

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

AGENDA

FEBRUARY 7, 2006
7:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
 - II. APPROVAL OF/ADJUSTMENTS TO AGENDA
 - III. PUBLIC HEARING DEFERRALS
 - IV. ABSTENTIONS BY BOARD MEMBERS
 - V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
 - VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF JANUARY 17, 2006
- PLAT & PLAN
- B. CASE: 06-014: CONSIDERATION OF RIVERS EDGE – JNJ INVESTMENTS, SUBDIVISION REVIEW, A WAIVER FROM SECTION 3.17(c) "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE SOUTH SIDE OF SR 2216 (EVANS DAIRY ROAD), EAST OF SR 2215 (FIELD ROAD).
- VII. PLAT & PLAN
 - A. CASE P06-010: CONSIDERATION OF 84 LUMBER, M(P) SITE PLAN REVIEW, REQUEST FOR ALTERNATE YARD REQUIREMENTS TO WAIVE LANDSCAPE ORDINANCE, SECTION 1102 N, CUMBERLAND COUNTY ZONING ORDINANCE, LOCATED ON THE SOUTH SIDE OF SR 2205 (BELT BOULAVARD), EAST OF SR 2237 (WILMINGTON HWY.)
- VIII. FOR YOUR INFORMATION
 - A. CANDACE WILLIAMS - SANDHILLS AREA LAND TRUST
 - B. PATTI SPEICHER - MODIFIED RESOLUTION FOR ZONING AUTHORITY FOR THE TOWN OF WADE
 - C. PATTI SPEICHER - DRAFT COPY OF THE TOWN OF LINDEN'S COMMUNITY STANDARDS ORDINANCE

IX. DISCUSSION

X. INTERIM DIRECTOR'S UPDATE

A. APA 2006 CONFERENCE

XI. ADJOURNMENT

Charles C. Morris
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MINUTES JANUARY 17, 2006

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Garland Hostetter
Land Use
Ms. Sara Piland
Supervisor
Ms. Lori Epler
Mr. Roy Turner
Mr. Harvey Cain

Others Present

Ms. Annie Faircloth
Ms. Annette Nunnery
Ms. Patricia Speicher,

Codes

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Morris delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

A motion was made by Mr. McNeill and seconded by Mr. McLaurin to approve the Agenda. Unanimous approval.

Chair Morris stated that Mr. Lloyd and Ms. Epler were representing the Planning Board at the County Commissioners meeting.

III. PUBLIC HEARING DEFERRALS

Ms. Speicher requested that Case P06-04 be deferred.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Cain stated his abstention regarding Case P06-03. **A motion was made by Mr. McNeill and seconded by Mr. McLaurin to accept the abstention. Unanimous approval.**

V. POLICY STATEMENT - PUBLIC HEARING TIME LIMITS – read by Ms. Speicher.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 20, 2005

A motion was made by Mr. McLaurin and seconded by Ms. Piland to

approve the Minutes of December 20, 2005 as written. Unanimous approval.

REZONING CASES

- B. P06-01: REZONING OF .67 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5211 RED MAPLE LN, OWNED BY DAVID A. HEWETT.
- C. P06-03: REZONING OF 2.27 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, W OF WADE-STEDMAN RD, N OF CLINTON RD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY SOUTH RIVER ELECTRIC MEMBERSHIP CORP.

AMENDMENT

- D. P06-06: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING THE R20 DISTRICT AND CREATING A R20A DISTRICT, AFFECTING: ARTICLE III, SECTION 304; ARTICLE IV, SECTION 403; AND ARTICLE XI, SECTION 1104; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

PLAT & PLAN

- E. CASE 06-004: CONSIDERATION OF ROBERT L BRIDGES PROPERTY, SUBDIVISION REVIEW, A WAIVER FROM SECTION 3.20, CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE ON THE NORTHWEST SIDE OF SR 2018 (CARL FREEMAN RD), NORTHEAST OF WHITE POND DR.

A motion was made by Mr. McLaurin and seconded by Mr. McNeill to approve Cases P06-01, P06-03, P06-06, and 06-004. Motion carried. Mr. Cain abstained.

VII. PUBLIC HEARING ITEMS

- A. P05-97: REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.

Ms. Speicher presented slides and site maps for case P05-97, and reviewed current land uses in the area.

The Public Hearing was opened at 7:07 p.m..

Steven Walsh appeared in favor of the rezoning. He stated that a dilapidated house was currently on the property and reviewed the existing land uses in the immediate area. He stated that his plan was to construct a building on the lot with the objective of raising the tax value of the property. He noted that the area has changed over the years from residential to business and industrial.

Mr. McNeill asked Mr. Walsh to clarify for the board the type of business he had in mind. Mr. Walsh stated he intended to operate an automotive repair shop. Vehicle parking would be temporary on the lot.

Ms. Speicher reminded the Board that they had to consider all uses allowed in the C(P) District.

Blaine Loveland spoke in favor of the rezoning, on behalf of the property owner. He noted that the area had changed from residential to primarily businesses with a higher traffic flow. He noted that the proposed business use would be a much better use of the property than the existing use.

Mr. McNeill asked if the applicant had spoken to staff about the possibility of a conditional use on the property. Mr. Loveland stated that he had, but that the property owner was concerned about restrictions on the Conditional Use if the property was sold in the future and also about the cost involved in applying for a Conditional Use.

The Public Hearing was closed at 7:19 p.m.

Mr. McNeill questioned if the Planning Staff's concern was with the repair of vehicles on the property. Ms. Speicher noted that the concern was not with the particular planned use but with the overall allowed uses in the C(P) District. Mr. McNeill questioned whether or not buffering of the property would be different between C(P) and C1(P). Ms. Speicher clarified that there would be no difference in the buffering requirements.

Mr. McNeill stated that a major concern with this particular request was with the less desirable uses that would be allowed in this district if the Board approved a straight rezoning instead of a Conditional Use on the property.

Chair Morris noted that the Petitioner should be aware that a one-year time limit for a rehearing would be applied if the Board ruled on the rezoning at this time. He urged the petitioner to again consider a deferral to discuss the Conditional Use with his client. The petitioner stated that he would be willing to consider that if he could talk the owner into it. Ms. Speicher stated that her understanding was that the owner did not want a Conditional Use. Mr. McNeill stressed that a deferral would allow the property owner a chance to consider the options involved without invoking the one-year time limit.

Mr. Loveland and Mr. Walsh both stated that they would like to defer for an additional 30 days.

A motion was presented by Mr. McNeill and seconded by Mr. McLaurin to accept a request for deferral for Case P05-97. Motion carried unanimously.

B. P06-02: REZONING OF .85 ACRES FROM C1(P)/CU AND C3/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE NW QUADRANT OF BOONE TRL AND CUMBERLAND RD, OWNED BY GLADYS ARP BLANTON.

The Public Hearing opened at 7:32 p.m.

Ms. Speicher presented Case P06-02 and reviewed slides and land uses in the area. She noted that a Conditional Use for a nursery operation had been approved for this property in March of 2004.

Gladys Blanton, owner, spoke in favor of the request. She stated that she wanted to resume operation of a used car sales business on this property. The nursery operation had been a mistake.

Mr. Turner asked what the prior zoning on the property had been. Ms. Speicher stated that it was C1 and C3, changed to C1(P)/CU and a small portion to C3/CU.

Mr. McNeill asked if a previous overlay had allowed for an automobile sales lot on that property. Ms. Speicher stated that C1 did not allow for that use and that the operation of an automobile sales lot on the subject property may have existed prior to any zoning in that area.

Mr. McNeill asked for clarification from the petitioner as to the type of business he would operate. The petitioner stated he would display 10 to 15 cars for sale only, with no repair of those vehicles. He stated that the configuration of the lot would limit his and any other business that operated there.

The Public Hearing was closed at 7:42 p.m.

Discussion was entertained on the lot configuration and access to the property. Ms. Speicher circulated a plat showing the recorded lots and the buildable envelope on the property. Mr. McNeill asked if the Planning Staff would have been more agreeable to a rezoning request of C(P) for the Cumberland Road frontage portion of the lot. Ms. Speicher stated that C(P) would have been consistent with both the Cumberland Road Land Use Study and the current uses in the area in that case.

Mr. McNeill agreed that the lot configuration would limit other uses on the property. He stated that he would be agreeable to C(P) on the front lot abutting Cumberland Road and C1(P) on the remainder of the property. He further noted his concern with the matrix and the different automotive uses allowed. He questioned whether a business could use the C(P) lot and have customer parking on the C1(P) lot. Ms. Speicher stated that this was technically a Code Enforcement question, but most likely, customer parking, not display parking, would be allowed.

Mr. McNeill presented a motion, seconded by Mr. McLaurin, to deny the request for a C(P) District on the entire property and approve a C(P) District on the .46 acres fronting Cumberland Road and a C1(P) District on the remaining portion of the property, with no Conditional Uses. Motion carried unanimously.

VIII. INTERIM DIRECTORS UPDATE

Ms. Speicher stated that Ms. Candace Williams with the Sandhills Land Trust would make a presentation to the Board at the February 7th meeting.

IX. DISCUSSION

Ms. Epler returned to update the Board on the Commissioners meeting. She reported that the Commissioners had deferred Cases P05-89 and P05-90 for thirty days and had upheld the Planning Board's decisions on all other cases presented.

X. ADJOURNMENT

Ms. Epler presented a motion, seconded by Mr. Turner, to adjourn the meeting at 8:01 p.m. Unanimous approval.

**JNJ INVESTMENTS, LLC (RIVERS EDGE SUB)
SUBDIVISION REVIEW
CASE NO. 06-014**

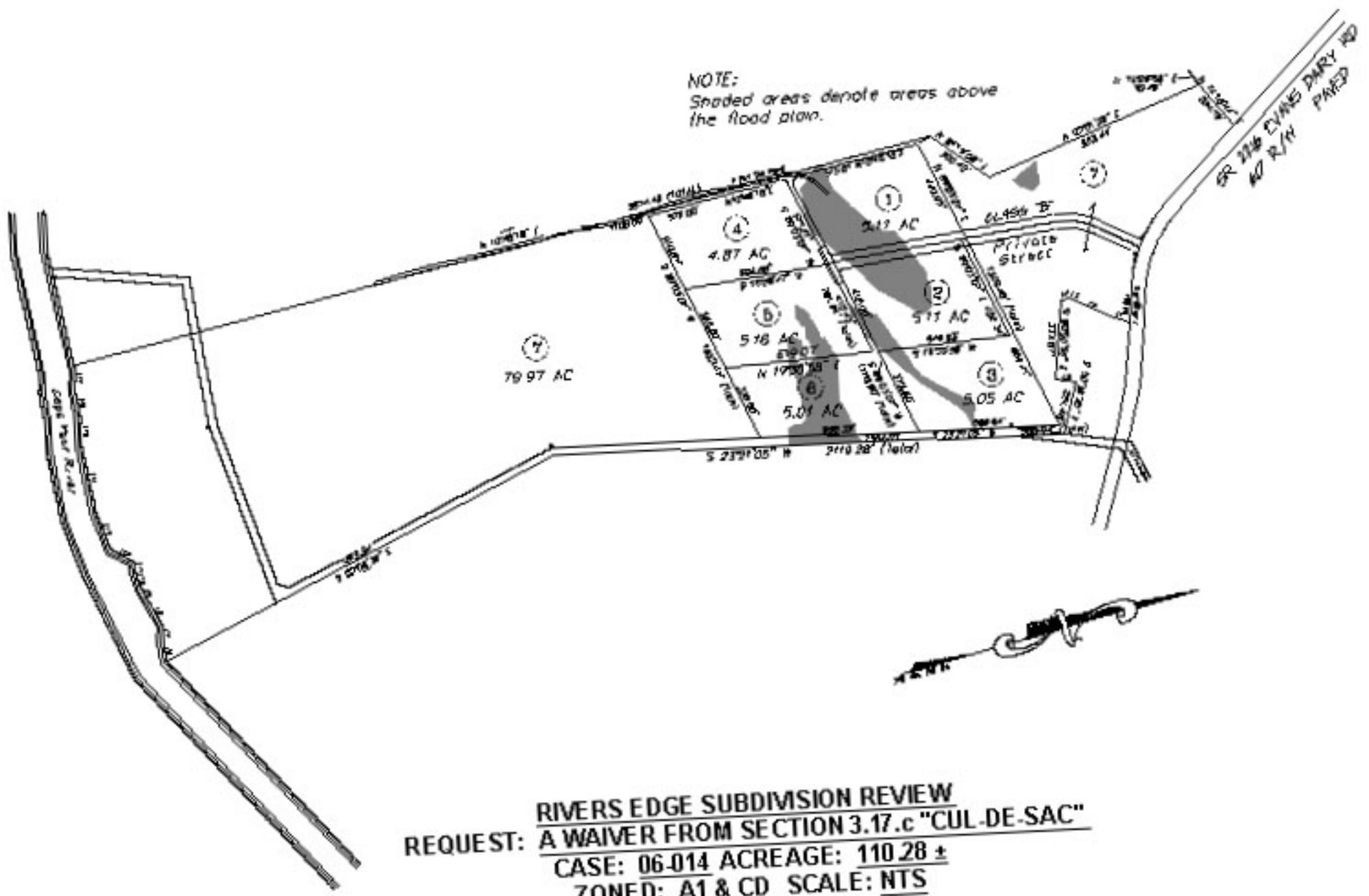


PIN: 0454-48-1377-
PREPARED BY MAS - CCJPB
JANUARY 3, 2006

Map not to scale



NOTE:
Shaded areas denote areas above
the flood plain.



RIVERS EDGE SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 3.17.c "CUL-DE-SAC"
CASE: 06-014 ACREAGE: 110.28 ±
ZONED: A1 & CD SCALE: NTS

Les C. Morris
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of Linden

van McLaurin
Vice-Chair
Falcon & Godwin
and C. Hostetter,
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vey Cain, Jr.,
n of Stedman



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Planning and Inspections Department

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

January 31, 2006

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-010
84 Lumber
(M(P) Site Plan Review)

The developer has submitted a request for an alternate yard requirement and is requesting to be exempt from any landscaping standards required under Section 1102 N, Landscape Requirements for New Non-Residential and Mixed-Use Developments, County Zoning Ordinance. The developer has stated in their request that they met with the Planning & Inspections Staff and had asked about landscaping requirements.

While it is true that in October there were no adopted landscaping requirements other than buffer requirements, the Staff would have advised the applicant that the requirements were pending. The Planning & Inspections Staff met on the proposed landscaping amendment on October 25, 2005. The Board recommended approval of the landscape requirements at your meeting on November 1, 2005 and the County Commissioners subsequently adopted the amendment on November 21, 2005. The proposed site plan was submitted to the Planning and Inspections Department on December 27, 2005 with conditional approval granted on January 5, 2006.

In accordance with Section 1404, Planning Board Consideration, County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

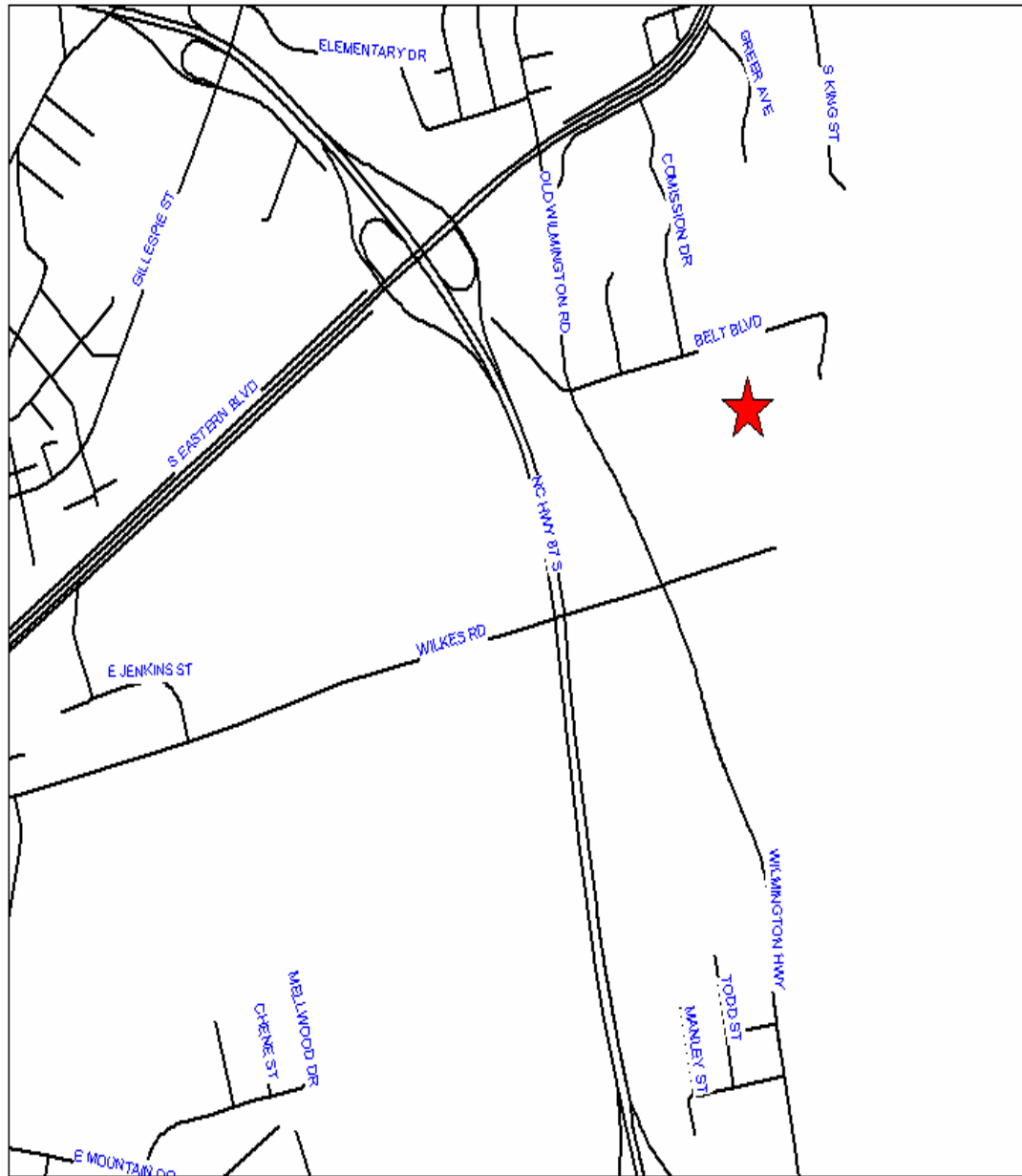
The Planning & Inspections Staff recommends **denial** of the requested alternate yard based on the following:

1. There is no reason given in the request justifying how noncompliance with the landscape requirements would provide for a more logical development;
2. The developer did not turn the site plan in until the end of December which is at least two months from the time they had originally met with the Planning & Inspections Staff; and
3. The Planning & Inspections Staff feels it is important to uphold the provisions of the newly adopted landscape standards.

Attachments

cc: Amelia Provenzano, Representative for 84 Lumber, Developer
Frank Avbel, Engineer
Grainger Barrett, County Attorney
Patricia Speicher, Supervisor, Land Use Codes

**84 LUMBER
M(P) SITE PLAN REVIEW
CASE NO. 06-010**



PIN:0436-95-8771-
PREPARED BY MAS - CCJPB
DECEMBER 27, 2005

Map not to scale



Town of Wade

RESOLUTION NUMBER _____

A Resolution modifying a previously adopted Resolution dated September 11, 1979, which makes the *Cumberland County Zoning Ordinance* applicable to all areas located within the corporate limits of the Town.

WHEREAS, the Town at the time of adoption of the 1979 Resolution and at present did not and does not have a Zoning Ordinance to regulate the use of land within the municipal boundaries of the Town; and

WHEREAS, Section 153A-320 of the North Carolina General Statutes permits the County of Cumberland (the "County") to exercise its power to regulate the use of land throughout the County except that North Carolina General Statute Section 160A-360, provides that a County on request of a municipal governing board may exercise any or all such powers in any or all areas located within that municipality's corporate limits; and

WHEREAS, Section 160A-360(g) of the North Carolina General Statutes specifically allows for modification, at any time, of any previous Resolution regulating the use of land within the corporate limits of such a municipality; and

WHEREAS, the Town desires to continue to permit the County of Cumberland to exercise its power in regulation and enforcement of the use of land within its corporate limits; and

WHEREAS, the Town also desires, however, to be the final approving authority on site plan approvals and all zoning amendments for all properties within the corporate limits of the Town;

NOW, THEREFORE, BE IT RESOLVED:

1. That the original Resolution delegating to the County regulation of the use of land within the municipal boundaries of the Town as originally adopted is modified and amended as set forth herein; and

2. That the governing board of the Town requests that the County make the Cumberland County Zoning Ordinance applicable to all areas located within the corporate limits of the Town with the following exceptions:

a. Article XIV, Planned Districts, *Cumberland County Zoning Ordinance*, shall be construed so that the governing board of the Town shall be, and the governing board of the Town shall be deemed to be, the final approval authority for site plan approval of all non-residential development within the corporate limits of the Town; and

**TOWN OF LINDEN
COMMUNITY STANDARDS**

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February 1, 2006

MEMORANDUM

TO: Joint Planning Board

FROM: Patti Speicher
Supervisor, Land Use Codes

SUBJECT: Community Standards Ordinance, Town of Linden

Attached is the final draft version of the Town of Linden's *Community Standards Ordinance*. The Town of Linden's Beautification Committee would appreciate your endorsement of this Ordinance. The Town Board of Commissioners will hear this item at public hearing on February 21, 2006 at 7:30 pm in Town Hall. Following is a brief background information:

The Town Board created the Beautification Committee in late July of 2005 with the first meeting being held on August 2, 2005. The members of the Committee are three of the Town Commissioners, with David Raynor as Chair. The purpose of the Committee was established as being to preserve the character and the integrity of the Town while at the same time protecting the public health, safety and general welfare of the citizens. The Committee met five times between August and December, 2005.

During each meeting, the Committee members focused on exactly which issues they felt were important to be addressed within any regulations drafted by the Committee. By consensus it was agreed the document would be entitled, "Community Standards". Other similar regulations from other cities and towns were reviewed during the course of the meetings.

What you have in your packets is the final draft version, dated December 20, 2005, of what the Committee is requesting the Town Board to consider for adoption and to set for public hearing at their February meeting.

The Ordinance is basically broken down into three primary parts. The first section clearly establishes the authority and intent of the regulations. The Committee's goal was not to intrude into citizen's everyday lives and prevent their right to enjoyment of their own property but to limit any negative, adverse effects of one property owner's actions/non-actions on another property owner and the Town as a whole.

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AN ORDINANCE, REGULATING THE MINIMUM ACCEPTABLE STANDARDS FOR APPEARANCE OF PROPERTIES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ENFORCEMENT OF THE SAME.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF LINDEN:

COMMUNITY STANDARDS

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to North Carolina General Statute 160A-174 et seq., and for the purpose of defining, prohibiting, regulating, or abating acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the Town.

SECTION 2. GENERALLY

- A. Intent Statement. It is the intent of the Board of Commissioners of the Town of Linden, by adopting this Ordinance, to establish acceptable standards for appearance and quality of life issues for the Linden community. The standards contained within this Ordinance are intended to preserve the character and integrity, protect the property values, and to promote and preserve the visual and economic interests of the Town while protecting the public health, safety and welfare of the citizens. The Board's belief is that this can be accomplished through uniformity of appearance and proper maintenance of the properties within the Town while ensuring the equitable application of these standards to its citizens.
- B. Legislative Finding. It is hereby found and determined that there exist within the area subject to the zoning jurisdiction of the Town premises that, because of the existence of the conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood and create substantial and unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, deter tourism, interfere with the public health and safety, or otherwise discourage the comfort, happiness and emotional stability and general welfare of all citizens.

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SECTION 3. DEFINITIONS

For purposes of interpreting this Ordinance, certain words or terms are herein defined. Unless otherwise stated, the following words shall for the purpose of this Ordinance have the meaning herein indicated:

Dead Plant Material. Any trees, shrubs or ground covers that show an absence of living tissue, such as stems or leaves, during a full growth cycle (spring to spring).

Junk. Any material or substance stored in the open or not enclosed in a building which does not serve, nor is intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to: refuse; empty cans; bottles; debris; used furniture; used appliances; machinery parts; motor vehicle parts; remnants of wood, decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.

Litter. Any discarded or abandoned, used or unconsumed substance or waste, including but not limited to: garbage, trash, refuse, debris, rubbish, newspaper, magazines, paper, plastic or paper containers or other packaging.

Nuisance. Any condition detrimental to the public health, safety and welfare that violate the rules and regulations of the Town and/or the Cumberland County Health Department.

Open Places. Areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

Public View: Any location within a normal range of vision as seen by the public from the right-of-way.

Rubbish: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter, such as yard debris and trimmings, tree branches, slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

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

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

SECTION 4. NUISANCES

The existence of any of the following conditions on any parcel of land, including vacant lots within the Town limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

A. Structural

1. Slaughterhouses. It shall be unlawful for any person to engage in business as an abattoir or to conduct any slaughtering operations in the town.
2. Structures. All unsafe or deteriorated structures to include but not limited to storage buildings, sheds, and other similar structures shall not be permitted, and
 - (1) All structures shall be maintained in safe and substantial condition, in good structural condition and appearance, free from deterioration, rot, rust, or weathering, and
 - (2) All unsafe or deteriorated structures as determined by the Code Enforcement Coordinator shall be repaired or removed within 30 days of notice.
3. Fences and Walls. All fences, retaining walls or similar landscape features that are not firmly anchored to the ground, maintained in good structural condition and appearance, or free of deterioration shall not be permitted. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather. Deteriorated features shall be replaced or repaired, or shall be completely removed and properly discarded. Electric fences or fences that are electrically charged, and fences that are constructed of barbed or razor wire shall be prohibited. This prohibition shall not apply to fences used to enclose livestock on a bona fide farm and those serving a public or quasi-public institution for public safety, or security purposes as approved by the Code Enforcement Coordinator.

B. Environment/Grounds

1. Firewood. Firewood, except when such storage is neither in excess of a total area of 100 square feet not stacked to a height more than four feet above ground.
2. Overgrown Lots/Yards. The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard to the public health or safety.

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3. Allowing Dead Animals to Remain on Property. It shall be unlawful and is hereby declared to be a nuisance for any person to allow a dead carcass of any animal to remain upon any property longer than 15 hours.

4. Noxious or Offensive Matter. Emission or effluence of noxious or offensive particulant matter, dust, sludge or other materials or substances which tend to pollute or contaminate land, water or air, rendering or tending to render it injurious to human health, habitation or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property; provided, however, that this subsection shall be construed consistent with and supplementary to, and not in conflict with, applicable state and federal laws and regulations.

5. Litter. Any junk, waste materials, unusable building materials, trash, garbage, oily rags, barrels, cans, papers, bricks, refuse, rubbish, or similar matter which is scattered, cast, placed or deposited in a yard or yards, so as to constitute an accumulation or concentration in an open area or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

6. Presence, Accumulation, Storage or Placement of Junk. Junk, including but not limited to, deteriorated, unusable or inoperative furniture, furniture intended to be inside, appliances, machinery, equipment, building materials, worn out and unused automobiles or parts, tires, or any other man-made items which are either in whole or in part, wrecked, junked, unused, worn out, dismantled or inoperative.
 - (1) Storage of junk shall only be allowed on any properties used for nonresidential purposes in compliance with all other Town Codes, or if not addressed by a Town Code, completely enclosed within a building or otherwise evenly placed or neatly stacked and concealed by a solid fence, cover or other means so as to not be visible at the property line from abutting properties or any right-of-way.

 - (2) Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or limited to 200 square feet in area and completely concealed by a solid fence, cover or other means so as not to be visible from public view, concentrated in one area within the rear yard and neatly arranged or stacked so as not to exceed four feet in height.

 - (3) Whether stored on a residential or nonresidential property such storage of junk shall be maintained in such a manner so as to prevent

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overgrown grass or weeds or an infestation of wild animals, reptiles and rodents.

7. Parking on Public Rights-of-Way. Parking on any public right-of-way within the Town's corporate limits is prohibited.
8. Open Burning. Open burning of off-site collected debris, plant material, litter, rubbish, etc. within the Town's corporate limits shall be prohibited.

C. Abandoned/Junked Vehicles

The Board of Commissioners adopts through incorporation by reference the *Abandoned, Nuisance, and Junked Motor Vehicle Ordinance*, Article III of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions. In addition to the items enumerated under Section 9-47, Exceptions, of the Cumberland County Code, the Town also excepts all non-tagged, non-registered vehicles of Armed Forces Service members that are deployed in support of military operations for a duration of six months or longer provided that the following conditions have been complied with:

1. The service member has notified the Town of their military-ordered absence and the expected duration of absence;
2. The service member has taken prudent actions to ensure the vehicle is protected and not left in an "abandoned" state; and
3. The service member has positioned the vehicle so that it is not visible from any public right-of-way and located in the side or rear yard of the service member's property.

D. Noise

The Board of Commissioners adopts through incorporation by reference the *Cumberland County Noise Ordinance*, Article II, Section 9.5-21 et seq. of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions, with the following exceptions to Section 9.5-26(1), Exemptions from Section 9.5-24:

1. To establish hours for Sunday as 12:00 pm to 6:00 pm. The remaining hours are to be as stated in the Ordinance; and
2. To allow any Town-related function which has been approved and/or sanctioned by the Town Board of Commissioners.

SECTION 5. COMPLIANCE

That all public and private land within the Town of Linden shall be in compliance with the provisions set forth in this Chapter within a 12 month period after the

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effective date of this Ordinance, or within a 12 month period after the effective date of annexation into the Town of Linden.

SECTION 6. PENALTIES

The violation of any provision of this Ordinance shall be a misdemeanor, punishable upon conviction by a fine of not more than \$25.00 as provided in N.C.G.S. 14-4 and except as otherwise provided in this Ordinance, each violation of this Ordinance shall constitute a separate and distinct offense. If a Code Enforcement Coordinator finds that any provision of this Ordinance is being violated, the Code Enforcement Coordinator shall cause to be served upon the offender or its agent, by certified mail, return receipt requested, or by personal service, a notice of civil citation. The notice of civil citation shall indicate the nature of the violation and order the action necessary to correct it. The citation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Town Board of Commissioners within ten days from the date of service of the citation.

SECTION 7. AMENDMENTS

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the responsible Cumberland County agency referred to herein, shall be effective in the Town at the time such amendments are considered by and adopted by the Town Board of Commissioners and subsequently filed with the Town Clerk.

SECTION 8. SEVERABILITY

If any provision herein is declared void or unenforceable by a court of competent jurisdiction or by legislation of the State, those portions not in conflict shall remain valid and in force.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by the Town of Linden Board of Commissioners. Adopted this ____ day of _____, 2006.

C. Leo Kelly, Mayor

ATTEST:

Sue Giles, Town Clerk