

ARTICLE X DIMENSIONAL REQUIREMENTS

10-1 Table of Area and Yard Requirements (Setbacks)

SEE NOTES FOLLOWING CHART

DISTRICT	AREA IN SQUARE FEET <i>Note 1</i>	LOT WIDTH IN FEET AT BUILDING LINE <i>Note 2</i>	FRONT YARD SETBACK IN FEET <i>Note 3</i>	REAR YARD DEPTH IN FEET	SIDE YARD WIDTH IN FEET	HEIGHT <i>Note 3</i>
RA Single Unit	43,560 (1 Acre) Individual Water/Sewer (<i>Amend.4/2/01</i>) 25,000 Community/Public Water or Sewer 15,000 Community/Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (<i>Note 4</i>)	15 (20 where abutting street) (<i>Note 4</i>)	35
RP Single Unit	43,560 (1 Acre) Individual Water/ Sewer (<i>Amend 4/2/01</i>) 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (<i>Note 4</i>)	15 (20 where abutting street) (<i>Note 4</i>)	35
RM Single Unit	43,560 (1 Acre) Individual Water/ Sewer (<i>Amend 4/2/01</i>) 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (<i>Note 4</i>)	15 (20 where abutting street) (<i>Note 4</i>)	35
RP Major Subdivision	30,000 Individual Water/Sewer 20,000 Community/ Public Water or Sewer 12,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (<i>Note 4</i>)	15 (20 where abutting street) (<i>Note 4</i>)	35
RM Duplex	45,000 Individual Water/ Sewer 35,000 Community/ Public Water or Sewer 25,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (<i>Note 4</i>)	15 (20 where abutting street) (<i>Note 4</i>)	35

DISTRICT	AREA IN SQUARE FEET <i>Note 1</i>	LOT WIDTH IN FEET AT BUILDING LINE <i>Note 2</i>	FRONT YARD SETBACK IN FEET <i>Note 3</i>	REAR YARD DEPTH IN FEET	SIDE YARD WIDTH IN FEET	HEIGHT <i>Note 3</i>
RM Multi-Family, condominiums, Townhouses	30,000+3,000 for each unit over 2 (Individual Water/ Sewer) 25,000+3,000 for each unit over 2 (Community/ Public Water or Sewer) 15,000+3,000 for each unit over 2 (Community/ Public Water and Sewer) <i>(see Chapter 2, Section 5-5 for Major Subdivision Overlay District)</i> Maximum lot coverage by principal and accessory bldgs. =40% of lot area	120	35' (except bldgs. over 35' high require 1' extra setback per foot over 35' high; max 10' additional setback)	20% mean lot depth, or 15' max <i>(Note 4)</i>	15 (20 where abutting street) <i>(Note 4)</i>	35
OI	30,000 Individual Water/ Sewer 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer	100	30	25	10 (20 where abutting street)	50
OI Commercial Condominiums, Townhouses	30,000+3,000 for each unit over 2 (Individual Water/ Sewer) 25,000+3,000 for each unit over 2 (Community/ Public Water or Sewer) 15,000+3,000 for each unit over 2 (Community/ Public Water and Sewer) Maximum lot coverage by principal and accessory bldgs.=40% of lot area	120	35' (except bldgs. over 35' high require 1' extra setback per foot over 35' high; max 10' additional setback)	20% mean lot depth, or 30' max	10 (20 where abutting street)	35
RC	43,560 (1 Acre)	100	35	20	20	35
NC	30,000 Individual Water/ Sewer 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer	100	30	0 (Except 15 where abutting residential district)	0 (Except 20 where abutting residential district; where side yard <i>not required</i> provided 8' min)	50

DISTRICT	AREA IN SQUARE FEET <i>Note 1</i>	LOT WIDTH IN FEET AT BUILDING LINE <i>Note 2</i>	FRONT YARD SETBACK <i>Note 3</i>	REAR YARD DEPTH IN FEET	SIDE YARD WIDTH IN FEET	HEIGHT <i>Note 3</i>
NC Commercial Condo- miniums, Townhouses	30,000+3,000 for each unit over 2 (Individual Water/ Sewer) 25,000+3,000 for each unit over 2 (Community/ Public Water or Sewer) 15,000+3,000 for each unit over 2 (Community/ Public Water and Sewer) Maximum lot coverage by principal and accessory bldgs.=40% of lot area	120	35' (except bldgs. over 35' high require 1' extra setback per foot over 35' high; max 10' additional setback)	20% mean lot depth, or 30' max	10 (20 where abutting street)	35
HC	30,000 Individual Water/ Sewer 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer (Amended 10/2/2006)	100	50 along US and NC numbered highways 30 along all other public roads	25	10 (20 where abutting street)	50
HC Commercial Condo- miniums, Townhouses	30,000+3,000 for each unit over 2 (Individual Water/ Sewer) 25,000+3,000 for each unit over 2 (Community/ Public Water or Sewer) 15,000+3,000 for each unit over 2 (Community/ Public Water and Sewer) Maximum lot coverage by principal and accessory bldgs.=40% of lot area	120	35 (except bldgs. over 30 high require 1' extra setback per foot over 35' high; max 10' additional setback) Note 3	20% mean lot depth, or 30' max	10 (20 where abutting street)	35
LI	1 acre	100	50	25	10 (20 where abutting street)	60

DISTRICT	AREA IN SQUARE FEET <i>Note 1</i>	LOT WIDTH IN FEET AT BUILDING LINE <i>Note 2</i>	FRONT YARD SETBACK <i>Note 3</i>	REAR YARD DEPTH IN FEET	SIDE YARD WIDTH IN FEET	HEIGHT <i>Note 3</i>
HI	1 acre	100	40	0 (except 25 where abutting residential street)	0 (Except 20 where abutting residential district; where side yard not required provided 8' min)	60

10-2 Note 1: Lot areas and setbacks shall be increased if required by county health department regulations.

Lot areas in designated watersheds and water quality critical areas are controlled by the Rockingham County Watershed Ordinance but in areas of the text of the development ordinances where the lot size requirements are different, the greatest restriction (i.e. the largest minimum lot size) shall be required. (Amended 4/2/2001)

10-3 Note 2: Minimum frontage

Minimum frontage of all lots shall be 50 feet on a public or private street or road, an exclusive use easement, or a road easement with no initial dedication as provided for in alternate requirements for lots greater than 10 acres. (Amended 10/6/2003) 100 (or 120) foot minimum width at building line does not apply to cul-de-sac lots.

(a) Alternate Requirements for Lots Greater Than Ten Acres

(Adopted 10/6/2003)

Where all lots in a proposed development are greater than ten acres, the fifty foot frontage requirement contained in the Rockingham County Zoning Ordinance is satisfied if all of the following conditions are met:

1. The development includes ten or fewer lots without frontage on a public or private road or exclusive use easement. Lots that front fifty feet on a public or private road or exclusive use easement shall not be included in this calculation even if these lots will be accessed via a road easement (with no initial dedication).
2. Each lot, which does not front fifty feet on a public or private road or exclusive use easement, shall front fifty feet on a road easement (with

no initial dedication) established to provide adequate access to such lot.

3. Each road easement (with no initial dedication) shall be a minimum of 50 feet in width and designed and constructed to North Carolina Department of Transportation standards for local residential subdivision roads, with the exception that paving is not required and the gravel base shall be a minimum of 4 inches. A professional engineer or registered land surveyor must certify in writing to the Planning Department that the road easement (with no initial dedication) is designed to meet the design and construction standards for Alternate Requirements for Lots Greater than Ten Acres and that the road easement (with no initial dedication) post construction does meet the design and construction standards for Alternate Requirements for Lots Greater than Ten Acres.
4. The developer shall provide a location for the provision of garbage collection service, mail delivery, and school bus pick up and delivery or provide a certificate in writing from the provider that the service(s) will be provided to the individual lots. This location shall be outside of the road easement (with no initial dedication) used for access to the lots and shall be designed and constructed to the same standards as the road easement (with no initial dedication) used for access to the lots. Specifically, an area must be provided for a school bus stop at least thirty-five feet off the public right of way that is eighteen feet wide and forty feet long (measured from the center of the road easement with no initial dedication) and with a bus stop shelter provided for waiting passengers. The developer shall submit a plan to the Planning Department for approval for mail and garbage pick up that is at least thirty-five feet off the public right of way and that is separate and apart from the school bus stop. (The Planning Department will develop examples of designs for mail and garbage pick up.)
5. A declaration shall be included in each deed (or in a separate recorded instrument and referenced in the deed) signed by the grantee(s) of each lot in the development that the lots or lots being conveyed shall not be divided further unless the road easement (with no initial dedication) is upgraded to NCDOT standards including pavement and initial dedication of the road easement as a public road; that only one home or residence will be permitted on each lot; that the road easement (with no initial dedication) is not a public road; that such road easement (with no initial dedication) will not be paved or maintained by NCDOT or Rockingham County; that garbage collection, mail service, and school bus pick up and delivery may be limited (unless written certification by the provider of the service(s) is supplied to the Planning Department); and that maintenance of the road easement (with no

initial dedication) from the lot being purchased to the nearest public road is the responsibility of the individual lot owner. The property owner shall provide the Planning Department with a recorded copy of this declaration prior to the Planning Department issuing a building permit for the lot.

6. The road easement (with no initial dedication) must connect directly to a public, state maintained road.
7. The developer must obtain a driveway entrance permit for the road easement (with no initial dedication) and provide a copy of the driveway permit to the Planning Department prior to the Planning Department issuing a building permit for the lot.
8. The developer shall establish a road construction fund in the amount of \$1000 for each lot, to be deposited at the time of sale of the individual lots. This fund shall be used for the maintenance and upkeep of the road easement. Management of this account may be retained by the developer or assigned to a homeowner's association.
9. Where the developer can show that application of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Board of Adjustment may approve a variance when it finds that such variance may be granted without destroying the intent of the Zoning Ordinance.

10-4 Note 3: Additional front setback if exceed height requirement

An additional 1 foot in front yard setback is required for each additional foot over the stated height requirement; 10 feet additional maximum setback.

10-5 Note 4: Amendment Reference

All references under "Rear Yard Depth in Feet" of 30 feet and all references under "Side Yard Depth in Feet" of 10 feet shall be deleted and replaced with 15 feet. (Amended 9/16/1991; Effective Date 9/17/1991)

10-6 Modification of Required Yards

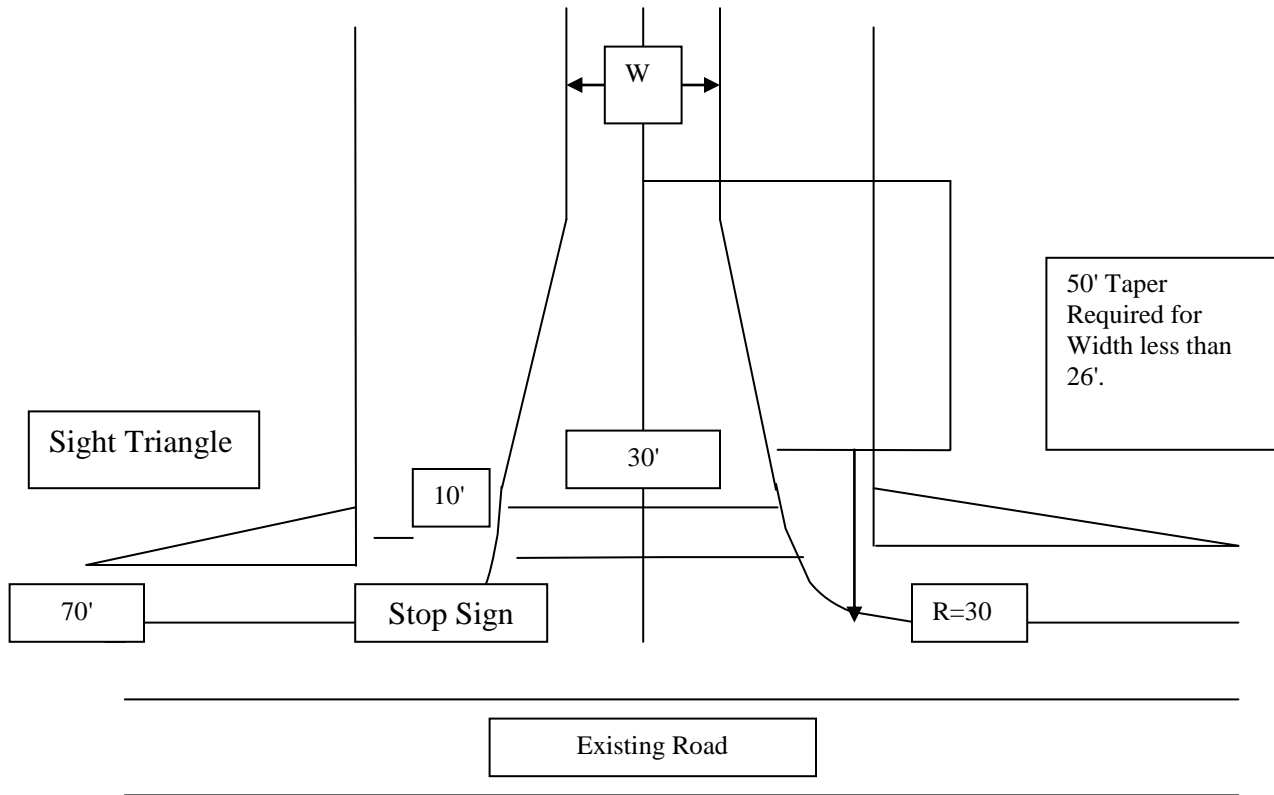
(Amended 9/9/1996)

- a. Corner lots adjoining along common rear lot line: Where a corner lot in any district adjoins a corner lot in a residential district, along a common rear lot line, the minimum side yards along the common street line shall be twenty (20) feet. Accessory buildings shall also be subject to this requirement.

- b. Front yards on through lots: On through lots the minimum front yards for the respective districts shall apply wherever such lots have frontage on a public street.
- c. Projections of sills, eaves, etc., into required yards: Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforementioned projections shall project into a minimum side yard more than twenty-four (24) inches.
- d. Projection of fire escapes, etc., into required yards: Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, projecting into a minimum yard not more than four (4) feet shall be permitted where so placed as not to obstruct light and ventilation.
- e. Projection of bay windows into required yards: A bay window not to exceed thirty percent (30%) of the width of the building may project not more than three (3) feet into the front yard.
- f. Visibility at intersections: on a corner lot nothing shall be erected, placed, planted or allowed to grow that would materially block vision between a height of three (3) feet and ten (10) feet above the center grade of the two intersecting roads that form the sight triangle.

The sight triangle shall have sides of ten (10) feet and seventy (70) feet. The smaller side shall be measured from the intersection of the two right-of-way lines back ten (10) feet along the right of way of the road with the yield or stop sign. The large side shall be measured from the intersection of the two right-of-way lines outward seventy (70) feet along the road that does not have a yield or stop sign. (See illustration below.)

- g. Yards abutting railroad tracks: No yard shall be required along the side or rear of a non-residential lot where the side or rear respectively of such lot abuts a railroad track which is or will be used to provide railroad service to the lot.



10-7 Modification of Height Limits

- a. Measurement of building height (general): Except as otherwise provided in this ordinance, the height of a building shall be the vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten (10) feet of the street line, to the highest point.
- b. Parapet walls and cornices: Nothing in this ordinance shall apply to prevent the erection above the height limit of a parapet wall or cornice, extending above such height limit not more than five (5) feet.
- c. Appurtenant structures on roofs: Skylights, domes, flagpoles, cooling towers and structures for the housing of elevator equipment, stairways, tanks, fans, air conditioning or similar equipment required for the operation or maintenance of buildings may be erected above the height limit in any district.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

11-1 Off-Street Parking Standards

Unless otherwise expressly stated in this Chapter, off-street parking spaces must be provided in accordance with the following schedule of minimum parking requirements.

When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time either on a single shift or an overlap of shifts.

**TABLE 11-1
Required Parking Spaces**

USE	REQUIRED PARKING SPACES
Airfields and landing strips, no public terminals	1 per 5 planes
Airports, railroad passenger stations and bus terminals.	1 per each 4 seating accommodations for waiting passengers, plus 1 per each 2 employees on shift of greatest employment.
Automobile Service Stations.	1 per gasoline pump plus 2 per service bay. Driveway access to pumps and bays shall not be counted as off-street parking space.
Banks and similar financial institutions.	1 per 200 square feet of gross floor area, plus 3 per each drive-up window or ATM.
Baseball fields	20 per field.
Beauty and Barber Shops.	2 per beauty or barber chair, plus 1 per employee.
Clubs & lodges.	1 per 4 members at design capacity or one per 200 square feet of gross floor area.
Combination Gasoline/ Convenience Stores	1.5 per gasoline pump plus 1 per each 200 square feet of gross floor area.
Day nurseries, day-care centers, and preschools.	1.5 per five pupils enrolled.
Dormitories.	1 per three (3) residents.
Drive through facilities.	Stacking space for 4 vehicles at each drive-in window, bay or lane.
Dry cleaners or laundry (self-service)	1 per 4 pieces of equipment for public use.
Dwellings, single-family, two-family, or multi-family.	2 per dwelling unit.
Emergency services such as police, fire, rescue squad, EMS, ambulance services	1 per employee on largest shift plus 5 spaces, or 1 per 250 square feet of gross floor area, whichever is needed as determined by the Planning Director
Funeral homes.	1 per 40 square feet of floor area available for seating accommodations.
Government Buildings.	1 per 300 square feet of gross floor area.
Home Occupations.	3 spaces in addition to residence requirements if the occupation will attract customers or other

USE	REQUIRED PARKING SPACES
	members of the public.
Hospitals and Sanitaria.	1 per 2 beds.
Indoor commercial recreation.	1 per 150 square feet of gross floor area devoted to such use, or 1 per 4 seats or facilities available for patron use, whichever is greater.
Industrial, manufacturing, and wholesaling establishments.	1 per 2 employees on the shift of greatest employment, plus 1 space for each vehicle used directly in the conduct of such use. Additional parking spaces shall be provided for visitors equal to 5% of the employee parking when there are 40 or more employees.
Kennel	1 per each 400 square feet of gross floor area.
Medical and dental offices and clinics.	3 per doctor, plus 1 per employee.
Motels, hotels, and tourist homes.	1 per guest room and 1 per employee on shift of greatest employment.
Nursing homes, rest homes, homes for the aged.	1 per 3 patient beds at design capacity plus one per each employee during shift of greatest employment.
Office and professional buildings.	1 per 200 square feet of gross floor area.
Outdoor commercial recreation including Amusement Park and fair grounds.	1 per 3 persons that the facility is designed to accommodate when fully utilized (if measurement can be made) plus 1 per employee during the shift of greatest employment or 1 per 200 square feet of gross area used for activities not susceptible to such calculation.
Places of Public Assembly including Auditoriums, stadiums, assembly halls, gymnasiums, theaters, community recreation centers, churches.	1 per 4 fixed seats in largest assembly room or area, or 1 per 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is needed by the facility as determined by the Planning Director.
Post Offices.	1 per 200 square feet of gross floor area, plus 1 per 2 employees on the shift of greatest employment.
Public Libraries, Museums and Art galleries.	1 per 300 square feet of gross floor area.
Restaurants, diners, cafes, night clubs and other eating and drinking establishments.	1 per each 3 seating accommodations.
Retail stores and service businesses which do not fall into one of the specific categories in this subsection.	1 per 250 square feet of gross floor area.
Roadside stands, new and used car sales, house and truck trailer sales, outdoor equipment and machinery sales, rental or leasing facility, commercial	2 per each salesperson on duty during period of greatest employment, plus 1 per 2 other employees during period of greatest employment.

USE	REQUIRED PARKING SPACES
nurseries.	
Room renting and boarding houses.	1 per unit rented plus 1 per employee.
Schools, Elementary and junior-high	1 per 5 seats in the principal assembly room.
Schools, Senior high, trade and vocational colleges and universities.	1 per 3 students for which building was designed.
Swimming pool	1 per 75 square feet of pool surface area.
Veterinary services (clinic or hospital)	1 per each 300 square feet of gross floor area.

11-2 Lighting

Lighting fixtures in parking lots and associated walkways shall be aimed and shielded in a manner that does not directly illuminate adjacent properties or structures.

11-3 Safety Barriers

Curbs, walls, fences or similar devices shall be located along the perimeter of parking lots, garages, and storage areas, except at entrances and exits indicated in approved parking plans. Such barriers shall be so designed and located as to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of-way and adjoining properties from changing effects of surface drainage.

11-4 Parking Areas Adjacent to Public Alleys

Where off-street parking facilities are located adjacent to a public alley the width of such alley may be counted as a portion of the required maneuvering and access area, but not as part of the parking spaces required.

11-5 Improvement, Design and Location Standards

- a. Parking in non-residential zoning districts shall also comply with Article XVII.
- b. Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side that adjoins or faces any residential or institutional zoning district by architectural elements, fencing or landscaping. Such screening shall be at least five (5) feet in height and maintained in good condition.
- c. All parking lots that are used at least five (5) days per week shall be paved with asphalt or concrete up to the required paved driveway. The paving requirement shall not apply to parking lots used only by churches, private clubs, or similar organizations using said parking facilities on an irregular schedule and parking lots where ten (10) or less spaces are required. Maintenance of all off-street parking shall be the responsibility of the owner(s). Parking lots not requiring paving shall be graded, and surfaced with crushed stone or gravel

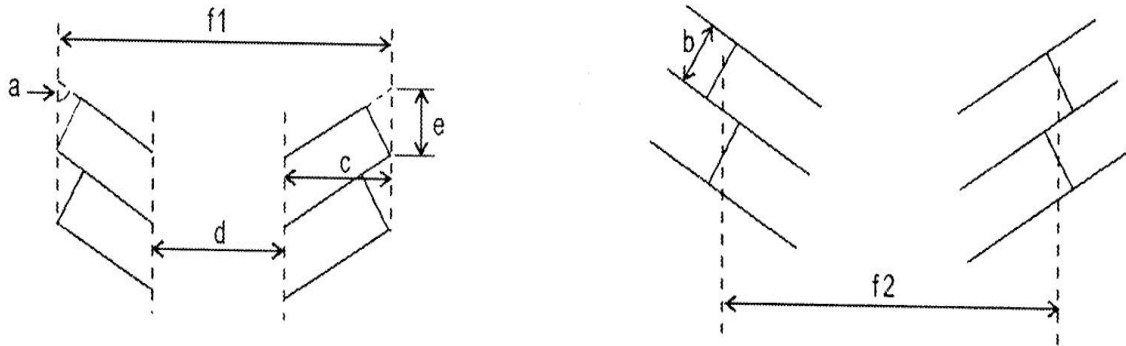
or other approved suitable material to provide a surface which will help reduce dust and erosion.

- d. Shared parking is encouraged. The required parking for any number of separate buildings or uses may be combined in one lot. The spaces required for one use may not be assigned to another use whose hours of operation/use are similar. If the hours of operation/use are substantially different, staff may calculate the required number of parking spaces based on the greater of the two uses.
- e. Land-disturbing activity that will result in an increase in vehicular surface area of one acre or more is subject to G.S. 113A-71.
- f. Parking must comply with the Americans with Disabilities Act.
- g. Developments, designed as a single, coordinated commercial project, having at least 50,000 square feet of gross floor area (such as shopping centers) may reduce the minimum number of required parking spaces to one (1) space for every 300 square feet of gross floor area designated for nonresidential use and occupancy.
- h. The minimum dimensions for required off-street parking spaces at various angles are shown in table 11-2 and illustrated in figure 11-1 below.

**TABLE 11-2
Parking Dimensions**

Parking Directions	a	b	c	d	e	f1	f2
	Parking Angle (Degrees)	Stall Width (ft)	Stall to Curb (ft)	Aisle Width (ft)	Curb Length (ft)	Center to Center Width of Two Row Bin with Access Road Between (ft)	
						Curb to Curb	Overlap C-C
One-Way	0	9.0	9.0	12.0	23.0	30.0	-
One-Way	30	9.0	16.0	11.0	18.0	43.0	36.0
One Way	45	9.0	16.5	15.0	12.7	48.0	44.0
One Way	60	9.0	18.0	18.0	10.4	54.0	51.0
Two-Way	60	9.0	18.0	26.0	10.4	62.0	59.0
One-Way	75	9.0	18.5	22.0	9.3	59.0	57.0
Two-Way	75	9.0	18.5	26.0	9.3	63.0	61.0
Two-Way	90	9.0	18	26.0	9.0	61.0	-

Figure 11-1



11-6 Off-Street Loading Requirements

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by forty (40) feet and fourteen (14) feet overhead clearance with adequate means for entrance and exits. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theatre, assembly hall, or other building having similar limited loading space requirements.

11-7 Number of Required Off-Street Loading Berths

**TABLE 11-3
Required Off-Street Loading Berths**

SQUARE FEET OF GROSS FLOOR AREA	REQUIRED NUMBER OF BERTHS
0 - 25,000	1
25,001 - 40,000	2
40,001 - 100,000	3
100,001 - 160,000	4
160,001 - 240,000	5
240,001 - 320,000	6
320,001 - 400,000	7
Each 90,000 above 400,000	1

ARTICLE XII SIGNS

12-1 Intent

It is the intent of this section to authorize the use of signs whose types, sizes, and arrangements are compatible with their surroundings; appropriate to the type and intensity of activity to which they pertain; expressive of the identity of individual properties or occupants or of the community as a whole; legible in the circumstances in which they are seen; and appropriate to traffic safety.

Wherever a maximum sign area is referred to, the area shall be deemed to include the copy area devoted to conveying a message, including trim or framing device but excluding the supporting structure.

12-2 Classification and Structural Type

Signs are regulated by district according to classification and by structural type:

12-3 Classification

Outdoor Advertising Sign: An off-premises outdoor structure or display, either freestanding or attached to a wall which advertises or attracts attention to a business, commodity, service or other activity, conducted, sold or offered elsewhere than on the premises on which the structure or display is located.

Principal Use Identification Sign: A sign used to identify a residence, business, service, or entertainment located at the same location as the sign.

12-4 Structural Type

Ground sign: A sign resting directly on the ground and supported by means of wheels, upright pillars, braces or posts placed upon or in the ground and not attached to any part of a building. This definition includes temporary rental signs usually attached to wheels.

Marquee sign: A sign affixed to the top of any hood or canopy over the entrance to a store, building, or place of public assembly.

Projecting sign: A sign projecting out from, and attached to, the exterior wall of a building, and forming an angle of thirty (30) degrees or more with said wall.

Roof sign: A sign erected, constructed, or maintained upon the roof of any building.

Suspended sign: A sign that is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Wall sign: A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of a building, or which forms an angle of less than thirty (30) degrees with said wall.

12-5 General Regulations

The regulations contained in this section shall apply to all districts.

- (a) No sign of any type shall be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district except in compliance with these regulations.
- (b) All signs shall be subject to the minimum front, side, and rear yard requirements and the height restrictions pertaining to the district in which said signs are located.
- (c) Illuminated signs and other sources of illumination shall be subject to the provisions of G.S. 136-32.2 related to placement of blinding, deceptive or distracting lights.
- (d) Except as used to display time and temperature, no sign shall contain flashing lights.
- (e) No sign shall be permitted which duplicates or simulates, whether by design, shape, color or otherwise, any traffic regulatory sign or other sign placed by a governmental agency in the interest of public health, safety, or welfare.
- (f) No signs of any nature, except signs erected for orderly traffic control, signs marking sites of historical interest and signs for other governmental purposes, shall be permitted within any public right-of-way. The Planning Department may grant a temporary permit for banners, pennants, and the like to be displayed within a public right-of-way, provided that such devices shall be used only for messages of a public service nature, such as announcements of charity fund campaigns, conventions, etc., and provided that no such temporary permit shall be valid for more than thirty (30) days.
- (g) Where a sign consists of letters, figures, or other devices individually mounted on a wall or other surface, the sign area shall be the same as the smallest circle or rectangle that can be inscribed around such devices.

- (h) No sign shall be erected, repaired, or repainted by any person until a permit has been issued by the Planning Department, provided, however, that no permit shall be required for the type of signs listed in Section 12-6, as follows.

12-6 Signs Permitted In All Districts

The following signs are allowed in all districts, and no permit is required prior to installation:

- (a) Principal use identification: Signs not exceeding two (2) square feet in area, not illuminated and employing no moving parts.
- (b) Signs erected by a governmental agency to regulate, control, or direct vehicular or pedestrian traffic, including signs indicating bus stops, taxi stands and similar transportation facilities. Such signs may be illuminated, flashing, or moving as required for the public safety.
- (c) Signs required by law.
- (d) Signs that warn of hazards to life and limb, such as high voltage electrical equipment, explosives, and the like. Such signs may be illuminated.
- (e) "No Trespassing" signs, not exceeding four (4) square feet in area and not illuminated.
- (f) Signs erected by a governmental agency that convey information regarding a public service or the location of a public facility. Such signs may be illuminated.
- (g) Temporary real estate signs advertising a specific property for sale, lease, rent or development, located on said property, provided that such signs shall not exceed thirty-two (32) square feet in area, nor be illuminated. Such signs shall not be placed nearer to the front property line than five (5) feet.
- (h) Permanent subdivision identification signs, not exceeding sixteen (16) square feet in area.
- (i) Church or public building bulletin boards and identification signs, not exceeding twenty-five (25) square feet in area. One (1) per each street front plus one (1) per each building on premises. Non-flashing or indirect illumination is permitted. All signs must be motionless.

- (j) Signs identifying the name or location of a church, even though such signs may be remote from the location of the church, provided that such signs shall not exceed four (4) square feet in area and provided that no such sign shall be illuminated or contain moving parts.
- (k) Yard signs erected temporarily such as political signs or those advertising yard sales shall be removed within 5 days after the event promoted has taken place.
- (l) Signs (not to exceed 2 per lot) advertising agricultural products produced on the premises not exceeding sixteen (16) square feet in area and provided such are not illuminated.
- (m) Signs identifying home occupations or offices located in the residence of the practitioner. One (1) per lot not exceeding five (5) square feet in area.

12-7 Sign Regulations Applicable to Residential Districts

Permits obtained from the county planning and inspections department are required for all signs, other than those described in Section 12-6 preceding.

In addition to the general regulations described in this Article, the following limitations shall apply in all residential districts:

- (a) Only principal use identification signs shall be permitted. They may be ground or wall signs, provided that no wall sign project more than 12 inches from the wall on which it is mounted.
- (b) Unless specifically permitted in Section 12-6, Signs Permitted in all Districts, shall not be artificially illuminated and no sign in said districts shall contain any moving parts.
- (c) The following are specifically prohibited:
 - Advertising signs.
 - Roof signs, marquee signs, projecting signs, suspended signs, signs (temporary or permanent) with flashing lights.
- (d) The height of any sign shall not project vertically above an imaginary line extending from a point 6 feet above the center line of the street to the highest point of the principal building.
- (e) Permitted signs in residential districts shall be subject to the following restrictions as to number and size.

- (f) Signs on temporary storage units that identify the owner or provider of the storage unit and shall not include the advertisement of any other product or service.

TYPE	NUMBER	MAXIMUM COPY AREA
Community recreation centers, golf courses, country clubs, parks, police and fire station, and similar uses	1 ground sign per each street front	25 sq. ft. per sign face
	1 sign per each building	25 sq. ft. per sign face
Office of a doctor, dentist, architect, lawyer, and similar permitted offices (in residence of practitioner)	1 ground sign per each street front	5 sq. ft. per sign face
Schools and Religious Institutions	1 ground sign per each street front	50 sq. ft. per sign face on two lane road or 80 sq. ft. on or within 500' of a four lane road
	1 sign per each building	25 sq. ft. per sign face

12-8 Sign Regulations Applicable to Commercial, Institutional and Industrial Districts

Permits obtained from the county planning and inspections department are required for all signs, other than those described in Section 12-6 preceding.

12-9 Sign Height

The height of any ground sign shall not exceed twenty-five (25) feet.

12-10 Permitted Principal Use Signs

Principal use signs are permitted as follows:

- (a) Ground signs: Not more than one (1) ground sign shall be permitted per principal use. No ground sign shall exceed one hundred (100) square feet in area. No ground sign shall be located less than ten (10) feet from any public right-of-way.
- (b) Projecting signs, suspended signs: Suspended Signs shall not exceed twelve (12) square feet in area per side. Projecting signs shall not exceed 20 square feet in area per side. No part of such signs shall be less than eight (8) feet above the ground or other surface that it overhangs. Limit of 1 sign per street front.

- (c) Roof, Marquee signs: No roof or marquee sign shall exceed one hundred (100) square feet in area. Not more than one (1) roof sign shall be permitted per principal use.
- (d) Wall signs: No wall sign shall be larger than fifteen percent (15%) of the exterior building wall upon which it is mounted, provided that no exterior building wall shall display more than one hundred (100) square feet of sign area. No part of such sign shall extend more than eighteen (18) inches from the wall.

12-11 Outdoor advertising signs

Outdoor advertising signs (off-premises signs) are not allowed in the NC District but may be erected in the HC, LI, and HI Districts. Where erected, outdoor advertising signs shall not be located within 100 feet of any residential district. There shall be a minimum distance between any two outdoor advertising sign structures of 1,000 linear feet. The maximum area of outdoor advertising signs shall be as follows:

672 sq. ft. on highway with 4 lanes or more

400 sq. ft. on 3 or 2 lane highways

12-12 Signs Where Zoning Lot Contains More Than One Principal Use or Establishment

Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owner(s) of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed and shall be designed so that all signs are in harmony and consistent with each other.

- (a) Ground Sign -- One sign shall be permitted for each separate street frontage of the development where the front yard is sufficient to allow for the sign; each sign shall not exceed 100 square feet in surface area per side; signs shall be set at least 25 feet from the side property lines and no part of the sign shall hang over any street right-of-way, property line or sidewalk. The sign shall display only the name and address of the development and names of individual businesses within the development. Provided, however, that wherever there is conducted a separate and distinct business operated under separate ownership and management, not physically connected to other buildings in the development, nor sharing a common parking area or access drive, such business may be permitted one principal use ground sign. In addition to the above regulations, directories not exceeding 16 square feet in surface area showing the layout of all businesses in the

development may be placed at strategic locations within the development.

- (b) Wall Sign -- One sign shall be permitted for each separate building frontage of an establishment on a street or public parking area. Such sign shall not exceed 2 square feet of surface area for each lineal foot of building frontage and shall not extend above the roof or parapet line.
- (c) Canopy Sign -- One sign shall be permitted for each separate entrance to an establishment, such sign shall not exceed 4 square feet of surface area nor be less than 9 feet above the sidewalk.
- (d) In addition to the signs permitted above, theaters and assembly halls may be allowed one freestanding playbill sign or one roof sign, subject to approval of the Planning Board of the size, height and location of the sign. These playbill and roof signs shall pertain only to the name of the establishment or current attraction showing at the theater or assembly hall and shall in no way relate to any other advertisement or use.
- (e) No outdoor advertising signs, flashing signs, temporary or projecting signs shall be permitted in planned business developments, shopping centers or community shopping centers.

12-13 Nonconforming Signs

Nonconforming signs will be allowed to remain, in good repair, for a period of five (5) years after the adoption of this ordinance, after which time all signs must conform to the regulations of this Article. Signs directly related to a nonconforming use may remain and be maintained until the discontinuance of the nonconforming use.

Nonconforming signs located within or overhanging a right-of-way must be removed and relocated within six months from the date of adoption of this ordinance.

Whenever any nonconforming sign, or part thereof, is altered, replaced or changed, the entire sign must immediately comply with the provisions of this Article.

If any nonconforming sign is destroyed by an exercise of the power of eminent domain or by fire, flood, wind, exploding or other calamity or act of God and if the cost of the rebuilding, reconstruction and restoration will be fifty (50) percent or more of its fair market value, the nonconformity shall not be rebuilt, reconstructed, or restored except in conformance with this Article.

Use of nonconforming sign that is unused and/or contains no message for a continuous period of one hundred eighty (180) days or more may not be resumed.

ARTICLE XIII NONCONFORMANCES

13-1 Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures, and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformances to continue until they are removed (except signs, which are provided for in Article XII, Section 12-13, Nonconforming Signs), but not to encourage their continuance. Such nonconformances are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformances shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures, or uses prohibited elsewhere in the same district.

13-2 Nonconforming Lots of Record

In any district which permits residential uses, a single-family house may be constructed by right on any lot made non-conforming by this ordinance as long as:

- a) approval is granted by the Rockingham County Health Department and
- b) the house and customary accessory buildings do not encroach into required front, rear and side yard setbacks. If a proposed residence on a nonconforming lot is approved by the Health Department but would encroach into required setbacks, a variance shall be sought from the Board of Adjustment.

Wherever two or more nonconforming lots in single ownership with continuous frontage exist, residential structures may be erected on each lot if all setback requirements can be met. If all setbacks cannot be met, the lands involved shall be considered to be an individual parcel for the purposes of this ordinance. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this Ordinance.

13-3 Non Conforming Uses of Open Land

This category of nonconformances consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located.

- (a) Junkyards that become nonconforming uses by adoption of this ordinance (3/17/1988) must be cleared away within three years

after the date of adoption, or the owner shall seek a rezoning which would render the junkyard no longer nonconforming.

- (b) Junkyards that, after the date of adoption of this ordinance (3/17/1988), are located in zones where such uses are permitted must within 3 years after adoption be brought into conformity with the requirements for junkyards set forth in the special use provisions of this ordinance.
- (c) When a nonconforming open use of land has been changed to conforming use, it shall not thereafter be used for any nonconforming use.
- (d) Nonconforming open uses of land shall not be changed to any but conforming uses.
- (e) A nonconforming open use of land shall not be enlarged to cover more than was occupied by that use when it became nonconforming.
- (f) When any nonconforming open use of land is discontinued for a period of ninety (90) days any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

13-4 Nonconforming Uses of Structures

This category of nonconformances consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

- (a) A nonconforming use of a structure may be changed to a conforming use.
- (b) A nonconforming use of a structure shall not be changed to another nonconforming use.
- (c) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- (d) Normal maintenance and repair of a building occupied by a nonconforming use is permitted and encouraged provided it does not extend the nonconforming use.

- (e) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure, which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance or ordered by the Zoning Administrator to secure the safety of the structure.
- (f) When any nonconforming use of a structure is discontinued for a period of six (6) months, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

13-5 Nonconforming Structures

When a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No structure may be enlarged or altered in a way that increases its nonconformity.
- (b) Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.
- (c) Should such a structure be moved for any reason for any distance whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.

13-6 Repairs and Maintenance

On any structure on a nonconforming lot, a structure containing a nonconforming use, or a nonconforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty percent (50%) of the current replacement value of the buildings, provided that the cubical content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Buildings or structures other than single-family houses that are destroyed by any means to an extent of more than fifty (50) percent of replacement cost or bulk, exclusive of foundations and land value, shall not be reconstructed except in conformity with the provisions of this ordinance. Nonconforming single family houses that are damaged or destroyed

may be rebuilt on the same lot as long as the amount of nonconformity is not increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any county official charged with protecting the public safety, upon order of such official.

13-7 Nonconformances Created by Changes in Zoning Boundaries or Regulations

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this Article.

13-8 Special Uses are Conforming

Any use for which a Special Use permit is issued, as provided in this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance or otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall be subject to all requirements of this ordinance.

ARTICLE XIV BOARD OF ADJUSTMENT

14-1 Board of Adjustment Created

A Board of Adjustment is hereby created. The members of the Board of Adjustment shall be the members of the Rockingham County Planning Board (created by Ordinance of 8-1-1960; reactivated 4-7-86), and their membership, appointment, and terms shall be governed by said ordinances.

14-2 Officers, Rules, and Regulations

The Board shall elect such officers, and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this Article.

14-3 Conduct of Hearing

All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote.

14-4 Disposition of Appeals

The final disposition of each appeal shall be by recorded resolution indicating the reasons of the Board, therefore, based on findings of fact and conclusions of law, all of which shall be a public record.

14-5 Appeals from Decisions of the Zoning Administrator

The Board of Adjustment shall hear and decide appeals from and review from any order, requirement, decision or determination made by an administrative official charged with the enforcement of the UDO. An appeal may be taken to the Board by any persons aggrieved, or by any officer, department, board or bureau of the County affected by such decision. Such appeal shall be taken within 10 days of the date of the decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

14-6 Appeal Stays All Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application, on notice to the Zoning Administrator and on due cause shown.

14-7 Powers of the Board of Adjustment

The Board shall have the following powers:

- (a) To hear and decide appeals in which it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official charged with the enforcement of a zoning ordinance adopted pursuant to this Ordinance (NCGS 153A-345(b). The concurring vote of four-fifths (4/5's) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass under the ordinance or to grant a variance from the provisions of the ordinance. For purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

- (b) To authorize variances: The Board of Adjustment may determine and vary their application of regulations in harmony with their general purpose and intent and in accordance with general or specific rules herein contained. When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustment shall have the power to vary or modify any regulation or provision of this ordinance so that the spirit of this ordinance shall be observed, safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by a variance.

Before making any finding in a specific case, the Board shall determine that the proposed variance will not:

1. extend in area or expand a non-conforming use of land;
2. change the district boundaries shown on the zoning map;
3. impair any adequate supply of light and air to adjacent property;
4. materially increase the public danger of fire;
5. materially diminish or impair established property values within the surrounding area; or
6. in any other respect impair the public health, safety, morals, and general welfare.

In granting a variance, appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise

to the need for a variance, may be imposed on any approval issued by the board.

Before a variance is granted, it shall be shown that special circumstances attach to the property, which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty or undue hardship is due to the particular characteristics of the property and not to the general conditions of the neighborhood. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance.

- (c) To review and recommend changes and amendments to the zoning ordinance, subject to approval and adoption by the County Board of Commissioners.
- (d) To interpret the Official Zoning Map and pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance (NCGS 153A-345(c)).
- (e) To exercise such other powers as may be granted by this Ordinance or statute.
- (f) To subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order requiring be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears, is guilty of a Class 1 misdemeanor.
- (g) A member of the Board of Adjustment or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a

close familial, business, or other associational relationship with an affected person, or financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

14-8 Re-hearings

The Board shall refuse to hear an appeal or application previously denied, if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

ARTICLE XV ADMINISTRATIVE AND LEGAL PROVISIONS

15-1 Administration of the Zoning Ordinance

The Planning Director is designated as the Zoning Administrator of Rockingham County and is hereby authorized, and it shall be his duty, to administer and enforce the provisions of this ordinance. Appeal from a decision of the Zoning Administrator may be made to the Board of Adjustment as provided in Article XIV.

15-2 Zoning Permits

- (a) Before commencing the construction, erection, repair, alteration, addition to, removal, moving or demolishing of any building or structure or part thereof, or before commencing any excavation for such building or structure, or before erecting, repairing or repainting any sign (except where specifically authorized by this ordinance), a zoning permit for the same shall be secured from the Zoning Administrator.
- (b) The Zoning Administrator shall not issue a zoning permit unless the plans, specifications, and intended use of such buildings, structure, land or part thereof conform in all respects to the provisions of this ordinance. The application for a zoning permit shall be accompanied by such information as the Zoning Administrator may require to enable him to act upon such application. In cases where an appeal is filed by the applicant, or where he has applied for a variance, the Zoning Administrator shall forthwith transmit all of the papers pertaining to the application to the Board for its action.
- (c) If a building permit has been issued prior to the adoption of this Ordinance, no zoning permit is required and construction may continue. Effective March 18, 1988 a zoning permit is required for all new improvements.

15-3 Determination of Exact Location of Zoning District Boundary Lines

The Zoning Administrator shall decide the exact location of the zoning district boundary lines when a question arises concerning boundary lines shown on zoning maps, subject to administrative review by the Board. The determination of the exact location of a zoning district's boundary line shall be guided by the provisions of Article IV, Section 3.

15-4 Changes and Amendments

The Board of County Commissioners may, on their own motion or upon petition, after public notice and hearing, adopt, amend, or repeal the regulations or maps herein subsequently established, subject to the rules and procedures established by law and more specifically established in the following subsections:

- (a) Before adopting, amending, or repealing any ordinance authorized by this Article or Chapter 153A, the Board of Commissioners shall hold a public hearing on the ordinance or amendment, at which time interested parties shall have an opportunity to be heard. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks in a newspaper of general circulation in Rockingham County. The first such publication shall run not less than 10 or more than 25 days preceding the date set for such public hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Such public hearing may be adjourned from time to time or from place to place as the Board of County Commissioners may deem desirable. Notice shall also be provided by first class mail to owners of property adjoining the subject property at the last addresses listed for such owners on the county tax abstracts. Such notice shall be mailed at least 10 days but not more than 25 days prior to the hearing date. When a zoning map amendment is proposed, notice of the public hearing shall also be posted for rezoning on the proposed site or on an adjacent public street or highway right-of-way at least 10 days before the hearing date. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required.
- (b) All proposed amendments to the UDO or zoning map shall be submitted to the Planning Board for review and comment. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners.

If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Board of County Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

- (c) All applications for amending the zoning ordinance or map shall be submitted at least 30 days before the regularly scheduled meeting

to the Planning Department. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special use district, or conditional district, or other small-scale rezoning by the applicant or the Planning staff.

- (d) There shall be a fee payable to Rockingham County for each application for rezoning. The amount of the said fee shall be fixed by the County, and shall be sufficient to defray all administrative costs incurred in processing the application, notifying adjacent property owners, obtaining technical assistance and publishing the notice of public hearing.
- (e) A member of the Board of Commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the Board of Commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (f) No such proposed change in the zoning ordinances or map if denied by action of the Board of County Commissioners may be resubmitted within a period of one (1) year from the date of such denial by the Board of County Commissioners, unless the Board of County Commissioners shall unanimously find that changing conditions in the area or new information concerning the property requested for rezoning warrant a resubmission for a change in the zoning ordinance or map.
- (g) It is the intent of this ordinance that the applicant for rezoning to any district other than a Conditional District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property.

If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with the Rockingham County comprehensive plan, he shall apply for rezoning to the appropriate Conditional District.

- (h) Requests for a Conditional District shall be processed in the same procedure as set forth in this chapter for rezoning requests.

In considering an application for a Conditional District, the Board of County Commissioners shall give due regard that the purpose and intent of this chapter shall be served, public safety and welfare secured, and substantial justice done. Specific conditions applicable to the conditional district may be proposed by the petitioner or the county or its agencies, but only those conditions mutually approved by the county and the petitioner may be incorporated into the rezoning requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to county ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development of the site. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided. Any Conditional District rezoning so authorized shall be perpetually binding upon the property included in such rezoning unless subsequently changed or amended by the County Commissioners as provided for in this Chapter.

Any violation of a term or condition of a Conditional District shall be treated the same as a violation of this Ordinance and shall be subject to the remedies and penalties as any such violation.

The Board of Commissioners may change or amend any conditions placed on the rezoning, upon recommendation of the Planning Board, and after Public Hearing, and subject to the same consideration as provided for in this article.

- (i) Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. Such statement is not subject to judicial review.

15-5 Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the

height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

15-6 Separability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or district boundary of this ordinance and/or the Zoning Map which is a part of this ordinance herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of these regulations and the Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Board of Commissioners hereby declares that it would have adopted this ordinance and Zoning Map, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, phrases, or district boundaries be declared unconstitutional or invalid.

15-7 Appeal of Quasi-Judicial Final Decisions of Planning Board, Board of Adjustment or Board of Commissioners

This section sets out procedures for appeal process for special use permits, variances, and appeals from decisions of administrative officials charged with the enforcement of the ordinance.

Every such decision of the Planning Board, Board of Adjustment or Board of Commissioners shall be subject to review of the superior court in the nature of certiorari consistent with G.S. 153A-340 and G.S. 153A-345. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed with the Clerk to the Board of Commissioners, if the Commissioners made the final decision, or with the Secretary to the Planning Board or Board of Adjustment, if the Planning Board or Board of Adjustment made the final decision, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary of the Planning Board or Board of Adjustment or clerk to the Board of Commissioners, whichever board makes the final decision at the time of its hearing of the case, and whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

For purposes of this section "aggrieved party" shall mean any person, firm, corporation or group of persons of common interest, including the County, its officials, agents and employees, and any County departments, boards or agencies, that is substantially affected by a decision as set out herein.

Note that the Planning Board may only make a recommendation to the Board of County Commissioners in some cases. For these cases, there is no appeal of the Planning Board decision. (Amended 4/10/2006)

ARTICLE XVI PENALTIES
(Amended 12/7/1998 and 6/8/2004)

16-1 Violations

Any of the following shall be a violation of the Unified Development Ordinance (including but not limited to Chapter II Zoning, Chapter III Subdivision, Chapter IV Watershed Protection, Chapter V Flood Damage Prevention Ordinance, and Chapter VI Airport Hazard Ordinance) and responsible parties shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

(a) Development Without Permit

To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Unified Development Ordinance without all required permits, certificates or other forms of authorization as set forth in this Unified Development Ordinance.

(b) Development Inconsistent With Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

(c) Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

(d) Use in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Unified Development Ordinance, or any other regulation made under the authority conferred thereby.

(e) Subdivide in Violation

Any persons who, being the owner or agent of the owner of any land located within the subdivision-regulation jurisdiction of Rockingham County who subdivides such land in violation of a provision of the Unified Development Ordinance or transfers or sells any part of such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this ordinance and recorded in the office of the Rockingham County Register of Deeds, shall be guilty of a violation. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

(f) Continuance of a Violation

Each day's violation of any provision of this Unified Development Ordinance is a separate and distinct offense.

16-2 Enforcement Procedure

Set forth below are enforcement procedures, however, the existence or use of such procedures does not preclude the use of other remedies in appropriate situations.

(a) First Notice of Violation

When the Enforcement Officer or his agent finds a violation of this Unified Development Ordinance, he may notify the owner or occupant of the land, building, structure, sign, or use of the violation in writing with a First Notice of Violation. The owner or occupant shall immediately remedy the violation.

(b) Second Notice of Violation

If, following receipt of the First Notice of Violation, the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer may give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

that the land, building, sign, structure, or use is in violation of this Ordinance;
the nature of the violation, and citation of the section of this ordinance violated;
and the measures necessary to remedy the violation.

(c) Appeal

Any owner or occupant who has received a Second Notice of Violation may appeal the decision of the Enforcement Officer to the Board of Adjustment by submitting a written appeal within ten (10) days following the date of the Second Notice of Violation. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Second Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Second Notice of Violation shall be final.

(d) Order of Corrective Action

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

(e) Failure to Comply with a Second Notice of Violation or an Order

If the owner or occupant of a property fails to comply with a Second Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and this Article. If the owner or

occupant fails to comply with the remedies and penalties prescribed, enforcement may be sought through an order of a court of competent jurisdiction.

16-3 Remedies

Any one or all of the following procedures may be used to enforce the provisions of this Unified Development Ordinance.

(a) Injunction

Any violation of this Unified Development Ordinance or a permit issued pursuant to this Unified Development Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

(b) Civil Penalties

Any person who violates any provisions of this Unified Development Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 16-4 (Civil Penalties - Assessments and Procedures).

(c) Denial of Permit or Certificate

The Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Unified Development Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

(d) Conditional Permit or Temporary Certificate

The Enforcement Officer may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by the appropriate governmental authority.

(e) Revocation of Permits

The Enforcement Officer may revoke a permit by notifying the permit holder in writing stating the reason for the revocation. Permits may be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(f) Criminal Penalties

Any violation of this Unified Development Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4, subject to a maximum fine of \$500.00 unless otherwise provided.

16-4 Civil Penalties – Assessment and Procedures

(a) Penalties

Any person who violates any provisions of this Unified Development Ordinance shall be subject to assessment of a civil penalty in the amount of \$25.00 for the first violation; \$50.00 for the second violation; \$100.00 for the third violation; and \$200.00 for the fourth and succeeding violations thereafter, unless otherwise provided.

(b) Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation with a First and Second Notice of Violation. Thereafter, if the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a Citation. The Citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

(c) Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Unified Development Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

(d) Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

(e) Demand for Payment

The Enforcement Officer shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

(f) Nonpayment

If payment is not received or equitable settlement reached within thirty (30) days after Demand for Payment is made, the matter may be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Moreover, if the civil penalty is not paid within the time prescribed, the Enforcement Officer may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4. Or, the County may attach a lien against the property in the nature of a tax assessment to be collected in the manner of property tax payments or submit the

debt to the Debt Setoff Program for setoff against the violator's North Carolina income tax return.

(g) State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the County may exercise any and all enforcement powers granted to it by state law or common law.

(h) Previous Enforcement

Nothing in this Unified Development Ordinance shall prohibit the continuation of previous enforcement actions.

16-5 Remedies, Cumulative and Continuous

(a) Cumulative Violations

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

(b) Repeat Violations

If a responsible party repeats the same violation within a five (5) year period from the date of the initial violation, it shall be considered a continuation of the initial violation and the responsible party may be subject to additional penalties and remedies following written notice of the repeated violation. For repeat violations, the Enforcement Officer does not need to send First and Second Notices of Violations and the responsible party does not have a right of appeal to the Board of Adjustment.

**ARTICLE XVII SITE DESIGN & LANDSCAPING REQUIREMENTS FOR
NON-RESIDENTIAL ZONING DISTRICTS**
(Adopted 9/16/1991; Revised 12/13/2005)

17-1 Intent

This section sets out the design requirements for new site development and redevelopment, reconstruction, exterior remodeling, and/or exterior alteration of existing sites. These requirements do not require property owners to make changes to their properties. The requirements do not apply to interior alterations or routine maintenance repairs that do not involve a change in the exterior design, material, or appearance. The site design and landscaping requirements are intended to expedite rezoning and development approval by including predictable uniform requirements that apply equitably to all non-residential development. The requirements shall apply in all non-residential zoning districts and shall be administratively approved by the Planning staff.

The applicant must demonstrate how his/her proposal conforms to the requirements, or the applicant may propose an alternative design that better achieves the intent of the requirements. It is recommended that applicants attend a pre-application meeting with the Planning staff and, for large projects, meet with affected neighborhoods to identify issues of design context and neighborhood interest.

Alternative designs and/or exceptions to the Site Design and Landscaping requirements shall be administratively approved by the Zoning Administrator on a case-by-case basis when the Planning Department finds that the alternative design and/or exception(s) may be granted without destroying the intent of the UDO.

For exceptions, the applicant must demonstrate that a waiver of any requirement is due to conditions peculiar to the site; that potential impact on surrounding properties is minimal; that the exemption will not be contrary to public health, safety, and welfare; and that the spirit, purpose and intent of this chapter shall be served. Alternative designs and/or exceptions shall be granted at the time of site plan review for the building permit and shall not be granted during a pre-application meeting.

An appeal of a waiver decision by the Zoning Administrator may be made to the Board of Adjustment as provided in Article XIV.

Nonconformances created by this Article shall be governed by the regulations in Article XIII Nonconformances.

17-2 Streets

The developer shall provide access roads to connect a proposed development to adjacent neighborhoods and/or other development.

17-3 Site Layout

Site layout should be compact to enable future intensification of development and changes in land use over time. If the site contains more than one use, the site layout shall cluster buildings on the site to promote linked trips. Buildings shall be attached or close together such that a pedestrian need not walk across more than 64 linear feet of parking and driveway, or one double row of parking (not including sidewalks, pathways, landscaping, plazas, or other pedestrian facilities) whichever is less, between building entrances.

17-4 Parking

Parking is subject to the minimum parking requirements of Article XI. In order to minimize the amount of land developed, surface parking shall not exceed 110% of the minimum parking requirements for the subject land use(s). Surface parking should be oriented behind or to the side of a building when possible. A waiver may be granted by the Planning Staff to allow parking within the front setback. Such waiver shall stipulate the area or number of spaces allowed within the setback to be used for parking. Also see landscaping and buffers.

17-5 Amenities for Public Use

A development with more than 10,000 square feet of floor space shall provide at least 10 square feet of pedestrian accessible space for each 10,000 square feet of floor space. Typical amenities could include extra wide sidewalks, street trees, landscaping, transit stop, plaza, sitting spaces, weather protection (awnings or canopies), pedestrian scale lighting, Taxi/bus stop seating, etc. Public use amenities, such as waiting areas, trash cans, newspaper vending machines, seating, and/or public art, should be provided where appropriate.

17-6 Utilities

All on-site utilities shall be installed underground for new construction except as otherwise required (e.g., liquid propane gas tanks, pump stations, electrical substation, etc.). Any utility allowed above ground must be screened from view as required in Section 17-8.

17-7 Fencing

Razor wire and barbed wire are not permitted. Chain link fencing must have landscaping over 50% of the fence to soften the lines of the fence. This requirement may be altered or waived upon review of the site and or site plan by the Planning staff (e.g. for security reasons). Fence height shall be determined by the use.

17-8 Screening

Service areas and unsightly and noisy elements shall be located away from the streetscape, at the rear of buildings, out of pedestrian view, and shall be screened with landscaping or architectural elements. Elements to be screened include, but are not limited to, service areas, loading docks, dumpsters, outdoor storage, utility meters, and satellite equipment. HVAC systems shall be located

on the roof or to the rear or side of structures, with proper landscape and/or architectural element screening. All architectural screening must coordinate with the material used in the building.

Except for solar power generating equipment, all rooftop mounted mechanical, electrical, or telephone equipment shall be screened. Screening shall:

1. be the height of the units to be screened, where visible from eye level within 500 feet of the building;
2. consist of architectural features integrated into the design of the building (ex. raising the parapet);
3. be constructed of similar or compatible materials as the building; and
4. be of a low profile to minimize the screening problems

17-9 Exterior Building Materials and Design Elements

(a) The following design elements are required:

1. Exterior walls visible from a parking lot or public road shall be architecturally designed to complement the front of the building. The appearance of all building faces and roof coverings of non-residential development shall be similar to the front facade of the building when adjacent to residential development.
2. The buildings of all large scale retail businesses must be decoratively finished on all sides. This may include, but is not limited to, stucco finishes, etching or grooving, a different type or color of bricks, and accent colors.
3. Building(s) shall have entries to the building or establishment which are clearly defined or have a focal point featuring a mix of one or more of the following design elements: overhangs, recesses, canopies, porticos, projections, raised cornices or parapets, peaked roof forms, arches, awnings, pilasters, columns, arcades, colonnades, overhanging eaves, fenestration, and other such architectural features. Building entry elements must be roughly proportional in scale with the size of the building.
4. Building façades shall incorporate projections, recesses and/or other architectural features on building façades to break up large expanses of walls. No uninterrupted length of a building façade shall exceed 100 horizontal feet. Facades may include repeated patterns, but not less than three times per 100 feet of building fascia.

5. Foundations shall be architecturally masked with same exterior siding as on building, or with masonry building material with a decorative finish. Masking shall be extended to within six (6) inches of grade.
 6. Flat roof structures should be capped by an articulated parapet related to the building façade and its materials. Sloped roof structures are encouraged to maintain a pitch between 6:12 minimum and 12:12 maximum slope on all primary roof areas. Roof overhangs shall be no greater than 24 inches.
- (b) In addition to the required design elements, the following are suggested:
1. Use of subdued, muted, or naturally occurring earth tone colors is encouraged. Complimentary colors, texture and material are encouraged to be used as accents and trims on buildings. Bright and highly reflective or extremely shiny finishes may be used on no more than 25% of the exterior wall surfaces.
 2. The building(s) of single large scale retail use(s) facing streets and driveways are encouraged to incorporate recessed display windows, and multiple entry areas.
 3. Buildings with vertical elements such as towers and chimneys should balance the horizontal composition.
 4. All buildings within a planned business development, shopping center, or large scale retail businesses should have sufficient compatible architecture or architectural elements to give the appearance of being an integral part of the center.

17-10 Exterior Materials

New and/or replacement exterior siding must consist, or give the appearance, of the following building materials and decorative style:

1. Commercial and industrial development may have a stucco, masonry, wood or finished concrete appearance. Non-reflective glass is also permitted as a principal building material within commercial and industrial zoning districts. Any exterior siding affixed to give the appearance of a continuous horizontal or vertical pattern (not metal if vertical) and may include ornamental features.
2. Metal, provided any metal building material is decorative or horizontal lap only.

17-11 Setbacks

The front setback shall be grassed and/or landscaped. A pedestrian sidewalk and/or pedestrian amenities are allowed in this area. See Amenities for Public Use for examples of pedestrian amenities. Also see parking.

17-12 Drive-Thru Service

The talk boxes shall be setback behind the building to minimize noise and away from adjacent homes. The drive aisle length from the window, or talk box if provided, shall be long enough to accommodate on-site stacking of vehicles, which may require a queuing analysis prior to permit approval. Access controls shall separate drive-thru from drive aisles.

17-13 Orientation

- (a) Corner lots shall have addresses assigned to the identifiable front of the building for rapid identification by emergency services.
- (b) No clear windows or balconies shall overlook a single family residential yard.
- (c) Entrances shall be designed in close proximity to parking areas.

17-14 Signs

- (a) Signs are subject to requirements in Article XII. The following shall also apply:
 - 1. Signs shall not be designed to be in visual competition with other signs in the area. This may include, but is not limited to, use of bold lettering, increased lighting, height and size of sign relative to existing signs.
 - 2. No exterior wall or roof may be used for off-premise advertising.
 - 3. Free standing signs not permanently attached to the ground, wall signs, or poster signs advertising any commercial products are not permitted.
 - 4. Ground signs and components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
 - 5. Principal Use signs shall be setback ten (10) feet from any property line or any street right-of-way.
- (b) All signs shall be designed and constructed in accordance with the following standards:
 - 1. CODES: All signs and their supporting structures (including but not limited to supports, braces, poles, wires and anchors) shall be designed,

constructed, and maintained to retain sound structural condition, and shall comply at all times with all applicable provisions of the State Building Code, all applicable electrical codes, and this Ordinance.

2. **GROUND CLEARANCE:** All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits, or easements for water, sewage, gas, electricity, or communication equipment. In addition, the placement of signs and their supporting structures shall not interfere with natural or artificial landscaping. The area within ten (10) feet in all directions of the base of a ground sign shall be kept clear of debris and no undergrowth shall be more than twelve (12) inches in height.

3. **OBSTRUCTION:** No sign shall be erected that will obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means for ingress or egress.

4. **INTERFERENCE TO WARNING OR INSTRUCTIONAL SIGN:** No sign shall be erected so as to interfere with any existing warning or instructional sign.

5. **VENTILATION INTERFERENCE:** No signs shall be erected so as to interfere with any opening required for ventilation.

6. **ABOVE GROUND CLEARANCE:** All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the North Carolina Life Safety Code. Further, all signs shall be located so as to avoid obstruction of pedestrian and vehicular traffic.

7. **PERMANENCE:** Except for temporary signs and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed to the standards of Section 3108 of the North Carolina Building Code and shall be maintained in safe condition, free from deterioration, missing parts, and peeling paint.

17-15 Landscaping and Buffers

The type of landscaping and buffers referred to in all design standards is dependent on the surrounding uses and may be determined by the Planning Department and, in the case of Conditional Use rezoning by the Planning Board and/or the Planning Department. Also see Fencing.

- (a) A fifty (50) foot wide riparian buffer is required around all intermittent and perennial streams, lakes, and ponds, as shown on the most recent version of the 1:24,000 scale quadrangle topographic maps prepared by the United States Geologic Survey. Wetlands adjacent to surface waters are included in the buffer requirement.

- (b) All landscaping must be maintained in a healthy and attractive manner by the property owner or the property owner's agent or tenant. Maintenance shall include, but not be limited to, watering, weeding or weed control, fertilizing, cleaning, pruning, spraying and pest control, mowing, trimming of materials, and replacement of dead, diseased or decayed plants or trees.
- (c) Parking lots shall be adequately constructed to support shade trees, which reduce the negative environmental impacts of impervious surface area and improve the aesthetics of parking lots.
- (d) A parking lot over 6,000 square feet in size shall provide an interior landscaped area located and landscaped in such a manner as to divide and break up the expanse of pavement and to provide for safe movement of vehicles and pedestrians. The following regulations shall apply to parking lots requiring interior landscaping:
 - 1. Parking lot areas shall contain a minimum of five (5) percent interior landscaping in addition to any required buffer (perimeter) landscaping. A required buffer landscaping shall not be credited toward the interior parking lot landscaping requirements. The five (5) percent interior parking lot landscaping requirement calculations shall be shown on the site plan.
 - 2. No more than 40 parking spaces in a single row may be provided without an intervening planting bed or island.
 - 3. Required trees shall be located in islands or medians, between rows of parking spaces, and/or at the end of parking bays. Planting beds may be used to define pedestrian or vehicle traffic flows within the lot.
 - 4. Planting beds or islands shall be a minimum inside dimension of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material) prepared to a minimum depth of twenty-four (24) inches. Alternatively, structural soil and/or irrigation may be used to aid in the sustainability of the vegetation.
 - 5. Parking facilities in industrial zoning districts shall be exempt from any interior parking lot landscaping requirements.
 - 6. Licensed automobile dealerships shall not be considered parking lots for purposes of this section, and therefore do not require interior landscaping.

(e) **Type I Landscape buffer**

This landscape is intended to provide a very dense sight barrier to significantly

separate uses and land use districts.

Suggestion 1. Two rows White Pine a minimum of 6' ht. and planted at intervals of no greater than 20' on center. The trees must be backed by a sight obscuring fence a minimum of 5' ht.

Suggestion 2. Two rows Leyland Cypress 4-5' ht., planted on no less than 10' centers. The Cypress must be backed by a sight obscuring fence a minimum of 5' ht.

Suggestion 3. Two rows Carolina Cherry Laurel 5-6' ht., planted on no less than 10 ft. centers. The Cherry Laurel must be backed by a sight obscuring fence a minimum of 5' ht.

Suggestion 4. Any of the above mentioned evergreens, (White Pine, Leyland Cypress, Carolina Cherry Laurel) may be planted on an earthen berm that is 15' wide and 5' high at its midline. Smaller shrubs such as Nandina Domestica, Wax Myrtle, Photinia Fraseri can be used on the slopes of the berm to ensure screening. Shrubs should be 4-5' ht., and planted on 5 ft. centers.

Suggestion 5. Two rows of Cedrus Deodara 6-8' ht. planted on 20 ft. centers. In front of Cedrus Deodara one row of Elaeagnus Pungens, 3 gal. container, planted on 5 ft. centers.

(f) **Type II Landscape Buffer**

This landscaping is intended to create a visual separation between uses and land use districts. Evergreen and deciduous trees can be used in this landscape with no more than 30% being deciduous.

Suggestion 1. Groups of three White Pines 6' ht. planted on 20 ft. centers with groups of double steam and triple steam River Birch 6-8' ht. planted on 20 ft. centers every third group. Smaller shrubs such as Winter Jasmine in 3 gal. containers, planted on 3 ft. centers to fill in between groups of trees.

Suggestion 2. Leyland Cypress 4-5' ht. planted on 10' centers. Flowering Crab Apple 6-8' ht. planted on 20' centers placed in front of Leyland Cypress to give contrast. Schipka Laurel in 3 gal. containers planted on 5 ft. centers between the Flowering Crab Apple will fill in and cover sight areas.

Suggestion 3. Cedrus Deodara 6-8' ht. planted on 30' centers. Callery Pear 6-8' ht., planted on 30 ft. centers between and 10' in front of Cedrus Deodara. Smaller shrubs such as Snowhill Hydrangea, st. jon's-wart, or Japanese Flowering Quence in 3 gal. containers 5-8' centers, can be

planted to screen out lower area.

(g) **Type III Landscape Buffer**

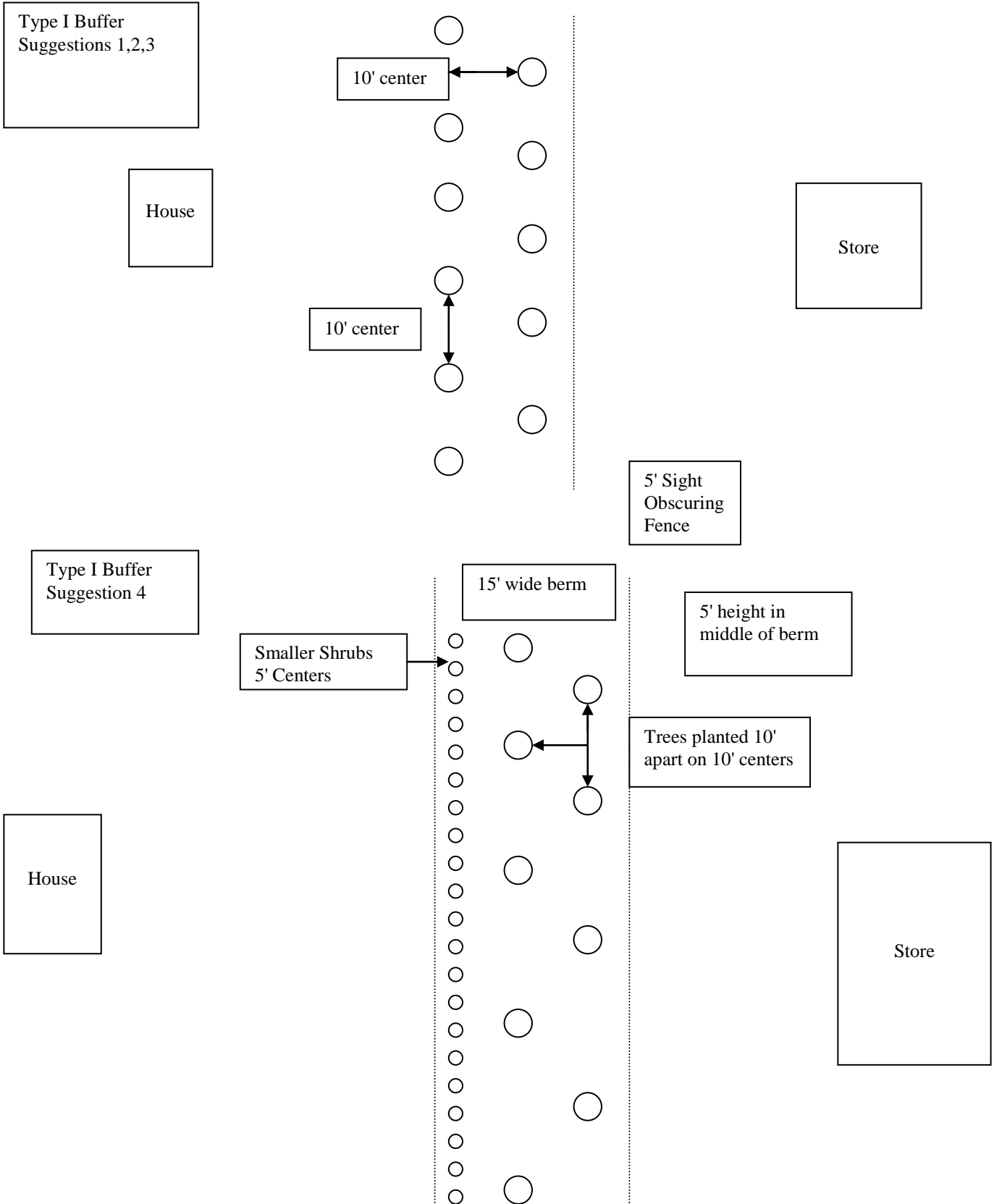
This landscape is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations. These trees can be up to 50% deciduous.

Suggestion 1. Willow Oaks 6-8' ht. planted on 30' centers fronted by Cedrus Deodara 6-8' ht. placed between Willow Oak on 20' centers. Smaller shrubs such as Glossy Abelia, Dwarf Buford Holly and Pfitzer Juniper, in 3-gallon containers can be used for lower screening.

Suggestion 2. Red Maples 6-8' ht. placed on 30 ft. centers fronted by Cedrus Deodara, White Pine, or Leyland Cypress, 6-8' ht. planted on 15' centers and placed between Red Maples. A shrub such as Japonica Acuba in 3 gal. containers, 5-8' on center can be planted to break up lower sight lines. Ground cover plants such as Liriope Muscurii in 1 gal. containers in beds with 2' centers will offer eye appealing contrast.

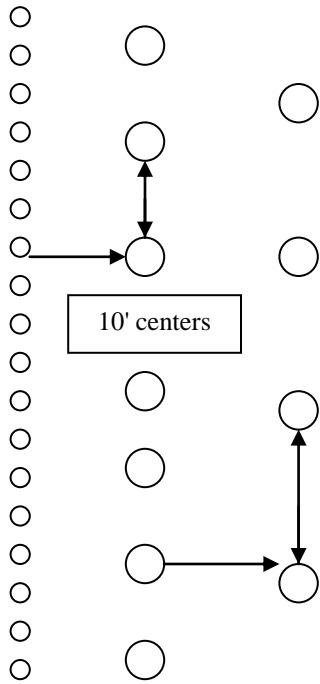
Suggestion 3. Weeping Willows 6-8' ht. planted on 25' centers with Cedrus Deodara 6-8' ht. placed on 25' centers to help with winter screening. Smaller shrubs such as Nandina Domestica in 3 gal. containers in groups of 3-5 every 20 ft. will offer contrast. Ground cover such as Hypericum Patulum in 1 gal. containers placed on 2' centers in beds surrounding the Nandina Domestica to off set lower sight areas.

17-16 Suggestions of Different Buffer Types



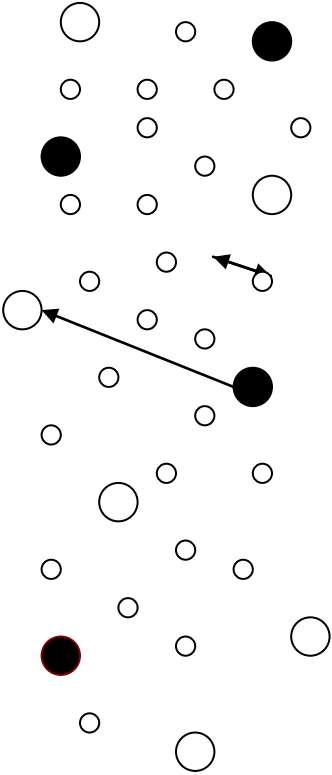
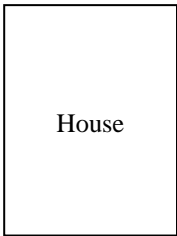
Type I Buffer
Suggestion 5

Small shrubs 5' centers

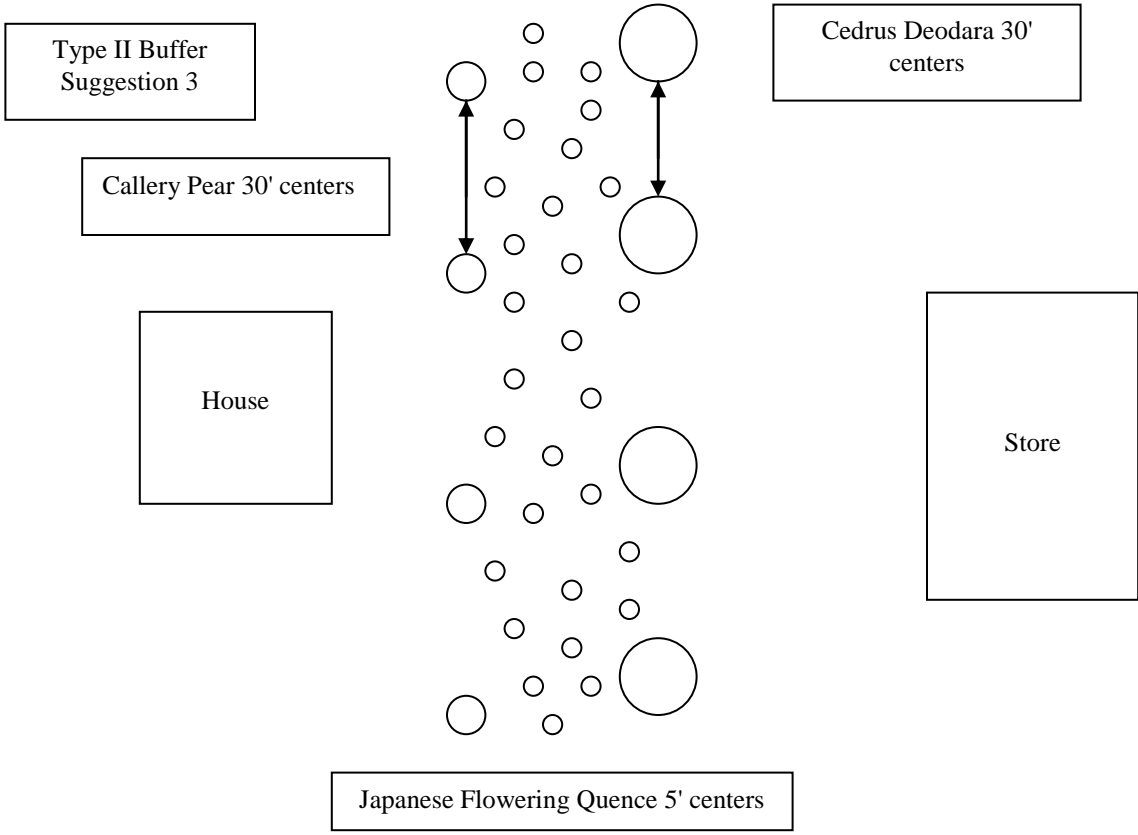
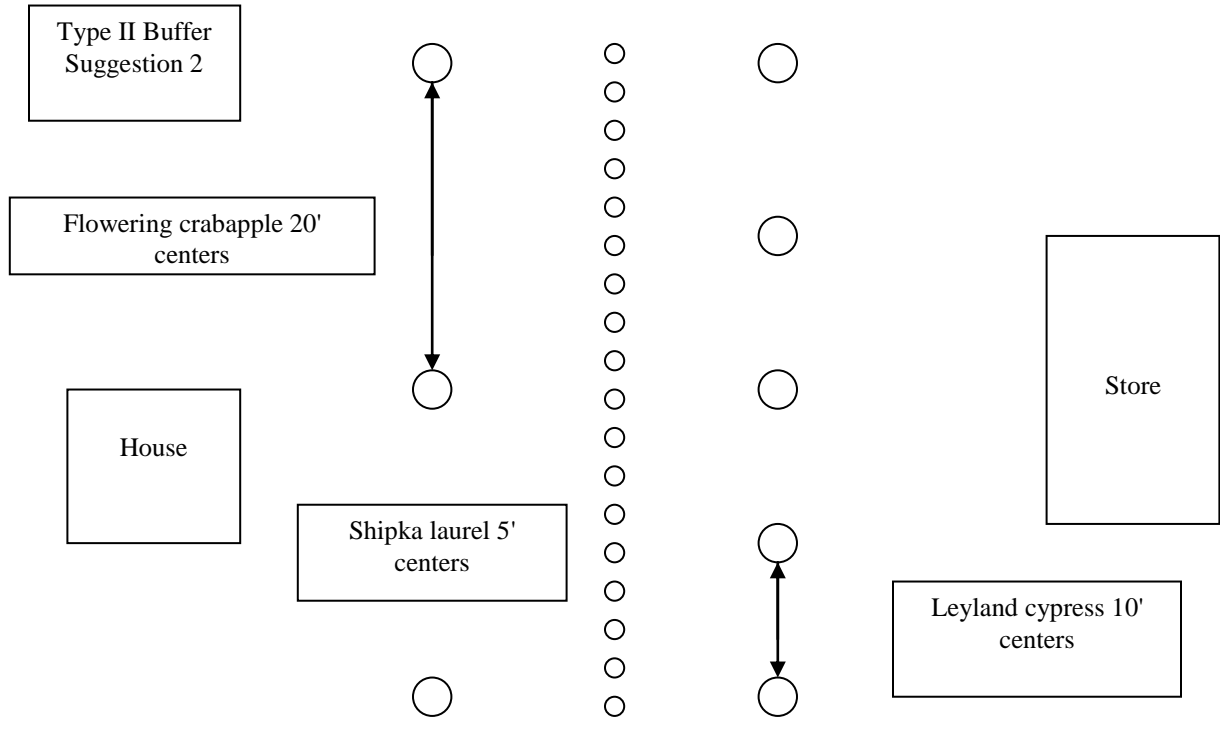


Type II Buffer
Suggestion 1

Winter Jasmine on
3' centers

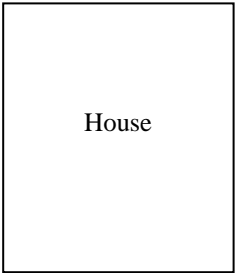


Alternate White pine
and River Birch on
20' centers

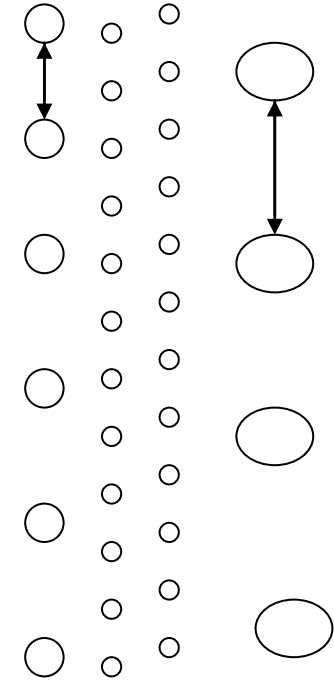


Type III Buffer
Suggestion 1

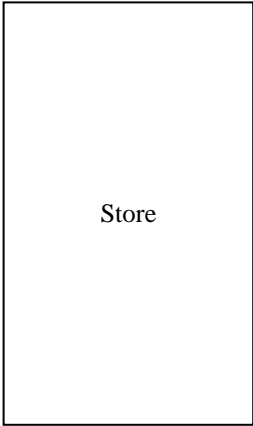
Cedrus Deodara 20' centers



House



Willow Oak 30' centers



Store

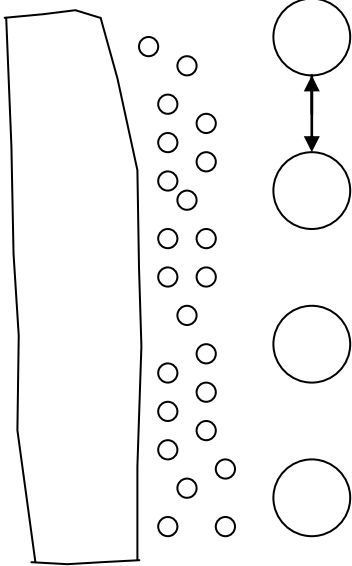
Glossy Abelia 5-8' centers

Type III Buffer
Suggestion 2

Liriope Muscurii 2' centers
in beds



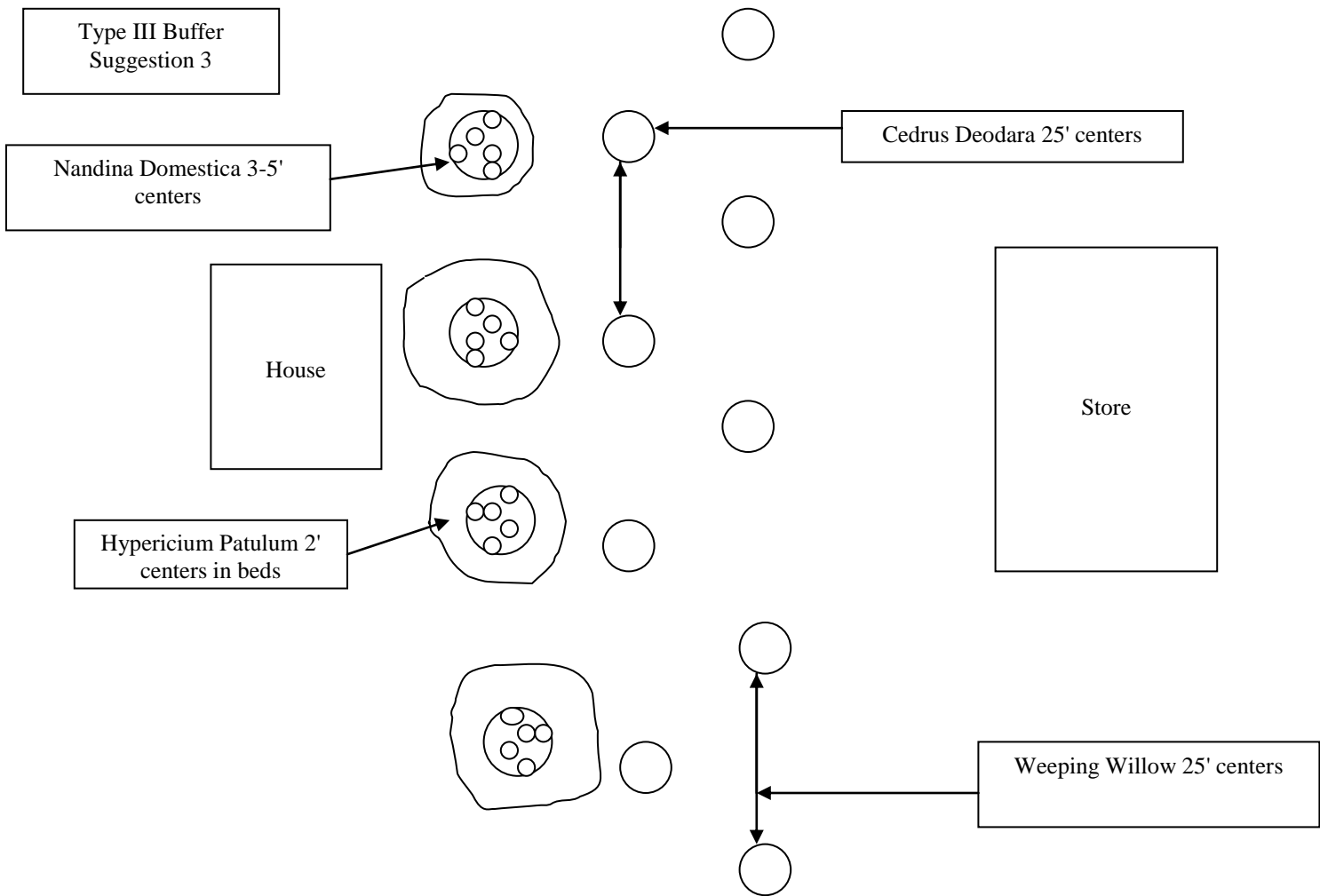
House



Red Maples 30' centers



Store



ARTICLE XVIII VESTED RIGHTS PURSUANT TO N.C.G.S. § 153A-344.1
(Adopted 9/16/1991; Effective 10/1/1991)

18-1 Establishment of a Vested Right

- (a) A landowner may apply for the determination of a vested right pursuant to North Carolina General Statute § 153A-344.1 on a form to be provided by the County at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional district approval, a special use permit, a site plan approval or a planned unit development approval. (Amended 4/10/2006)
- (b) A vested right shall be deemed established (upon the valid or conditional approval of a site specific development plan submitted with the application) by the Planning Board, the Board of Adjustments, or the Board of Commissioners (hereinafter referred to as the governing board) whichever has jurisdiction over the zoning action being considered following notice and a public hearing.
- (c) Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, which plan may be approved upon such terms and conditions as may be reasonably necessary to protect the public health, safety, and welfare. Failure to abide by the terms and conditions imposed shall result in the forfeiture of a vested right.
- (d) A right which has been vested as provided for in this section shall remain vested for a period of two years; which period shall not be extended by any amendment or modification to a site specific development plan unless expressly provided by the governing board.
- (e) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or preclude ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this article.
- (f) Following approval or conditional approval of a site specific development plan, nothing in this article shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

18-2 Termination of a Vested Right

A zoning right that has been vested as provided in this article shall terminate:

- (a) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;
- (b) with the written consent of the affected landowner;
- (c) upon findings by the governing board, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- (d) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the County, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property that is caused by such action;
- (e) upon findings by the governing board, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the governing board of the site specific development plan; or
- (f) upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the governing board may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

18-3 Repealer

In the event that G.S. 153A-344.1 is repealed, this article shall be deemed repealed and the provisions hereof no longer effective.

18-4 Effective Date

This article shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.