

ARTICLE VIII. GENERAL PROVISIONS.

8-1. 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 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.

8-2. Height, Density, Access.

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. No commercial or residential structure or building shall be erected or placed on any lot which does not abut a publicly dedicated street, or a developed and recorded right-of-way affording legal access to a publicly dedicated street. .

8-3. Street Frontage Required.

Any lot on which a building (or buildings) is to be erected or use is to be established such lot 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 fifteen 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 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, exclusive recorded easement of at least fifteen 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 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 shall not be less than thirty-five feet.
- (D) A multi-family, townhouse, condominium, or industrial development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case-by-case basis, to be served by a private street network and 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 shall not be less than thirty-five feet.

- (E) The minimum right-of-way width where a public street frontage is not available shall be twenty feet. Easements serving more than one residence may be required to have greater minimum width as provided in other applicable zoning ordinance sections. The minimum lot frontage on a publicly dedicated or publicly maintained road shall be thirty-five feet. Pre-existing non-conforming lot frontage or easement width shall not prevent issuance of certificate of zoning compliance.

8-4. 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 lot width or depth, front, side or rear yards, lot area per family, or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the conterminous of narrow strips of land for public utilities or street right-of-way purposes.

8-5. 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.

8-6. One Principal Building per Lot; Exceptions.

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.

8-7. Nonconforming Uses or Structures.

Any building, structure, or use of land existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions. They shall not be:

- (A) Enlarged or extended except in conformity with this ordinance, except that existing residential single-family structures located in a district that does not normally permit such use may be enlarged provided setback requirements of the R-8 district are maintained with no additional dwelling units.
- (B) Re-established as a nonconforming use or structure after a discontinuance of 180 days from the date of destruction, abatement or abandonment except as otherwise noted in this ordinance.
- (C) If no structural expansions are made, any nonconforming use of a structure and premises may, as a special use, be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to the district as the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- (D) Nonconforming signs will be allowed to remain indefinitely in good repair unless specified in this ordinance. However, under the following conditions, all signs shall be changed to conform to the regulations of this ordinance:

- (1) Structural alterations to extend the life of such sign, including illumination, location, height, or sign area changes shall not be allowed on nonconforming signs. Information presented on such signs may be changed.
 - (2) Any nonconforming sign on a building or parcel, the use of which ceases for a period of ninety days, shall be altered to conform to the requirements of this ordinance.
 - (3) Any nonconforming sign damaged over sixty percent of its listed tax value, by any means (e.g., act of God, intentional or otherwise, etc.), either shall be removed or repaired in a manner to conform with the regulations of this ordinance. The method of computing sign damage shall be the real retail cost of such sign replacement and not material cost alone.
 - (4) 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.
 - (5) If a nonconforming off-premise sign remains blank for a continuous period of twelve months, that off premise sign shall be deemed abandoned and shall, within thirty days after such abandonment, be altered to comply with this article or be removed by the signs owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is “blank” if:
 - a) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - b) The advertising message it displays becomes illegible in whole or substantial part; or
 - c) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
 - (6) If a nonconforming sign other than an off premise sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
 - (7) A nonconforming sign or off premise sign shall not be moved or replaced except to bring the sign into complete conformity with this ordinance.
- (E) Nonconforming manufactured homes located in nonconforming manufactured home parks or on individual lots shall comply with the following applicable regulations:
- (1) Manufactured home parks whether or not approved under the zoning ordinance, shall comply with the following criteria for replacement of any manufactured home in the park from the date of this ordinance:
 - a) All roadways shall be properly graded; maintained and street graveled to a minimum eighteen foot in width per NCDOT design and construction standards. Roadways shall be construed to include the travel-way from the state maintained road right-of-way to the manufactured home site required parking area.
 - b) Replacement manufactured homes shall meet the requirements for a Class A as defined in this ordinance unless the existing unit qualifies as a Class A manufactured

home in which a Class A manufactured home shall be its only replacement. Non Class A manufactured homes are allowed to continue, but if moved, they can only be replaced with a Class A manufactured home.

- c) Setbacks are as follows: fifty feet from the front, rear and side to the adjoining property lines or park boundaries; thirty feet from any interior roadway and a twenty foot separation from each individual manufactured home and/or accessory buildings not serving the individual manufactured home. Accessory buildings shall not be larger than twelve foot by twelve foot. Current manufactured homes can be replaced with the same footprint within six months from the date of removal.
 - d) Two ten foot by twenty foot parking spaces street graveled with not less than two inches of crushed stone or other suitable material on a well-compacted sub base shall be provided at each manufactured home space. Spaces may be side-by-side, tangential, or placed otherwise within the manufactured home space adjacent to the park driveway.
 - e) All required driveways, cul-de-sacs, and parking areas shall be paved either with concrete or asphalt, or street graveled (per section 5-5.(C) maintained free of vegetation, potholes, gullies, poor drainage areas or other impediments to normal vehicular operation. Stone used for sub-surfacing of parking areas shall be #7ABC grade or smaller, and shall be further subject to approval and periodic inspection by the zoning enforcement officer or inspector.
 - f) Each replacement manufactured home shall be provided with a minimum five foot by seven foot concrete pad and steps or a minimum five foot by seven foot porch or deck and steps constructed to building code standards at the front entrance to the manufactured home.
 - g) Prior to inspection and/or occupancy of any manufactured home, a park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height. Each manufactured home space will be assigned a sequential number throughout the park. Prior to inspection and/or occupancy of any home, the approved lot number must be clearly displayed on the front of the manufactured home or adjacent thereto, so as to be legible from the park drive. Space numbers shall be a minimum of four inches in height.
- (2) Nonconforming manufactured homes located on individual lots shall comply with the following criteria in order for replacement of a manufactured home unless replaced within ninety days under the same ownership following removal or destruction of the existing unit. NOTE: If the nonconforming manufactured home is not replaced within the ninety days, the replacement structure shall meet the regulations of the underlying zoning district. This shall be construed to mean that a site built or modular home may be required as a replacement structure:
- a) The replacement manufactured home shall meet all the requirements for a Class A, as defined in this ordinance. In no case shall the existing manufactured home be replaced with a lower class manufactured home as defined in this ordinance.
 - b) The replacement manufactured home and any accessory structures shall comply with the zoning setbacks as required in the underlying zoning district.

8-8. Separation of Buildings.

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

8-9. Non-Residential Principal Structure Setbacks in Residential Districts.

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

8-10. Minor Site Development Plans.

Site improvements or building additions to existing developments may submit the following in lieu of a major site development plan:

- (A) If the site has a previously reviewed and approved site plan, the changes or additions to the plan may be submitted in accordance with section 9-9. with the title block being properly amended.
- (B) If no previously reviewed and approved site plan exists, a site plan as described in section 9-6. must be submitted.

8-11. General Standards for Site Development.

All development, other than single-family, two-family and agriculture, shall conform to the following standards:

(A) *Land ownership.*

All land within multi-unit developments shall be in single, or joint ownership or whatever for the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission. Satisfactory arrangements shall be made for the ownership of land in common space.

(B) *Pedestrian ways.*

Sidewalks or pathways systems shall be provided from parking areas to the main building entrance. Surface materials, width, and alignment shall be shown.

(C) *Land coverage.*

Land covered by impermeable surfaces shall not exceed eighty percent of the total site outside of any rights-of-way.

(D) *Storage.*

Storage areas either proposed now or in the future shall be shown.

All provisions of this zoning ordinance which apply to the site under review of the development shall be included with the site plan. Areas deserving particular attention include the following: buffering, landscaping, visibility at intersections and signage locations.

8-12. 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 feet.
- (B) Notwithstanding the foregoing, whenever two 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.

8-13. Front Yard Setbacks for Dwellings.

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within 100 feet on either side of the proposed dwelling and on the same side of the same 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 ten feet, from the street right-of-way line, whichever is greater.

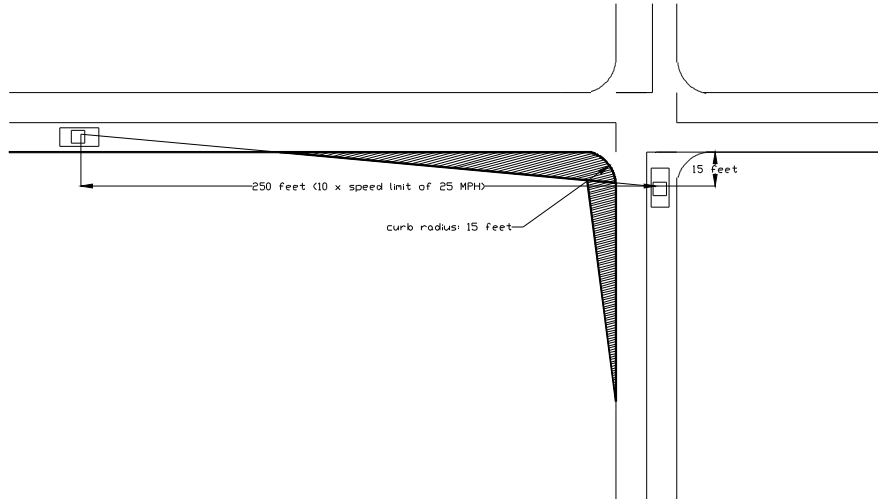
8-14. Height Limitations and Exceptions.

- (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 (as defined in section 10-2.). Refer to section 4-64. for requirements.
 - (2) Towers erected and maintained by a public authority for public safety or emergency communication purposes except as stated below.

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 4-64. of this ordinance.
 - b) Towers shall not encroach upon the approach/departure path of the Stanly County airport.

8-15. 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 streets forming the intersection. For streets signed thirty-five MPH or greater, the area to be clear of view obstructions at unsignalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of thirty-five feet from the point of intersection. For intersecting streets signed for less than thirty-five MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at unsignalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on the approaching street.



- (B) No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between thirty inches and seventy-two 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 intended speed limit:
- (1) Existing natural grades;
 - (2) Trees trimmed such that no limbs or foliage extend into the area between thirty and seventy-two 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) Buildings located in the CB district;
 - (5) The approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neckdowns, intersection diverters, and curb bulbs.

8-16. Building Separation.

All detached principal structures in all districts shall preserve a minimum building separation of ten feet. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

8-17. Driveways.

- (A) 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.
- (B) 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.

8-18. 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 the 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 4-2.
- (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) shall have a combined floor area (aggregate of all detached accessory structures) of no more than thirty-three percent of the total floor area of the principal structure.
- (F) Accessory structures shall meet the following side and rear yard setbacks:
 - (1) In all districts except the CB district, setbacks shall be ten feet.
 - (2) In the CB district setbacks shall be five feet.
 - (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; and
 - b) Detached garages shall be permitted in side yards.

- (G) Petroleum storage, accessory to a permitted principal use or building is permitted.
- (H) Temporary buildings 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.

8-19. 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 those easements required by the town to limit driveways on existing public streets.

8-20. Use of Loud Speakers Prohibited.

The use of outdoor loud speakers to communicate with workers, customers or other individuals, to amplify or project phone signals or ringers or to broadcast music or information of any kind shall be prohibited except that outdoor broadcasts of emergency sirens shall be permitted and the use of such devices at or in conjunction with any outdoor event, theatrical production, or similar occasion approved by the town council, and speakers which are not audible to persons with normal sensitivities who are located on immediately adjacent parcels or streets shall also be permitted.

8.21. Swimming Pools.

Swimming pools located on any site, including single family residential sites, shall be:

- (A) Located in a side or rear yard only.
- (B) Located a minimum of twenty feet from any property line. (See section 4-53. for possible additional setback requirements.)
- (C) Completely enclosed by a fence or wall no less than four feet and no more than eight feet in height above grade as measured on the side of the fence or 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.