unpaved parking lot areas. This standard does not apply to single family detached residential lots.

#### **6-4 Parking Lot Aisles**

- A) No more than two (2) parking aisles (defined as a travel lane and the parking located on each side) shall abut. Parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. *(See Article 8 for landscaping requirements.)*
- B) No more than 30 parking spaces shall be contained within one (1) parking aisle.
- C) Parking aisles shall be a minimum of 24 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic.
- D) No parking aisle serving the general public that contains more than 10 parking spaces shall dead end. Any parking aisle that dead ends shall be provided a suitable turnaround.

#### **6-5 Parking Lot Spaces**

- A) Required parking shall be provided on-site or adjacent to the development site requiring the parking. Shared parking areas are encouraged and shall be permitted whenever the Zoning Administrator determines that the minimum parking requirements can be met for each use.
- B) Parking spaces shall be clearly marked on the ground for all uses except single-family detached residential.
- C) Each automobile parking space shall not be less than 10 feet wide and 20 feet long, exclusive of adequate entrance and exit drives and maneuvering space as determined by the Zoning Administrator. Such space shall be provided with vehicular access to a street or alley and shall be designed by use of landscaping or wheel guards to prevent commercial traffic from backing onto any public roadway.
- D) Parking shall be provided at the rate of one (1) space per 500 square feet of gross floor area except for the following:
  - 1) Office uses shall have at least one (1) space per 300 square feet of building area.
  - 2) Warehouse uses shall have at least one (1) space per each employee on the shift with highest employment plus one (1) space per each vehicle in business use.

- 3) Schools shall have at least one (1) space per employee, one (1) space per five (5) students, and one (1) space per each school bus kept on site.
  - 4) Shopping centers shall have at least three (3) spaces per 1,000 square feet of gross floor area.
  - 5) Industrial uses shall have at least one (1) space per 1,000 square feet of gross floor area.
  - 6) Duplex residential units shall have at least two (2) spaces per unit.
  - 7) Multi-family residential unit parking shall be assigned as follows:
    - a) 1.5 spaces per unit in complexes with 20 or more units
    - b) 2 spaces per unit in complexes with fewer than 20 units
    - c) 1 space per unit in complexes with garages provided for residents
  - 8) Civic, social, and fraternal organizations shall have at least one (1) space per 250 square feet of gross floor area.
  - 9) Auditoriums and places of public assembly shall have at least one (1) space per six (6) seats or one (1) space per 50 square feet of gross floor area if no seats are provided.
- E) In addition to required parking spaces, drive-through facilities shall provide a minimum of five (5) stacking spaces per drive-through window or bay, except for the following:
- 1) Fast food restaurants shall have an additional five (5) stacking spaces located at or prior to the ordering station.
  - 2) Non-automated car washes shall only be required to have a minimum of two (2) stacking spaces per bay, one of which is located for use as a dry down area.
  - 3) Automated car washes shall be required to have an additional two (2) stacking spaces per bay
- F) Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.
- G) Adequate onsite turnaround area shall be provided for all parking spaces.

## ARTICLE 7

### DESIGN STANDARDS

#### 7-1 Purpose and Applicability

The following standards shall apply to all new construction and additions to existing structures in all commercial, mixed-use, and multi-family residential developments in all zoning districts, unless otherwise noted, in order to:

- A) Ensure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the town in general;
- B) Minimize traffic hazards and situations which endanger public safety;
- C) Protect existing development and property values through the promotion of high standards of design and compatibility;
- D) Provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well-planned parks and open spaces.

#### 7-2 Exceptions

The Stanfield Board of Commissioners may waive or modify one or more of these requirements, based upon recommendation from the Planning Board. To qualify for an exception, applicants must submit detailed design drawings for review by the Zoning Administrator, Planning Board, and Board of Adjustment.

#### 7-3 Design Standards for Buildings

##### A. *Arcades, Awnings, and Canopies.*

*In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.*

		DISTRICTS						
		R-A	R-20	R-12/R-15	CB	GB	I	PD
<b>“X” means the standard is required.</b>								
<b>“-” means the standard is not required.</b>								
(1)	When present, arcades, awnings, and canopies shall be designed as an integral part of the building and shall relate in design, placement, material, color, and scale to the building façade.	X	X	X	X	X	X	X
(2)	Awnings and canopies shall be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or streets.	X	X	X	X	X	X	X
(3)	In no case shall any awning, canopy, or arcade extend beyond the street curb or interfere with street trees or public utilities.	X	X	X	X	X	X	X
(4)	When present, arcades shall cover the entire sidewalk from the building front to the sidewalk edge but shall not extend continuously from one building to the next.	-	-	-	X	X	X	-

**B. Facades, Windows, and Roofs.**

*In order to have well designed façades that add to the town's architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all façades, windows, and roofs.*

		DISTRICTS						
		R-A	R-20	R-12/R-15	CB	GB	I	PD
<b>"X" means the standard is required.</b>								
<b>"-" means the standard is not required.</b>								
(1)	New construction and additions to or remodeling of existing buildings shall maintain a clear visual division between street level and any upper floors.	-	-	-	X	X	-	-
(2)	Retail activities within buildings shall be oriented toward the street and have direct access from sidewalks through storefront entrances.	-	-	-	X	-	-	-
(3)	No building front shall remain unbroken (unpierced) by a window or functional general access doorway for more than 50 feet.	-	-	-	X	X	-	X
(4)	The primary entrance to a building shall be architecturally and functionally designed on the front façade of the building facing the primary public street.	-	-	-	X	X	-	-
(5)	Building entrances shall be emphasized using design (massing), architectural features, and changes in the roofline	-	-	-	X	X	-	-
(6)	No less than 50 percent of the horizontal distance of any building front shall be designed with arcades, windows, entrances, awnings, or similar features.	-	-	-	X	X	-	X
(7)	Buildings with uses serving the public shall have recessed or covered doorways at each building front to shelter customers from the weather.	-	-	-	X	X	-	X
(8)	Windows on the street level front of commercial buildings shall constitute at least 20 percent and not more than 50 percent of the front façade. Windows on subsequent levels shall be a minimum of 15 square feet each.	-	-	-	X	X	-	-
(9)	Display windows on commercial buildings shall be clear transparent glass and shall not be lower than 12 inches above the sidewalk (including the lintel).	-	-	-	X	X	-	X
(10)	Window glass in non-residential buildings shall always be set back from the building face rather than flush with it.	-	-	-	X	X	-	X
(11)	Architectural embellishments that add visual interest to a façade or roof, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements, are encouraged.	X	X	X	X	X	X	X

**C. Size, Scale, and Compatibility.**

*In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.*

		DISTRICTS						
		R-A	R-20	R-12/R-15	CB	GB	I	PD
<b>“X” means the standard is required.</b>								
<b>“-“ means the standard is not required.</b>								
(1)	Large commercial buildings shall be broken down in scale by exterior architectural features (e.g. massing, designing the façade to mimic the appearance of multiple contiguous buildings, etc.).	-	-	-	X	-	-	X
(2)	Building or store entrances serving the public shall occur at least once every 150 feet along a building façade.	-	-	-	X	X	-	-
(3)	Wall articulations (breaks in the façade or roofline) shall be designed into all buildings no less than every 100 feet or more than every 25 feet along the building façade.	-	-	-	X	X	-	-
(4)	Retail stores in the Central Business (CB) zoning district shall be limited to a footprint of no more than 25,000 square feet.	-	-	-	X	-	-	-

**D. Drive-thru Windows and Similar Accessories.**

*In order to improve the appearance of services on individual sites and throughout the Town’s jurisdiction, the following standards shall in all districts, unless otherwise noted.*

		DISTRICTS						
		R-A	R-20	R-12/R-15	CB	GB	I	PD
<b>“X” means the standard is required.</b>								
<b>“-“ means the standard is not required.</b>								
(1)	Drive-through windows, freestanding ATMs, fuel pumps, and similar devices shall only be placed in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.	-	-	-	X	X	X	X
(2)	Drive-through windows, freestanding ATMs, fuel pumps and similar devices shall not be placed between the primary façade of a building and the public street.	-	-	-	X	X	X	X
(3)	Drive-through services are discouraged in the Central Business (CB) zoning district. If provided, they shall be located to the rear or side of the buildings and away from public streets.	-	-	-	X	-	-	-

## ARTICLE 8

### LANDSCAPING, BUFFERING, AND SCREENING REQUIREMENTS

#### 8-1 **Purpose and Scope**

The landscaping, screening, and buffer regulations, adopted and prescribed in this Ordinance, are found by the Stanfield Board of Commissioners to be necessary and appropriate to:

- A) Maintain and enhance Stanfield's existing tree coverage;
- B) Promote careful landscaping of outdoor areas;
- C) Soften and enhance the manmade environment;
- D) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;
- E) Safeguard and enhance property values and protect public and private investment; and
- F) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another.

#### 8-2 **Applicability**

A) **Exemptions:** These requirements shall not apply to:

- 1) Single-family detached dwellings or two-family dwellings on their own lots.
- 2) Multi-family developments containing four (4) or fewer dwelling units in a single zone (building) lot.
- 3) Property lines abutting railroad rights-of-way and utility easements in excess of 60 feet in width.

B) **Application:** These requirements shall apply to the following:

- 1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
- 2) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increase of more than 3,000 square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

## **8-3     General Requirements**

### **A) Planting and Maintenance.**

- 1) Landscaping, trees, and plant material shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plant material in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season.
- 2) All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American National Standards Institute (ANSI) standards. Topping (reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit) is not an acceptable pruning practice and is prohibited.
- 3) Severe pruning of trees is also prohibited. Pruning shall not exceed 25% of the overall tree canopy.

### **B) Screening Fences and Walls.**

A screening fence or wall area shall be maintained by the property owner, in good condition, throughout the period of the use of the lot.

### **C) Size and Spacing of Landscape Materials.**

- 1) Canopy trees shall be a minimum of eight (8) feet in height, with a minimum caliper of one and one half (1 ½) inches, immediately after planting. When mature, a canopy tree should be at least 40 feet high and have a minimum crown width of 30 feet. Canopy trees shall be planted 25 to 35 feet on center, depending on species.
- 2) Understory trees shall be a minimum of four (4) feet high, with a minimum caliper of one (1) inch. When mature, an understory tree should be between 15 and 35 feet high.
- 3) Evergreen trees shall be a minimum of six (6) feet immediately after planting.
- 4) Shrubs and hedges shall be a minimum of one (1) to two (2) feet in height immediately after planting.
- 5) Ground cover may include any plant material that reaches an average height of not more than 12 inches. Alternative materials may be used in lieu of grass provided they present a finished appearance and provide reasonably complete coverage at the time of planting.
- 6) Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees, shall be avoided.

**D) Type of Landscape Materials.**

Species native to the Piedmont area which are drought tolerant are encouraged due to their higher likelihood of survival.

**E) Alternate Methods of Compliance.**

Where lot size, shape, topography, or existing structures make it not feasible to comply with the provisions of this ordinance, the Zoning Administrator may modify these provisions provided the alternate proposal will afford a degree of landscape screening and buffering equivalent to or exceeding the requirements of this ordinance.

**8-4 Required Landscaping Areas**

**A) Front Landscaped Area**

A front landscaped area shall be required for all non-residential uses and for multi-family developments with more than four (4) units.

- 1) The required landscaped area shall be contiguous to the front lot line of the property and have a minimum width of 10 feet. In the Central Business (CB) zoning district, the required minimum width shall be five (5) feet.
- 2) If the required building setback is less than the required planting yard minimum width, the building setback shall control, reducing the required planting yard width only alongside the building.
- 3) The landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one (1) canopy tree and 10 shrubs shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage. In circumstances where a canopy tree cannot be planted, due to the interference with utility lines or other site complications, two (2) understory trees may be substituted for every one (1) canopy tree, with permission from the Zoning Administrator.

**B) Buffer Area**

A buffer area shall be required to separate and screen incompatible land uses from each other. A buffer area shall be required along all boundaries of a two-family, multi-family, or a nonresidential lot abutting a less intensive use. Such buffer shall comply with the following minimum standards.

- 1) A buffer area shall be located within the boundaries of the subject property. The buffer may be located on abutting property, provided the owners of all abutting properties agree in writing to the proposal. Said agreement must be recorded and run with the land and provide stipulations for maintenance and upkeep, as deemed necessary.
- 2) The minimum width (in linear feet) of the buffer area shall be calculated following the buffer matrix below:



## PROPOSED USE

<b>Single-Family (SF)</b>	-	-	-	-	-	-
<b>Two-Family (TF)</b>	10	-	-	-	-	-
<b>Office (OF)</b>	10	5	-	-	-	-
<b>Commercial (CM)</b>	15	10	5	-	-	-
<b>Multi-Family (MF)</b>	15	10	5	-	-	-
<b>Industrial (IND)</b>	25	20	15	10	10	-
	<b>SF</b>	<b>TF</b>	<b>OF</b>	<b>CM</b>	<b>MF</b>	<b>IND</b>

## ADJACENT USE

- 3) The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the neighboring area. At a minimum, the planting shall consist of:
  - a) 5-10 foot buffers: five (5) trees, of which two (2) shall be canopy trees and three (3) shall be understory trees, and ten (10) shrubs per 100 linear feet, 50% of which shall be evergreen.
  - b) 15-20 foot buffers: ten (10) trees, of which four (4) shall be canopy trees and six (6) shall be understory trees, and 15 shrubs per 100 linear feet, 50% of which shall be evergreen.
  - c) 25 foot buffers: 20 trees, of which eight (8) shall be canopy trees and 12 shall be understory trees, and 20 shrubs per 100 linear feet, 50% of which shall be evergreen.
- 4) An earthen berm, fence, or wall of a location, height, design, and material approved by the Zoning Administrator may be substituted for any portion of the required planting and/or buffer area. Trees and shrubs shall supplement earthen berms, fences, or wall areas.
  - a) Fences and walls shall be constructed of materials congruous with the materials of the main building.
  - b) Fences and walls shall not contain advertising signs, logos, or other lettering unless expressly permitted by the Zoning Administrator.
  - c) Fences and walls shall be installed and maintained so as not to interfere with the sight distance needs of drivers in parking areas and at entrance and exit locations.
  - d) Landscaping berms shall not be used for the display of vehicles or merchandise.

### C) Landscaped Parking Area

Parking areas shall comply with the following minimum standards.

- 1) All uses required to have 20 or more off-street parking spaces shall have at least ten (10) square feet of interior landscaping, within the paved portion of the parking area, for

each parking space and at least one (1) canopy tree for every ten (10) parking spaces or fraction thereof. In circumstances where a canopy tree cannot be planted, due to the interference with utility lines or other site complications, two (2) understory trees may be substituted for every one (1) canopy tree, with permission from the Zoning Administrator.

- 2) Each interior landscaped area shall contain a minimum of 200 square feet and shall be planted with shrubs and trees.
- 3) A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of five (5) feet and shall be planted with two (2) canopy trees and ten (10) shrubs per 100 linear feet of perimeter area. In circumstances where a canopy tree cannot be planted, due to the interference with utility lines or other site complications, two (2) understory trees may be substituted for every one (1) canopy tree, with permission from the Zoning Administrator.
- 4) Interior landscaped areas shall be spaced throughout the lot to reduce the visual impact of long rows of parked cars. At a minimum, landscaped areas shall be distributed approximately once every ten (10) spaces for residential developments and once every 15 spaces for other types of development.
- 5) Landscaped areas shall be provided at the ends of parking aisles and shall be planted with shrubs and/or trees.
- 6) The required number of parking spaces may be reduced by one (1) parking space for each 150 square feet of interior planting area, not exceeding ten percent (10%).

## **8-5 Preservation of Existing Trees**

Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the community, and help minimize opposition to a proposed development. It is recommended that groups of trees be preserved, as well as individual trees. Existing trees preserved may be credited towards required trees and vegetation in landscaping areas, in accordance with the requirements contained within this Section.

### **A) Preservation Credits**

- 1) Preserved trees may be credited at the following rate:

<b>Preserved Tree Size</b>	<b>Preservation Credit Earned</b>
2-6 inch caliper tree	1 canopy tree
7-12 inch caliper tree	2 canopy trees
13-18 inch caliper tree	3 canopy trees
19-24 inch caliper tree	4 canopy trees
25 + inch caliper tree	5 canopy trees

- 2) To receive preservation credit, the preserved tree must be in good health and condition. No credit will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.
- 3) Trees designated to be preserved must be indicated on the site plan and on landscape and grading plans. Protective barriers, if utilized, must also be shown on the landscape and grading plans.
- 4) Trees located in any right-of-way maintained by the State of North Carolina or the Town of Stanfield cannot be utilized for credit. Such trees may not be pruned or removed without written permission from the Town of Stanfield.
- 5) Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, the preservation of existing stands of trees is encouraged.

#### **B) Protection of Existing Trees**

It is the intent of this Section to establish minimum standards of protection in order to ensure that trees that are to be saved remain undamaged, thus improving their long-term chances of survival.

- 1) No grading or other land-disturbing activity can occur on a site with existing trees which are designated to be preserved in order to meet landscaping requirements until protective barriers are installed by the developer and approved by the Zoning Administrator or his/her designee. Trees designated for preservation which are counted toward the landscape requirements must be protected by barriers, while trees designated for preservation which do not count toward the landscape requirements are encouraged to be protected by barriers.
- 2) Protective barriers shall be placed around the critical root zone of preserved trees that are within 50 feet of any grading or construction activity. The critical root zone is a circle extending around the tree with a one (1) foot radius for every inch of tree diameter. For example, a 10-inch diameter tree would have a barricade surrounding it, erected 10 feet away from the trunk. All protective barriers must be maintained throughout the building construction process. Protective barriers shall consist of one (1) or more of the following:
  - a) A fence which is at least three (3) feet high and constructed in a post and rail configuration, using two-by-four (2 x 4) posts and one-by-four (1 x 4) rails; or
  - b) A fence with posts placed no farther than 10 feet apart covered with four (4) foot orange polyethylene laminar safety fencing.
- 3) All contractors must be made aware of the areas designated for preservation. No disturbance can occur within the tree protection areas, including the following:
  - a) Grading;

- b) Filling, unless an aeration system certified by a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist, is installed to protect the tree from suffocation;
  - c) Parking;
  - d) Storage of debris or materials, including topsoil;
  - e) Disposal of hazardous wastes or concrete washout;
  - f) Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.
- 4) If any area within the critical root zone of the tree designated for preservation will be disturbed for any reason, a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist must recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.
  - 5) The site developer should coordinate with utility providers early in the design process to resolve potential conflicts about the placement of utilities and landscape requirements. Utilities must either be placed outside of the tree protection area or, with the approval of the Zoning Administrator, tunneled at least two (2) feet directly below the tree roots, to minimize root damage.

## **8-6 Screening Requirements**

### **A) Screening of Outdoor Storage Areas**

Outdoor storage areas, which contain trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, shall be screened from view of adjacent streets and all residentially zoned land by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.

### **B) Screening of Mechanical Equipment**

All non-residential uses shall screen from view from public places and neighboring properties all mechanical equipment, such as but not limited to, ground or roof mounted air conditioning units or pumps, through the use of features such as berms, fences, false facades, or dense landscaping compatible with the site.

### **C) Screening of Central Solid Waste Storage Area**

All new buildings and uses, except for single family and two-family dwellings, shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of a building, they shall be screened from adjacent property by an enclosure constructed of materials congruous with the materials on the exterior wall of the main buildings.

**8-7     Unoccupied Lot Areas**

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation routes, off-street parking, and outside storage shall be appropriately improved with ground cover, trees, shrubbery, or mulch. No exposed soils shall be permitted after issuance of the Certificate of Occupancy, except for agricultural activities or extraction of earth products.

## **ARTICLE 9**

### **SIGN STANDARDS**

#### **9-1 Purpose and Scope**

This section is intended to regulate and control signs and their placement throughout the Town of Stanfield for the following purposes:

- A) To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the Town;
- B) To create a more productive, enterprising, professional business atmosphere;
- C) To allow signs appropriate to the planned character and development of each zoning district;
- D) To ensure that permitted signs do not become a hazard or nuisance;
- E) To promote traffic safety;
- F) To prevent business and advertising signs from conflicting with public safety signs; and
- G) To protect and enhance the value of properties.

#### **9-2 Applicability**

- A) It shall be unlawful to construct, enlarge, modify, move, or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Zoning Administrator or his designee.
- B) Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.

#### **9-3 Exceptions**

The following types of signs are exempt from the permit requirements of this Section: Government; Memorial signs, plaques, or grave markers which are non-commercial in nature; Flags, pennants, insignia, or religious symbols of any government or not-for-profit organization when not displayed with a commercial promotion or as an advertising device. All such signs (except Government signs) shall be located outside a road right-of-way.

#### **9-4 General Provisions**

The following regulations shall apply to all signs.

#### **A) Construction Standards**

- 1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- 2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.
- 3) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

#### **B) Sign Illumination**

- 1) All illuminated signs shall be installed in accordance with the applicable provisions of the *North Carolina State Electrical Code*.
- 2) All detached signs shall be illuminated by an underground electrical source.
- 3) All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign and shall in no way shine directly into a public right-of-way or adjoining lot.
- 4) No commercial sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of midnight and 6:00 a.m. A residence shall be deemed pre-existing for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was completed on or prior to the effective date of this ordinance.

#### **C) Maintenance of Signs**

- 1) All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs shall be evidence of a lack of maintenance.
- 2) Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling, or otherwise endangering the safety of the public shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this ordinance.

#### **D) Obstructions Prohibited**

No sign shall be placed so as to obstruct the clear sight triangle at a street intersection, nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.

#### **E) Relation to Other Building Elements**

- 1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
- 2) Sign material, style, and color shall complement the building façade in terms of design, scale, color, and materials.
- 3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, color, placement on the building, and lettering style.
- 4) Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.

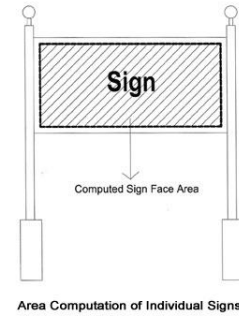
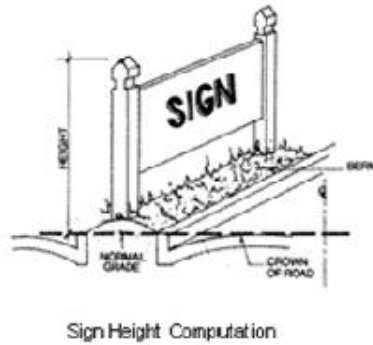
#### **F) Sign Height Computation**

- 1) Sign height shall be computed as the lower of:
  - a) Existing grade prior to construction
  - b) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- 2) The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.

#### **G) Sign Area Computation**

- 1) The area of a sign face (and the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display.
- 2) Any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed is included in calculation of the sign face area. However, supporting framework, bracing, or decorative fences and walls, when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself, are not included in such calculations.
- 3) The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign is composed of two (2) or more sign faces, only one (1) of which can be viewed from any one (1) point and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.





## H) Forfeiture of Signs Placed on Public Property

Any sign installed or placed on or over public property, except in conformance with the requirements of this Section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this Section and the Town Code of Ordinances, the Town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

## 9-5 Sign Placement

The following provisions shall apply to the placement of all signs in all districts:

### A) In General

- 1) Signs must be located entirely on private property, unless otherwise permitted by this Section.
- 2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

### B) Wall Signs

- 1) Wall mounted signs shall not extend above the eave or parapet of any building.

### C) Freestanding Signs

- 1) All parts of freestanding signs must be set back a minimum of five (5) feet from the property lines.
- 2) No freestanding sign shall be located closer than 15 feet from another structure on the same zoning lot.
- 3) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this Article.

### D) Temporary Signs

- 1) Temporary signs shall be located on private property unless expressly permitted by this Section to be posted on public property.

- 2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

## 9-6 Permanent Signs by Zoning District

Signs shall be permitted and prohibited within certain zoning districts as follows:

Sign Type	R-A	R-20	R-15	R-12	CB	GB	I	PD-CZ
Advertising	-	-	-	-	-	-	-	-
Directional	Z	Z	Z	Z	Z	P	P	Z
Directory	-	-	-	-	Z	Z	Z	Z
Freestanding	Z	Z	Z	Z	-	Z	Z	Z
Marquee	-	-	-	-	Z	Z	Z	Z
Portable	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	P	Z	Z	-
Suspended	-	-	-	-	Z	Z	Z	Z
Wall	Z	Z	Z	Z	Z	Z	Z	Z
Window	-	-	-	-	Z	P	P	Z

P=permitted without a permit

Z=permitted only upon issuance of a valid zoning permit

‘-‘=not permitted

Sign types not specifically listed in this table are not permitted

## 9-7 Sign Height

The following provisions shall apply to the height of all signs.

- A) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.
- B) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

Sign Type	R-A	R-20	R-15	R-12	CB	GB	I	PD-CZ
Advertising	-	-	-	-	-	-	-	-
Directional	4	4	4	4	4	4	4	4
Directory	-	-	-	-	6	6	6	6
Freestanding	5	5	5	5	-	7	8	7
Marquee	-	-	-	-	N/A	N/A	N/A	N/A
Portable	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	-	N/A	N/A	-
Suspended	-	-	-	-	N/A	N/A	N/A	N/A
Wall	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Window	-	-	-	-	N/A	N/A	N/A	N/A

Sign heights measured in square feet

## 9-8 Number of Signs Permitted

The number of signs by sign type permitted on an individual zoning lot shall be as follows:

Sign Type	R-A	R-20	R-15	R-12	CB	GB	I	PD-CZ
Advertising	-	-	-	-	-	-	-	-
Directional	2	2	2	2	2	2 <sup>1</sup>	2 <sup>1</sup>	2 <sup>1</sup>
Directory	-	-	-	-	1	1	1	1
Freestanding	1	1	1	1	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>
Marquee	-	-	-	-	1	1	1	1
Portable	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>	-
Suspended	-	-	-	-	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>
Wall	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>
Window	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<sup>1</sup>Per street front or development entrance

<sup>2</sup>Per storefront

## 9-9 Sign Area by Zoning District

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

Sign Type	R-A	R-20	R-15	R-12	CB	GB	I	PD-CZ
Advertising	-	-	-	-	-	-	-	-
Directional	2	2	2	2	2	2	2	2
Directory	-	-	-	-	18	18	18	18
Freestanding	24	24	24	24	-	24	64	24
Marquee	-	-	-	-	1	1	1	1
Portable	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	4	2	2	-
Suspended	-	-	-	-	3	3	3	3
Wall	4	4	4	4	4	4	4	4
Window	-	-	-	-	2	2	2	2

<sup>1</sup> Shall not exceed 75% of the size of the marquee.

<sup>2</sup> Shall not exceed 25% of the window area.

<sup>3</sup> Shall not exceed ½ the size of the nearest window or door on the same building or façade

<sup>4</sup> Shall not exceed 25% of the wall area of the façade on which it is located.

## 9-10 Permanent Signs Limited

The following permanent signs shall be permitted without a zoning permit.

- A) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the Town or State or an agent of such.
- B) On-premise directional signs not exceeding four (4) feet in height or four (4) square feet in area.
- C) Identification signs not exceeding two (2) square feet in area nor two (2) feet in height.

- D) Incidental signs.
- E) Flags on permanent poles.
- F) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
- G) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- H) Traffic control signs on private property, the face of which meets NC Department of Transportation standards and which contain no commercial message of any kind.

#### **9-11 Temporary Signs Limited**

The following temporary signs are allowed without a zoning permit in all zoning districts but shall be in conformance with all other requirements of this ordinance.

A) Campaign or election signs shall be permitted provided that:

- 1) Individual signs shall not exceed 16 square feet in area nor four (4) feet in height.
- 2) All signs shall be removed within seven (7) days after the election for which they were made.
- 3) No signs shall be permitted in the public right-of-way.

B) Real estate signs, excluding temporary development signs, provided that:

- 1) Signs advertising all residential lots, building units, or spaces for sale or for lease shall not exceed six (6) square feet in area nor four (4) feet in height.
- 2) Signs advertising all non-residential lots, building, units, or spaces for sale or for lease shall not exceed a sign face area of 32 square feet or exceed a height of six (6) feet.
- 3) Only one (1) sign per street front of the advertised property shall be erected.
- 4) Signs shall not be illuminated.
- 5) Signs shall be removed within seven (7) days after the sale is closed or rent or lease transaction finalized.

C) Construction signs are permitted provided that:

- 1) Signs located on residential lots, excluding multi-family sites, shall not exceed six (6) square feet in area. The maximum height of such signs shall be six (6) feet.
- 2) Signs for all multi-family development sites and nonresidential uses shall not exceed a sign face area of 32 square feet or a height of six (6) feet.

- 3) Signs are confined to the site of construction.
  - 4) Only one (1) sign per street front of the property under construction shall be erected.
  - 5) Signs shall not be illuminated.
  - 6) Signs shall be removed within seven (7) days after the completion of the project.
- D) Temporary farm products signs are permitted provided that:
- 1) Signs are located on the premises where the products are sold.
  - 2) Signs advertise products produced on-site only.
  - 3) Signs shall not exceed 24 square feet in area nor five (5) feet in height.
  - 4) Only one (1) sign shall be erected.
  - 5) Signs shall be removed within seven (7) days of the termination of sale activities.
- E) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:
- 1) Signs shall not exceed 32 square feet in area nor five (5) feet in height.
  - 2) Signs shall be erected no sooner than 14 days before and removed seven (7) days after the event.
- F) Holiday lights and decorations.
- G) One (1) on-premise and two (2) off-premise yard sale signs per yard sale. All such signs shall be removed within 24 hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off of the street right-of-way.
- H) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
- I) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

## **9-12 Temporary Signs Requiring a Permit**

Temporary signs permitted upon issuance of a valid zoning permit shall be limited as follows:

- A) Temporary banners in commercial districts, provided that:
- 1) Only one (1) banner per establishment shall be allowed at a time.

- 2) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
  - 3) No paper banners shall be allowed.
  - 4) Banners shall be erected for a period not to exceed two (2) weeks.
  - 5) No more than six (6) such signs per establishment shall be erected within a calendar year.
  - 6) No banner shall extend above the second occupiable floor level of a building.
- B) Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial, civic, charitable, community, or similar organizations, provided that:
- 1) Temporary signs shall be located outside of the public right-of-way or at least 11 feet from the edge of any public street if the right-of-way cannot be determined.
  - 2) Every temporary off-premise sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premise sign on the same side of a street, and by a distance of 200 feet from any other sign on the opposite side of a street.
  - 3) Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
  - 4) Any temporary sign not expressly permitted without a permit.

### **9-13 Prohibited Signs**

Notwithstanding Section 9-6 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

- A) Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the Board of Commissioners, if placed along public streets.
- B) Roof signs.
- C) Flashing, fluttering, swinging, wind-activated, rotating, animated signs and other digital or electronic message boards, excluding flashing time and/or temperature signs.
- D) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.

- E) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
- F) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
- G) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
- H) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
- I) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the Zoning Administrator.
- J) Off-premises signs advertising adult establishments.
- K) Off-premises signs on parcels of land that are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this article.
- L) Inflatable devices or balloons.
- M) High intensity searchlights.
- N) Any object displayed in a manner which is intended to attract attention to a site, product, or event.
- O) Any sign listed as not permitted in Section 9-6.
- P) Any sign not expressly permitted by this article.
- Q) Advertising sign (i.e. Billboard)
- R) Portable signs

#### **9-14 Enforcement of Regulations**

Any sign, structure, or other form of advertising defined as a sign herein that is erected or placed anywhere in Stanfield after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Section 11-6 of this ordinance.

## ARTICLE 10

### NONCONFORMING USES AND STRUCTURES

#### 10-1 Purpose and Applicability

The purpose of this Article is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Such nonconforming uses shall not be changed in any manner, except as provided for in this Article.

#### 10-2 Nonconforming Uses of Structures

- A) A nonconforming use may be renovated only within the existing area of the structure in which the nonconforming use is being conducted.
- B) A nonconforming residential use located in a non-residential district may be enlarged or altered, provided that no additional dwelling units result from the expansion. Any such enlargement or alteration shall be compliant with all yard requirements of the zoning district in which the use is located.
- C) No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
  - 1) Those structural changes ordered by an authorized official in order to ensure the safety of the structure.
  - 2) Maintenance and repairs to keep a structure in sound condition.
- D) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

#### 10-3 Nonconforming Uses of Land

- (A) Nonconforming uses of land, which may include structures as incidental and accessory to the use of the land (i.e. storage yards, areas for recreational purposes) shall not be used for other nonconforming purposes, once the nonconforming use has been abandoned.
- (B) A nonconforming use of land shall not be expanded to use more land than was occupied by the use when it became nonconforming.
- (C) A nonconforming use of land shall not be changed to any other nonconforming use.

#### 10-4 Abandonment of Nonconforming Uses

Where a nonconforming use is discontinued or abandoned for a period of 180 days, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.



#### **10-5 Removal of Structure**

When nonconforming status applies to both the land and the structure thereon, the removal of such structure shall eliminate the nonconforming status of the land and a nonconforming structure shall not be rebuilt, or the use of a conforming structure for a nonconforming use shall not be permitted.

#### **10-6 Reconstruction of Damaged Nonconforming Structures**

- A) If a nonconforming structure is destroyed (i.e. received damage to an extent of more than 60% of its assessed value at the time of destruction), such use may only be allowed to re-establish in accordance with the zoning regulations in effect in the zoning district in which it is located. Assessed value shall be determined by using tax assessment records for the year in which the structure was destroyed.
- B) A nonconforming structure damaged by fire, explosion, or other catastrophe may be rebuilt, subject to the following provisions:
  - 1) Applications must be filed for a Zoning Permit and Building Permit to undertake reconstruction of the structure no later than 180 days after the use has been damaged.
  - 2) Such construction, reconstruction, or repair shall be undertaken within one (1) year of the catastrophe.
  - 3) Such construction shall not extend further into any previously deficient front, rear, or side yard or exceed the lot coverage of the previous structure.

#### **10-7 Nonconforming Lots of Record**

- A) A lot approved by the Planning Board of the Town of Stanfield on a final plat or a preliminary plat and where, in reliance on such preliminary approval, substantial improvements have been made upon the ground prior to the effective date of this Ordinance may be used for any use provided for in the applicable districts, subject to the following conditions:
  - 1) For the purpose of placement of a principal structure on such lot, the minimum yard requirements which were applicable to such lots at the time such lots received approval from the Town of Stanfield shall be observed. All other structures proposed on such lots shall meet all requirements of this Ordinance.
  - 2) If two (2) or more adjacent vacant lots, neither one (1) of which meet the lot width and/or area requirements of the zoning district in which they are located are of single ownership and if these lots in combination meet the dimensional requirements established for lot width and area, the lands involved shall be deemed to be an individual lot.

#### **10-8 Existing Manufactured Homes**

A) Manufactured homes which are located on existing individual lots or within existing manufactured home parks and are occupied for residential purposes and which were so used prior to the adoption of this Ordinance are hereby classified as legal nonconforming uses. Such nonconforming uses are permitted to continue and may be improved provided as follows:

- 1) Maintenance and repairs necessary to keep such nonconforming manufactured homes in a safe and sound condition are permitted.
- 2) Once a nonconforming manufactured home has been removed from an individual lot or from a space within an existing nonconforming manufactured home park, it shall not be allowed to be replaced with another manufactured home.

#### **10-9 Nonconforming Accessory Structures**

- A) A nonconforming accessory use or accessory structure may not be expanded or enlarged.
- B) No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction.

#### **10-10 Nonconforming Signs**

- A) Subject to this restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued, provided as follows:
- 1) Maintenance to nonconforming signs shall be limited to painting and repair of the existing sign. Replacement of sign faces or support structures or changes in material of which a component part of the sign is changed is prohibited.
  - 2) Changes in name or logo are prohibited.
  - 3) Once a nonconforming sign is removed or taken down, it shall not be replaced with another sign unless such sign is in conformance with this Ordinance.
  - 4) Signs that are nonconforming with respect to size or illumination requirements may be repaired and/or repainted provided such nonconformance is not increased. No other changes to this category of nonconforming signs shall be allowed.
  - 5) Signs that are nonconforming with respect to location or number permitted or any other provision of this article shall not be altered in any way except to make such sign comply with the provisions of this Ordinance.
  - 6) Nonconforming signs associated with a nonconforming use of a structure or land shall not be changed except to make such signs comply with the applicable regulations for the most restrictive district in which said use is permitted.

- 7) New signs for a legal nonconforming use of a structure or land shall be permitted in accordance with the applicable regulations for the most restrictive district in which said use is permitted.
- 8) If a nonconforming sign is destroyed (i.e. receives damage to an extent of more than 60% of the cost of replacing the sign) by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this Ordinance. Remnants of the former sign structure shall be cleared from the land.
- 9) If a nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 30 days after the use has ceased operation or the service or commodity has ceased being offered.

## **ARTICLE 11**

### **ADMINISTRATION**

#### **11-1 The Staff**

##### **A) Zoning Administrator**

The provisions of this Ordinance shall be administered by the Zoning Administrator and any other office designated by the Stanfield Board of Commissioners for the Administrator of this Ordinance. The Zoning Administrator shall have the following powers and duties to be carried out in accordance with these regulations, which include but are not limited to:

- 1) To serve as staff to the Planning Board and the Board of Adjustment with regard to their functions under these regulations and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, amendments to the zoning maps, appeals, variances, permit requests, and any other matters brought before them under this article.
- 2) To maintain the text of these regulations and the zoning maps.
- 3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- 4) To review applications for zoning permits filed under these regulations.
- 5) To recommend and comment on proposed amendments to these regulations and to the zoning maps.
- 6) To establish such rules of procedure and permit application forms as are necessary and proper for the administration of responsibilities under these regulations.

##### **B) Code Enforcement Officer**

The Code Enforcement Officer is charged with enforcing the provisions of the zoning regulations as set out herein except for enforcement duties specifically assigned to the Zoning Administrator. If the Code Enforcement Officer shall find that any of the provisions of this article are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering necessary actions to be taken to correct the deficiency. He shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Article to ensure its compliance.

#### **11-2 Boards**

##### **A) Board of Commissioners**

The Board of Commissioners shall have the following duties related to this Ordinance:

- 1) To review and from time-to-time initiate changes to this ordinance.
- 2) To decide upon any application or request for an amendment to this article or the zoning map.
- 3) To take any other action not delegated to the Planning Board or Board of Adjustment as deemed desirable and necessary to implement the provisions of this ordinance.

B) The Planning Board

The Planning Board shall have duties related to this Ordinance that include, but may not be limited to, the following:

- 1) To review and from time-to-time initiate changes to this ordinance.
- 2) To review and make recommendations on applications for changes to this Ordinance or the Zoning Map.
- 3) To review and make recommendations on any permit application to be heard by the Board of Commissioners.

C) The Board of Adjustment  
(See Article 12: Board of Adjustment)

D) Conflict of Interest

In accordance with NCGS 160A-381(d), no member of the Board of Commissioners or any appointed board (i.e. Planning Board) shall vote on any zoning map or text amendment request where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

### **11-3 Permits**

A) Zoning Permit Required

No building, sign, or other structure (except as provided otherwise in this Ordinance) shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filing of any lot for the construction of any building be commenced until the Zoning Administrator has issued a Zoning Permit for such work in accordance with a fee schedule established by the Stanfield Board of Commissioners.

B) Permit Expiration

Any Zoning Permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within one (1) year. Once a Zoning Permit has expired, construction on the property in question cannot proceed until a new zoning permit has been issued.

C) Permit Files

The Zoning Administrator shall maintain a record of all Zoning Permits on file at Town Hall and copies shall be made available on request to interested parties.

D) Condition of Approval

Zoning Permits issued based on dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction, which differ from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Section 11-6 of this Ordinance.

E) Right of Appeal

If a request for a Zoning Permit from the Zoning Administrator is disapproved or if a ruling of the Zoning Administrator is questioned, the aggrieved party may appeal such ruling to the Board of Adjustment in accordance with Section 12-6 of this Ordinance.

F) Site Plan Requirements

Prior to approval and issuance of a Zoning Permit for any new structure or expansion to an existing structure permitted under this Ordinance, all applicants shall be required to submit a site plan as outlined below. All site plans must be reviewed by the Zoning Administrator and found to meet submission requirements before any application for a zoning permit is deemed to be complete.

1) Single-Family Residential Structures

The site plan shall show the approximate location of the proposed structure on the lot, including distances from side, rear, and/or front setback lines, as required. This type of site plan may be drawn by the applicant and does not require an engineer, surveyor, or landscape architect's seal, unless such development appears to lie wholly or in part within a federally designated floodplain.

2) All Other Uses Except Non-residential

Excluding single-family residential structures and signs, flags, and similar structures, site plans for all other uses shall show:

- a) The approximate location of the proposed structure on the lot, including distances from side, rear, and/or front setback lines and distances from other structures;
- b) Adjacent streets and street rights-of-way;
- c) Adjacent property lines, owners, uses, and zoning districts;
- d) The location of any federally designated floodplain;

- e) The location of all existing and proposed public easements; and
- f) The location of any existing or proposed parking and loading areas and screening that may be required under the provisions of this Ordinance.

3) Non-residential Structures and Developments

Non-residential developments and proposed structures shall submit a site plan containing the requirements listed in the Town of Stanfield Subdivision Ordinance at sections 3-6 Information to be Contained in or Depicted on Preliminary and Final Plats, and 3-7 Supplemental Information to be Contained in or Depicted on Final Plats.

4) Signs, Flags and Similar Structures

Site plans for signs, flags, and similar structures shall show:

- a) The approximate location of the proposed structure on the lot, including distances from the side, rear, and/or front setback lines and distances from other structures;
- b) Adjacent streets; and
- c) Existing and/or proposed driveways, parking areas, walkways, and public easements.

G) Exceptions

Notwithstanding any other provisions of this Ordinance, no Zoning Permit is necessary for the following uses:

- 1) Street construction or repair.
- 2) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes supporting poles or structures located within a public right-of-way.
- 3) Specific signs exempted in Section 7-3 of this Ordinance.
- 4) Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses.

**11-4 Special Use Permits**

A) Permit Required

No zoning or building permit shall be issued until the Stanfield Board of Commissioners has approved a Special Use permit for the requested use.

## B) Applicants

A request for a Special Use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.

## C) Application

Applications for all Special Use permits or amendments to any approved Special Use permit must be filed with the Zoning Administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. The Zoning Administrator has the authority to waive any application requirements where the type of use or scale of proposal makes that information unnecessary or impractical.

A complete application will include all of the following:

- 1) A completed application form signed by all of the property owners of the area proposed for the permit or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the Board of Commissioners might impose.
- 2) A complete explanation of the proposed use(s) of the property.
- 3) A site plan prepared in accordance with the requirements of Section 11-3 (F) of this Ordinance.
- 4) A preliminary subdivision plat that meets all of the requirements of the subdivision ordinance when subdivision of the land is proposed.
- 5) Documentation containing facts that will be used to support the petition, including but not limited to, deed restrictions, letter of sufficiency regarding public water and sewer, proposed homeowners' association documents, and appropriate county and state approvals.
- 6) All appropriate fees.
- 7) A complete listing of all owners of adjacent property, their addresses, and tax identification numbers.
- 8) A synopsis or overview of the project, including information relevant to use, density, lot layout, housing type, planned amenities, and the like.
- 9) Any other information deemed by the Zoning Administrator to be necessary for sufficient review of the application.

## D) Review and Recommendation

- 1) Staff Review: The Zoning Administrator shall review all applications for a Special Use permit prior to review by the Planning Board. The Zoning Administrator shall



determine the number of copies to be submitted by the applicant to ensure that there are sufficient copies to send to the Planning Board and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than 30 working days prior to the Planning Board meeting at which the application is to be reviewed. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this Ordinance, the developer shall be notified, and the application rejected.

- 2) Planning Board Review: Once complete, the Zoning Administrator shall refer the Special Use permit application to the Planning Board for review and recommendation to the Stanfield Board of Commissioners. The Planning Board may, in its recommendation, attach reasonable conditions to the location, nature, and extent for the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other conditions the Planning Board may find appropriate. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

The Planning Board shall forward its recommendation with any conditions to the Stanfield Board of Commissioners within 45 days of receiving the application. If a recommendation is not made within 45 days, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.

#### E) Board of Commissioners Action

- 1) The Board of Commissioners shall review the application to determine compliance with this Article and all applicable regulations within the Town's zoning jurisdiction.
- 2) The Board of Commissioners shall approve no Special Use permit unless the following general findings of fact are made concerning the proposed special use:
  - a) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the plan submitted.
  - b) The use complies with all land use regulations and standards of the Town of Stanfield.
  - c) The use will not substantially injure the value of adjoining property, or the use is a public necessity.
  - d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
  - e) That the proposed use will not be in conflict with the objectives of the Town's Land Use Plan.

#### F) Withdrawal or Amendment of a Special Use Permit Application

An application for a Special Use permit may be withdrawn or amended as follows:

- 1) A petitioner may withdraw the petition filed according to this Article at any time up to the scheduling of the date of the public hearing on the petition.
- 2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the Zoning Administrator. On the date scheduled for the hearing, the Board of Commissioners may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- 3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Zoning Administrator no later than two (2) weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing except that, changes proposed by the petitioner, Planning Board, Board of Commissioners, and other interested parties may be presented at the hearing and considered by the Board of Commissioners during their deliberations.
- 4) If the Board of Commissioners deems any amendment to be a substantial change to the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.
- 5) If the Board of Commissioners deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

#### G) Hearing

- 1) A Special Use permit hearing will be conducted as a quasi-judicial hearing before the Board of Commissioners.
- 2) Sufficient notice of the public hearing must be given through the following means:
  - a) A notice of the public hearing shall be sent by first class mail to all contiguous property owners at least 10 days prior to the public hearing.
  - b) A notice shall be published in a newspaper having general circulation in Stanfield once a week for two (2) consecutive weeks.
- 3) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
  - a) The proposed special use will comply with all of the lot, size, yard, and other standards of this Ordinance, except as may be amended through an approved variance.

- b) The proposed special use will comply with all general and specific standards required by the appropriate section of this Article for the issuance of a Special Use permit for this use.

#### H) Decision

In considering an application for a Special Use permit, the Board of Commissioners may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relationship to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Commissioners may find appropriate, or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Board of Commissioners.

#### I) Effect of Approval

An approved application for a Special Use permit and all conditions that may be attached to the approval are binding on the property. All subsequent development and use of the property shall be in conformance with the Special Use permit and all plans, specifications, and conditions unless such are amended, or the permit terminated by the Board of Commissioners. Approval of applications involving major subdivisions of land, as defined in the Town of Stanfield Subdivision Regulations, shall be contingent upon preliminary plat approval by the Planning Board. Approval of the plat shall allow the applicant to proceed with the development as approved within the permit.

#### J) Effect of Denial

- 1) If the Board of Commissioners denies an application for a Special Use permit, a reapplication for that special use on that property shall not be made within one (1) year of the date of denial.
- 2) The Board of Commissioners may allow re-submission of the application within the one (1) year restricted period if it determines that since the date of action on the prior application, one (1) of the following criteria has been met:
  - a) The Town has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the Special Use permit should be developed; or
  - b) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed Special Use permit; or

- c) There has been a substantial change in conditions or circumstances, outside the control of the applicant, which justifies waiver of the one (1) year restriction on resubmission of a Special Use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

K) Amendment to an Approved Special Use Permit

- 1) Any major change to a development approved by Special Use permit shall require an amendment to the Special Use permit by the Board of Commissioners. Any proposed change in use, increase in density or intensity, decrease in open space and common recreational facilities, substantial change in the location of uses or streets from what is shown on the approved plans, any change in a condition imposed on the use by the Board of Commissioners or any other change the Zoning Administrator determines is significant shall be deemed a major change requiring an amendment to the Special Use permit. Factors to be considered by the Zoning Administrator in determining if a change is substantial include, but are not limited to, the extent of the change, the expected impact on adjacent properties, and the impact on offsite streets and other public infrastructure. Otherwise, the Zoning Administrator may approve minor changes to a permit.
- 2) The owner of property which is subject to an approved Special Use permit may petition for an amendment of the Special Use permit and accompanying conditions by following the procedures applicable to initiation of new Special Use permits.
- 3) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original Special Use permit, any plans or conditions which were a part of the original Special Use permit, and the present standards and requirements in this Ordinance.

L) Recognition of Previously Approved Special Use Permits

Special Use permits, which have been previously granted by the Board of Commissioners, will be recognized for building permit and other administrative purposes during the period of time the project was vested by the Ordinance under which it was approved. After the vesting period, if construction of the development has not begun or there is no valid building permit in effect for the property, the Special Use permit will be considered null and void.

M) Expiration of a Special Use Permit

- 1) Approval of a Special Use permit shall confer upon the developer all vested rights as set forth in Article II of this Ordinance.
- 2) In order for a Special Use permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the Special Use permit shall expire. No further construction may occur within the development until the Board

of Commissioners has issued a new Special Use permit. Application for a new Special Use permit shall follow the procedures outlined in this Article.

## **11-5 Amendments**

### **A) Authority**

Upon compliance with the provisions of this Article, the Stanfield Board of Commissioners shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

### **B) Initiation**

Any amendment may be initiated by the Board of Commissioners or Planning Board on its own resolution, by any owner of a legal or equitable interest in the property affected by the amendment, by a local government agency of Stanfield, or by any other person living or owning property within the zoning jurisdiction of Stanfield, in accordance with the procedures set forth herein.

When considering a petition for the re-classification of property to any district, neither the Planning Board nor the Board of Commissioners shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

### **C) Filing of Petitions**

For a re-classification of property proposed by any person or entity other than the Planning Board or Board of Commissioners, or for a petition to change the text of this Ordinance, such petition shall be on an application form provided by the Town and accompanied by the fee established by the Town Council. Said application form and fee shall be filed with the Zoning Administrator. Said application form and fee shall be waived for any petition submitted by any Stanfield official or agency acting on behalf of the Town of Stanfield.

### **D) Content of Application**

1) A petition for amendment to the text of this Ordinance shall consist of:

- a) A completed application form.
- b) A written justification for the requested amendment including consistency of the proposal with the Town's Land Use Plan.
- c) All appropriate fees.
- d) Any other information deemed necessary by the Zoning Administrator.

2) A petition for an amendment to the zoning map shall consist of:

- a) A completed application form.
  - b) A list of adjoining properties, including tax parcel numbers and the name and address of each owner. For the purposes of this Article, adjoining property owners shall include owners of properties lying within 100 feet of the subject property if located across a public or private street.
  - c) A map of the parcel and its relationship to the general area in which it is located.
  - d) All appropriate fees.
  - e) Any other information deemed necessary by the Zoning Administrator.
- 3) The Zoning Administrator shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment.
  - 4) A petition filed according to this Article may be withdrawn by the petitioner at any time up to the scheduling, by the Board of Commissioners, of the date of the public hearing on the petition.
    - a) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the Town Clerk. On the date scheduled for the hearing, the Board of Commissioners may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
    - b) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Zoning Administrator no later than three (3) weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Board of Commissioners, and other interested parties may be presented at the hearing and considered by the Planning Board and Board of Commissioners during their deliberations.
    - c) If the Board of Commissioners deems any amendment to be a substantial change to the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.
    - d) If the Board of Commissioners deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

#### E) Planning Board Review and Recommendation

- 1) Once the petition is complete, the Zoning Administrator shall refer the petition to the Planning Board for review and recommendation to the Board of Commissioners. The Planning Board shall have a maximum of 45 days from the date they receive the

petition to make such recommendation. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.

- 2) Prior to making a recommendation to the Board of Commissioners, the Planning Board shall consider whether the proposed rezoning is consistent with the Town's adopted Land Use Plan and shall adopt a Statement of Consistency to this effect, which shall include an explanation of why the Board considers its recommendation to be reasonable and in the public interest.
- 3) If a recommendation is made to the Board of Commissioners by the Planning Board concerning a petition for rezoning, said recommendation shall be as follows:
  - a) Grant the rezoning as requested, or
  - b) Grant the rezoning with a reduction of the area requested, or
  - c) Grant the rezoning to a more restrictive general zoning, or
  - d) Recommend that the application be denied.
- 4) If a recommendation is made to the Board of Commissioners by the Planning Board concerning a petition to amend the text of this Ordinance, it shall be as follows:
  - a) Adoption of the amendment as written, or
  - b) Adoption of the amendment as revised by the Planning Board, or
  - c) Rejection of the amendment

#### F) Public Notice and Hearing Required

In order for an amendment to the Zoning Ordinance text or a change in the zoning classification affecting the Zoning Map to be made in accordance with this Article, a public hearing must first be held by the Board of Commissioners.

- 1) Notification of the public hearing shall be as follows:
  - a) Prior to a public hearing for any proposed map amendment, the owners of all properties adjacent to the subject property shall be notified by first class mail of the place, date, time, and nature of the hearing. The person mailing these notices shall certify in writing that he/she has done so. Provided, however, that the first class mail notice required under this Section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners. In such case, the Town may elect either to provide the written notice or, as an alternative, may elect to publish notice of the hearing for two (2) consecutive weeks in a newspaper of general circulation in the Town, as required by NCGS 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be

effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified individually in writing, as provided above.

- b) For proposed text amendments and proposed map amendments when adjoining owners are notified by mail, a legal notice of public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in the Town, to be published the first time not less than 10 days prior to the date fixed for the hearing, but no more than 25 days before the hearing date.
- c) Notice of public hearing shall be posted on the property in question not less than 10 days prior to the date fixed for the hearing. The posted notice shall be located on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons, as per NCGS 160A-384(c).

#### G) Proceedings of Public Hearing

A public hearing held in consideration of an amendment to the Zoning Ordinance or Official Zoning Map shall be conducted according to these principles:

- 1) No amendment shall be adopted until after the Board of Commissioners has held a public hearing on the proposed amendment.
- 2) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Board of Commissioners.
- 3) When presenting a petition for the reclassification of property to a general-use district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design except for those which would apply to any use or development site design permitted in the requested district.

#### H) Board of Commissioners Action

Once the public hearing has been conducted, the Board of Commissioners shall render a decision on the petition.

- 1) The Board of Commissioners, after receiving the recommendation of the Planning Board, shall either reject the proposed amendment or approve the proposed amendment, with or without modifications. Alternatively, the Board of Commissioners may send the application back to the Planning Board for further study and consideration.
- 2) In considering any petition to reclassify property, the Planning Board, in its recommendation, and the Board of Commissioners, in its decision, shall consider all of the following:



- a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
  - b) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
  - c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to, roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, water supplies, and wastewater and refuse disposal.
  - d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- 3) Amendments to the Zoning Ordinance text and Official Zoning Map shall be made in accordance with the Town's adopted Land Use Plan. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and explain why the Board considers the action taken to be reasonable and in the public interest.
  - 4) When considering a petition to reclassify property to a general use district, the Planning Board and the Board of Commissioners shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
  - 5) In approving an amendment to reclassify property to a general use district, the Board of Commissioners may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to any other classification or classifications permitted by this Ordinance.
  - 6) The Board of Commissioners may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings, when, in the opinion of the board, such a change would not require a separate public hearing.

I) *Notification of Decision*

Once a public hearing has been held and closed and a final determination made by the Board of Commissioners, written notification of the decision shall be sent by first class mail to the applicant and any person(s) who have indicated in writing to the Zoning Administrator that they would like the decision mailed to them, within five (5) working days following the date of said decision. Similarly, notice shall be sent to the applicant in the same manner if the Board of Commissioners decides to re-submit the petition to the Planning Board for further review.

J) *Re-Submission of Petition*

A petition for a reclassification of property that has been denied in whole or in part shall not be re-submitted within one (1) year of the date of the Board of Commissioners' action on the original petition. The Board of Commissioners may, however, allow re-submission of a

petition within the one (1) year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:

- 1) There has been a similar change in the zoning district classification of an adjacent property.
- 2) The Board of Commissioners has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
- 3) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
- 4) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one (1) year restriction on a new petition. This shall not include a change in ownership of the subject property.

#### **11-6 Enforcement**

Whenever there is a violation of this article, the Code Enforcement Officer may take any or all of the following actions to stop such violation.

- A) The Code Enforcement Officer may revoke any zoning permit issued after written notification to the permit holder when violations of this Ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.
- B) Whenever a building, structure, or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Code Enforcement Officer may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.
- C) In addition to the other remedies cited in this Article for the enforcement of its provisions, and pursuant to NCGS 160A-175, the regulations and standards of this Article may be enforced through the issuance of civil penalties by the Code Enforcement Officer.
  - 1) Subsequent citations for the same violation may be issued if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the decision through the Board of Adjustment. Once the 10-day warning period has expired, each day the violation continues shall subject the violator to additional citations to be issued.
  - 2) The following penalties are hereby established:

- a) Warning citation ..... correct violation within 10 days
  - b) First citation..... \$50.00
  - c) Second citation for same offense .....\$100.00
  - d) Third and subsequent citations for same offense.....\$500.00
- 3) If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.
- D) Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed \$500.00 and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense, provided that the violation of this article is not corrected within 30 days after notice of said violation is given.
- E) The Code Enforcement Officer may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this Ordinance. It is not a defense to the Code Enforcement Officer's application for equitable relief that there are other remedies provided under general law or this Article.
- F) Enforcement of the provisions of this article may also be achieved by injunction. When a violation occurs, the Code Enforcement Officer may, either before or after the institution of other authorized action, apply to the appropriate division of the general court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
- G) In addition to an injunction, the Code Enforcement Officer may apply for, and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
- 1) Buildings or other structures on the property be closed, demolished, or removed;
  - 2) Fixtures, furniture, or other moveable property be moved or removed entirely;
  - 3) Improvements, alterations, modifications, or repairs be made; or
  - 4) Any other action be taken that is necessary to bring the property into compliance with this ordinance.

#### **11-7 Complaints Regarding Violation**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Code Enforcement Officer who shall properly record such complaint, immediately investigate, and take action as provided by this Ordinance.

## **11-8 Certificate of Occupancy**

- A) No structure hereafter erected, moved, structurally altered, or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by the Zoning Administrator. Any Certificate of Occupancy issued shall state that the structure or portion of a structure is compliant with the information stated on the Zoning Permit and with all applicable provisions of this Ordinance.
- B) A record of all Certificates of Occupancy issued shall be kept on file in Town Hall and copies shall be furnished, on request, to all interested parties.
- C) If a Certificate of Occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

## **11-9 Development Agreements**

Development agreements provide for a written agreement between a developer and the town to address the challenges and timing of build-out of large-scale projects. Agreements are appropriate for multi-phase projects requiring long-term commitment for public and private resources requiring careful coordination for planning, financing, and construction, but are not size-restricted. A development agreement is not a mechanism for a variance from the standards of this ordinance.

A) Content. A development agreement shall contain the following:

1. A description of the property and the names of legal and equitable property owners.
2. Length of the agreement.
3. Development uses permitted including population densities, intensities, building types, placement on site and design.
4. A description of public facilities defining:
  - i. Who will provide the facility.
  - ii. When the facility will be provided.
  - iii. A schedule demonstrating services will be provided concurrent with the development requiring the service.
  - iv. Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.
5. A description of land reserved or dedicated for public purposes.
6. Any other terms regarding public health, safety, or welfare.
7. Any provisions for the preservation and restoration of historic structures.

8. A development schedule may be provided including commencement and completion dates.
9. The agreement may contain penalties for material breach of the agreement.
10. Other matters agreed to by the parties within the scope consistent with this ordinance.

#### B) Parties to the agreement

The agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

#### C) Procedural Requirements

1. Before entering into a development agreement, the Board of Commissioners shall conduct a legislative hearing on the proposed agreement subject to the notice provisions of NCGS 160D-602 for zoning map amendments. The notice shall contain the following:
  - i. Location of the subject property.
  - ii. Proposed uses.
  - iii. Where a copy of the proposed agreement may be obtained.
2. The applicant is encouraged to move the development agreement concurrent with other project approvals such as zoning amendments. No development approvals may be issued until such time as the agreement is recorded.
3. Upon approval, the development agreement shall be recorded at the Stanly County Register of Deeds within 14 days of execution.

#### D) Breach and Cure

1. The Zoning Administrator is authorized to periodically review the agreement, at least annually, to ensure good-faith compliance with the agreement.
2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.
3. If the developer fails to correct the material breach within the time given, the local government may unilaterally terminate or modify the agreement subject to appeal to the Board of Adjustment.
4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

#### E) Amendment or termination

A developer agreement may be amended or terminated by mutual consent of the parties.

## ARTICLE 12

### BOARD OF ADJUSTMENT

#### 12-1 Authority of Board of Adjustment

The Board of Adjustment shall have the authority to:

- A) Hear and decide appeals from any order, decision, determination, or interpretation made by the Zoning Administrator pursuant to or regarding these regulations;
- B) Hear and decide petitions for variances from the requirements of these regulations;
- C) Make an interpretation of any portion of this Ordinance;

#### 12-2 Membership

The Board shall consist of five (5) regular members and a maximum of four (4) alternate members. Four (4) regular members and up to two (2) alternate members shall be residents of the Town of Stanfield and appointed by the Stanfield Board of Commissioners. One (1) regular member and up to two (2) alternate members shall be residents of the extraterritorial planning area and appointed by the Stanly County Board of Commissioners.

The alternate members of the Board shall be requested to attend all regular and special meetings and shall be able to cast a vote on an application for a variance, interpretation, or appeal when a regular member of the Board is absent or if such Board member has a conflict of interest. The alternate members shall have full privileges on the adoption or amendment of these rules of procedure and other procedural aspects of the Board's business.

#### 12-3 Meetings, Hearings, and Procedures

All meetings and hearing shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and Rules of Procedure adopted by the Board of Adjustment. Such Rules of Procedure may be amended by the Board of Adjustment membership.

Any Rules of Procedure adopted by the Board of Adjustment shall be kept on file in the office of the Zoning Administrator and shall be made available to the public at any meeting or hearing of the Board of Adjustment.

#### 12-4 Conflict of Interest

In accordance with NCGS 160A-388(e-1), members of the Board of Adjustment may not participate in or vote on any matter on which they have a fixed opinion prior to the hearing, have undisclosed ex parte (without equal representation) communications, have close family, business, or associational ties with an affected person, or have a financial interest in the outcome of the case. If an objection is raised to a member's participation and that member

does not recuse himself/herself, the remaining members shall by majority vote rule on the objection.

#### **12-5 Staff**

The Zoning Administrator shall serve as staff to the Board of Adjustment and shall provide technical assistance to the Board of Adjustment, as requested.

#### **12-6 Appeals**

An appeal may be initiated by any aggrieved party or by any officer, department, or appointed Board of Stanfield. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation, or citation made by the Zoning Administrator. In addition, the Zoning Administrator may ask the Board of Adjustment to interpret any portion of the Zoning Ordinance.

- A) The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed.
- B) The Board of Adjustment shall have all the powers of the Zoning Administrator in making any order, requirement, decision, interpretation, or determination with reference to an appeal.
- C) An appeal may be taken by any person who has first appealed to and received a ruling from the Zoning Administrator. An appeal to the Board of Adjustment shall be made within 45 days of the decision made by the Zoning Administrator. The Zoning Administrator may make an appeal to the Board of Adjustment at any time.

#### **12-7 Variances**

The Board of Adjustment may authorize, upon appeal in specific cases, variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship.

- A) The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:
  - 1) The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
  - 2) The request for a variance for a particular use expressly, or by inference, prohibited in the zoning district involved, shall not be granted. Certain temporary uses, however, are allowed per Section 4.18.
- B) The Board of Adjustment shall not grant a variance from the terms of this Ordinance unless and until the Board has found all of the following:

- 1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations. This shall be construed to mean:
    - a) If the property owner complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of his/her property.
    - b) The hardship results from the application of the requirements of the Ordinance.
    - c) The hardship is suffered by the applicant's property.
    - d) The hardship is not the result of the applicant's own actions.
    - e) The hardship is peculiar to the applicant's property.
  - 2) That the variance would be in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
  - 3) That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.
  - 4) That the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum one that will make possible the reasonable use of the land or structure.
- C) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 11-6 of this Ordinance.
- D) Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, any order of the Board of Adjustment in granting a variance shall expire if a building permit or Certificate of Occupancy (for a use in which a building permit is not required) has not been obtained within one (1) year from the date of the decision.

## **12-8 Application Procedures**

The following regulations apply to all applications submitted to the Board of Adjustment.

- A) Before a petition for a variance shall be heard, an application must be submitted to the Zoning Administrator along with the appropriate fee, in accordance with a fee schedule established by the Stanfield Board of Commissioners. This fee shall be waived for any petition initiated by the Zoning Administrator or a member of any official board of the Town of Stanfield. The application must be accompanied by a site plan clearly identifying the subject property, all contiguous pieces of properties (all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant.



- B) The filing of any application will stay all proceedings unless the Zoning Administrator certifies that a stay in his opinion will cause imminent peril to life or property or, that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Stanfield Board of Commissioners, Board of Adjustment, or by a court of record.
- C) Within three (3) working days after having received an application for an appeal, interpretation, or variance, the Zoning Administrator shall determine whether the application is complete. If it is determined that the application is not complete, a written notice shall be served on the appellant or petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to so notify the appellant or petitioner, the application shall be deemed complete.

#### **12-9 Public Notification**

The Town of Stanfield shall give notice of all public meetings. Said notice shall become a part of the record of the proceedings of the Board of Adjustment. Notice shall be given in the following manner:

##### **A) Interpretations and Appeals of the Zoning Administrator**

Notice shall be sent by the Town by first class mail to the applicant at least 10 days prior to the public meeting.

##### **B) Variances**

Notices shall be sent by the Town by first class mail to the applicant and owners of all contiguous properties at least 10 days prior to the public meeting. The notice shall indicate the nature of the meeting and the date and time at which it is to occur. At least one (1) sign shall also be conspicuously placed by the Town on the subject property/properties giving notice of the meeting. Said sign(s) shall be placed on the property/properties in question at least 10 days prior to the public meeting.

#### **12-10 Board of Adjustment Decision**

- A) The Board of Adjustment shall hold a public meeting on an application no later than 45 days after a complete application has been filed with the Zoning Administrator. The Board of Adjustment shall decide on the matter which was presented at the public meeting within 31 days of the close of the public hearing.
- B) The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make an interpretation of the Zoning Ordinance; reverse any order, requirement, decision, or determination of the Zoning Administrator; grant a variance; or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent, and material evidence in support of the application.

- C) All decisions of the Board of Adjustment shall be in writing and filed with the Zoning Administrator. A written copy thereof shall be sent by first class mail to the applicant within five (5) working days of the date of the decision of the Board of Adjustment.

#### **12-11 Appeals from the Board of Adjustment**

- A) An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 days after the date of the Board of Adjustment decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in judgment, such change in facts, evidence or conditions has not been proven. A public meeting shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, no additional application fee shall be required.
- B) Upon the denial of an original application or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one (1) year after the date of denial of the original application.
- C) Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 days after the decision of the Board is filed in the office of the Zoning Administrator or after a written copy thereof is delivered to every aggrieved part who has filed a written request for such copy with the Zoning Administrator or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.

## **ARTICLE XIII**

### **DEFINITIONS**

#### **13-1 Interpretation of Terms and Words**

For the purpose of interpreting this Ordinance certain words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

- A) Interpretations shall be guided by statements of intent.
- B) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- C) Words used in the singular number include the plural and words used in the plural number include the singular.
- D) The word “person” includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.
- E) The word “lot” includes the word “plot” or “parcel”, or “tract.”
- F) The word “shall” is always mandatory and not merely directory. The words “shall”, “must”, and “will” are mandatory, implying an obligation or duty to comply with the particular provision.
- G) The word “structure” shall include the word “building” and the word “building” shall include the word “structure.”
- H) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, “arranged”, or “designed” to be used or occupied.
- I) The words “Zoning Map”, or “Stanfield Zoning Map”, or “Official Zoning Map” shall mean the “Official Zoning Map of the Town of Stanfield, North Carolina.”
- J) Any word denoting gender includes the female and the male.
- K) The term “Board of Commissioners” shall mean the governing board of the Town of Stanfield as stated in North Carolina General Statutes (NCGS) 160A-1 (2).
- L) The term “Planning Board” shall mean the “Planning and Zoning Board of Stanfield, North Carolina”.
- M) The term “Board of Adjustment” shall mean the “Board of Adjustment of Stanfield, North Carolina”.

- N) The term “Zoning Administrator” shall mean the “Zoning Administrator of Stanfield, North Carolina”.
- O) The term “this ordinance” shall refer to the “Town of Stanfield Zoning Ordinance”.
- P) The word “may” is permissive, except when the context of the particular use is negative, then it is mandatory (e.g. “may not”).
- Q) The word “should” whether used in the positive or the negative is a suggested guideline.
- R) References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- S) The word “street” includes the words “road”, “avenue”, “place”, “way”, “drive”, “lane”, “boulevard”, “highway”, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
- T) Any reference to a section shall mean a section of the Town of Stanfield Zoning Ordinance, unless otherwise specified.

## **13-2 Definitions**

### **ABC Store**

Short for Alcoholic Beverage Control, a store that sells alcoholic beverages, such as beer, wine, and distilled spirits.

### **Abandoned**

A use shall be deemed to be abandoned when:

- a) The use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or
- b) The premises are devoted to another use; or
- c) When the characteristic equipment and furnishings of a nonconforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days, or
- d) Failure to take all positive action to resume the nonconforming use with reasonable dispatch including the failure to advertise the property for sale or for lease.

### **Abutting Properties**

Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

### **Accessory Building**

A building customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

### **Accessory Communication Antennae**

An antennae configuration that is attached to a building water tower or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

#### Accessory Dwelling Unit, Attached

A second dwelling unit within an accessory structure, which is attached to the principal structure and is restricted in area, purpose, and occupancy in accordance with this ordinance.

#### Accessory Dwelling Unit, Detached

A second dwelling unit within an accessory structure, which is detached and located not less than five (5) feet from the principal structure and is restricted in area, purpose, and occupancy in accordance with this ordinance.

#### Accessory Structure or Use

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. Accessory structure shall include freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

#### Adjacent Property

This term shall mean anything that is contiguous or abutting with the assumption that railroads, road, and other rights-of-way do not exist.

#### Administrative Decision

Decision made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in the Zoning Ordinance of the Town of Stanfield.

#### Administrative Hearing

A procedure to gather facts needed to make an administrative decision.

#### Adult Establishment

Any structure or use of land which meets the definition of Adult Establishment as outlined in NCGS 14-202. 10, including adult video stores, hotels, and motels, but excluding massage therapy.

#### Adult Video Store

Any store which receives a majority of its gross income during any calendar month from the sales or rental of films, motion pictures, video cassettes or video reproductions, slides, computer media, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas" as defined in N.C.G.S. 14-202.10.

#### Adult Hotel or Motel

A hotel, motel, or similar commercial establishment that:

- a) Provides patrons with closed circuit television transmissions, films, motions pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
- b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours.

Alley

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

Alteration

A change in the size, configuration, or location of a structure; a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Amendment

Any change by the Town Council to the text of these regulations or the official zoning maps.

Amortization

A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

Amusement Arcade

A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games, and skeet ball machines.

Amusement Park, Fairgrounds, Carnival

A commercially operated park with stalls and shows for amusement, on either a temporary or permanent basis.

Animal Grooming

A professional establishment engaged in the washing, brushing, and trimming of an animal's coat.

Animal Hospital

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital, except for kennels used for boarding purposes, shall be located indoors.

Animal Shelter

A public, non-profit, or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store

A retail establishment whose business is limited to the sale of supplies (e.g, feeds and pharmaceuticals) and equipment (e.g, bridles, barbed wire) related to the keeping of horses and farm animals.

Antenna

A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Applicant

Any person seeking approval under these regulations for any form of development or use of land.

Architect

A person licensed to practice architecture in the State of North Carolina.

Arcade

A series of arches supported on piers or columns. Also, an arched, roofed gallery or passageway with shops on one or both sides.

Arena

A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Auditorium

A large room, usually with a stage and seating area for an audience, used for lectures, talks, and performances.

Automatic Teller Machine (ATM)

A type of banking and financial service with automated or self-service banking features with no staff or personnel provided.

Automobile Service Station, Auto body Repair

Any building, premises, and land in which or upon which the primary use of land is a business which involves the painting, maintenance, or servicing of vehicles. Also, a use where vehicular fuels are sold at the retail level and where the installation of such automobile items as lubricants, tires, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

Automobile Parts Supply Store

An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto part sales, or the installation of such parts.

Autonomous Vehicle

An aerial drone or unmanned vehicle.

Awning

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position.

Bakery (Retail)

The use of a structure or building for the production of bakery products including, but not limited to, bread, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

### Bakery (Wholesale)

The use of a structure or building for the production of bakery products including, but not limited to, bread, cakes, pastries, and doughnuts, on a large scale and for distribution to retail outlets, rather than directly to the consumer.

### Bank, Savings and Loan, Credit Union

A facility engaged in deposit banking or extending credit in the form of loans.

### Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

### Banquet and Event Facilities

A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays, and similar occasions.

### Bed and Breakfast Inn

A use that:

- a) Takes place within a building that prior to such establishment, was designed and used as a single-family residence, and
- b) That consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers, and similar transients, and
- c) Where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guest(s); and
- d) Where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.

### Berm

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

### Billiard Parlor

A commercial establishment where people play cue sports including pool, snooker, or carom billiards.

### Blood Relative

For the purpose of this ordinance a blood relative(s) shall be the great-grandparents, grandparents, parents, children, brothers, sister and their spouses and the parents-in-law of the owner/occupant of the principal structure.

### Bona Fide Farm

Crop lands, timber lands, pasture lands, or other farm lands, any other farm buildings or housing to be occupied by the farm owner, relatives or other employees of the farm (more than 50% of adult occupants or household income shall be from the farm), except that any such use of such property for non-farm purposes shall be subject to such regulations.



For the purposes of this definition, a bona fide farm shall be defined as any parcel-lot of record having 10 or more acres being in active agricultural use as defined by NC General Statutes (NCGS) 105-277.1 or as determined by any other available method upon approval of the Zoning Administrator.

Broadcast Tower

An above-grade tower or similar structure more than 35 feet in height, intended for communications equipment principally intended for the transmittal or reception of commercial, governmental, educational, and public television and radio signals. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities shall be included in this definition. This definition includes accessory buildings and related equipment required for broadcast towers.

Buffer *(See also Screening)*

A strip of land with natural or planted vegetation located between a structure or use and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer Strip

A buffer strip shall consist of an approved wall, fence, or planted strip at least 10 feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

Build-to Line

A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Principal

A building in which is conducted the principal use on the lot on which said building is situated.

Building Area

The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

Building Footprint

The outline of the total area covered by a building's exterior walls at the ground level.

Building Height

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

### Building Lines

Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

### Building Line Setback

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

### Building Material and Lumber Storage and Sales

An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

### Building Presentation

The direction of the architectural front façade of a building in relation to the street or public space.

### Built-Upon Area

Built-upon area shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. Roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc.

### Business Identification Sign

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured, or assembled; and/or to the services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

### Business Park

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an “office park”.

### Caliper

The diameter measurement of a tree trunk.

### Campgrounds

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes.

### Campsite

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle, or tent.

### Canopy

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

### Car Wash, Automatic

An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

### Car Wash, Full Service

An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

### Car Wash, Industrial

Mechanical facilities for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

### Cemetery

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation of embalming of bodies or the cremation of bodies. Setbacks for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

### Certificate of Zoning Compliance

A certificate issued by the Zoning Administrator setting forth that a lot, building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purposes stated therein.

### Certificate of Occupancy

A certificate issued by the Building Inspector setting forth that a building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purposes stated therein.

### Change of Use

A change in the use of a structure or land for which a Certificate of Compliance is required.

### Church (or Other House of Worship)

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conduction of organized religious services, and whose site may include an accessory area for the interment of the dead. Day care centers (which have enrollment capacities in excess of 25 enrollees) and /or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Club, Private Non-Profit

A building or land used for the activities of a non-profit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, café, or other place open to the public. This term shall include, but shall not be limited to, saddle clubs, civic organizations, fraternities and sororities, and similar groups and activities.

Club, Private

A for profit establishment as defined in NC General Statute (NCGS) 18B-1000 (5) which holds an ABC permit from the State of North Carolina.

College or University

An institution of higher education offering undergraduate and/or graduate degrees.

Co-Location

Co-Location means the location of wireless telecommunications antennae/equipment for more than one provider on one common tower or structure.

Commercial Vehicle Storage and/or Operations Center

A facility specifically designated for the routine storing and/or servicing of six (6) or more commercial vehicles (except septic tank and solid waste vehicles) operated by the same entity.

Common Open Space

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Community Center

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Comprehensive Plan

The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Town Council.

Computer and Data Processing Service

A commercial establishment that offers services involving the digital transformation of data into information for use by business clients.

Conditional Zoning

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

### Condominium

A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

### Consignment Store

A retail store that stocks and sells good on a consignment basis.

### Construction Trailer

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

### Contiguous Area

Any area which abuts directly on a subject property or is separated from the subject property by a street or right-of-way of a railroad or other utility or public service corporation. The term “contiguous” shall also mean “abutting” or adjacent”.

### Continuing Care Facility

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages) assisted living facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner or a surviving spouse upon the death of the resident.

### Corner Lot

A lot located at the intersection of two (2) or more streets or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

### Correctional Facility

A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

### Country Club

A land area and buildings containing recreational facilities, clubhouses, and usual accessory uses, open to members and their guests, which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. Meal service may be available but is generally limited to members and their guests. A county club may be developed as a freestanding entity or a part of a residential community or planned residential development.

### Critical Root Zone

The area under a tree which includes all land within the drip line of the tree. The drip line is measured by a vertical line extending from the outermost portion of a tree’s canopy to the ground.

### Cul-De-Sac

The turnaround at the end of a dead-end street.

### Customary Home Occupation

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use, and which does not change the character thereof. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

### Day Care Center

Any child or adult care arrangement for individuals who receive care away from their primary residence by persons other than their parents, children, grandparents, aunts, uncles, brothers, sisters, first cousins, nieces, nephews, guardians, or full-time custodians, where care is provided on a regular basis at least once per week for more than four (4) but less than 24 hours per day.

### Day Care Home

A residential dwelling unit occupied by the operator that provides daytime care of not more than five (5) preschool age children, including children that live in the home and not more than three (3) school age children unrelated by blood or marriage to, and not the legal wards or foster children of, the attendant adult, within an occupied residence.

### Deed Restriction

A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the Stanly County Register of Deeds. Also known as a restrictive covenant.

### Department Store

A large retail store organized into departments offering a variety of merchandise and commonly part of a retail chain.

### Detention Pond

A pond which collects storm water runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

### Determination

A written, final, and binding order, requirement, or determination regarding and administrative decision.

### Developer

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

### Development

Means any of the following:

- a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition or any structure.
- b) The excavation, grading, filling, clearing, or alteration of land.

- c) The subdivision of land as defined in NCGS 160D-802.
- d) The initiation or substantial change in the use of land or the intensity of use of land.

#### Development Approval

An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances.

#### Distribution Center

A warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products (goods) to be distributed to retailers, wholesalers, or directly to consumers.

#### Doctor's Office

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, physiologists, licensed nurse/midwives, licensed physical therapists, licensed respiratory therapists, or optometrists.

#### Drive-In Window

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

#### Dry Cleaning, Laundry Plant

A building, portion of a building, or premises used for cleaning fabrics, textiles, apparel, or articles of any sort by immersions in volatile solvents including, but not limited to, petroleum distillates, chlorinated hydrocarbons, and any process incidental thereto.

#### Duplex

A building on one lot arranged and designed to be occupied by two (2) families living independently of each other. Shall also include the term "two-family dwelling".

#### Dwelling

Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Units in dormitories, hotels, motels, and shelters for the homeless or other structures designed for transient residents are not dwelling units. Nor does it include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.

#### Dwelling, Attached

A single-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

#### Dwelling, Detached

A dwelling unit that is developed with open yards on all sides.

Dwelling, Modular

A factory built home constructed of prefabricated three-dimensional modules, entire rooms and larger, which are transported on flat-bed trucks to a home site and assembled, usually using a crane for placement.

Dwelling, Multi-Family

A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other, including apartment houses and group housing projects.

Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family

See “Duplex”

Easement

A grant of one (1) or more of the property rights by the property owner to, or for use by, the public, a corporation, or other entity.

Employment Agency

An organization that finds people to fill particular jobs or finds jobs for unemployed people.

Enforcement Officer

The Code Enforcement Officer as designated by the Board of Commissioners, who enforces zoning, subdivision, and other development ordinances of the Town.

Engineer

A person licensed to practice engineering in the State of North Carolina.

Evidentiary Hearing

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision.

Extraterritorial Jurisdiction (ETJ)

The area beyond a municipality’s corporate limits in which the municipality may enforce land use regulations including zoning, subdivision regulation, and building inspections.

Façade

The exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.

Fairgrounds

An area where outdoor fairs, circuses, or exhibitions are held.

Family

1) an individual; 2) two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit and sharing the same domestic facilities, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; 3) a group of not more than four (4) persons who need not be related by blood,



marriage, or adoption living together as a single housekeeping unit and sharing the same domestic facilities. The term “family” shall not be construed to include a fraternity or sorority, club, rooming house, institutional group, or the like.

#### Family Care Home

Family care homes (also called group homes) are facilities that provide health, counseling, or related services to a small number of persons in a family type environment. Both state and federal laws affect zoning regulation of these facilities. G.S. 168-22, added to the statutes in 1981, provides that certain family care homes must be treated as single-family homes by local zoning ordinances. They cannot be prohibited in a district that allows single family residences nor can they be subject to any special review requirements, such as a special use permit.

To qualify for this treatment, the facility must be designed to provide room, board, and care for six or fewer handicapped persons in a family environment. Handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

#### Farm Equipment Sales and Service

A commercial establishment that sells and services mechanical farming devices, including tractors and implements.

#### Farm Supply Store

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

#### Farmer’s Market

An outdoor market open to no greater than fifty (50) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants, and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans, and trucks of no greater than one (1) ton in weight capacity.

#### Fence

A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement. This does not include a hedge or other vegetation.

#### Finance Company

A commercial bank, mortgage company, savings bank, a savings and loan association, or a credit union, any of which are licensed, insured, or chartered by the United States of America or the State of North Carolina, that makes short- and long-term loans to individuals.

#### Fitness Center

A health club (commonly referred to as a gym) is a place which houses exercise equipment for the purpose of physical exercise.

#### Flag

A piece of durable fabric of distinctive design attached to a permanent pole, which is used as a symbol or decorative feature.

#### Flea Market

Sales area, either indoor or outside, in which spaces are rented to vendors for sale of a variety of merchandise including new, used, or handmade articles. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open facilities or temporary structures.

#### Floodplain, 100 Year

The channel and area abutting a watercourse, which would be covered with water during a 100-year flood, as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

#### Floodplain, 500 Year

The channel and area abutting a watercourse, which would be covered with water during a 500-year flood, as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

#### Floor Area

The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

#### Florist, Retail

A retail commercial establishment where flowers or ornamental plants are sold.

#### Florist, Wholesale

A large-scale operation where flowers or ornamental plants are sold at a reduced cost to businesses and on a limited basis, to the general public.

#### Flour and Feed Mill

A mill for grinding grain into flour for either human consumption or as a component of animal feed.

#### Food Catering Facility

A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

#### Food Truck

A readily movable trailer or motorized wheeled vehicle currently registered with the NC Division of Motor Vehicles designed and equipped to serve items that provide nourishment. This shall not include alcoholic beverages.

#### Fraternal and Service Organization Meeting Facility

A facility operated by an association of persons for activities which include, but are not limited to, social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

#### Freestanding/Self-Supporting Tower

All telecommunications towers, which are placed on an independent base and erected without support from other structures. Monopoles and lattice towers are types of freestanding towers.

#### Funeral Home, Mortuary

An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

#### Garden Supply and Seed Store

A retail establishment at which animal feed, crop seeds, and related products are sold.

#### Gas Station, Convenience Store

A one-story retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items. It is designed to attract and depends upon a large volume of stop-and go- traffic.

#### Glare

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

#### Golf Course

An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, and green and which may have one (1) or more hazards. A clubhouse, pool, and other facilities associated with a country club built around a golf course are considered part of the golf course.

#### Grade of Street

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which the grade is being measured.

#### Greenhouse

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

#### Grocery Store

An establishment that may sell fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area.

#### Ground Covers

Low growing plants such as grasses, ivies, creeping bushes, and similar decorative plantings that reach an average height of not more than 12 inches.

### Group Care Facility

A group care facility is a transitional housing facility for not more than 20 people licensed by the State of North Carolina, which provides room and board, personal care, and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- B) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals;
- C) To provide shelter and support for older adults and persons who are handicapped.

A Group Care Facility shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including, but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

### Group Care Home A

Pursuant to NCGS 168-21, a home for six (6) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11b).

### Group Care Home B

Pursuant to NCGS 168-21, a home for seven (7) to 20 individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11b).

### Gunsmith

A person who repairs, modifies, designs, or builds firearms.

### Hardware Store

A retail store where articles for the house and garden, such as tools, nails, and pans, are sold.

### Hazardous (Toxic) Materials

Any substance or matter, which is highly ignitable, corrosive, reactive, or toxic, including hazardous waste which is discarded hazardous material. In general, a hazardous or toxic material is any substance which could damage the public health or environment if not handled properly.

### Hazardous Substance

Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, or irritants.

#### Hobby, Toy, and Craft Shop

A retail store that sells traditional toys, electronic toys, board games, art supplies, hobby kits for cross-stitch, home decor painting, scrap booking, floral arranging, and crocheting goods.

#### Home Electronics Sales and Repair

A commercial establishment that sells and repairs household devices such as TVs, VCRs, radios, walkie-talkies, hi-fi stereo, home theater, handheld, and software-based games as well as Internet appliances

#### Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, emergency services, and staff offices.

#### Hotel

A building containing more than four (4) individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways.

#### Impervious Surface

Any material which reduces and prevents absorption of storm water into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious street coverage requirements pursuant to the zoning ordinance, wooden slatted decks and the water area of a swimming pool are considered pervious.

#### Improvement

Any constructed feature not included under the definition of structure.

#### Independent Living Facility

An unlicensed facility providing living arrangements for the elderly and their spouses in single-family, duplex, or multi-family units designed to allow a predominantly independent lifestyle within the framework of a larger, unified, health maintenance environment.

#### Insurance Agency

An office composed of individuals under common management whose goal is to sell and service insurance.

#### Junk Yard, Auto Salvage

The use of more than two hundred (200) square feet of the area of any lot for the outdoor storage, keeping, or abandonment of junk, including scrap metals or other scrap materials or for the dismantling, demolition, or abandonment of automobiles, vehicles or machinery, or parts thereof.

Kennel, Animal

A use or structure intended and used for the breeding or accommodation of small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot. This definition shall not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of the animals.

Laboratory, Dental, Medical, Optical, and Research

An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession or to the patient on direction of a physician or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

Landfill, Construction and Demolition

A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

Landfill, Land Clearing and Inert Debris

A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

Landfill, Sanitary

A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

Landowner (Owner)

The holder of title in fee simple. Absent evidence to the contrary, county tax records will be used to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approval.

Landscape Architect

A person licensed to practice landscape architecture in the State of North Carolina.

Landscaping

The installation and maintenance of trees, shrubs, plant materials, and/or ground cover, including grass, mulch, decorative stone, and similar materials but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Lattice Tower

A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three (3) or four (4) legged steel girder structures designed typically to support multiple telecommunications users.

Laundromat

A commercial facility, open to the general public, where coin-operated washing and drying machines are available for use.

Legislative Decision

The adoption, amendment, or repeal of a regulation including the decision to rescind a development agreement.

Legislative Hearing

A hearing to solicit public comment on a proposed legislative decision.

Library, Public

A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

Light Pollution

Any adverse effect of manmade light.

Light Trespass

Light falling where it is not wanted or needed, typically across property boundaries.

Livestock Sales and Auctions

A commercial establishment where livestock are collected for sale or auction.

Loading Space, Off-Street

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Locksmith

A professional who makes and repairs locks.

Logo

A business trademark or symbol.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot, Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which street line is the front when requesting a zoning permit.

Lot, Double Frontage

A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.

Lot, Flag

A lot where access to the street is provided by a long, narrow strip of land and the usable land itself is a rectangular piece at the end of the strip away from the street.

Lot, Interior

A lot other than a corner lot with frontage on only one (1) street.

Lot, Reverse Frontage

A lot having frontage on two (2) or more streets, one (1) of which is a minor or less important street in the community, the access to which is restricted to the minor street.

Lot, Through

A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect the boundaries of the lot.

Lot, Zoning

A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or Certificate of Zoning Compliance as being that land which is proposed for development under a single development plan.

Lot Area

The total area circumscribed by the boundaries of a lot except that 1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or 2) if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.

Lot Coverage

That portion of the lot area expressed as percent covered by impervious surface cover.

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot Line

A line of record bounding a lot that separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front

The lot line separating a lot from a street right-of-way. Corner lots shall have only one (1) front lot line.

Lot Line, Interior

A side lot which separates one (1) lot from another lot.

Lot Line, Rear

That lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line abutting another lot, and which is not a front or rear lot line.



Lot Line House

A single-family detached dwelling unit, which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one (1) side yard.

Lot of Record

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

Lot Width

The distance between side lot lines measured at the building setback line.

Lumber and Sawmill

A manufacturing facility where logs are cut into boards.

Lumen

Unit of luminous flux; used to measure the amount of light emitted by lamps.

Machine Shop

A workshop in which work is machined to size and assembled.

Manufactured Goods, Class 1

A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components, or tobacco products, and the fabrication of wood, leather, paper, water, or plastic products. Because of the nature of its operations and products, these establishments could impact adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution.

Manufactured Goods, Class 2

A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufactured Goods Class 1. Includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing process. Because of the nature of its operations and products, these establishments could impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution.

Manufactured Home

A structure designed and manufactured for use as a dwelling unit and that meets all of the following requirements:

- 1) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be installed or assembled on the building site;
- 2) Exceeds 32 feet in length and eight (8) feet in width; and,
- 3) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings.

#### Manufactured Home, Class A

A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after June 14, 1976), which is of multi-sectional or double-wide design, and meets the following appearance criteria:

- 1) Has a minimum width of 16 feet;
- 2) Has exterior siding, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: (a) vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint; (b) cedar or other wood siding; (c) wood grain, weather resistant press board siding; (d) stucco siding; or (e) brick or stone siding;
- 3) Has a gable roof having a pitch with a minimum vertical rise of three and one-half (3 ½) feet for each 12 feet of horizontal run;
- 4) Has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction; and,
- 5) Has a roof structure that provides an eave projection of no less than six (6) inches, which may include a gutter.

#### Manufactured Home, Class B

A manufactured home constructed to meet or exceed United States Department of Housing and Urban Development code requirements for manufactured homes, and which has a gable roof having a pitch with a minimum vertical rise of three and one-half (3 ½) feet for each twelve (12) feet of horizontal run.

#### Manufactured Home, Class C

A manufactured home constructed to meet or exceed North Carolina Mobile Home Standard A119.1 or which has received a limited certificate of compliance from the North Carolina Department of Insurance. These are normally manufactured homes constructed after August 31, 1971.

#### Manufactured Home, Class D

Any manufactured home which does not meet the definitional criteria of a Class A, B, or C manufactured home. These are normally manufactured homes constructed prior to September 1, 1971.

#### Manufactured Home Park

Any lot, tract, or parcel of land used, maintained, or intended to be used, leased, or rented for occupancy by four (4) or more manufactured homes or trailers together with accessory structures provided in connection therewith. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

#### Manufactured Home Space

The land in a manufactured home park allotted to or designated for the accommodation of one (1) manufactured home.

#### Massing

The shape and form a building or assemblage of buildings assumes through architectural design.

#### Meat Packing Plant

A facility in which animals are slaughtered and the meat prepared for consumer sale.

#### Memorial Sign or Plaque

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

#### Metes and Bounds

Method of demarcating a piece of land by angular directions and distances in feet or meters, and not described merely as bounded by natural or man-made features of the close-by land. It details all the boundary lines of the land, and their terminal points and angles, with reference to fixed points such as roads, streams, and adjoining properties.

#### Miniature Golf Course

A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

#### Mini-Warehouse

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

#### Monopole Tower

A free-standing and self-supporting single pole structure that support telecommunication equipment.

#### Motel

A building containing more than four (4) individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Motels provide on-site parking and access to most rooms is provided directly from a parking area.

#### Motor Vehicle

Any vehicle which is self-propelled, and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall not include vehicles or implements used in farming or construction but shall include all forms of motorized watercraft.

#### Motor Vehicle, Body and Paint Shop

An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles.

#### Motor Vehicle Repair and Maintenance

An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services such as upholstery or glass replacement. This use includes service stations but does not include body work or painting.

#### Motor Vehicle Sales, Rental, and Leasing

Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit.

#### Motor Vehicle Storage Yard

An outdoor area for the storage of more than one (1) wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair.

#### Multi-Family Development

A tract of land under individual, corporate, firm, partnership, or association ownership or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a programmed series of development operations. Such development shall consist of two (2) or more duplex buildings or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service area and common open space area.

#### Museum

A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects.

#### Negative Access Easement

A promise not to do something with a certain piece of property, such as not building a structure more than one (1) story high or not blocking a mountain view by constructing a fence.

#### Newsstand

A stall where newspapers and other periodicals are sold.

#### Non-commercial Copy

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof which does not contain any reference to a business or product but displays a substantive message, statement, or expression that is protected by the first Amendment to the Constitution of the United States.

#### Nonconforming Lot

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

#### Nonconforming Sign

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one (1) or more of the regulations set forth in this Ordinance.

#### Nonconforming Structure

Any structure which does not comply with all of the standards and regulations of this ordinance as adopted or amended.

#### Nonconforming Use

Any use of land or buildings which does not comply with all of the regulations of this ordinance as adopted or amended.

#### Nursery, Horticultural Greenhouse

An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

#### Off-Street Parking

Parking which occurs on a lot and not on a street or other public right-of-way.

#### Office

A use or structure in which business or professional services are conducted or rendered.

#### Office Building

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, or newspaper stand.

#### Open space

Land used for recreation, natural resource protection, amenities, protection of important rural and town vistas, and/or buffer yards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

#### Open Storage

An unroofed storage area, whether fenced or not.

#### Optician, Optical Supply Store

An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eyeglasses, contacts, or other instruments needed to enhance visual perception.

#### Outdoor Lighting

Any light source that is installed or mounted outside of an enclosed building, but not including streetlights installed or maintained along public or private streets.

#### Out Parcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

#### Package Treatment Plant

A small self-contained sewage treatment facility built to serve developed area that lie beyond the service area of sanitary sewers.

#### Parapet

That portion of a building wall or false front that extends above the roofline.

Park

Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Park, Neighborhood

A town or county owned park intended to serve the recreational needs of people living or working within a one-half mile radius of the park.

Parking, Lot or Deck

A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

Patio Home

A single-family dwelling on a separate lot which has open space on three sides on that lot.

Pawn Shop

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

Permit, Building

Written permission issued for the construction, repair, alteration, or addition to a structure.

Person

An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivision or other legal entity.

Personal Services

Establishments primarily engaged in providing services involving the care of a person or his or her apparel. Personal services shall include: laundry and dry cleaning establishments, carpet and upholstery cleaning, photographic studios, beauty and barber shops, shoe repair, physical fitness centers, clubs, and tanning salons.

Pervious Surface Cover

A surface cover that presents an opportunity for precipitation to infiltrate into the ground.

Pet Store

A retail business which sells different kinds of animals and pet food, supplies, and accessories.

Pharmacy

A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical, or dental clinic.

Planting Yard

Area where required plantings are located.

Plat

A surveyed map or plan of a parcel of land which is to be, or has been, subdivided.

### Premises

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map, or subdivision map. When a lot is used together with one or more contiguous lots for a single use of planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

### Principal Building or Structure

A building or structure containing the principal use of the lot.

### Principal Use

The primary purpose or function that a lot serves or is proposed to serve.

### Private Residential Quarters

An accessory dwelling either attached to or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the main building has commenced. All private residential quarters shall require a permit to be issued annually by the Zoning Administrator. The principal dwelling on the lot containing the private residential quarters shall be owner-occupied. If located in a necessary structure, all applicable yard requirements for accessory structures shall be followed.

### Produce Stand

The sale of any form of agricultural or horticultural products at a retail stand on a property under the same ownership as the lot upon which the produce is grown.

### Project Area

Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

### Public

Under the control or responsibility of the Town Council on behalf of the general population, rather than individual or private control.

### Public Safety Station

A facility operated by a public agency or a private non-profit organization and used for the base of operations and/or housing of equipment for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four (4) holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed on the operation site are also permitted.

### Public Works Facility

All production, storage, transmission, and recovery facilities for water, sewage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission. This definition does not include pump stations, lift stations, water towers, utility substations or similar appurtenances.

### Quasi-judicial Decision

A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

### Racetrack

A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance and at which seating space and accessory food stands may be provided.

### Recreational Facility

An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, and similar uses.

### Recreational Vehicle

A vehicle type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own power or is mounted on or drawn by another vehicle.

### Recreational Vehicle Park

Any lot or parcel of land used or intended to be used for the accommodation of two (2) or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

### Recycling Center

A facility at which recovered resources, such as newspapers, glassware, and metal and aluminum cans are collected, stored, flattened, crushed, or bundled within a completely enclosed building.

### Rental Center

An establishment where household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public.

### Restaurant

A commercial establishment other than a drive-through, drive-in, or fast-food restaurant where food and drink are prepared, served, and consumed primarily within the principal building.

### Restaurant, Drive-In

An establishment where food products are sold in a form ready for consumption and where consumption is designed to take place on-site, outside the confines of a building. At drive-in restaurants, customers may order their food from individual outdoor calling stations rather than at a centrally located drive-in window commonly found at “drive-through” or “fast food” restaurants.

### Restaurant, Drive-Through

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state either on the restaurant premises or off-



premises. Unlike a fast-food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

#### Restaurant, Fast Food

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state either within the restaurant building, on restaurant premises, or off-premises. Orders for food may be placed either within the restaurant building or from a centrally located outdoor calling station.

#### Riding Stable

A commercial facility where horses are sheltered, and which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds.

#### Right-of-Way

The legal right of public passage, especially vehicular, over land.

#### Road, Frontage

A road that is in close proximity to and parallels a limited access road and is designed to provide access to roads that abut said limited access road.

#### Road, Private

Any right-of-way used for purpose of motor vehicle travel, which has not been accepted for maintenance or ownership purposes by a public entity.

#### Road, Public

A public right-of-way set aside for public travel, and which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Stanly County Register of Deeds Office.

#### Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projections or ornamentations.

#### Rooming House

A single-family dwelling, a portion of which is provided by the resident owner to no more than four (4) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.

#### Satellite Dish

A type of receive-only antenna, which is dish-shaped and is used to receive satellite signals, primarily television transmissions.

#### School, Private

A structure used primarily by and for any two (2) or more age or grade levels not operated by the public-school system but registered with the North Carolina Department of Public

Instruction. Any school for children six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

School, Public

A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through twelve and operated by the public-school system.

School, Vocational

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Screening

A fence, wall, hedge, landscaping, earth berm, buffer area, or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Service Building

A structure housing toilet, lavatory, bathing, and such other facilities as may be required by this article for the purpose of supplementing the facilities contained in dependent trailers and tents.

Setback

The minimum required horizontal distance between a structure and the lot line.

Shopping Center

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of five (5) to six (6) feet within a three (3) year period after planting.

Sight Distance Triangle

The triangular area formed by the point of intersection of two (2) street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection.

Sign

Any object, display, or structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term “sign” does not include the flag or emblem of any nation, organization of nations, state, political subdivision, or any fraternal, religious or civic organization; work of art which in no way identify a product or business, scoreboards located on athletic fields, or religious symbols.

### Sign, Advertising

A sign, other than a directional sign that directs attention to or communicates information about a business commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or non-commercial copy.

### Sign, Animated

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

### Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the support structure. In computing area, only one side of a double-faced sign shall be considered.

### Sign, Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

### Sign, Billboard

A type of off-premises sign, generally but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters.

### Sign, Building

Any sign attached to any part of a building, as contrasted to a freestanding sign. Examples include, but are not limited to, wall, projecting, suspended, roof signs, marquees, canopies, banners, and building markers.

### Sign, Business Identification

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to the type of products sold, manufactured or assembled, and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

### Sign, Campaign or Election

A sign that advertises a candidate or issue to be voted upon in a local, state, or federal election process on a definite Election Day.

### Sign Canopy and Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

### Sign, Construction

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

#### Sign Copy

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

#### Sign, Directional

A sign fronting on a road containing only the name of the principal use, directional arrow, and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

#### Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified. A sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide direction.

#### Sign, Flashing

A sign that uses an intermittent scrolled or flashing light or message to attract attention, or is otherwise designed or constructed to have intermittent, flashing, or scrolled light emitted from it.

#### Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole, or monument sign.

#### Sign, Government

Any temporary or permanent sign erected and maintained for any governmental purpose.

#### Sign, Ground

Any sign which extends from the ground, or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

#### Sign, Identification

A sign which displays only the name, address, and/or crest, insignia, trademark, occupation, or profession of an occupant or the name of any building on the premises.

#### Sign, Illuminated

A sign either internally or externally illuminated

#### Sign, Incidental

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to, drive through window menu boards and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

#### Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted

A sign illuminated only by light cast upon the sign from an external light source.

Sign, Luminous

A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, Monument

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is erected.

Sign, On-Premises

A sign that draws attention to or communicated information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign, Pole

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building, excluding ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3 ½) feet from the ground directly beneath the sign.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, a sign designed to be transported by means of wheels, signs converted to A-or T-frames, or umbrellas used for advertising.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as “Warning” and “No Trespassing” signs.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Suspended

A sign that is suspended from the underside of a horizontal plane surface which is supported by such surface.

#### Sign, Temporary

A sign which is not permanently installed in the ground or affixed to any structure or building.

#### Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other transportation purposes.

#### Sign, Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

#### Sign, Window

Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and which is visible from the exterior of the window.

#### Site Plan

A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

#### Solid Waste

Any hazardous or non-hazardous garbage, refuse, sludge from a treatment plant, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations.

#### Special Use Permit

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

#### Stealth Tower

Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically,

the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

#### Storage Facility

A facility designed for the storage and safekeeping of materials and goods.

#### Storage Tanks, Above Ground

Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids or materials.

#### Storage Tank, Water

A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

#### Story

That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately above. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

#### Storm water Detention/Retention Pond

A storm drainage structure that retards or detains storm water runoff. A retention pond is an area designed to hold storm water until the effects of percolation return the area to its normally dry state. The area is designed so storm water inflow is dissipated (or slowly released) within 72 hours so that a new volume can be accommodated. A detention pond is a permanent or semi-permanent aquatic system that dries out only under drought conditions. Storm water entering a detention area displaces an equivalent amount of water. The detention pond acts as a trap where pollutants picked up by the initial surge of storm water settle out before leaving the detention pond.

#### Street

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means or access to abutting properties, as well as any right-of-way which has been recorded in the office of the Register of Deeds of Stanly County and which provides access to private properties.

#### Street, Arterial

A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one (1) area or region to another; a thoroughfare.

#### Street, Collector

A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two (2) or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

#### Street, Expressway

Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; divided highway with full or partial control of access and with grade separations at major intersections.

Street, Freeway

Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets, but with access to selected crossroads via connecting ramps.

Street, Local

A street which serves primarily to provide access to adjacent land for travel over relatively short distances.

Street, Major Collector

A collector street which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Street, Minor Collector

A collector street which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Street, Non-Residential

Those streets whose primary function is to provide direct access to commercial or industrial property.

Street, Parkway

Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; highway for non-commercial traffic with full or partial control of access and usually located within a park or park-like development.

Street, Private

*See 'Road, Private'*

Street, Public

*See 'Road, Public'*

Street, Residential

Those streets whose primary function is to provide direct access to residential property.

Street, Rural

A street designed for and located in non-urban and non-urbanizing areas, as classified by the Town.

Street, Stub

A non-permanent dead-end street intended to be extended in conjunction with the subdivision or development of adjacent land.

Street, Thoroughfare

*See 'Street, Arterial'*

Street, Thoroughfare (Major)

Thoroughfares consisting of interstate, free and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through an urban area.



Street, Thoroughfare (Minor)

Thoroughfares that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating minor through traffic movement.

Street, Urban

A street designed for and located in urban or urbanizing areas, as classified by the Town.

Street Right-of-Way

An area of land occupied or intended to be occupied by a public street or areas claimed by a municipality or the State of North Carolina for such purposes or actually used for such purposes.

Street Yard

The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping.

Structure

Anything constructed or erected, the use of which requires more or less permanent location of the ground or which is attached to something having more or less permanent location on the ground, but excluding metal telephone, cable television, or similar electronic cabinets; anything constructed, installed, or portable, the use of which requires a location on a parcel of land.

Structure, Accessory

A structure separate and subordinate to the principal structure on the same lot as the principal structure, used for purposes customarily incidental to the principal structure.

Structure, Detached

A structure which is separated from an adjacent structure by at least three (3) feet, as measured from any part of the structures.

Studio

A working place or place of study for a painter, sculptor, photographer, dancer, or person engaged in a similar artistic pursuit.

Subdivider

Any person, firm, corporation, or entity who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision

All divisions of a tract or parcel of land as specified in NCGS 160D-802 for the purpose of sale or development into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. Please consult the Town of Stanfield Subdivision Ordinance for exceptions to this definition.

Substantial Improvement

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50% of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction.

“Substantial Improvement” shall not include any repair or improvement required to bring the structure into compliance with existing state or town code specifications necessary to ensure safe habitation of the structure.

Surveyor

A person licensed to practice surveying in the State of North Carolina.

Tailor and Alterations

A commercial establishment that makes, repairs, and alters garments such as dresses, suits, coats, and pants.

Tanning Salon

A commercial structure lined with sunlamps in which one stands or reclines in order to acquire a suntan.

Tattoo Parlor

A commercial establishment which people visit to get tattoos and sometimes body piercings.

Telecommunications Equipment Building

The building in which the electronic receiving and relay equipment for a telecommunication facility is housed.

Telecommunication Towers and Facilities

A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as ‘stealth’ locations, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunication facility. This definition does not include ham radio operations, radio broadcast towers, or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

Temporary Structure

A structure placed on a lot for a specific purpose which is to be removed within a specified time period. Examples include monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Temporary Use

An activity or use that constitutes development and is limited in duration.

Tent

A collapsible shelter of canvas or other material stretched and sustained by poles and intended for human occupancy as a temporary dwelling for short periods of time.

Terminal, Bus or Taxi

A facility for the storage, maintenance, and dispatch of buses or taxi and associated customer ticketing and waiting areas.

Terminal, Freight

Any facility for handling freight, with or without storage and maintenance facilities.

Theater, Indoor

An establishment for the indoor viewing of motion pictures by patrons.

Tower, Lattice

A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three (3) or four (4) legged street girder structures designed typically to support multiple telecommunications users.

Tower, Monopole

A freestanding, slender, often telescoping, and self-supporting single pole structure that supports telecommunication equipment.

Tower, Stealth

Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure. Any tower which is designed to blend into the surrounding environment.

Townhouse

A one-family dwelling in a row of at least three (3) such units in which each has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resident walls. Town houses are single-family attached dwellings, which usually have separate utilities, but for purposes of zoning are classified as multi-family development.

Trailer, Camper, Travel Trailer

A vehicle with or without its own motive power, equipped or used for temporary living purposes and mounted on wheels or designed to be so mounted and transported.

Travel Agency

A commercial business that attends to the details of transportation, itinerary, and arrangements for travelers.

Tree, Canopy

A species of tree which normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specifications of the *American Standards for Nursery Stock* published by the American Nurserymen Association.

Tree, Understory

A species of tree which normally grows to a mature height of 15 to 35 feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

Upholstery Shop

A commercial business that covers furniture with padding, webbings, springs, fabric, and/or leather.

Use, Accessory

A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

Use, Principal

The primary or predominant use of any lot.

Use, Temporary

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Utility Services

Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, or rail transportation. The term 'utility services' shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing, or storage facilities; transmission towers, or postal facilities.

Variance

A relaxation of strict terms of a specific provision of this Ordinance in accordance with the provisions of Article 11 of this Ordinance.

Vested Development Right

A right established pursuant to the provisions of this ordinance to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-108 or under common law.

Veterinary Office

Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

Wall, Building

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of 50 feet in height of a building.

Warehouse

A building or group of buildings used primarily for the storage of goods or wares belonging either to the owner of the facility or to one (1) or more lessees of space in the facility.

Warehouse, Self-Storage

Establishment primarily engaged in the rental or leasing of mini-warehouses and self-storage units.

#### Waste Incinerator

A site with one (1) or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

#### Waste Transfer Station

A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

#### Wholesale Sales Operation

A place of business primarily engaged in selling merchandise to retailers: industrial, commercial, institutional, or professional business users; or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Administrator may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public and similar businesses shall not be deemed 'wholesale sales operations'.

#### Yard

A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky where encroachments and accessory buildings are expressly permitted. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

#### Yard Front

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building, projected to the side lines of the lot. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.

#### Yard Rear

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The yard extending across the full width of the lot and lying between the rear lot line and rear building setback line as required in this Ordinance.

#### Yard, Side

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

#### Yard, Garage, Tag Sale

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

#### Zoning Map Amendment or Rezoning

An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes: i) the initial application of

zoning when land is added to the territorial jurisdiction, and; ii) the application of an overlay zoning district or a conditional zoning. The term does not include: i) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or; ii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

End