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ARTICLE 1. PURPOSE AND APPLICABILITY

SECTION 1.1 SHORT TITLE.

This Ordinance shall be known and may be cited as the *Roxboro Unified Development Ordinance*.

SECTION 1.2 AUTHORITY.

Zoning provisions enacted herein are under the authority of North Carolina General Statutes (NCGS) 160A-381 to 160A-392, which extends to towns/cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It is further authorized under NCGS 160A-382 which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted herein are under the authority of NCGS 160A-372 which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

This UDO, which combines zoning and subdivision authority, is further enacted under NCGS 160A-363, Supplemental Powers.

SECTION 1.3 JURISDICTION AND EXEMPTIONS

1.3.1. This Ordinance shall be effective throughout the corporate boundaries of the city. The regulations and provisions found in this zoning ordinance shall apply to all the properties within the corporate limits of the City of Roxboro, North Carolina.

1.3.2. In addition to other locations required by law, a copy of a map showing the boundaries of the city's planning jurisdiction shall be available for public inspection in the planning department.

1.3.3. Except as hereinafter provided, no building or structure shall be erected, moved, altered, or extended, and no land, building, or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

1.3.4. Exemptions.

1.3.4.1. These regulations shall not apply to any land or structure for which, prior to the effective date hereof, there is a properly approved site specific plan as required by the requirements previously adopted or previously approved vested rights in accordance with NCGS 160A-385.1. Any preliminary or final subdivision plat approvals required for such approved or exempted site specific plans shall be conducted in accordance with the requirements of the previous Zoning Ordinance or Subdivision Ordinance.

1.3.4.2. In accordance with NCGS 160A-392, the City of Roxboro UDO applies to state-owned lands only when a building is involved.

1.3.4.3. The Subdivision Regulations of this Ordinance (Article 9, Part IV) only applies to a subdivision as defined in Appendix A, Definitions.

SECTION 1.4 SEVERABILITY.

If any section or specific provision or standard of this Ordinance or any regulating district boundary arising from it is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

SECTION 1.5 CONFLICTS WITH OTHER REGULATIONS.

In interpreting and applying the provisions of this Ordinance, they shall be held to be 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, 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, restrictive covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 1.6 VIOLATION OF UDO REGULATIONS.

1.6.1. Complaints Regarding Violations.

Whenever the UDO Administrator receives a written, signed complaint alleging a violation of the Ordinance, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions will be taken.

1.6.2. Enforcement.

Enforcement is through civil penalty, injunctive relief, and any other equitable remedy.

1.6.3. Persons Liable for Violations.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may jointly and/or independently be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

1.6.4. Procedures Upon Discovery of Violations.

1.6.4.1. If the UDO Administrator finds that any provision of this Ordinance is being violated, he/she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the UDO Administrator's discretion.

1.6.4.2. The final written notice (and the initial written notice may be the final notice) shall state what action the UDO Administrator intends to take if the violation is not corrected and shall advise that the UDO Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 4.10.1.

1.6.4.3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of the Ordinance or pose a danger to the public health, safety, or welfare, the UDO Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1.6.5.

1.6.5. Penalties and Remedies for Violations.

1.6.5.1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits shall be punishable by a civil penalty in accordance with the fee schedule as set forth in the city's budget or as established by resolution of the City Council (see Section 2.8). If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.

1.6.5.2. This Ordinance may also be enforced by any appropriate equitable action.

1.6.5.3. Each day that any violation continues after notification by the UDO Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Separate notices will not be provided for each violation.

1.6.5.4. Any one, all, or a combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

1.6.5.5. The assessment of a civil penalty may be appealed to the Board of Adjustment.

1.6.6. Permit Revocation.

1.6.6.1. Any permit issued under this Ordinance may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to (1) develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit-issuing board, or (2) the permit was issued based on erroneous information or by mistake.

1.6.6.2. Before permits other than special use may be revoked, the UDO Administrator shall give the permit recipient ten (10) days notice of intent to revoke the permit, shall inform the recipient of the reasons for the revocation and of his right to obtain a hearing before the Board of Adjustment on the allegations, and shall comply with the notice and hearing requirements set forth in Section 4.3. The UDO Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

1.6.6.3. No person may continue to make use of land or building in the manner authorized by any permit issued under this Ordinance after such permit has been revoked in accordance with this Ordinance.

SECTION 1.7 EFFECTIVE DATE.

The provisions in this Ordinance were originally adopted and became effective on _____, 2016.

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ARTICLE 2. GENERAL REGULATIONS

SECTION 2.1 NORTH CAROLINA STATE BUILDING CODE.

The City of Roxboro Building Code with appendices and the North Carolina State Building Code are incorporated herein by reference, and serve as the basis for Building Inspector authority to regulate building construction and repair. This Ordinance is not intended to conflict with or supersede the North Carolina State Building Code regulations.

SECTION 2.2 INTERPRETATION.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the UDO, the UDO Administrator shall be responsible for interpretation and shall look to the Ordinance for guidance. Responsibility for interpretation by the UDO Administrator shall be limited to standards, regulations and requirements of the UDO, but shall not be construed to include interpretation of any technical codes adopted by reference in the UDO, and shall not be construed as overriding the responsibilities given to any commission, board, building inspector, or city officials named in other sections or articles of the UDO. Interpretations of the UDO may be appealed to the Board of Adjustment.

SECTION 2.3 IDENTIFICATION OF OFFICIAL ZONING MAP.

2.3.1. The Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the Unified Development Ordinance, Roxboro, North Carolina," together with the date of the adoption of this Ordinance and most recent revision date.

2.3.2. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other items portrayed on the Zoning Map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council, with an entry on the official zoning map denoting the date of amendment, description of amendment, and signed by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

2.3.3. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and state law. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1.6.

2.3.4. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the City Clerk, shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the city.

2.3.5. In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the City Council may by resolution adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting errors or other errors or omissions in the prior official zoning map, but no correction shall have the effect of amending the original official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced), as part of the Unified Development Ordinance, Roxboro, North Carolina."

2.3.6. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment. In the case of GIS data, each version of the zoning map produced shall be archived.

SECTION 2.4 ZONING MAP INTERPRETATION.

Where uncertainty exists with respect to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

2.4.1. Use of Property Lines.

Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be construed to be such boundaries. Where streets, highways, railroads, water courses, and similar areas with width are indicated as the district boundary, the actual district boundary line shall be the centerline of such area.

2.4.2. Use of the Scale.

In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by use of the scale appearing on the map.

2.4.3. Vacated or Abandoned Streets.

Where any street or alley is hereafter officially vacated or abandoned, the zoning regulations applicable to each parcel of abutting property shall apply to the centerline of such abandoned street or alley.

2.4.4. Split Zoned Parcels.

If a district boundary divides a parcel, the requirement for the district in which the greater portion of the parcel lies shall be extended to the remainder of the parcel, provided that such extension shall not include any part of such parcel which lies more than one hundred and fifty (150) feet beyond the existing district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located. Following adoption of this Ordinance, split zoning of parcels will not be permitted.

2.4.5. Flood Hazard Boundaries.

Interpretations of the location of floodway and floodplain boundary lines shall be made by the UDO Administrator.

2.4.6. Board of Adjustment.

In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

SECTION 2.5 RELATIONSHIP TO LAND USE PLAN.

It is the intention of the council that this Ordinance implement the planning policies adopted by the council for the City of Roxboro, as reflected in the City of Roxboro land use plan and other planning documents.

ARTICLE 2. GENERAL REGULATIONS

SECTION 2.6 NO USE OR SALE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH ARTICLE PROVISIONS.

2.6.1. Subject to Article 8 of this Ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.

2.6.2. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 2.7 EFFECT OF PRIVATE DEED RESTRICTIONS.

It is not intended by this ordinance to interfere with or annul any easements, covenants or other agreements between parties except in cases where such agreements require a use or location prohibited by this ordinance. Where this ordinance imposes a greater restriction on a building, use, or lot, the provisions of this ordinance shall govern.

SECTION 2.8 FEES.

2.8.1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, major and minor subdivision plat approval, zoning amendments, variances, appeals, and other administrative relief, and site plan review. The amount of the fees charged shall be set forth in the city's budget or as established by resolution of the council files in the Office of the City Clerk.

2.8.2. Fees established in accordance with subsection 2.8.1, above, shall be paid upon submission of a signed application or notice of appeal.

SECTION 2.9 COMPUTATION OF TIME.

2.9.1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.

2.9.2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice or paper is served by mail (Certified Mail/Return Receipt Requested), three days shall be added to the prescribed period.

SECTION 2.10 RECORDS RETENTION.

A record of all decisions, permits, minutes, and other documents described in this Ordinance shall be kept on file as provided in the latest editions of the Municipal Records Retention and Disposition Schedule issued by the NC Department of Cultural Resources, Division of Archives and Records. Specific standards describing the documents required by this Ordinance include Standard-5 Building Inspections Records and Standard-13 Planning and Zoning Records.

SECTION 2.11 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least these minimum requirements.

SECTION 2.12 STREET ACCESS.

No building shall be erected on a lot which does not abut a private street or have access to a public right-of-way. A building(s) may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots and are included in an approved subdivision or site plan.

SECTION 2.13 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved, or structurally altered, shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings with an approved site plan (see Section 5.7) in an appropriate zoning district, i.e., school campus, apartments, condominiums, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.

ARTICLE 2. GENERAL REGULATIONS

SECTION 2.14 REQUIRED YARDS NOT TO BE USED BY BUILDING.

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

SECTION 2.15 LOT REQUIREMENTS/DIMENSIONS.

2.15.1. Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

2.15.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

2.15.3. The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

SECTION 2.16 HEIGHT LIMITATION EXCEPTIONS.

The following uses are not controlled by height limitations of this Ordinance: belfries, spires, cupolas, domes, monuments, observation towers, chimneys, smokestacks, water towers, conveyors, flag poles, television and radio masts, aerials, towers, and similar structures.

SECTION 2.17 STREET INTERSECTION SIGHT VISIBILITY TRIANGLE.

The land adjoining a local street intersection or egress to a local street from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians. On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner so as materially to impede vision between a height of three feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect. A clear view shall be maintained on corner lots from 3 to 10 feet in vertical distance. Intersections of or with state maintained streets shall comply with NCDOT sight distance triangle requirements.

ARTICLE 2. GENERAL REGULATIONS

SECTION 2.18 PROPERTY DEDICATED FOR PRIVATE USE.

Any property dedicated for private ownership, including but not limited to property owners' association ownership, for any use permitted by this Ordinance is not the maintenance responsibility of the City of Roxboro.

SECTION 2.19 MEASUREMENT OF DISTANCE.

All measurements for the purpose of the separation of uses shall be from the closest points of property line to property line for the parcels on which the uses are located.

SECTION 2.20 SIDEWALKS.

All new construction permitted following the adoption of this Ordinance shall be required to construct five (5) foot sidewalk(s) on the street right-of-way. The sidewalk(s) shall comply with the City of Roxboro Standards and Specifications document and NCDOT requirements. This requirement shall apply to all new subdivisions and all non-residential development requiring a site plan as specified in Article 5.

SECTION 2.21 SCREENING OF UTILITIES AND MECHANICAL EQUIPMENT.

2.21.1. Roof top mounted equipment shall not be visible from public rights-of-way or adjacent residential property. Equipment shall be screened by parapet walls or continuous mechanical screens that are compatible with and complementary to the overall building design. Where complete screening is not technically feasible due to differences in grade elevations, then the parapet or screens shall be at least as tall as the tallest piece of equipment.

2.21.2. Ground mounted utilities and equipment, including outdoor service, storage, loading, and mechanical areas shall be located on non-character defining facades and shall be screened by garden walls, fences, or solid vegetation so they are not visible from public rights-of-way or adjacent residential properties.

2.21.3. Locate noise-generating equipment to mitigate the impact on adjacent properties and public rights-of-way. Equipment that generates more than 60 decibels shall not be located next to a residential development or must incorporate mufflers or other noise-reducing equipment.

2.21.4. Fencing. Solid fencing shall not be used to obscure the building facade from streets and travelways. Where used, solid fencing shall be located behind the building line of the primary facade(s). Chain link fencing is not permitted where it will be visible from streets and travelways unless it is completely hidden by a permanently maintained vegetative cover. Single-family residential is excluded from this requirement.

ARTICLE 3.
ADMINISTRATIVE/LEGISLATIVE/
QUASI-JUDICIAL AUTHORITY

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ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE/QUASI-JUDICIAL AUTHORITY

SECTION 3.1 UDO ADMINISTRATOR.

3.1.1. The UDO Administrator, to be designated by the City Manager, is hereby authorized and it shall be his/her duty to enforce the provisions of this Ordinance. This official shall have the right to enter upon any premises regulated by this Ordinance at any reasonable time necessary to carry out his/her duties. If the suspected violation involves areas which cannot be viewed from public areas, an administrative search warrant must be obtained from a magistrate or judge authorizing a reasonable inspection. It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the UDO Administrator. Appeal from his/her decision may be made to the Board of Adjustment. The UDO Administrator may be assisted by other City staff in performing the duties herein.

3.1.2. In administering the provisions of this Ordinance, the UDO Administrator shall:

3.1.2.1. Make and maintain records of all applications for permits, special uses, and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.

3.1.2.2. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his/her office and shall be available for inspection at reasonable times by any interested party.

3.1.2.3. Conduct pre-application and sketch plan meetings with applicants for development approval as necessary or appropriate in accordance with Section 5.4.

3.1.2.4. Transmit to the Planning Board, City Council, and/or the Board of Adjustment all applications and plans for which their review and approval is required along with a report of his/her recommendations as may be required.

3.1.2.5. Review and approve zoning permit applications, minor site plans, minor subdivisions, engineering drawings, and final plats.

3.1.2.6. Provide administrative interpretations of the UDO.

3.1.2.7. Provide nonconformity determinations, including expansions of nonconforming uses and structures.

3.1.2.8. Conduct inspections of premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The UDO Administrator shall order discontinuance of illegal use of land, buildings or structures; inform the building inspections department designated by the Roxboro City Council of illegal buildings or of additions, alterations, or structural changes thereto which are not compliant with the UDO; order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.1.2.9. Maintain the public records of the Planning Board and Board of Adjustment.

3.1.2.10. Perform site inspections.

SECTION 3.2 CONFLICTS OF INTEREST.

Members of the City Council, Planning Board, and Board of Adjustment must act in the public interest and not to advance their own financial interests. A member of an elected board, planning board or board of adjustment may not vote on a UDO action where there is a potential financial conflict of interest. A board or council member with a financial interest in the outcome of the decision may not participate in making rezonings and other legislative zoning decisions. With quasi-judicial zoning decisions, board members may not participate in a matter involving someone with whom they have a close family, associational, or business relationship, nor may they participate if they have a bias (defined as fixed opinion that is not susceptible to change upon hearing the facts at the hearing). When a member is disqualified for a conflict of interest, that member must not participate in the hearing in any way, neither asking questions, nor debating, nor voting on the case. If an objection is raised to a member's participation or the member states a conflict of interest, the remaining members shall by majority vote to decide if the member is excused from participation.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE/QUASI-JUDICIAL AUTHORITY

SECTION 3.3 PLANNING BOARD.

3.3.1. Authority.

The Planning Board of the City of Roxboro is created pursuant to NCGS 160A-361.

3.3.2. Purpose.

The Planning Board shall act in an advisory capacity to the City Council in the matter of guiding and accomplishing a coordinated and harmonious development of the area within the city jurisdiction.

3.3.3. Creation and Organization.

3.3.3.1. Membership and Vacancies. The Planning Board shall consist of seven (7) regular members, all of whom shall reside within the corporate limits during their term of office. Members shall be appointed by the City Council at the first meeting in July of each year for terms of five (5) years or until their successors shall have qualified. Vacancies which occur other than the expiration of term shall be filled by the City Council for the remaining period of the term vacated. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

The maximum number of full consecutive terms that a Planning Board Member may serve is two (2), except that the City Council may extend the number of terms for a Board Member where it is determined that continuity of Board leadership, special expertise, and/or exceptional dedication and experience of a particular Board Member demonstrates the need for such term extension.

Planning Board members may be removed by the Council at any time for cause or failure to attend three consecutive meetings or for failure to attend 30% or more meetings within any 12-month period. Upon request of the board member proposed for removal, the council shall hold a hearing on removal before it becomes effective.

3.3.3.2. Organization, Rules, Meetings and Records. Within thirty (30) days after appointment, the Planning Board shall meet and elect a Chair and create and fill such office as it may determine. The term of the Chair and other officers shall be one (1) year, with eligibility for re-election. The UDO Administrator shall serve as Secretary and advisor to the Planning Board and shall be responsible for keeping the record of minutes of the Planning Board. The Board shall adopt rules for transaction of its business subject to review and approval by the City Council and shall keep a record of its member attendance and of its

resolutions, discussions, findings and recommendations, which record shall be a public record. Except as otherwise stated in Section 3.3.3.4.1 below, the Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official motion required by this ordinance.

3.3.3.3. Offices and Duties.

3.3.3.3.1. Chair. A chair shall be elected by the voting members of the Planning Board. The City Manager and the City Council representative shall be ineligible for this office. The term of the chair shall be for the duration of the Board's duties in preparing the zoning ordinance. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The chair shall appoint any committees found necessary to investigate any matters before the Board.

3.3.3.3.2. Vice-Chair. A Vice-Chair shall be elected by the Board from among its citizen members in the same manner and for the same term as the chair. He/She shall serve as acting chair in the absence of the chair, and at such times he shall have the same powers and duties as the chair.

3.3.3.3.2. Secretary. A secretary shall be appointed by the chair of the Board, either from within or outside its membership. The secretary, subject to the direction of the chair and the Board, shall keep all records, shall conduct all correspondence of the Board and shall generally supervise the clerical work of the Board. The secretary shall keep the minutes of each meeting of the Board. These shall show the record of all important facts pertaining to every meeting and hearing, every resolution acted upon by the Board and all votes of members of the Board upon any resolution or other matter, indicating the names of members absent or failing to vote.

3.3.3.4. Meetings.

3.3.3.4.1. Regular Meetings. Regular meetings of the Board shall be held in the Council Chambers of City Hall in accordance with a schedule as established by the Planning Board. The meetings will be held only when a request has been filed requiring Planning Board action or in cases of special meetings.

3.3.3.4.2. Special Meetings Special meetings of the Board may be called at any time by the Chair, or in his absence, the Vice-Chair. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the secretary or by the Chair, to each member of the Board.

3.3.3.4.3. Cancellation of Meetings. Whenever there is no business for the Board, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

3.3.3.4.4. Quorum. A quorum shall consist of four (4) members of the Board for zoning changes, amendments, special use permits, etc.

3.3.3.4.5. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

3.3.3.4.5.1. Roll call

3.3.3.4.5.2. Reading of minutes of previous meetings

3.3.3.4.5.3. Reports of committees

3.3.3.4.5.4. Unfinished business

3.3.3.4.5.5. New business

3.3.3.4.6. Vote. Except as otherwise specified herein, the vote of a majority of those members present shall be sufficient to decide matters before the Board, provided a quorum is present.

3.3.3.4.7. Compensation. Members of the Board shall be compensated for all meetings attended, as appropriated in the City of Roxboro's annual budget.

3.3.3.5. General Powers and Duties. The general powers and duties of the Planning Board are:

3.3.3.5.1. To make studies of the area within its jurisdiction and present recommendations to the City Council.

3.3.3.5.2. To determine objectives to be sought in the development of the study area and present recommendations to the City Council.

3.3.3.5.3. To prepare and recommend plans for achieving these objectives.

3.3.3.5.4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

3.3.3.5.5. Advise the City Council concerning the use and amendment of means for carrying out plans;

3.3.3.5.6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct.

3.3.3.5.7. Perform any other related duties that the City Council may direct.

3.3.3.5.8. To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical, social, and economic development of the area and present recommendations to the City Council for consideration.

3.3.3.5.8.1. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Board's recommendation to the City Council for the development of the area, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, and aviation fields; and other public ways, grounds, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, communication and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or

extension of any of the foregoing ways, buildings, grounds, open spaces, properties, utilities, or terminals.

3.3.3.5.8.2. The comprehensive plan and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

3.3.3.5.9. To prepare and recommend ordinances promoting orderly development along lines indicated in the Comprehensive Plan and advise concerning proposed amendments of such ordinances.

3.3.3.5.10. To determine whether proposed developments conform to the principles and requirements of the Comprehensive Plan for the growth and improvement of the area and ordinances adopted in furtherance of such plan.

3.3.3.5.11. To review and make recommendations to the City Council on major site plans and major subdivisions in accordance with Section 5.6.

3.3.3.5.12. To keep the City Council and the general public informed and advised as to these matters.

3.3.3.5.13. To perform any other duties that may lawfully be assigned to it.

3.3.3.6. Planning Board Initiated UDO Amendments. The Planning Board may initiate from time to time proposals for amendments of the UDO and Zoning Map, based upon its studies and plans. It shall review and make recommendations to the City Council concerning all proposed amendments to the UDO and Zoning Map.

3.3.3.7. Advisory Committees.

3.3.3.7.1. From time to time, City Council may appoint one (1) or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider thoroughfare plan(s), bikeway plan(s), housing plans, and economic development plans, etc.

3.3.3.7.2. Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the City Council shall be made by the Planning Board.

3.3.3.8.3. Nothing in this Article shall prevent the Council from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Council.

SECTION 3.4 BOARD OF ADJUSTMENT.

3.4.1. Powers and Duties.

3.4.1.1. The Board of Adjustment shall hear and decide:

3.4.1.1.1. Appeals of decisions of administrative officials charged with enforcement of this Ordinance (as provided in Section 4.10.1) and requests for variances (as provided in Section 4.10.2). As used in this subsection, the term "decision" includes any final and binding order, requirement, or determination. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use and development.

3.4.1.1.2. Any other matter the Board is required to act upon by any other city ordinance.

3.4.1.2. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Article.

3.4.2. Creation and Organization.

3.4.2.1. The Zoning Board of Adjustment shall be governed by the terms of the General Statutes of North Carolina (160A - 388).

3.4.2.2. Membership and Vacancies. The Board of Adjustment shall consist of seven (7) regular members and two (2) alternates who shall reside within the corporate limits during their term of office.

Regular Members shall be appointed by the City Council at the first meeting in July of each year for terms of three (3) years or until their successors shall have qualified. Vacancies which occur other than the expiration of term shall be filled by the City Council for the remaining period of the term vacated.

Alternate Members shall be appointed by the City Council for three (3) year terms or until their successors shall qualified. Vacancies which occur other than the expiration of term shall be filled by the City Council for the remaining period of the term vacated.

The maximum number of full consecutive terms that a Board of Adjustment member may serve is three (3), except that the City Council may extend the number of terms for a Board Member where it is determined that continuity of Board leadership, special expertise and/or exceptional dedication and experience of a particular Board Member demonstrates the need for such term extension.

3.4.2.3. Meetings of the Board of Adjustment.

3.4.2.3.1. Regular Meetings. Regular meetings of the Board shall be held in City Hall in accordance with a schedule as established by the Board of Adjustment; provided, however, that meetings may be held at some other convenient place in the City if directed by the Chair in advance of the meeting, and provided further that if no business needing the attention of the Board has arisen since the last meeting and no unfinished business is pending, then the Chair may notify 24 hours in advance the other members through the Secretary that the meeting for that month will not be held.

3.4.2.3.2. Special Meetings. Special meetings of the Board may be called at any time by the Chair, or in his absence, the Vice-Chair. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given by the Secretary or the Chair to each member of the Board.

3.4.2.3.3. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Section 4.11.

3.4.2.3.4. Conflicts on Quasi-Judicial Matters. A member of the Board of Adjustment or any other body exercising the functions of the 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 violations of due process 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 family, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection.

3.4.2.3.5. All meetings of the Board shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

3.4.2.4. Quorum and Voting.

3.4.2.4.1. The concurring vote equal to four-fifths of the members of the board present at a meeting and not excused from voting (a quorum being present), shall be necessary to grant any variance. All other actions of the board, including decisions relating to special use permits, shall be taken by majority vote of those present and not excused from voting, a quorum being present. A quorum shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats).

3.4.2.4.2. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection 3.4.2.3.4 or 3.4.2.4.3 or has been allowed to withdraw from the meeting in accordance with Subsection 3.4.2.4.4.

3.4.2.4.3. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

3.4.2.4.3.1. If the matter at issue involves the member's own official conduct; or

3.4.2.4.3.2. If the participation in the matter might violate the letter or spirit of the member's code of professional responsibility.

3.4.2.4.4. A member may be allowed to withdraw from voting on an item-by-item basis by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

3.4.2.4.5. A roll call vote shall be taken upon the request of any member.

3.4.2.5. Board of Adjustment Officers and Duties.

3.4.2.5.1. Chair. The Chair shall be elected by majority vote of the membership of the Board from among its members. His term of office shall be for one year, and until his successor is elected, beginning on July 1st, and the Chair shall be eligible for re-election. Subject to these rules, the Chair shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matter before the Board.

3.4.2.5.2. Vice-Chair. A Vice-Chair shall be elected by the Board from among its members in the same manner and for the same term as the Chair. He shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

3.4.2.5.3. Secretary. The Zoning Administrator shall serve as Secretary.

3.4.3. Rules of Procedure.

All meetings held by the Board of Adjustment shall be held in accordance with NCGS Chapter 143A, Article 33B, or as may be amended, and should be recorded. The Board shall keep accurate minutes of its proceedings suitable for review in Court showing:

3.4.3.1. The record of all procedural requirements of the meeting including number and names of all Board members present, names of witnesses heard, whether parties were represented by counsel, whether subpoenas were issued and to who, whether cross-examination of witnesses was requested and allowed, and any other event at the hearing that had any effect on the outcome.

3.4.3.2. The factual evidence presented to the Board of Adjustment by all parties concerned.

3.4.3.3. The findings of fact and the reasons for the determinations by the Board of Adjustment.

3.4.3.4. The vote of each member, or if absent or failing to vote, indicating such fact, all of which shall be public record and be filed with the office of the City Clerk.

3.4.3.5. The Board may issue subpoenas. If there is noncompliance with the subpoena, the Board may apply to the courts for an order to comply.

SECTION 3.5 CITY COUNCIL.

3.5.1. The City Council, in considering special use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Section 4.11.

3.5.2. In considering proposed changes in the text of this Ordinance or in the zoning map, the Council acts in its legislative capacity and must proceed in accordance with the requirements of Section 4.6.

3.5.3. Unless otherwise specifically provided in this Article, in acting upon special use permit requests or in considering amendments to this Article or the zoning map, the council shall follow the regular, voting, and other requirements as set forth in other provisions of the city code, the city charter, or general law.

3.5.4. The City Council, in considering the approval of a site-specific development plan (as defined in Section 4.7, Establishment of Vested Rights), shall follow the procedural requirements set forth in Section 4.9 for the issuance of a special use permit.

3.5.5. A failure to vote by a Council member who is physically present in the Council Chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall not be recorded as an affirmative vote.

ARTICLE 4.
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ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

PART I. GENERAL PROVISIONS

SECTION 4.1 REQUESTS TO BE HEARD EXPEDITIOUSLY.

As provided in Article 3, the Planning Board/City Council and Board of Adjustment (as applicable) shall hear and decide all applications, appeals, and variance requests, as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 4.3, and obtain the necessary information to make sound decisions.

SECTION 4.2 HEARING REQUIRED.

4.2.1. Before making a decision on an application for an amendment, appeal, variance, or special use permit, the City Council or Board of Adjustment (as appropriate) shall hold a hearing on the application within forty-five (45) days of the submittal of a completed application (provided that the public advertising requirements are met). The required application fee and all supporting materials must be received by the UDO Administrator before an application is considered complete and a hearing scheduled.

4.2.2. Subject to subsection 4.2.3, the hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to present evidence and arguments.

4.2.3. The decision-making board may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.

4.2.4. The decision-making board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

SECTION 4.3 NOTICE OF HEARING.

4.3.1. Notice and Public Hearings - Zoning Text Amendment.
No amendment shall be adopted by the City Council until after public notice and hearing. Notice of such a public hearing shall be published once a week for two successive calendar weeks in a local newspaper of general circulation in the city.

4.3.2. Notice and Public Hearings - Zoning Map Amendment.

4.3.2.1. In any case where the City Council will consider a change in the zoning classification of a parcel of land, notice of the proposed petition or application shall be mailed by first class mail to the owner of that parcel of land and all abutting property owners as shown on the Person County tax listing at the last addresses listed for such property owners on the Person County tax abstracts. The party applying for the change in zoning classification shall submit, with the request for rezoning, a list of the names of the owners, their addresses, and the tax parcel numbers of the property involved in the change and all properties any portion of which is within two hundred (200) feet of the property to be considered for rezoning, as shown on the Person County tax listing. The application shall be considered incomplete without such material.

4.3.2.2. At least ten but no more than 25 calendar days prior to the date of the meeting at which the City Council will consider the request for rezoning, the City Clerk shall mail a letter of notification containing a description of the request and the time, date and location of the public hearing to the owners on the supplied list. Additionally, the site proposed for rezoning or an adjacent public right-of-way shall be posted by the UDO Administrator with a notice of the public hearing not less than ten calendar days prior to the City Council meeting at which the rezoning is to be considered. When multiple parcels are included in a proposed zoning map amendment, a posting of each individual site is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons. The City Clerk shall certify to the City Council in writing that such notices have been made and such certification shall be deemed conclusive in the absence of fraud.

4.3.2.3. The first class mail notice required under subsections 4.3.2.1 and 4.3.2.2 of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice. In this instance, the city may elect to either make the mailed notice provided for in this section or may as an alternative elect to publish a notice of the hearing as required by NCGS 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Person County property tax listing for the affected property, shall be notified according to the provisions of subsections 4.3.2.1 and 4.3.2.2.

4.3.3. Notice and Public Hearings - Appeals, Variances, and Special Use Permits.

4.3.3.1. Notice of hearings conducted pursuant to Sections 4.9 and 4.10 shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

4.3.3.2. In the case of special use permits, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the area one (1) time not less than ten (10) nor more than twenty-five (25) days prior to the hearing.

4.3.3.3. The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

SECTION 4.4 EXPIRATION OF PERMITS.

4.4.1. Zoning and special use permits for which vested rights as specified in Section 4.7 have not been secured shall expire automatically if, within one (1) year after the issuance of such permits:

4.4.1.1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or

4.4.1.2. Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase. If construction of a subsequent stage has not begun within 365 calendar days (i.e., Phase 2 following completion of Phase 1), the permits for all subsequent phases shall expire. For example, if a development has five phases, the permits for Phases 2 through 5 would expire.

4.4.2. If after some physical alteration to land or structures begins and such work is discontinued for a period (i) of one (1) year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the zoning or special use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 4.5.

4.4.3. The permit-issuing authority may extend for a period up to six (6) months the date when a zoning or special use permit would otherwise expire pursuant to subsections 4.4.1 or 4.4.2 if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted through a quasi-judicial proceeding for periods up to six (6) months (for a total period not to exceed three (3) years) upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit. Any permit issued through a quasi-judicial procedure will require a quasi-judicial proceeding for issuance of a time extension.

4.4.4. For purposes of this section, the special use permit within the jurisdiction of the City Council is issued when such board votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the UDO Administrator is issued when the earlier of the following takes place:

> ***4.4.4.1.*** A copy of the fully executed permit or extension is delivered to the permit recipient and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
>
> ***4.4.4.2.*** The UDO Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required (see Section 4.5.2).

4.4.5. Notwithstanding any of the provisions of Article 8 (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

4.4.6. Special use permits for which vested rights have been secured in accordance with Section 4.7 shall expire at the end of the two-year vesting period.

SECTION 4.5 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS.

4.5.1. Zoning, special use permits, sign permits, stormwater or other permits, and floodplain development permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the conforming uses, land, or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

> ***4.5.1.1.*** No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
>
> ***4.5.1.2.*** The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection 4.5.2) of the existence of the permit at the time they acquired their interest.

4.5.2. Whenever a special use or special use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land in excess of one (1) acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the Person County Registry and indexed under the record owner' s name as grantor.

PART II. LEGISLATIVE PROCEDURES

SECTION 4.6 AMENDMENT/REZONING PROCEDURES.

4.6.1. Procedure.

The City Council may amend, supplement, or change the text of this Ordinance and zoning map following review and recommendation of the Planning Board according to the procedures established in this section.

4.6.2. Action by Applicant.

The following action shall be taken by the applicant:

4.6.2.1. Proposed changes or amendments may be initiated by the City Council, Planning Board, or by one or more interested parties.

4.6.2.2. An application for any text change or amendment shall contain the proposed text amendment and the name(s) and address(es) of the applicant(s).

4.6.2.3. An application for any map change or amendment shall contain a description and statement of the present and proposed zoning regulation or district boundary to be applied, the name(s) and address(es) of the applicant(s), the owner of the parcel of land involved in the change if different from the applicant, and all adjacent property owners as shown on the Person County tax listing.

4.6.2.4. One (1) hard copy and one (1) electronic copy of such application shall be filed with the UDO Administrator not later than thirty (30) calendar days prior to the Planning Board meeting at which the application is to be considered.

4.6.2.5. If the UDO Administrator determines that the development for which a rezoning is requested will have or may have substantial impact on surrounding properties, he shall require that the applicant conduct an informational meeting prior to Planning Board consideration to discuss the impacts of the proposed rezoning with the adjoining property owners. The purpose of the information meeting is to involve those property owners most likely impacted by a proposed project in the early steps of the development process. Consequently, the information meeting should be held prior to the public hearing date established for the rezoning request.

4.6.3. Action by the Planning Board.

The Planning Board shall advise and comment on whether the proposed text amendment or map amendment is consistent with the adopted comprehensive plan and any other applicable officially adopted plans. The Planning Board shall provide a written recommendation to the City Council 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 City Council. In its deliberations, the Planning Board shall provide the public an opportunity to comment on consistency with the Comprehensive Plan.

4.6.4. Action by the City Council.

Action to consider a rezoning petition, including the scheduling of a public hearing, will be at the discretion of the City Council.

4.6.4.1. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed zoning amendment must be received by the City Council. If no recommendation is received from the Planning Board within 30 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the City Council without a recommendation from the Planning Board. However, the Planning Board may request the City Council to delay final action on the amendment until such time as the Planning Board can present its recommendations.

4.6.4.2. After receiving a recommendation from the Planning Board on a proposed amendment, the City Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

4.6.4.3. The City Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

4.6.4.4. No member of the City Council shall vote on any zoning map amendment 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 or his/her close family, business, and/or associational relationships. Refer to Section 3.5.5.

4.6.4.5. Prior to adopting or rejecting any zoning text and/or map amendment (including small scale rezonings), the City Council shall adopt a statement describing whether the action is consistent with the adopted comprehensive plan and any other applicable officially adopted plans and explaining why the City Council considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

4.6.4.6. In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the City Council is whether the proposed amendment advance the public health, safety, or welfare. All other issues are irrelevant and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and excluded. When considering proposed map amendments:

4.6.4.6.1. The City Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the City Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

4.6.4.6.2. The City Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

4.6.5. Citizen Comments.

Zoning ordinances may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Clerk to the Board at least two business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under NCGS 160A-388, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting.

4.6.6. Withdrawal of Application.

An applicant may withdraw his or her application at any time by written notice to the UDO Administrator and may resubmit at a subsequent date in compliance with the submittal schedule contained herein.

SECTION 4.7 ESTABLISHMENT OF VESTED RIGHTS.

4.7.1. A vested right, in accordance with NCGS 160A-385.1, may be established upon the approval or special approval of a site-specific development plan by the City Council in accordance with the provisions outlined in this section. Approval by the City Council of a site-specific development plan shall follow the procedural requirements for the issuance of a special use permit as outlined in Section 4.9. Changes in or modifications to an approved site-specific development plan shall be made only with the concurrence of the City Council in accordance with the provisions of Section 4.9.8. A right which has been vested as provided for in this section shall, as a general rule, remain valid for two (2) years and shall attach to and run with the land. A vested right shall expire at the end of two (2) years if no building permit applications have been filed with the city to construct the use or uses proposed in the approved site-specific development plan. If building permits are issued, the provisions of GS 160A-418 and GS 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the lack of progress during the two-year vesting period. The two (2) years may be extended up to five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the city.

4.7.2. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used in this section.

> ***4.7.2.1. Landowner.*** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan.
>
> ***4.7.2.2. Property.*** All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.
>
> ***4.7.2.3. Site-Specific or Phased Development Plan.*** A site-specific or phased development plan which has been submitted to the City of Roxboro by a landowner in accordance with NCGS 160A-385.1(b)(5) describing in detail the type and intensity of use for a specific parcel or parcels of property. Such plan shall be in the form of a site plan required to obtain a special use permit and shall include the information required by Section 4.9.2 and Section 5.7. All site-specific or phased development plans shall be approved by the City Council.

4.7.2.4. Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific or phased development plan.

4.7.3. A vested right shall be deemed established upon the effective date of approval by the City Council of a site-specific development plan. Following the approval of a site-specific development plan, the UDO Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site-specific development plan, and any other information determined by the UDO Administrator to be necessary to administer the vested right.

4.7.4. A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site-specific development plan. The City Council may approve a site-specific development plan upon such terms and conditions as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights.

4.7.5. A vested right, once established or provided for in this section, precludes any zoning action by the city which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in this approved site-specific development plan, except:

4.7.5.1. With the written consent of the affected landowner;

4.7.5.2. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards 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;

4.7.5.3. To the extent that the affected landowner receives 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 city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

4.7.5.4. Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city of the site-specific development plan; or

4.7.5.5. Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site-specific development plan, in which case the city 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 public hearing.

4.7.6. The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

4.7.7. Notwithstanding any provisions of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the city to enforce provisions of this Ordinance governing nonconforming situations or uses.

4.7.8. A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights.

4.7.9. The city shall not require a landowner to waive his vested rights as a condition of developmental approval.

SECTION 4.8 MORATORIUM.

The city may adopt temporary moratoria on any city development approval required by law in accordance with NCGS 160A-381(E).

PART III. QUASI-JUDICIAL PROCEDURES

SECTION 4.9 SPECIAL USE PERMITS.

4.9.1. Purpose and Applicability.

This Ordinance provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard, and off-street parking and loading requirements. In addition to these uses, this Ordinance allows some uses to be allowed in these districts as a special use subject to issuance of a special use permit by the City Council upon recommendation of the Planning Board. City Council consideration of special use permits are quasi-judicial decisions. The purpose of having the uses being special is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located and would meet other criteria as set forth in this section. All special use permits require some form of a site plan as outlined in Section 5.7.

4.9.2. Application Process/Completeness.

4.9.2.1. The deadline for which a special use permit application shall be filed with the UDO Administrator is thirty (30) calendar days prior to the meeting at which the application will be heard. Permit application forms shall be provided by the UDO Administrator. In the course of evaluating the proposed special use, the Planning Board or City Council may request additional information from the applicant. A request for any additional information may stay any further consideration of the application by the Planning Board or City Council.

4.9.2.2. No application shall be deemed complete unless it contains or is accompanied by a site plan drawn to scale which complies with the requirements contained in Section 5.7.1 and a fee as specified in Section 4.2.1.

4.9.2.3. One (1) hard copy of the application, and all attachments and maps, for a special use permit shall be submitted to the UDO Administrator.

4.9.3. Planning Board Review and Comment.

4.9.3.1. The Planning Board may, in its review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other conditions the Planning Board may find appropriate. The conditions may include dedication of any rights-of-way

or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

4.9.3.2. The Planning Board shall forward its recommendation to the City Council within 45 days of reviewing the application. If a recommendation is not made within 45 days, the application shall be forwarded to the City Council without a recommendation from the Planning Board.

4.9.3.3. All comments prepared by the Planning Board shall be submitted by a Planning Board representative to the City Council as testimony at the public hearing required by this section. This representative of the Planning Board shall be subject to the same scrutiny as other witnesses. Review of the special use application by the Planning Board shall not be a quasi-judicial procedure. The Planning Board shall include in its comments a statement as to the consistency of the application with the city's currently adopted Comprehensive Plan. Comments of the Planning Board may be considered with other evidence submitted at the public hearing.

4.9.4. City Council Action.

4.9.4.1. City Council consideration of special use permits are quasi-judicial decisions approved by a simple majority vote. Quasi-judicial decisions must be conducted in accordance with Section 4.11. For the purposes of this section, vacant positions on the City Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Council" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

4.9.4.2. Once the comments of the Planning Board have been made, or the 45-day period elapses without a recommendation, the City Council shall hold a public hearing to consider the application at its next regularly scheduled meeting. A quorum of the City Council is required for this hearing. Notice of the public hearing shall be as specified in Section 4.3.

4.9.4.3. In approving an application for a special use permit in accordance with the principles, conditions, safeguards, and procedures specified herein, the City Council may impose reasonable and appropriate conditions and safeguards upon the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the City Council.

4.9.4.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which subsection 4.9.4.5 below requires.

4.9.4.5. The City Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

4.9.4.5.2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.

4.9.4.5.3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4.9.4.5.4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

4.9.4.5.6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

4.9.4.5.7. Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

4.9.4.5.8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the City Council.

4.9.4.6. Conditions and Guarantees. Prior to the granting of any special use, the Planning Board may recommend, and the City Council may require, conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which special uses are granted, the City Council may require guarantees to ensure compliance with the special use permit conditions. The reasons/justification for special conditions must be stated/tied to Section 4.9.4.5.

4.9.4.7. The City Council may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

4.9.4.8. Without limiting the foregoing, the City Council may attach to a permit a condition limiting the permit to a specified duration.

4.9.4.9. All additional comments or requirements shall be entered on the permit and are enforceable in the same manner and to the same extent as any other applicable requirements of this Ordinance.

4.9.4.10. In the event that a rezoning is sought in conjunction with a special use permit, such deliberation would be legislative in nature and not part of the quasi-judicial process.

4.9.5. Effect of Approval.

If an application for a special use permit is approved by the City Council, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the special use permit, or develop any other use listed as a permitted use for the general zoning district in which it is located.

4.9.6. Binding Effect.

Any special use permit so authorized shall be binding to the property included in the permit unless subsequently changed or amended by the City Council.

4.9.7. Certificate of Occupancy.

No certificate of occupancy for a use listed as a special use shall be issued for any building or land use on a piece of property which has received a special use permit for the particular use unless the building is constructed or used, or the land is developed or used, in conformity with the special use permit approved by the City Council. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

4.9.8. Change in Special Use Permit.

An application to materially change a special use permit once it has been issued must first be submitted, reviewed, and approved in accordance with Section 4.9.3 and 4.9.4, including payment of a fee in accordance with the fee schedule approved by the City Council.

SECTION 4.10 APPEALS AND VARIANCES

4.10.1. Appeals.

4.10.1.1. Any person who has standing under GS 160A-393(d) or the city may appeal a decision of an administrative officer charged with the enforcement of this Ordinance to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the City Clerk. The notice of appeal shall state the grounds for the appeal. A notice of appeal shall be considered filed with the City Clerk when delivered to the City Hall, and the date and time of filing shall be entered on the notice by the city staff.

4.10.1.2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

4.10.1.3. The owner or other party shall have thirty (30) days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4.10.1.4. The official who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

4.10.1.5. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause immediate peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board of Adjustment may

grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

4.10.1.6. Subject to the provisions of subsection 4.10.1.4, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

4.10.1.7. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board of Adjustment shall have all the powers of the official who made the decision.

4.10.1.8. When hearing an appeal pursuant to GS 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in GS 160A-393(k).

4.10.1.9. The parties of an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution.

4.10.2. Variances.

4.10.2.1. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Administrator 30 days prior to the meeting at which it will be considered. Applications shall be handled in the same manner as applications for permits.

4.10.2.2. When unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of all of the following:

4.10.2.2.1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

4.10.2.2.2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal

circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

4.10.2.2.3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4.10.2.2.4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

4.10.2.3. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

4.10.2.4. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

4.10.2.5. Reasonable Accommodations. The City Council is authorized to grant reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section.

4.10.2.5.1. Persons Authorized to File Applications. An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

4.10.2.5.2. Pre-Application Conference. Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the UDO Administrator under Section 5.4.

4.10.2.5.3. Application Filing and Contents. An application for a reasonable accommodation shall be filed with the UDO Administrator and contain: (1) the applicant's contact information (name, mailing address, phone number, fax number and email address); (2) the contact information for the owner(s) of the property (if different from the applicant); (3) the address of the property at which the reasonable accommodation is requested; (4) a description of the reasonable accommodation requested; (5) a statement explaining how and why the request meets the "Approval Criteria" for a reasonable accommodation (see Section 4.10.2.5.5 below); and (6) notarized signature of the applicant and property owner(s) (if different from the applicant). No filing fee shall be required for the application.

4.10.2.5.4. Action by the Board of Adjustment. The Board of Adjustment shall hold a quasi-judicial hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members. The quasi-judicial hearing shall be conducted in accordance with the hearing procedures of Sections 4.2 and 4.3 and the quasi-judicial procedures of Section 4.11. Action by the Board of Adjustment shall be in accordance with Section 4.11.4. An appeal from a final decision of the Board of Adjustment shall be governed by the Appeals provisions in Sections 4.10.1, Rehearings in Section 4.12, or Appeals of Quasi-Judicial Decisions in Section 4.13.

4.10.2.5.5. Approval Criteria. The Board of Adjustment shall grant a reasonable accommodation to any provision of the UDO if the Board finds by the greater weight of the evidence that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the following:

4.10.2.5.5.1. Reasonable. An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the City and/or constitute a substantial or fundamental alteration of the City's UDO provisions.

4.10.2.5.5.2. Necessary. An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability, handicap, or institutionalized persons and would afford handicapped or disable persons' equal opportunity to enjoy and use housing in residential districts in the City.

4.10.3. Burden of Proof in Appeals and Variances.

4.10.3.1. When an appeal is taken to the Board of Adjustment in accordance with Section 4.10.1, the UDO Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

4.10.3.2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 4.10.2.2, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

4.10.4. Board of Adjustment Action/Voting

The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal. For the 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 majority.

SECTION 4.11 PROCEDURES FOR QUASI-JUDICIAL HEARINGS.

4.11.1. Evidence/Presentation of Evidence.

4.11.1.1. The provisions of this section apply to all hearings for which a notice is required by Section 4.3.

4.11.1.2. All persons who intend to present evidence to the decision-making board shall be sworn in by the Chair. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the decision-making board, willfully swears falsely is guilty of a Class 1 misdemeanor.

4.11.1.3. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (necessary findings) shall be based upon competent, substantial evidence. The term “competent evidence,” as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (1) the evidence was admitted without objection or (2) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making

board to rely upon it. The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

4.11.1.3.1. The use of property in a particular way would affect the value of other property.

4.11.1.3.2. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

4.11.1.3.3. Matters about which only expert testimony would generally be admissible under the rules of evidence.

4.11.1.4. The entirety of a quasi-judicial hearing and deliberation shall be conducted in open session.

4.11.1.5. Parties to a quasi-judicial hearing have a right to cross-examine witnesses.

4.11.1.6. Factual findings must not be based on hearsay evidence which would be inadmissible in a court of law.

4.11.1.7. If a member of the decision-making board has prior or specialized knowledge about a case, that knowledge should be disclosed to the rest of the decision-making board and parties at the beginning of the hearing.

4.11.1.8. The decision-making board through the Chair, or in the Chair's absence, anyone acting as the Chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under GS 160A-393(d) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full decision-making board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the decision-making board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all property parties.

4.11.2. Modification of Application at Hearing.

4.11.2.1. In response to questions or comments made in sworn testimony at the hearing, the applicant may agree to modify his application, including the plans and specifications submitted.

4.11.2.2. Unless such modifications are so substantial or extensive that the decision-making board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the decision-making board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the UDO Administrator.

4.11.3. Record.

4.11.3.1. A record shall be made of all hearings required by Section 4.2 and such recordings shall be kept as provided by state law. Minutes shall also be kept of all such proceedings. A transcript may be made, but is not required.

4.1.3.2. All documentary evidence, including any exhibits, presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the city in accordance with NCGS 160A-393(I).

4.11.4. Quasi-Judicial Decision.

The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision within the Clerk to the Board or such other office or official as this Ordinance species. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

SECTION 4.12 REHEARINGS.

When an application involving a quasi-judicial procedure/petition is denied by the City Council or Board of Adjustment, reapplication involving the same property, or portions of the same property, may not be submitted unless the petitioner can demonstrate a substantial change in the proposed use, conditions governing the use of the property, or conditions surrounding the property itself.

SECTION 4.13 APPEALS OF QUASI-JUDICIAL DECISIONS.

4.13.1. Every quasi-judicial decision shall be subject to review by the Superior Court of Person County by proceedings in the nature of certiorari pursuant to GS 160A-393.

4.13.2 A petition for review shall be filed with the Person County Clerk of Superior Court by the later of thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with Section 4.11.4. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

4.13.3. A copy of the writ of certiorari shall be served upon the City of Roxboro.

ARTICLE 5.
DEVELOPMENT REVIEW PROCESS

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ARTICLE 5. DEVELOPMENT REVIEW PROCESS

SECTION 5.1 APPLICABILITY.

The purpose of this Article is to establish an orderly process to develop land within the City of Roxboro. It is also the intent of this Article to provide a clear and comprehensible development process that is fair and equitable to all interests, including the petitioners, affected neighbors, city staff, related agencies, the Planning Board, and the City Council. Approved plans shall be the guiding documents for final approval and permitting.

The development review process applies to all development actions within the planning jurisdiction except for existing individual lots for single-family detached residential and two-family residential (duplex) development. The provisions of this Article shall be applicable for all Minor and Major Subdivisions, and Minor and Major Site Plans, except as provided in Section 5.2.

SECTION 5.2 APPLICATION NOT REQUIRED; WAIVER.

The UDO Administrator may waive the required development review process when he determines that the submission of a development plan in accordance with this Article would serve no useful purpose. The UDO Administrator may grant such a waiver only in the following cases:

5.2.1. Accessory structures.

5.2.2. Any enlargement of a principal building by less than 20% of its existing size provided such enlargement is less than 7,000 square feet and will not result in required stormwater control, parking, or landscaping improvements.

5.2.3. A change in principal use where such change would not result in a change in zoning, lot coverage, parking, vehicular access, signage, or other site characteristics.

5.2.4. Any change requiring a Stormwater Permit or a modification to a Stormwater Permit as required by Code of Ordinances Chapter 53 *Falls Lake Watershed, Water Supply Watershed, and NPDES Phase II Stormwater Ordinance for New Development and Illicit Discharge Detection and Elimination Ordinance*. Only the Stormwater Administrator may waive the requirements of Chapter 53.

SECTION 5.3 ZONING VERIFICATION.

Zoning compliance must be verified by the UDO Administrator. If the zoning is in compliance, the applicant may proceed with submittal of site plan, plats, or drawings. If the proposed development is not zoning compliant, the applicant must request a rezoning (see Section 4.6) or a variance(s) (see Section 4.10.2 and/or Code of Ordinances Section 53-509) before proceeding with site plan, plat, or drawing submittal.

SECTION 5.4 PRE-APPLICATION MEETING AND SKETCH PLAN.

5.4.1. The recommended pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the City of Roxboro, and does not confer upon the applicant any development rights. The sketch plan is only a courtesy intended to inform the applicant of the approval criteria prior to submittal of the development plan; furthermore, sketch plan review does not constitute approval of the development plan and may not be substituted for any required approvals.

5.4.2. The applicant may schedule a pre-application meeting with the UDO Administrator and Stormwater Administrator (if applicable in accordance with Chapter 53) to review a Sketch Plan of the proposed development, including minor and major subdivisions and minor and major site plans. The Sketch Plan shall meet the requirements of Section 5.4.4. The UDO Administrator will advise the applicant of all applicable city regulations and policies, may suggest development alternatives, and will discuss application procedures and fees (see Section 2.8). The UDO Administrator may submit the Sketch Plan to other departments or agencies, as appropriate, for input and recommendations. Within fifteen (15) days of receipt of the sketch plan, the UDO Administrator shall forward all appropriate comments to the applicant. This timeframe may be extended if comments are requested from other agencies.

5.4.3. The applicant is encouraged to incorporate the recommendations of the UDO Administrator, Watershed Administrator, or authorized staff reviewer into the development plan before submittal.

5.4.4. To ensure an appropriate level or review, applicants are encouraged to submit as much information as possible. At a minimum, three copies of the sketch plan, drawn to scale, should be submitted, including the following:

5.4.4.1. A scale, preferably the same scale as required for development plan submittal.

5.4.4.2. Property boundaries and total acreage, including NC PINs for all properties.

5.4.4.3. Major topographical and physical features including water bodies, creeks, wetlands, buildings, streets, and the like.

5.4.4.4. Proposed streets, rights-of-way, buildings, and/or lot arrangements, including proposed lot sizes, common areas, and the buffers required by Article 9, Part I and Chapter 53 of the Code of Ordinances.

5.4.4.5. Existing and proposed land use, drawn to scale, with brief project description including proposed structures, yard setbacks, building sizes, unit sizes, lot sizes, open space, amenities, the amount of impervious surfaces in square feet and the percentage of impervious surface of the entire development and the like.

5.4.4.6. Name, address, and telephone number of applicant, owner, and persons (firm) preparing the development plan.

5.4.4.7. Adjacent street names, numbers, and right-of-way widths.

5.4.4.8. Zoning district classification of site and surrounding properties, including any Falls Lake Watershed, Water Supply Watershed(s), and zoning of properties located across adjacent streets.

5.4.4.9. The boundaries of any proposed phasing.

5.4.4.10. Sites, if any, for schools, parks, churches, and playgrounds.

5.4.4.11. Acreage in public uses.

5.4.4.12. Approximate number of lots.

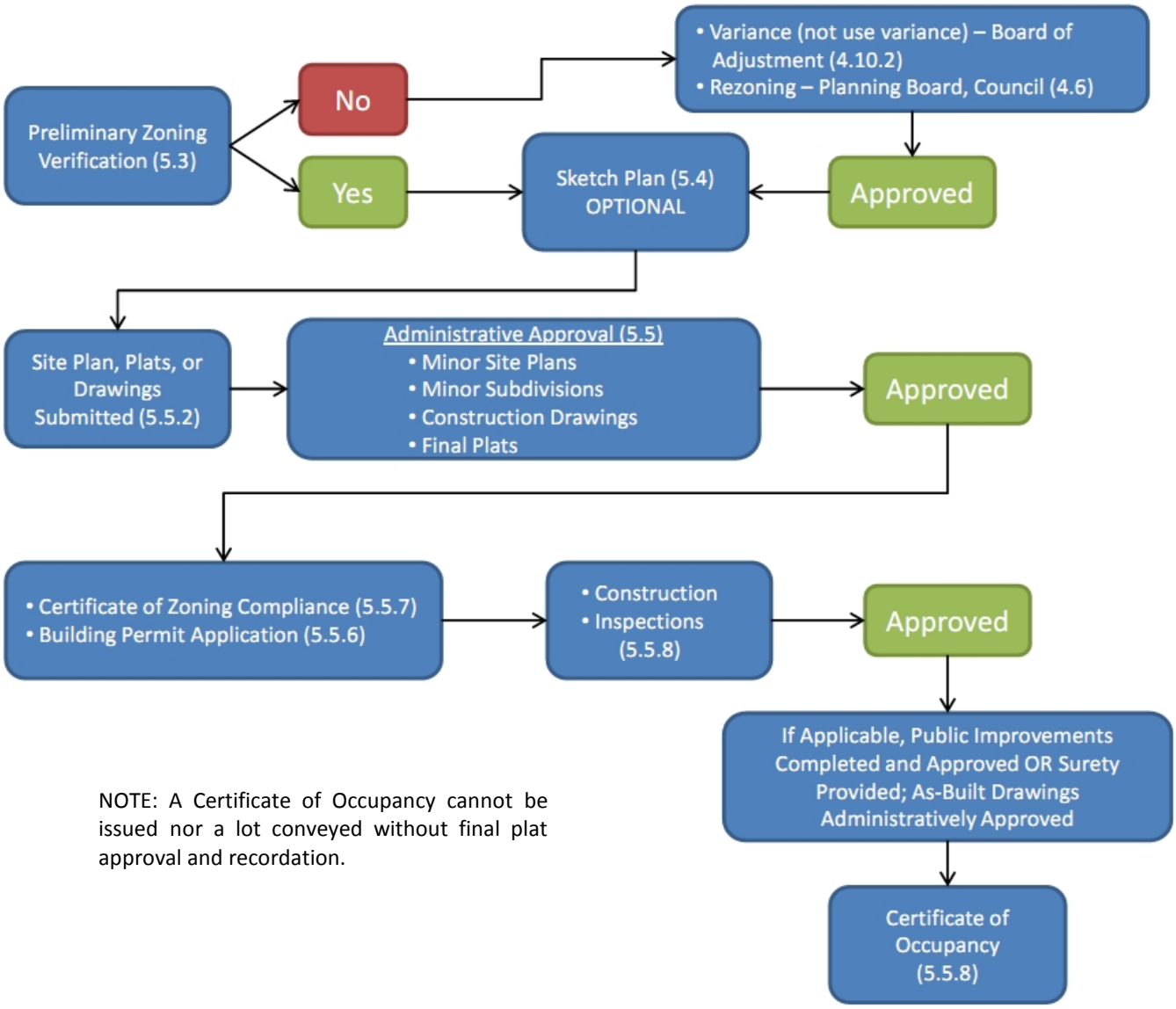
5.4.4.13. Sketch vicinity map showing the relation of the proposed site to existing uses of the land.

SECTION 5.5 ADMINISTRATIVE APPROVAL - MINOR SITE PLAN, MINOR SUBDIVISION, OR MAJOR SUBDIVISION FINAL PLAT.

Administrative approval includes the following types of development and permits EXCEPT any development requiring a Stormwater Permit under Chapter 53 of the Code of Ordinances may not be approved administratively:

- Minor Site Plans. Include the following:
  - (1) Site plans which do not require: (i) Buildings or additions with an aggregate enclosed square footage of less than 7,000 square feet; (ii) a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance; or (iii) property, rights-of-way, or easement dedications to the City.
  - (2) Buildings or additions involving land disturbance of less than one (1) acre.
  - (3) Multi-family development involving fewer than ten (10) dwelling units.
  - (4) Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area.
  - (5) Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance.
  - (6) Accessory uses which comply with the requirements of this Ordinance.
- Minor Subdivisions. A subdivision that does not involve any of the following: (i) the creation of more than a total of five (5) lots; (ii) the creation of any new public streets; (iii) the extension of a public water or sewer system; or (iv) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots, and (v) does not require a Stormwater Permit under Chapter 53 of the Code of Ordinances. Cemetery subdivisions not requiring a Stormwater Permit may be approved as minor subdivisions (see Section 9.52).
- Construction and As-Built Drawings
- Minor or Major Subdivision Final Plats

5.5.1. Administrative Approval Flowchart.



NOTE: A Certificate of Occupancy cannot be issued nor a lot conveyed without final plat approval and recordation.

5.5.2. Minor Site Plan, Minor Subdivision Plat, or Construction Drawings Submitted for Review.

A plan of the proposed development shall be submitted in accordance with Sections 5.7 through 5.9, as applicable, and shall be accompanied by the completed application and payment of a fee as adopted by the City Council (see Section 2.8), unless the property is located in a Water Supply Watershed Area. Properties located in a Water Supply Watershed Area shall also make an additional application for subdivision approval as provided in Chapter 154, Water Supply and Watershed Management & Protection Ordinance (6/8/2010), Article 200 Subdivision Regulations, to the Watershed Administrator.

5.5.3. Preliminary Zoning Approval.

If the site plan, construction drawings, as-built drawings, or final plat is found to meet all of the applicable regulations of this Ordinance, then the UDO Administrator shall issue a zoning permit for site plans or approve final subdivision plats, unless the property is located in a Water Supply Watershed Area. Properties located in a Water Supply Watershed Area must have a Watershed Protection Permit and/or Subdivision Approval issued by the Watershed Administrator.

5.5.4. Staff Review.

The UDO Administrator may circulate the plan or plat to relevant governmental agencies and officials. The reviewing government agencies and officials may include, but not necessarily be limited to, the following:

- UDO Administrator
- Watershed Administrator
- City Manager
- Police Department
- Fire Department
- Building Inspections Department
- City Engineer
- City Attorney
- Other city representatives appointed by the City Manager
- Utilities Providers
- Person County Health Department
- Person County Board of Education
- Person County Planning & Zoning Department
- Kerr-Tar Regional Transportation Planning Organization
- NC Department of Transportation
- NC Department of Environment and Natural Resources
- US Army Corps of Engineers

5.5.5. Appeal of Administrative Denial.

Administrative denial of an application for approval of a minor site plan, minor subdivision, construction drawings, or final plats may be appealed by the applicant to the Board of Adjustment within thirty (30) days following written notification of denial by the UDO Administrator.

5.5.6. Building Permit Required.

5.5.6.1. No building or other structure shall be erected, moved, added to, demolished, or structurally altered without a building permit issued by the Building Inspector and a zoning permit issued by the UDO Administrator. No building permit shall be issued by the Building Inspector except in conformity with the provisions of the NC State Building Code and this Ordinance, unless he or she receives a written order from the Board of Adjustment in the form of a variance to this Ordinance as provided for by this Ordinance.

5.5.6.2. Application for Building Permit. All applications for building permits shall be accompanied by plans, including a survey not more than six (6) months old, as specified by the NC State Building Code. The application shall include other information as lawfully may be required by the Building Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the lot; floodplain development permit; and any other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. A minimum of two (2) copies of the plans shall be required. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked the copy either as approved or disapproved, and attested to same by his signature on the copy. One copy of the plans, similarly marked, shall be retained by the Building Inspector.

5.5.7. Certificate of Zoning Compliance.

5.5.7.1. No land shall be used or occupied and no building hereafter constructed, structurally altered, erected, or moved or its use changed until a certificate of zoning compliance shall have been issued by the UDO Administrator, or his designee, which may include the Building Inspector and/or Stormwater Administrator, stating that the building or the proposed use thereof complies with the provisions of this Ordinance.

5.5.7.2. A certificate of zoning compliance (and, if applicable, an approved Stormwater Permit), either for the whole or a part of a building, shall be applied for prior to the application for a building permit and shall be issued together with the building permit.

5.5.8. Inspections and Certificates of Occupancy.

No new building, or part thereof, shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of use shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy.

A certificate of occupancy shall be applied for subsequent to or concurrent with the application for a certificate of zoning compliance, and shall be issued within five (5) business days after the erection or structural alteration of such building or part shall have been completed in conformance with the provisions of this Ordinance. A temporary certificate of occupancy for a portion of a structure may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal.

For all developments, excluding single-family residential uses, prior to the issuance of a certificate of occupancy by the Building Inspector, a final zoning inspection (and, if applicable, a final inspection by the Stormwater Administrator) shall be conducted to ensure that the approved plan has been followed and all required improvements have been installed to city standards.

The City Council must have accepted the offer of dedication for all publicly dedicated improvements, including roadways, contingent upon the recordation of the final plat or provision of performance guarantees approved by the City Council as specified in Section 5.8.2.6.

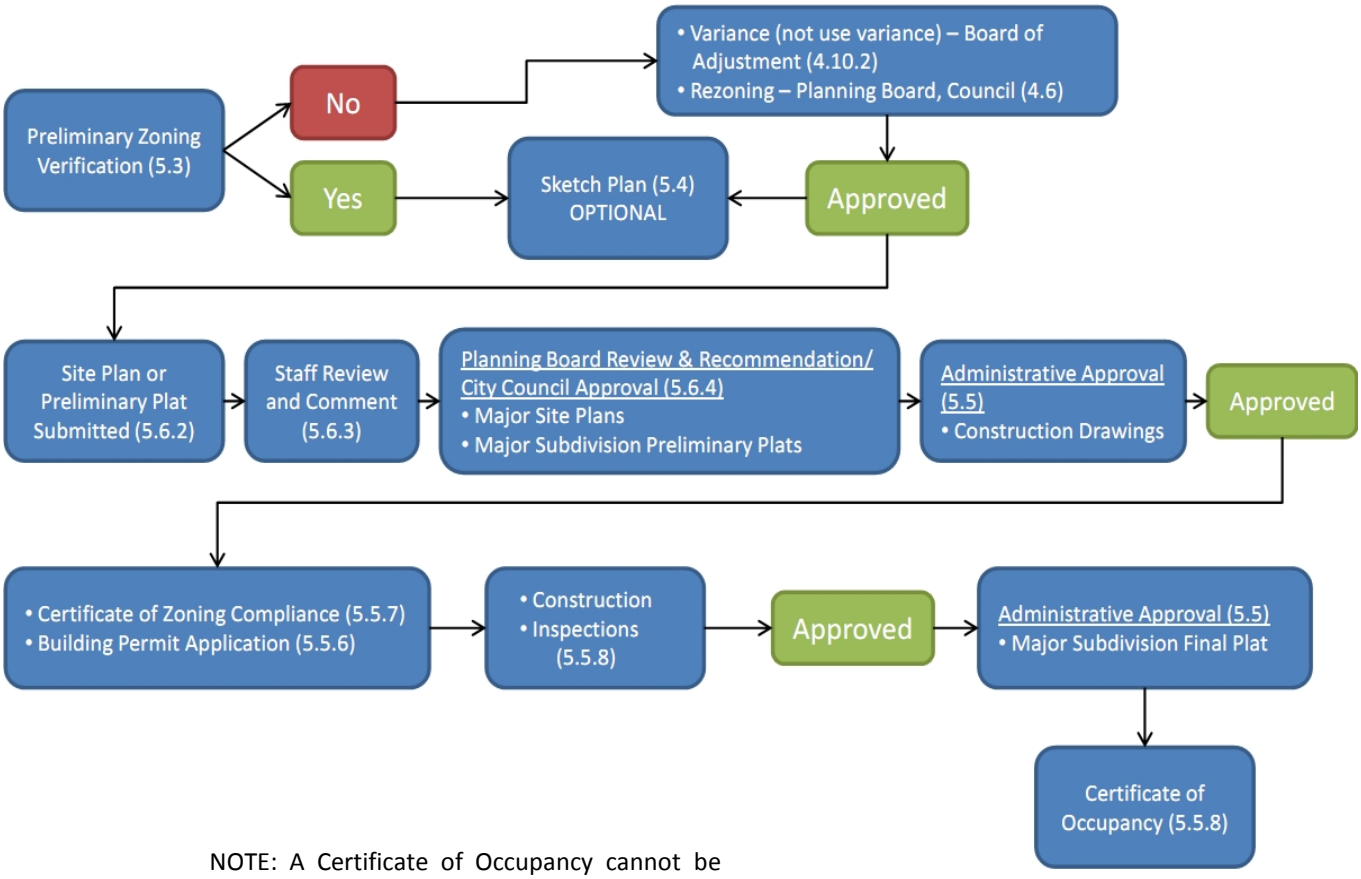
For Minor Site Plans and Minor Subdivision Final Plats, an as-built survey and as-built construction drawings shall be submitted to the UDO Administrator (and Stormwater Administrator) by the developer upon completion of the building foundation(s) to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then the UDO Administrator shall issue a stop-work order and all construction shall be halted until the problem is remedied (see Section 1.6).

SECTION 5.6 CITY COUNCIL APPROVAL UPON PLANNING BOARD REVIEW AND RECOMMENDATION - MAJOR SITE PLAN OR MAJOR SUBDIVISION PRELIMINARY PLAT.

City Council Approval Upon Planning Board Review and Recommendation applies to the following:

- Major Site Plans. Includes all site plans for projects not meeting the requirements for a minor site plan.
- Major Subdivision Preliminary Plats. Includes all subdivisions not meeting the requirements for a minor subdivision.

5.6.1. City Council Review and Approval Flowchart.



NOTE: A Certificate of Occupancy cannot be issued nor a lot conveyed without final plat approval and recordation.

5.6.2. Major Site Plan, Major Subdivision Preliminary Plat, or Construction Drawings Submitted for Review.

All major site plans and major subdivision preliminary plats shall be submitted in accordance with Sections 5.7 through 5.9, as applicable, and shall be accompanied by the completed application and payment of a fee as adopted by the City Council (see Section 2.8). All major site plans and major subdivision preliminary plats shall be submitted twenty-one (21) days in advance of the Planning Board meeting at which they are to be reviewed.

5.6.3. Staff Review.

The UDO Administrator will circulate the plan to relevant governmental agencies and officials for comments and recommendations. The reviewing agencies and officials may include, but not necessarily be limited to, those listed in Section 5.3.5.

5.6.4. Review and Approval by the City Council Upon Planning Board Recommendation.

5.6.4.1. Following a complete review by the staff, the UDO Administrator shall schedule the application for review by the Planning Board at the next regularly scheduled meeting.

5.6.4.2. The Planning Board shall forward its recommendation to the City Council within thirty (30) days of reviewing the application. If a recommendation is not made within 30 days, the application shall be forwarded to the City Council without a recommendation from the Planning Board.

5.6.4.3. Once the comments of the Planning Board have been made, or the 30-day period elapses without a recommendation, the City Council shall consider the application at its next regularly scheduled meeting.

5.6.4.4. The Council may take the following actions:

5.6.4.4.1. Approve the application;

5.6.4.4.2. Approve the application with conditions acceptable to the applicant;

5.6.4.4.3. Deny the application;

5.6.4.4.4. Table the application for a specific number of days. The City Council may also request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the request.

5.6.4.4.5. Return the application to the Planning Board for further consideration. This deferral does not restart the initial Planning Board 30-day review period. The City Council may direct that the Planning Board return a recommendation by a certain date.

5.6.5. Approval.

All required local, state, and/or federal permits must be obtained prior to the approval of the site plan or final plat. If the site plan or final plat is found to meet all of the applicable regulations of this Ordinance, then the UDO Administrator shall issue a certificate of zoning compliance for site plans or approve final subdivision plats.

5.6.6. City Council Denial.

Following denial by the City Council, the applicant may file a new application and associated fee. Unless the City Council explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial by the City Council unless the application is (i) significantly different from the previously denied application or (ii) the applicant pays a double fee. All applications shall be resubmitted for full review unless the application is resubmitted to address conditions set forth by the City Council for reapplication.

SECTION 5.7 SITE PLAN REQUIREMENTS.

5.7.1. Information to be Shown on Site Plan. The site plan shall be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. The site plan shall be based on the latest tax map information and shall be of a size as required by each individual site plan. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

5.7.1.1. A key map of the site with reference to surrounding areas and existing street locations.

5.7.1.2. The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.

5.7.1.3. Parcel Identification Numbers (PIN) for site and adjacent properties.

5.7.1.4. Deed book and page reference demonstrating ownership of property.

5.7.1.5. Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.

5.7.1.6. Building setback, side line, and rear yard distances.

5.7.1.7. Location of watercourses, ponds, flood zones, water supply watershed areas, riparian buffers, and Falls Lake Buffers (see Code of Ordinances Chapter 53).

5.7.1.8. All existing physical features, including existing trees greater than eight (8) inches in diameter measured four and one-half (4.5) feet above ground level, and significant soil conditions.

5.7.1.9. Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.

5.7.1.10. The zoning of the property, including zoning district lines where applicable.

5.7.1.11. Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, city boundaries, and county lines).

5.7.1.12. Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 9, Part II.

5.7.1.13. Types of surfaces for drives, sidewalks, and parking areas.

5.7.1.14. Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.

5.7.1.15. Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.

5.7.1.16. Location of all US Clean Water Act Section 404 wetland areas, located of detention/retention ponds (Best Management Practices), riparian and Falls Lake buffers and impervious surface areas with area dimensions, and ratios of impervious surface to the total size of the lot and any other stormwater control systems required by Code of Ordinances Chapter 53.

5.7.1.17. The location of all common areas.

5.7.1.18. The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.

5.7.1.19. Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 9, Part I. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.

5.7.1.20. Proposed site lighting.

5.7.1.21. Location, dimensions, and details of signs per the requirements of Article 9, Part III.

5.7.1.22. The method of refuse disposal and storage and the location of dumpsters and screening as required by Article 9, Part I.

5.7.1.23. North arrow or compass rose.

5.7.1.24. Building elevations, except for single- and two-family homes and townhouses designed under the NC Residential Building Code.

5.7.2. Certificate of Zoning Compliance/Building Permit.

An application for a certificate of zoning compliance may be requested in advance of or concurrently with an application for a building permit in accordance with Sections 5.3.7 and 5.3.8.

5.7.3. Inspections and Certificates of Occupancy.

No new building, or part thereof, shall be occupied; no addition or enlargement of any existing building shall be occupied; no existing building after being altered or moved shall be occupied; and no change of use shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy as provided in Section 5.3.9, above.

SECTION 5.8 SUBDIVISION PROCEDURES.

5.8.1. Review Procedure for Minor Subdivisions.

5.8.1.1. The developer may submit a sketch development plan, as specified in Section 5.2, to the UDO Administrator. At this stage, the UDO Administrator and the developer shall informally review the proposal.

5.8.1.2. After this initial review has been completed, the subdivider or his authorized representative shall prepare a final plat as specified in Section 9.35 and submit it to the UDO Administrator. At the time of submission, the subdivider shall pay to the city an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.36 for plat requirements.

5.8.1.3. The UDO Administrator shall approve or disapprove the final plat, as provided in Section 5.4.

5.8.2. Review Procedure for Major Subdivisions.

5.8.2.1. Preliminary Plat.

5.8.2.1.1. At the time of submission of the preliminary plat and phasing plan (if applicable), the subdivider shall pay to the city an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.36 for plat requirements.

5.8.2.1.2. The subdivider or his or her authorized agent shall submit five (5) copies of the preliminary plat to the UDO Administrator who shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The UDO Administrator will solicit and receive comments from other persons or agencies before making its final recommendations. If the application is complete, the UDO Administrator will submit it to the Planning Board according to the schedule established in Section 5.5.3.

5.8.2.1.3. After the UDO Administrator determines that the preliminary plat meets the requirements of this Ordinance, it shall be submitted to the Planning Board for review and recommendation to the City Council. At least ten (10) days prior to the Planning Board meeting, the city shall prominently post a notice on the site proposed for subdivision or on an adjacent public street or highway right-of-way.

The Planning Board shall forward its recommendation to the City Council within thirty (30) days after first consideration by the Planning Board. If the Planning Board fails to act within the 30-day period, the subdivision will be placed on the next available City Council agenda. The City Council shall consider the preliminary plat and approve, approve with conditions acceptable to the applicant, or disapprove the plan.

5.8.2.2. Final Plat.

5.8.2.2.1. At the time of submission of the final plat, the subdivider or his or her authorized agent shall pay the City an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.36 for plat requirements.

5.8.2.2.2. Within 24 months after approval of the preliminary plat by the City Council, the subdivider shall submit a final plat showing that he or she has completed the subdivision according to the preliminary plan and phasing plan (if applicable). The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plat, provided that all required improvements have been installed as called for in the approved preliminary plat or a surety bond or similar financial instrument has been approved by the City Council, in accordance with Section 5.7.4.6.

The UDO Administrator shall determine whether or not the final plat substantially agrees with the approved preliminary plan. If substantial differences exist, the UDO Administrator may deny the final plat and require that a new preliminary plat be submitted. If the plat substantially agrees with the preliminary plat, the UDO Administrator shall approve the final plat within thirty (30) days after first consideration, if the City Council has accepted the publicly dedicated improvements or approved a performance bond agreement. Only after the final plat has been approved and recorded at the Person County Register of Deeds office shall any lots be transferred or conveyed. The plat must be recorded within 30 days after approval.

5.8.2.2.3. Five (5) copies of the final plat shall be submitted: the original, two mylar copies, and two paper copies. The mylar shall be three mil, suitable for reproduction. The three reproducible copies shall each have original signature. The original copy shall be returned to the subdivider, one mylar copy shall be recorded at the Person County Register of Deeds office, and one mylar copy of the recorded plat shall be returned to the UDO Administrator.

5.8.2.2.4. The final plat shall be prepared by a surveyor licensed and registered to practice in the state. It shall conform to the provisions of plats, subdivisions, and mapping requirements as set forth in GS 47-30, as amended, and the *Standards of Practice of Land Surveying in North Carolina.*

5.8.2.2.5. The final plat shall depict or contain the information specified in Section 9.36. Plats not illustrating or containing the information required in Section 9.36 shall be returned to the subdivider or his or her authorized agent for completion and resubmission.

5.8.2.2.6. For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

5.8.2.3. Time Limitation/Approval of Preliminary Plat. Preliminary plat approval shall be valid for two (2) years unless a greater time period is granted through a Vested Rights request. If final plat approval has not been obtained within said two-year period, preliminary plat approval is void. A new preliminary plat shall be required to be submitted and such plat shall be in conformance with all current and applicable standards in this Ordinance. Notwithstanding, the developer may submit a request to the UDO Administrator for a time extension for up to one (1) year for final plat submittal. Said request must be submitted to the UDO Administrator thirty (30) days prior to the original plat expiration date. No more than one (1) such extension may be granted by the UDO Administrator per subdivision. The developer may submit a final plat for one or more phases of a subdivision given preliminary plat approval. Said submission shall extend the expiration date for the remaining phases of the subdivision for an additional two (2) years past the date of said final plat approval or approval of one or more phases.

5.8.2.4. As-Built Drawing Submittal. Prior to final plat approval or release of performance guarantees, As-Built Drawings shall be submitted and administratively approved.

5.8.2.5. Property Owners Association Covenants Review. Prior to approval of any final plat for a major subdivision, the UDO Administrator shall review the covenants of the Property Owners Association to ensure compliance with city requirements. The covenants shall include provisions for the ownership and maintenance of all privately-held facilities, including engineered stormwater control structures (BMPs) required by Chapter 53 of the Code of Ordinances. The UDO Administrator will refer the covenants to the City Attorney for review and approval. For Townhouse Development, refer to Section 7.20.3.

5.8.2.6. Performance Guarantees. In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the City of Roxboro may enter into an agreement with the subdivider whereby the subdivider shall agree to complete any remaining required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat within a mutually agreed upon specified time period not to exceed one (1) year. Once agreed upon by both parties and the security required herein is provided, the final plat may be approved by the City Council, if all other requirements of this Ordinance are met. The city shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements.

5.8.2.6.1. The subdivider shall provide one of the following Performance Guarantees, elected at the subdivider's discretion, in lieu of installation:

5.8.2.6.1.1. Surety bond issued by any company authorized to do business in this State.

5.8.2.6.1.2. Letter of credit issued by any financial institution licensed to do business in this State.

5.8.2.6.1.3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

5.8.2.6.2. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgment by the City that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.

5.8.2.6.3. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion

of the remaining incomplete improvements still outstanding at the time the extension is obtained.

5.8.2.6.4. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

5.8.2.6.5. For subdivisions which are underwritten or constructed with federal funds and for which the specifications for facilities or improvements are equal to or of a higher standard than those required by the city, the bond-posting requirement may be waived and the final plat approved prior to completion of facilities or improvements.

5.8.2.7. Transfer of Lots in Unapproved Subdivision Plats, Conveyance of Unapproved Lot Subject to this Ordinance. After the effective date of this Ordinance, it shall be illegal for any person being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide his land in violation of this Ordinance or to transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance.

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 Ordinance.

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City, thereafter subdivides his land in violation of applicable City ordinances or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under applicable City ordinances and recorded in the office of the Person County Register of Deeds, or who transfers land otherwise subject to this Ordinance by reference to metes-and-bounds description shall be guilty of a Class 1 misdemeanor and in violation of this Ordinance, and are subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4.

The City Council, through its attorney or other official so designated, may take any action to enforce this Ordinance as provided in Section 1.6. Civil penalties may be issued in accordance with Section 1.6. The City Council may direct the enforcement of this Ordinance by any method listed in NC General Statutes 160A-174, including enjoining the

transfer or sale of land in an illegal subdivision. Building permits required pursuant to NCGS 160A-417 may be denied for lots that have been illegally subdivided.

5.8.3. Procedure for Plat Recordation.

After the effective date of this Ordinance, no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the chairperson or head of that agency. All publicly dedicated improvements must be accepted by the City Council contingent upon final plat recordation or acceptance of an approved performance bond.

A plat shall not be filed or recorded by the Person County Register of Deeds of any subdivision located within the city's jurisdiction that has not been approved in accordance with this Ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this Ordinance.

5.8.4. Issuance of Permits

Zoning permits and building permits may be issued by the City of Roxboro for the erection of any building on any lot within a proposed subdivision prior to the final plat of said subdivision being approved in a manner as prescribed by this Ordinance and recorded at the Register of Deeds office, provided an improvements permit has been issued by the Person County Health Department, if required. **A certificate of occupancy may not be issued until the final plat has been approved and recorded.**

5.8.5. School Site Reservation.

In accordance with NCGS 160A-372, if the City Council and the Person County Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with the City of Roxboro Comprehensive Plan, staff shall immediately notify the Board of Education in writing whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed of the reservation.

5.8.6. Dedication of Land for Park, Recreation, and Open Space.

A developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. A combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served. Refer to Article 9, Part V.

SECTION 5.9 CONSTRUCTION DRAWING REVIEW REQUIREMENTS.

5.9.1. Applicability and Process.

The Construction Drawings for Minor Site Plans, Major Site Plans, and Major Subdivision Preliminary Plats shall be submitted with the site plan or preliminary plat. The construction drawings shall be reviewed concurrent with the major site plan or major subdivision preliminary plat. Construction drawings shall be approved administratively prior to the issuance of a zoning permit.

5.9.2. Submittal Requirements.

Construction Drawings shall include the following:

- Site Plan or Preliminary Plat
- Existing Conditions
- Grading Plan
- Soil and Erosion Control Plan
- Landscaping Details
- Lighting Plan
- Street Details, if applicable
- Infrastructure Details
- Stormwater Control Plan

NOTE: Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross-sections, design details, and dimensions.

ARTICLE 6.
ZONING DISTRICTS

Section 6.1 Establishment of Zoning Districts 6-2
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ARTICLE 6. ZONING DISTRICTS

SECTION 6.1 ESTABLISHMENT OF ZONING DISTRICTS.

In accordance with the requirements of NCGS Section 160A-382 that zoning regulation be by districts, the City of Roxboro, as shown on the Zoning Map, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance. In the creation of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the area.

The purposes of establishing the zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

SECTION 6.2 INTERPRETATION.

Zoning districts have uses specified as permitted by right, special uses, and uses permitted with supplemental regulations. Detailed use tables are provided in Section 6.4 showing the uses allowed in each district. The following describes the processes of each of the categories that the uses are subject to:

- **Permitted by Right**: Administrative review and approval subject to district provisions and other applicable requirements only.

- **Permitted with Supplemental Regulations**: Administrative review and approval subject to district provisions, other applicable requirements, and supplemental regulations outlined in Article 7.

- **Special Uses**: City Council review and approval of Special Use Permit subject to district provisions, other applicable requirements, and conditions of approval as specified in Section 4.9. Some Special Uses may also be subject to supplemental regulations outlined in Article 7.

- **Uses Not Permitted:** Uses not marked with a P, PS, S, or SS are not permitted.

If a use is not specifically listed in any of the districts listed in this Ordinance, then the UDO Administrator shall have the authority to interpret in which district the use, if any, should be permitted. If the UDO Administrator rejects a proposal for a use that is not clearly disallowed in a particular district, then the UDO Administrator shall:

- Ensure that the citizen is provided with a copy of the interpretation in writing.
- Inform the citizen of the right to appeal the decision to the Board of Adjustment.
- Assist with the development of a proposed zoning text change for consideration by the Planning Board and City Council allowing policy-makers to determine whether the proposed use should be an allowable use in the district or not. Financial responsibility for a proposed zoning text change shall be on the applicant.

SECTION 6.3 PRIMARY ZONING DISTRICTS.

For the purposes of this Ordinance, the City of Roxboro, North Carolina is hereby divided into the following primary zoning districts:

6.3.1. R-12 Residential Agricultural District. The R-12 district is established as a district in which the principal use of land is for low-density residential and some limited agricultural uses. Lots in this district have or can be provided access to public water and/or sewer systems. Minimum lot size is 12,000 square feet.

6.3.2. R-8 Residential District. The R-8 district is established to allow a medium density of residential land use in areas which are served by both public water and sewer systems. Minimum lot size is 8,000 square feet.

6.3.3. R-6 Residential District. The R-6 district is established to allow a high density of residential land use along with other uses compatible with the residential uses and primarily in older sections of the city and where water and sewer systems are available. Minimum lot size is 6,000 square feet.

6.3.4. PUD Planned Unit Development Special Zoning District. The PUD district allows a large site to be developed with a mixture of land uses according to an approved overall site plan. For example, a large tract may be developed with a mix of single-family and multi-family housing, with part of the site also devoted to commercial and office uses. The PUD district allows for greater flexibility in dimensional standards (such as lot sizes and setbacks) upon approval of an overall master plan for the entire development. The district does not require a rigid separation of different land uses. Uses are limited to the uses identified in the Table of Uses and Activities. All of the site specific standards and conditions, including a site plan are incorporated into the zoning district regulations for the PUD. Approval of the site plan establishes all zoning requirements for the subject property. A PUD district shall not be less than five (5) acres in area. Refer to Section 7.26.

6.3.5. B-1 Highway Business District. The B-1 district is established as a district in which to accommodate highway-oriented retail and commercial service businesses which generally have as their market area the entire city and surrounding area. The major objectives of this district are to (I) encourage planned commercial and office parks; (ii) encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and (iii) provide a location for major shopping facilities and land uses requiring large outdoor spaces for accessory support such as parking.

6.3.6. B-2 Neighborhood Business District. The B-2 district is established to primarily provide retail services to adjacent residential areas. The neighborhood district(s) should have no or limited access to federal highways.

6.3.7. B-3 Downtown Business District. The B-3 district is established to maintain the central city high-density business area for residents to obtain goods and services.

6.3.8. O/I Office/Institutional District. The O/I district is established as a district in which the principal use of land is for residences, services, offices, and institutional types such as hospitals, medical offices, and clinics. For residential uses, R-6 minimum lot size requirements shall apply. In promoting the general purposes of this Ordinance, the specific intent of this district is to:

> ***6.3.8.1.*** To encourage the construction of, and continued use of, land for offices and institutional uses;

6.3.8.2. To prohibit commercial and industrial uses of land which would generate large volumes of traffic or would interfere with the use of land for residential and office and institutional uses;

6.3.8.3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section;

6.3.8.4. To encourage the development of areas which will serve as a buffer between business districts and residential districts provided for in this Ordinance.

6.3.9. I-1 Light Industrial District. The I-1 district is for industries and warehouses which are not considered detrimental to surrounding land uses or those industries that are not considered to cause unnecessary loads or strain on existing public utility facilities. Further, these industries are to comply with applicable state and federal agencies' standards for emissions, effluents, noise, or odor.

6.3.10. I-2 Heavy Industrial District. The I-2 district is established for the purpose of limiting the location of industries which by nature of their activities are not compatible with residential, institutional, and commercial uses. In addition to the permitted uses in the I-2 Heavy Industrial District, any building or land may be used for any other industrial purpose, except that no building or occupancy permit shall be issued for any of those uses not meeting state and/or federal agencies' standards for objectionable emissions, effluents, noise, or odor.

6.3.11. Overlay Districts. The following are considered overlay districts: Falls Lake Watershed, NPDES Phase II Watershed Districts, and Water Supply Watershed WSIII (see Section 9.87).

SECTION 6.4 TABLE OF USES AND ACTIVITIES.

P - Permitted Use
S - Special Use
PS - Permitted Use with Supplemental Regulations
SS - Special Use with Supplemental Regulations
Blank - Not Permitted

Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
ACCESSORY USES/BUILDINGS											
Accessory buildings/structures	P	P	P		P	P	S	P	P	P	
Accessory uses	P	P	P		P	P	P	P	P	P	
Cemetery as an accessory use to a church	SS	SS	SS				PS	SS			Section 7.2
Child care center (as an accessory use for a principal business/industry)					SS			PS	PS	PS	Section 7.3.1
Dwelling, single-family (as an accessory for a principal business)					PS	PS	PS	PS	PS	PS	Section 7.4
Granny pods/temporary health care structures	PS	PS	PS					PS			Section 7.5
Home occupations	PS	PS	PS				PS	PS			Section 7.6
Office uses as an accessory use to an industrial type activity, and being located on the same lot									P	P	
Retaining walls and fences	PS	PS	PS		PS	PS	PS	PS	PS	PS	Section 7.7
Satellite dish antennas	PS	PS	PS		PS	PS	PS	PS	PS	PS	Section 7.8
Solar energy generating facility, accessory	PS	PS	PS		PS	PS	PS	PS	PS	PS	Section 7.9
Swimming pools, commercial/community					SS	SS		SS			Section 7.10
Swimming pools, private	PS	PS	PS		SS			SS			Section 7.10
Temporary storage facility (portable storage units)	PS	PS	PS		PS	PS	PS	PS	PS	PS	Section 7.11
Wind energy generating facility, accessory	SS	SS	SS		SS	SS	SS	SS	SS	SS	Section 7.12

ARTICLE 6. ZONING DISTRICTS

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
EDUCATIONAL											
Colleges, universities, community colleges					S		S	S	S		
Kindergarten/nursery schools					S	S		P			
Libraries, public or private						S	P	P			
School, elementary or secondary	S		S		S	S		P			
School, trade or vocational								S	S	S	
INSTITUTIONAL											
Ambulance service, rescue squad					S	P	P	P	P	P	
Cemetery					SS			SS			Section 7.13
Church, synagogue, temple, or other religious building, including accessory services	S	S	S		S	S	P	P			
Community or municipal sewage and water treatment plants									S	S	
Country clubs	S	S	S					S			
Crematorium					SS			SS			Section 7.14
Emergency management operation					P	P	P	P	P		
Fire stations	S	S	S		P	P	P	P	P	P	
Fraternal clubs and lodges, non-profit					S	S	S	S			
Government buildings/offices	S	S	S		P	P	P	P	P	P	
Governmental postal facilities					P	P	P	P	P		
Hospitals, clinics, other medical treatment facilities					S		S	S			

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
INSTITUTIONAL (continued)											
Military reserve, national guard centers					P			P	P		
Penal & correctional facilities									S	P	
Pet cemetery					P			P			
Police stations					P	P	P	P	P		
Public utility towers, substations, pumping stations and storage tanks	SS	SS	SS		SS	SS	SS	SS	PS	PS	Section 7.15
Recycling center with no open-air storage									P	P	
Special events					P				P		
Utility company (no open-air storage)					S	S	S	S	P	P	
MANUFACTURING AND INDUSTRIAL											
Artisan's workshop (3,000 square feet or less)					PS		PS				Section 7.16
Artisan's workshop (exceeding 3,000 square feet)					SS				SS		Section 7.16
Bottling plants									P	P	
Building materials sales and storage yards									P	P	
Cabinet and woodworking establishments									P	P	
Clothing manufacture									P	P	
Coal yards										P	
Cold storage plant									P	P	
Commercial laundries									P	P	
Contractors office and equipment storage									P	P	

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
MANUFACTURING AND INDUSTRIAL (continued)											
Dairy products processing									P	P	
Dry cleaning plants									P	P	
Electronic equipment manufacture									P	P	
Feed and seed milling and storage										P	
Fertilizer sales										P	
Food processing plants, except slaughtering of animals									P	P	
Foundries producing steel products										P	
Furniture manufacture									P	P	
Ice plants									P	P	
Industrial education and research facilities									P	P	
Laboratories for research and testing									P	P	
Machine shops									P	P	
Machine tool manufacture										P	
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment within a fully enclosed building										PS	Section 7.17
Metal working shops									P	P	
Mining or quarrying operations, including on-site sales of products										P	
Mixing plants for concrete, or other types of paving materials and the manufacture of concrete products										P	

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Uses	Zoning Districts										Supplemental Regulations
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
MANUFACTURING AND INDUSTRIAL (continued)											
Paper, pulp, cardboard, and building board manufacture										P	
Petroleum bulk storage										PS	Section 7.17.2
Plastic manufacture										PS	Section 7.17.1
Railroad freight yards										P	
Reclamation landfill										S	
Recycling processing centers									S	P	
Repair shops not otherwise listed					S					P	
Sawmills and planing mills										P	
Textile manufacture										P	
Tobacco products manufacture										P	
OFFICES, PROFESSIONAL AND SERVICES											
Accounting agencies					P	P	P	P			
Advertising agencies					P	P	P	P			
Attorneys					P	P	P	P			
Banks/financial services					P	P	P	P			
Chiropractic					P	P	P	P			
Contractors offices (no outside storage)					P	P	P	P			
Engineering/surveying/architectural services – general					PS	PS	PS	PS			Section 7.18
Insurance office					P	P	P	P			

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
OFFICES, PROFESSIONAL AND SERVICES (continued)											
Interior decorating service					P	P	P	P			
Medical and dental offices/clinics					P	P	P	P			
Medical support offices (testing labs)					P	P	P	P			
Office, clerical, research and services not primarily related to goods and merchandise					P						
Opticians					P	P	P	P			
Real estate office/appraisal					P	P	P	P	P		
RECREATIONAL											
Athletic fields	S	S	S		S			S			
Automobile and motorcycle racing track										S	
Billiards and pool halls					SS		PS				Section 7.19
Bingo					PS						Section 7.19
Bowling alleys					P		S				
Campgrounds					P						
Coliseums, stadiums designed to accommodate more than 1,000 people					P			S	S		
Community centers					P		S	S			
Dance halls					PS						Section 7.19
Gamerooms					PS						Section 7.19
Golf courses	SS	SS	SS		PS			SS			Section 7.20

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RECREATIONAL (continued)											
Golf driving ranges not accessory to golf courses					S						
Horseback riding stables	SS										Section 7.21
Indoor athletic and exercise facilities	S				P						
Indoor tennis and squash courts	S				P						
Miniature golf courses					P						
Movie theaters					P		P				
Outdoor athletic and exercise facilities	S				S	S		S			
Par 3 golf courses					S						
Privately-owned outdoor recreational facilities	S										
Publicly-owned and operated outdoor recreational facilities	P	P	P		P	P	P	P	P		
Skateboard parks					S						
Skating rinks					S						
Swimming clubs	S	S	S		S	S		S			
Tennis courts, commercial	S				P	P		P			
Water slides					S						

ARTICLE 6. ZONING DISTRICTS

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RESIDENTIAL											
Adult care home (over 6 residents)	SS	SS	SS		SS	SS		PS			
Dwelling, garage apartment	S	S	P								
Dwelling, manufactured home Class A (on a single lot)	S		S								
Dwelling, multi-family	S		S					P			
Dwelling, over a business							SS				Section 7.23
Dwelling, single-family	P	P	P				SS	P			Section 7.23
Dwelling, townhouse development			SS					SS			Section 7.24
Dwelling, two-family (duplex)	S		P					P			
Family care home	PS	PS	PS					PS			Section 7.22
Family child care home	PS	PS	PS								Section 7.3.2
Family foster home	SS	SS	SS					SS			
Manufactured home parks, including recreational vehicles								SS			Section 7.25
Multi-unit assisted housing with services	SS	SS	SS					SS			
Planned unit development				PS							Section 7.26
Residential child-care facility			SS					SS			
Rooming and boardinghouse	S		P								
Small child care center	PS	PS	PS					PS			Section 7.31
Temporary emergency, construction, and repair residences	SS	SS	SS		PS	PS	PS	PS	PS	PS	Section 7.27
Tiny houses			PS					SS			Section 7.28
Tourist homes			S					S			

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES											
ABC store					P	P	P				
Animal sales									P	P	
Antique stores					P		P				
Art galleries	S				P	P	P				
Automobile parking garages or parking lots (independent)					P	P	P	P			
Automobile parts and accessories					P		P				
Automobile repair shop or body shop					P				P		
Automobile sales and service					P						
Automobile service stations					P	SS	SS		S		Section 7.29
Automobile window tinting, stereo or rim installation					P						
Bakery (retail)					P	P	P				
Barber shops, beauty shops	S		S			P	P	P			
Bars			PS		PS		PS				Section 7.19
Battery charging station					PS	PS	PS	PS	PS	PS	Section 7.30
Battery exchange station					PS	PS	PS	PS	PS	PS	Section 7.30
Bed & breakfast	SS	SS	SS			SS		SS			Section 7.31
Book store, including the retail of stationery, books, magazines, newspapers					P	P	P				
Building supplies and sales					P						

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Uses	Zoning Districts										Supplemental Regulations
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES (continued)											
Car wash					P						
Catering					P	P	P	P			
Child care center			SS		SS	SS		SS			Section 7.3.1
Clothing store						S	P				
Commercial greenhouse or nursery					P				P	P	
Computer sales and repair					P	P	P				
Convenience stores, less than one (1) acre					P	P					
Convenience stores, one (1) acre or more					S	S					
Daycare facility, adult					SS	SS	SS	SS			Section 7.32
Deli					P	P	P				
Distilleries					PS		SS				Section 7.33
Dog grooming (no outdoor kennels)					P			P			
Drug store					P	P	P				
Dry cleaner, laundromat					P	P	P				
Electrical equipment sales and repair					P				P		
Electrical repair or contractor (no open storage)					P	P		P			
Electrical repair or contractor (open storage allowed)					P						
Engine repair, small (including motorcycle)					P						
Exterminating and pest control services					P				P		

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES (continued)											
Fabric store							P				
Farm, craft, produce markets					P		S				
Farm machinery/equipment sales and service							S		P	P	
Flea markets						SS					Section 7.34
Florists							P				
Funeral home					S	S	P	S			
Furniture store					P		P				
Gas sales operations					PS	PS	PS				Section 7.29
General contractors (no open storage)					P	P	P	P			
General contractors (open storage allowed)					P						
Gift shops					P	P	P				
Grocery/food store					P	P	S				
Hardware store					P		P				
Health spa					P	P	P	P			
Heating and air conditioning installation and repair (no open storage)					P		S	P			
Heating and air conditioning installation and repair (open storage allowed)					P						
Home appliance dealers					P		P				
Home appliance repair					P		P				

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES (continued)											
Hotels and motels					S		S	S			
Ice cream stand or store					P	P	P				
Jewelry store/repair					P		P				
Leather goods stores					P		P				
Manufactured home sales/modular home sales					PS						Section 7.35
Microbrewery					PS	SS	SS				Section 7.33
Mixed use					SS	SS					Section 7.36
Motor vehicle, farm equipment, and boat sales or rental or sales and service					P						
Motor vehicle parts and accessories sales with installation					P						
Motor vehicle repair and maintenance, not including substantial body work					P						
Museums		S	S		P		S	P			
Music instrument sales and service					P		P				
Music studio					P		P	P			
Nail/tanning salon					P	P	P				
Night clubs and social clubs					SS						Section 7.19
Nursing home	SS	SS	SS		SS	SS		PS			
Office supplies					P		P				
Paint store					P		P				

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES (continued)											
Pet store					P		P				
Photo studios					P		P				
Plumbing repair contractor (no open storage)					P		P	P			
Plumbing repair contractor (open storage allowed)					P						
Printing, publishing, and engraving establishments							P	P	P	P	
Private postal shipping and receiving					P	P	P	P			
Radio and TV stations/studios								S	S		
Rental of goods, merchandise, and equipment (no outside storage or display of goods)					P		P				
Rental of goods, merchandise, and equipment (with outside storage and display of goods)					P						
Restaurants, excluding fast food & drive thru services					P	P	P	P			
Restaurants, including fast food & drive thru services					S						
Sales of goods, merchandise, and equipment (no outside storage or display of goods)					P	P	P				
Sales of goods, merchandise, and equipment (with outside storage and display of goods)					P						
Service establishments					P	S	P	P			
Sexually oriented businesses										SS	Section 7.37
Shoe store or repair					P		P				

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
RETAIL SALES AND SERVICES (continued)											
Shopping center, less than 30,000 sq. ft. gross enclosed floor area					S	S					
Shopping center, greater than 30,000 sq. ft. gross enclosed floor area					S						
Sporting goods store					P	P	P				
Tailor/dressmaker/seamstress					P		P				
Tattoo/body piercing parlors					PS						Section 7.38
Towing, automobile and truck					PS						Section 7.39
Toy store					P		P				
Travel agencies					P		P	P			
Truck stop					P						
Truck terminals									P	P	
Truck wash					P					P	
Upholstery - furniture repair					P				P		
Veterinarian, animal clinic, no outside kennel					P			P			
Veterinarian, animal clinic, outside kennel					PS						Section 7.40

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Uses	*Zoning Districts*										*Supplemental Regulations*
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
TRANSPORTATION											
Airports										P	
Bus terminal					P		S				
Taxi stands					P		S				
WHOLESALE SALES AND WAREHOUSING											
Agricultural product warehousing					P					P	
Self-service storage facility					P				P		
Salvage yards, junkyards, automobile graveyards										SS	Section 7.41
Storage of goods not related to the sale or use of those goods on the same lot where they are stored					P						
Warehouses					P				P	P	
Wholesale sales					P						
OTHER USES											
Agricultural uses	P	P	P								
Agriculturally-related business					P						
Bona fide farms	P										
Community gardens	P	P	P		P	P		P			
Farm stand					S						
Forestry activities	PS	PS	PS					PS	PS	PS	Section 7.42
Off-premise signs (as permitted by Article 9, Part III)										PS	

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Blank - Not Permitted
S - Special Use
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	Zoning Districts										*Supplemental Regulations*
Uses	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2	
OTHER USES (continued)											
Off-street parking facilities (as permitted by Article 9, Part II)	P	P	P		P	P	P	P	P	P	
Signs (as permitted by Article 9, Part III)	P	P	P		P	P	P	P	P	P	
Solar farm									SS	SS	Section 7.43
Storage inside completely enclosed structure					P				P		
Storage outside completely enclosed structure					SS				PS	PS	Section 7.44
Trash and garbage disposal facilities										S	
Temporary uses/sales					SS	SS	SS	SS	SS	SS	Section 7.45
Wind farm					SS				SS	SS	Section 7.46
Wireless communication facilities, 50' tall or less	SS	SS	SS		SS	SS	SS	SS	PS	PS	Section 7.47
Wireless communication facilities, more than 50' tall									PS	PS	Section 7.47

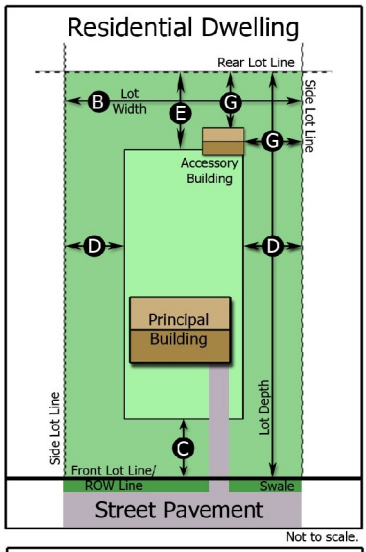
ARTICLE 6. ZONING DISTRICTS

SECTION 6.5 ZONING DISTRICT DEVELOPMENT STANDARDS.

6.5.1. R-12 Residential Agricultural District.

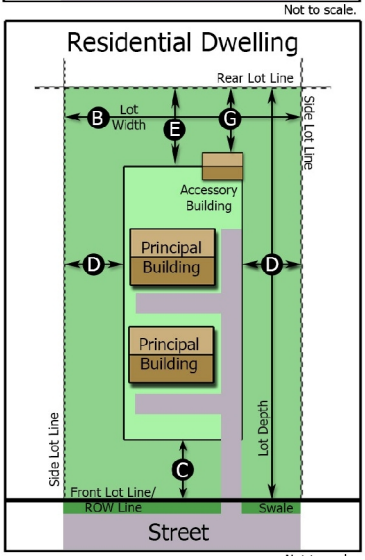
6.5.1.1. Dimensional Requirements: Single-Family & Two-Family Residential.

(A) Minimum lot area •Not served by municipal sewer •Served by municipal sewer	 20,000 sq. ft. 12,000 sq. ft.
(B) Minimum lot width	80 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards	15 ft.
(E) Minimum rear yard	30 ft.
(F) Maximum building height	35 ft.
(G) Accessory buildings	see Section 6.6.1



6.5.1.2. Dimensional Requirements: Multi-Family Residential.

(A) Minimum lot area	4,000 sq. ft. per d/u
(B) Minimum lot width	80 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards	15 ft.
(E) Minimum rear yard	15 ft.
(F) Maximum building height	35 ft.
(G) Accessory buildings	see Section 6.6.1



6.5.1.3. Corner Lots. On corner lots, the setback for all structures located in street yards shall not be less than one-half (1/2) the front yard requirement.

6.5.1.4. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

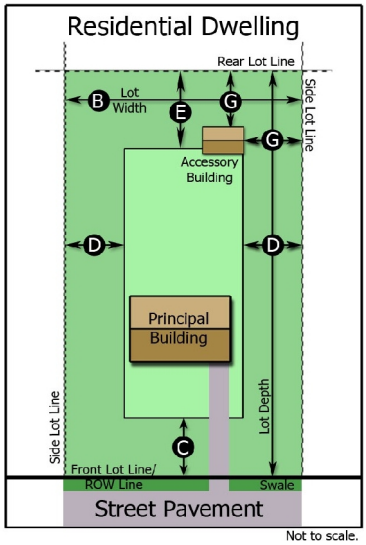
6.5.1.5. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.1.6. Parking. Off-street parking shall be provided as required in Article 9, Part II.

6.5.2. R-8 Residential District.

6.5.2.1. Dimensional Requirements

(A) Minimum lot area •Not served by municipal sewer •Served by municipal sewer	 20,000 sq. ft. 8,000 sq. ft.
(B) Minimum lot width	60 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards (see Section 6.5.2.2)	12 ft.
(E) Minimum rear yard	20 ft.
(F) Maximum building height	35 ft.
(G) Accessory buildings	see Section 6.6.1



6.5.2.2. Corner Lots. On corner lots, the setback for all structures located in street yards shall not be less than one-half (1/2) the front yard requirement.

6.5.2.3. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

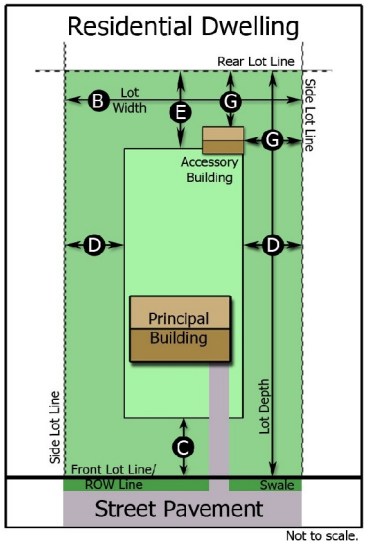
6.5.2.4. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.2.5. Parking. Off-street parking shall be provided as required in Article 9, Part II.

6.5.3. R-6 Residential District.

6.5.3.1. Dimensional Requirements: Single-Family Residential.

(A) Minimum lot area •Not served by municipal sewer •Served by municipal sewer	 20,000 sq. ft. 6,000 sq. ft.
(B) Minimum lot width	50 ft.
(C) Minimum front yard	25 ft.
(D) Minimum side yards (see Section 6.5.3.3)	10 ft.
(E) Minimum rear yard	15 ft.
(F) Maximum building height	35 ft.
(G) Accessory buildings	see Section 6.6.1



6.5.3.2. Dimensional Requirements: Two-Family, Multi-Family, & Townhouse Developments.

	Two-Family	Multi-Family	Townhouse Development
(A) Minimum lot area	9,000 sq. ft.	4,000 sq. ft. per d/u	4,000 sq. ft. per d/u*
(B) Minimum lot width	75 ft.	80 ft.	18 ft.
(C) Minimum front yard	25 ft.	30 ft.	see Section 7.20.4
(D) Minimum side yards	15 ft.	15 ft.	see Section 7.20.4
(E) Minimum rear yard	20 ft.	30 ft.	see Section 7.20.4
(F) Maximum building height	35 ft.	35 ft.	35 ft.
(G) Accessory buildings	see Section 6.6.1		

*NOTE: Each individual townhouse lot must have a minimum of 1,500 square feet.

6.5.3.3. Corner Lots. On corner lots, the setback for all structures located in street yards shall not be less than one-half (1/2) the front yard requirement.

6.5.3.4. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

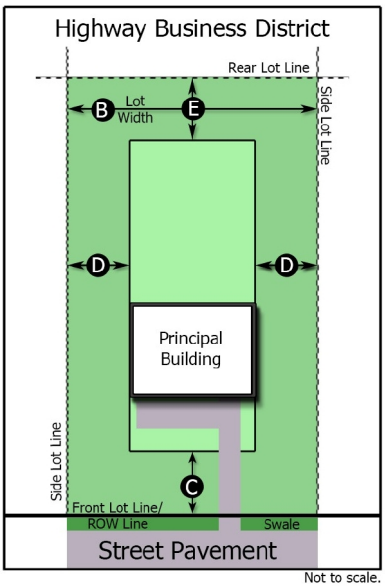
6.5.3.5. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.3.6. Parking. Off-street parking shall be provided as required in Article 9, Part II.

6.5.4. B-1 Highway Business District.

6.5.4.1. Dimensional Requirements.

(A) Minimum lot area	5,000 sq. ft.
(B) Minimum lot width	50 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards	15 ft.
(E) Minimum rear yard	20 ft.
(F) Maximum building height	35 ft.



6.5.4.2. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.4.3. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.4.4. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II.

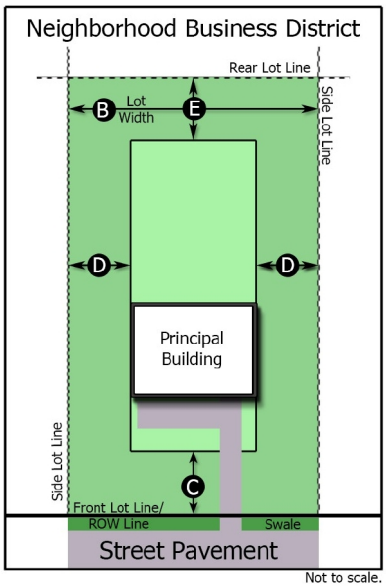
6.5.4.5. Buffers. Refer to Article 9, Part I.

6.5.4.6. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.5. B-2 Neighborhood Business District.

6.5.5.1. Dimensional Requirements.

(A) Minimum lot area	6,000 sq. ft.
(B) Minimum lot width	50 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards (see Section 6.5.5.2)	10 ft.
(E) Minimum rear yard	20 ft.
(F) Maximum building height	35 ft.



6.5.5.2. Corner Lots. On corner lots, the setback for all structures located in street yards shall not be less than one-half (1/2) the front yard requirement.

6.5.5.3. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.5.4. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.5.5. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II.

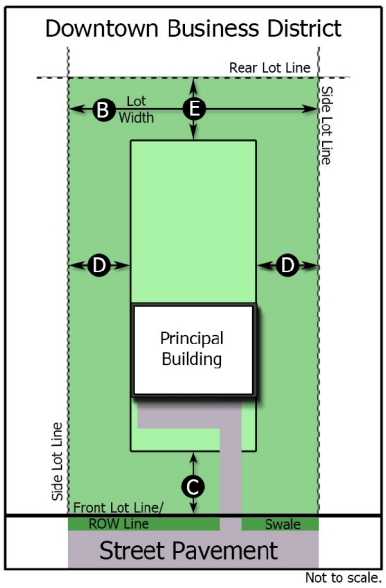
6.5.5.6. Buffers. Refer to Article 9, Part I.

6.5.5.7. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.6. B-3 Downtown Business District.

6.5.6.1. Dimensional Requirements.

(A) Minimum lot area	None
(B) Minimum lot width	None
(C) Minimum front yard	see Section 6.6.4.1
(D) Minimum side yards	see Section 6.6.4.2
(E) Minimum rear yard	None
(F) Maximum building height	None



6.5.6.2. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.6.3. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.6.4. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II.

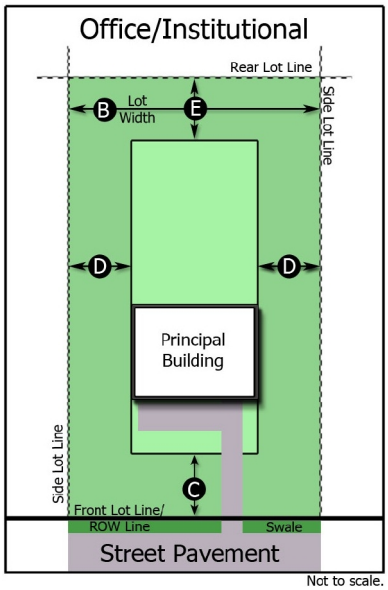
6.5.6.5. Buffers. Refer to Article 9, Part I.

6.5.6.6. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.7. O/I Office/Institutional District.

6.5.7.1. Dimensional Requirements.

(A) Minimum lot area	8,000 sq. ft.
(B) Minimum lot width	60 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards (see Section 6.5.7.2)	10 ft.
(E) Minimum rear yard	20 ft.
(F) Maximum building height	35 ft.



6.5.7.2. Corner Lots. On corner lots, the setback for all structures located in street yards shall not be less than one-half (1/2) the front yard requirement.

6.5.7.3. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.7.4. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.7.5. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II.

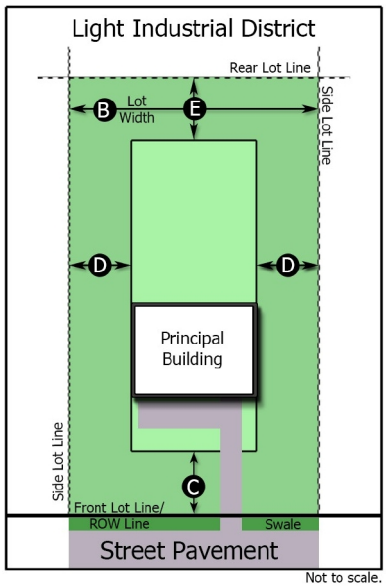
6.5.7.6. Buffers. Refer to Article 9, Part I.

6.5.7.7. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.8. I-1 Light Industrial District.

6.5.8.1. Dimensional Requirements.

(A) Minimum lot area	None
(B) Minimum lot width	100 ft.
(C) Minimum front yard	30 ft.
(D) Minimum side yards	15 ft.
(E) Minimum rear yard	30 ft.
(F) Maximum building height	50 ft.



6.5.8.2. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.8.3. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II. Off-street parking shall not be permitted in the required front yard setback.

6.5.8.4. Buffers. Refer to Article 9, Part I.

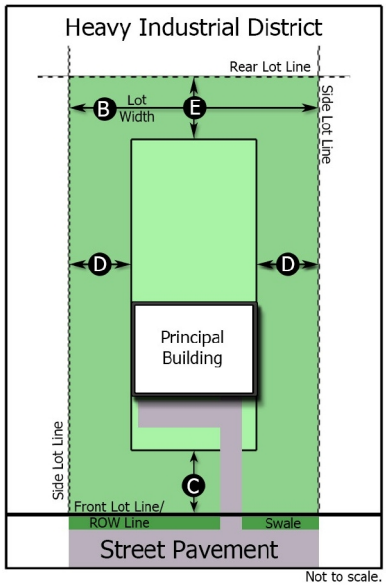
6.5.8.5. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.8.6. Signs. Signs shall be permitted as provided in Article 9, Part III.

6.5.9. I-2 Heavy Industrial District.

6.5.9.1. Dimensional Requirements.

(A) Minimum lot area	None
(B) Minimum lot width	100 ft.
(C) Minimum front yard	50 ft.
(D) Minimum side yards	20 ft.
(E) Minimum rear yard	30 ft.
(F) Maximum building height	None



6.5.9.2. Additional Requirements. Refer to Section 6.6, Notes to Zoning District Development Standards.

6.5.9.3. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 9, Part II. Off-street parking shall not be permitted in the required front yard setback.

6.5.9.4. Buffers. Refer to Article 9, Part I.

6.5.9.5. Landscaping. For landscaping requirements, refer to Article 9, Part I.

6.5.9.6. Signs. Signs shall be permitted as provided in Article 9, Part III.

ARTICLE 6. ZONING DISTRICTS

SECTION 6.6 NOTES TO THE ZONING DISTRICT DEVELOPMENT STANDARDS.

6.6.1. Accessory Buildings.

6.6.1.1. Accessory buildings may be located in required rear yards or required side yards behind the front plane of the principal building provided such buildings shall be:

6.6.1.1.1. Ten (10) feet from the principal building.

6.6.1.1.2. Not less than ten (10) feet from any lot line.

6.6.1.1.3. Occupy not more than twenty (20) percent of the required rear yard.

6.6.1.1.4. Car shelters may be located in the front yard of R-12, R-8, and R-6 zoned property if located at least one-half (½) of the required front yard setback distance from the front lot line and it complies with all required side yard setbacks.

Required yards areas shall not be used for the location of any principal building.

6.6.1.2. Maximum lot coverage of principal and accessory buildings shall not exceed 40% of the lot.

6.6.2. Decks and Porches. Uncovered decks and porches attached to a principal structure and mechanical equipment which services the principal structure may be located in side or rear yards provided such uses shall not be less than five (5) feet from any lot line. This provision does not allow the encroachment of these uses into front and corner lot yard setbacks. This provision does not include covered decks, porches, or sunrooms.

6.6.3. Industrial Uses. Where an I-1 or I-2 district abuts a residential district, all industrial uses which abut the residential district shall be set back a minimum of fifty (50) feet from the abutting exterior property line.

6.6.4. Downtown Business District.

6.6.4.1. Front Yard. There are no front yard requirements in the Downtown Business District other than any new building that is constructed shall be set back the same distance from the street as are the buildings on the adjoining lots or the setback of the adjoining buildings closest to the street right-of-way.

6.6.4.2. Side Yard. There is no side yard requirement within the Downtown Business District; however, when side yards are provided they shall comply with the City of Roxboro Fire Code. When a new building is constructed on a lot abutting a residential district, the business use shall comply with Section 6.6.8.2.

6.6.5. Where through lots occur, the required front yard shall be provided on both streets. Following adoption of this Ordinance, the subdivision of through lots is prohibited.

6.6.6. Cemetery Subdivision Lot Size Exemption. Cemeteries and individual cemetery plot(s) may be platted or approved as minor subdivisions and recorded that do not meet the minimum lot size of the zoning district; however, the cemetery shall comply with all other zoning district regulations. Where there is not reasonable access to individual lots, an 18-foot easement for ingress and egress shall be provided.

6.6.7. Minimum Lot Widths.

6.6.7.1. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

6.6.7.1.1. Could be used for purposes that are permissible in that zoning district.

6.6.7.1.2. Could satisfy all applicable setback requirements for that district.

6.6.7.2. Lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

6.6.7.3. Flag lots are prohibited.

6.6.8. Building Setback Requirements.

6.6.8.1. Buildings, accessory structures (including opaque fences), or any substantial structure which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building shall comply with all setback requirements. The following structures shall be included in this description:

6.6.8.1.1. Gas pumps and overhead canopies or roofs.

6.6.8.1.2. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque (greater than 50% of the fence surface). Lots on which the rear property line is adjacent to a public right-of-way are exempt from the maximum height limit if no sight triangles are encroached upon.

6.6.8.2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

6.6.8.3. If a vacant lot of record, or lot of record that becomes vacant, is adjacent to a lot where an existing dwelling is located which is constructed less than the required minimum front yard setback, the required minimum front yard setback for the vacant lot shall not be less than the existing front yard setback for the adjacent dwelling. In cases where existing dwellings are located on both sides of the vacant lot and each is constructed less than the required minimum front yard setback, the required minimum front yard setback for the vacant lot shall not be less than the average of the two (2) existing dwellings. Section 6.6.8.3 will not apply where there is a rezoning to a denser zoning district.

6.6.9. Building Height Limitations.

6.6.9.1. Subject to subsection 6.6.9.2, the following features are exempt from the district height limitations set forth in Section 6.5:

6.6.9.1.1. Chimneys, antennas, church spires and steeples, water tanks or towers, elevator shafts, communications, radio, and telephone towers, scenery lofts, and similar structural appendages not intended as places of occupancy or storage.

6.6.9.1.2. Flagpoles and similar devices.

6.6.9.1.3. Mechanical appurtenances including roof-mounted heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

6.6.9.2. The features listed in subsection 6.6.9.1 are exempt from the height limitations set forth in Section 6.5 if they conform to the following requirements:

6.6.9.2.1. Not more than one-third of the total roof area may be consumed by such features.

6.6.9.2.2. The features described in subsection 6.6.9.1.3 above must be setback from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.

6.6.9.2.3. Parapet walls shall be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections 6.6.9.1.1 and 6.6.9.1.3 from view.

6.6.10. Riparian Buffer Areas.

Land in a riparian buffer area may be used to satisfy any other development-related regulatory requirements based on property size, including, but not limited to, residential density and non-residential intensity calculations and yields, tree conservation purposes, open space or conservation area requirements, setbacks, perimeter buffers, and lot area requirements.

Riparian buffer areas may be owned in common, but then the City shall attribute to each lot abutting the riparian buffer area a proportionate share based on the area of all the lots abutting the riparian buffer area for purposes of the requirements of this Ordinance based on property size, including, but not limited to, residential density and non-residential intensity calculations and yields, tree conservation purposes, open space or conservation area requirements, setbacks, perimeter buffers and lot area requirements. See also Section 9.45.

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ARTICLE 7.
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ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.1 INTRODUCTION.

The following supplemental regulations shall pertain to the uses listed in the Table of Uses and Activities located in Article 6 which are identified with an "S" for supplemental regulations.

For any use which requires the issuance of a special use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on the use by the City Council. The conditions may impose greater restrictions on a particular use than those which are listed herein.

SECTION 7.2 CEMETERY AS AN ACCESSORY USE TO A CHURCH.

Cemeteries located on the same property as a church shall be subject to the following criteria:

7.2.1. The cemetery shall not encroach on any yard setbacks.

7.2.3. A site plan shall be submitted in accordance with Section 5.7.

SECTION 7.3 CHILD CARE FACILITIES.

7.3.1. Child Care Center

7.3.1.1. When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child. When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children. The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods. The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

7.3.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.3.1.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.3.1.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.

7.3.2. Family Child Care Home.

In addition to the other standards set forth in this Ordinance, each Family Child Care Home (FCCH) must meet the following requirements:

7.3.2.1. A Family Child Care Home may have no more than eight (8) children. Of the children present at any one time, no more than five (5) shall be preschool-aged, not including the operator's own preschool-aged children;

7.3.2.2. The maximum hours of operator are 7:00 am to 6:00 pm, Monday through Friday;

7.3.2.3. No signage advertising the Family Child Care Home is allowed;

7.3.2.4. The building in which the Family Child Care Home is located may not be located closer than 500 feet to any other building housing another FCCH or Child Care Center; and

7.3.2.5. The home daycare must be licensed through the NC Department of Health and Human Services.

Violations of subsections 7.3.2.2, 7.3.2.3, and 7.3.2.4 of this section are violations of this Ordinance, and the city may impose civil penalties and/or seek other remedies, as provided in this Ordinance, to correct violations of those subsections. Subsections 7.3.2.1 and 7.3.2.5 are established by State law, and the violations of these subsections may be punished as provided by State law. No violation of subsections 7.3.2.1 or 7.3.2.5 shall subject the offending party to civil penalties or other remedies established by this Ordinance.

SECTION 7.4 DWELLING, SINGLE (AS AN ACCESSORY FOR A PRINCIPAL BUSINESS)

Dwellings may be accessory uses to a principal business as provided in Section 6.4 if located inside the principal structure or as a detached structure that is secondary to the primary structure in size or location such as a garage apartment. Manufactured homes, travel trailers, and recreational vehicles shall not be used as permanent accessory residences.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.5 GRANNY PODS.

Granny pods, also called temporary health care structures, are permitted under the authority of NC General Statutes Section 160A-383.5. Granny pods shall be permitted as an accessory use in accordance with Section 6.4, subject to the following standards:

7.5.1. Structures must be transportable residential units assembled off-site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation.

7.5.2. The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by Person County. Only one accessory temporary family care structure is allowed per lot. No signage regarding the presence of the structure is allowed. The structure must be removed within sixty (60) days after care-giving on the site ceases.

7.5.3. A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The City may make periodic inspections at times convenient to the caregiver to assure on-going compliance.

7.5.4. The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.

7.5.5. In the O-I district, granny pods shall only be permitted for single-family residentially used property.

SECTION 7.6 HOME OCCUPATIONS.

Customary home occupations, including dressmaking, cooking and baking, hairdressing, music instruction, the practice of such professions as insurance and accounting, shall be permitted as accessory uses in a residence, subject to the following conditions. The UDO Administrator shall decide whether other home occupations not listed are within the spirit of this category of accessory uses.

7.6.1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross enclosed floor area of the dwelling unit shall be used in the conduct of the home occupation.

7.6.2. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

7.6.3. There shall be no on-site sales in connection with such home occupation.

7.6.4. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

7.6.5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off premises, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

7.6.6. Cooking and baking services must comply with all Health Department regulations.

SECTION 7.7 RETAINING WALLS AND FENCES.

The setback requirements of these regulations shall not prohibit any necessary retaining wall nor prohibit any planted buffer strip, fence, or wall. Walls and fences shall not create a sight obstruction at street intersections or at driveways.

SECTION 7.8 SATELLITE DISH ANTENNAS.

7.8.1. All satellite dishes shall be installed in compliance with FCC regulations.

7.8.2. Residential satellite dishes shall not exceed 24" in diameter and nonresidential satellite dishes shall not exceed 36" x 22" (oval).

7.8.3. If possible, satellite dishes shall not be located in a front yard and shall be hidden from view of the public right-of-way.

SECTION 7.9 SOLAR ENERGY GENERATING FACILITY, ACCESSORY

Solar collectors shall be permitted as an accessory use to new or existing structures or facilities in accordance with Section 6.4, subject to the following standards:

7.9.1. Roof-Mounted Solar Systems.
The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

> ***7.9.1.1. Pitched Roof Mounted Solar Systems.*** For all roof-mounted systems other than a flat roof, a drawing shall be submitted showing the location of the solar panels.
>
> ***7.9.1.2. Flat Roof Mounted Solar Systems.*** For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

7.9.2. Ground-Mounted Solar Systems.
Ground-mounted solar collectors (accessory) shall meet the minimum zoning setback for the zoning district in which it is located.

7.9.3. Approved Solar Components.
Electric solar system components shall have a UL listing.

7.9.4. Compliance with Building and Electrical Codes.
All solar collector systems shall be in conformance with the International Building Code with North Carolina amendments.

7.9.5. Compliance with Other Regulations.
All solar collector systems shall comply with all other applicable regulations.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.10 SWIMMING POOLS, COMMERCIAL/COMMUNITY AND PRIVATE.

All public, commercial, or private outdoor swimming pools of three feet or more in depth, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

7.10.1. The setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus one foot for each foot over five of pool height. The additional setback for an in-ground swimming pool shall be at least two (2) feet.

7.10.2. A fence be erected to a minimum height of four feet to completely enclose all sides of the pool not bounded by a building. A self-latching gate of equal height shall be installed and securely fastened when the pool is not in use.

7.10.3. Contractor must have construction fence/silt fence surrounding an in-ground pool area (construction site) while under construction.

7.10.4. Mechanical equipment may encroach up to five (5) feet into a side or rear yard setback, must be screened from view, and must not be located in a street yard.

SECTION 7.11 TEMPORARY STORAGE FACILITY (PORTABLE STORAGE UNITS).

Temporary storage facilities, as defined in Appendix A, shall be subject to the following regulations:

7.11.1. Dumpsters or temporary storage facilities incidental to a natural disaster, or construction with a valid building permit, shall be exempt from these regulations.

7.11.2. Temporary storage facilities intended to be in place for greater than thirty (30) days shall require a zoning permit.

7.11.3. With the exception of Light Industrial (I-1) and Heavy Industrial (I-2) zoning districts, temporary storage facilities may be placed on a property a maximum of any one hundred and twenty (120) day period during one calendar year from its initial placing on a property.

7.11.4. No temporary storage facility shall encroach into any public right-of-way.

7.11.5. No temporary storage facility may encroach into vehicular use areas where such encroachment reduces the amount of parking below the minimum permitted amounts.

7.11.6. No temporary storage facility shall be used as living space and/or a permanent accessory building.

SECTION 7.12 WIND ENERGY GENERATING FACILITY, ACCESSORY.

Wind energy generating facilities (accessory) designed to supplement other electricity sources shall be permitted as an accessory use in accordance with Section 6.4, subject to the following standards:

7.12.1. A wind energy generator (accessory) shall be setback from all property lines a distance equal to one linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater. Maximum height of wind turbines shall be consistent with the requirements of the underlying zoning district. The height shall be measured from the ground to the highest point of the prop.

7.12.2. A wind turbine may not be located between the front wall of the primary structure and the street.

7.12.3. Rotor blades on wind turbines shall maintain at least fifteen (15) feet of clearance between their lowest point and the ground.

7.12.4. Installation and Design.
The installation and design of the wind energy generator (accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.

7.12.5. The visual appearance of wind energy generator (accessory) shall:

> ***7.12.5.1.*** Be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off-white, or gray.
>
> ***7.12.5.2.*** Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

7.12.5.3. Landscaping, buffering, and screening shall be provided in accordance with Article 9, Part I.

7.12.6. Any accessory wind energy generator and supporting structure that is not functional shall be removed after 180 days. In the event that the City becomes aware of any wind energy system that is not operated for a continuous period of three (3) months, the City will notify the landowner by certified mail that the system must be moved or repaired in 90 days. The owner may request and receive a single extension of up to 90 days for good cause shown, including the reasons for the operational difficulty and a reasonable timetable for corrective action. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

SECTION 7.13 CEMETERIES.

7.13.1. A cemetery shall not contain less than three (3) contiguous acres of land.

7.13.2. Chapels, mortuaries, mausoleums, and sales and administrative offices may be developed within the cemetery. Access to the buildings shall be from within the cemetery. No building permitted by these regulations shall be located closer than one hundred fifty (150) feet to any residential dwelling on land adjoining the cemetery.

7.13.3. Access to the cemetery shall be provided by way of private drives extending from a public street and of sufficient width to accommodate two-way traffic. Parking shall be provided entirely on private internal roads.

SECTION 7.14 CREMATORIUM.

Crematoriums may be allowed pursuant to the use table in Section 6.4, upon compliance with the following:

7.14.1. All facilities must comply with NC State licensing requirements.

7.14.2. There shall be no emission of particulate matter or noticeable odors.

7.14.3. No new crematorium operation may be located within 1,500 feet from an existing crematory facility and 500 feet from any residentially zoned property.

7.14.4. The loading/unloading zone for the facility must be enclosed or screened from view with fencing in accordance with Article 9, Part II.

7.14.5. All windows with an open view of the crematory processing equipment must be screened from view.

SECTION 7.15 PUBLIC UTILITY TOWERS, SUBSTATIONS, PUMPING STATIONS, AND STORAGE TANKS.

Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, and telephone substations, are permitted provided that all dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height; no vehicles or materials shall be stored on the premises and no offices shall be permitted; and landscaped in accordance with Article 9, Part I.

SECTION 7.16 ARTISAN'S WORKSHOP.

Artisan's workshops shall be permitted in accordance with Section 6.4, provided all artisan production is conducted inside an enclosed building. Workshops exceeding 3,000 square feet require approval of a special use permit.

SECTION 7.17 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE, AND EQUIPMENT.

7.17.1. Chemical and Hazardous Material Storage/Treatment.

7.17.1.1. The potentially high environmental impact use shall comply with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), as amended (42 U.S. Code Ann. 103 *et seq.*) and the North Carolina Solid Waste Management Act, as amended (NC General Statutes Chapter 130A, Article 9) for design, siting, and materials to be stored and treated.

7.17.1.2. All storage, treatment, and loading facilities handling hazardous materials will be located at least two hundred (200) feet from any property line and at least one thousand two hundred fifty (1,250) feet from any lot not located in an industrial district. The required buffer area shall comply with Article 9, Part I.

7.17.1.3. A security fence at least seven (7) feet in height with a minimum nine-gauge fabric and three (3) strands of barbed wire shall surround all facilities for the storage and handling of hazardous materials.

7.17.1.4. Vehicular access to the operation will be provided only by way of a US- or NC-numbered highway or an industrial area access road.

7.17.1.5. All surface water and groundwater on the property will be protected so as to minimize, to the greatest extent possible, the probability of contamination by hazardous materials.

7.17.1.6. All sanitary sewer and stormwater management systems on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials. A stormwater management plan shall be prepared by the applicant and submitted to the city for review by the city's engineer and the Environmental Management Division of the North Carolina Department of Environment and Natural Resources. A NPDES permit for stormwater discharge shall also be obtained, if applicable.

7.17.2. Bulk Petroleum Plants and LP Gas and Storage.

7.17.2.1. The potentially high environmental impact use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NPFA 30" of the National Fire Protection Association.

7.17.2.2. All storage tanks and loading facilities will be located at least two hundred (200) feet from any property line. The buffer area required by Article 9, Part I shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

7.17.2.3. Vehicle access to the use will be provided only by way of a US- or NC-numbered highway or an industrial area access road.

7.17.2.4. All principal and accessory structures and off-street parking and service areas will be buffered from any abutting property in accordance with Article 9, Part I.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.18 ENGINEERING/SURVEYING/ARCHITECTURAL SERVICES.

All outside assembly/storage areas shall comply with the requirements of Article 9, Part I.

SECTION 7.19 GAMEROOMS, BINGO, BILLIARDS AND POOL HALLS, DANCE HALLS, BARS, NIGHT CLUBS, AND SOCIAL CLUBS.

7.19.1. Within a B-1 or B-3 zoning district, any location not previously so used prior to the adoption of this Ordinance may not be used for a gameroom, bingo, billiard and pool hall, dance hall, bar, nightclub, or social club (the "enumerated uses")if it is within three hundred (300) feet of a presently licensed, approved, and operating similar activity. Provided, however, all locations used for existing businesses conducting the activities above specified shall be permitted as locations for such activities until said location ceases to be used for such business activity for more than one hundred eighty (180) days or its special use permit is surrendered to or revoked by the city.

7.19.2. Enumerated uses as listed above in subsection 7.19.1 shall be subject to special use permit procedures and requirements as set forth in Section 4.9 including those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

7.19.3. Permittees shall, annually on or before September 1st, provide the following information to the city on a form provided by the city: (1) the name, business address, and contact information of the owners of the property; (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses; (3) owners of the property; (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing under Section 4.9 to consider whether the business or use is in compliance with this Ordinance and the special use permit. All permittees of enumerated uses shall have until September 1, 2016, to provide this information provided that they are notified in writing of this requirement no later than August 1, 2016.

SECTION 7.20 GOLF COURSES.

7.20.1. All golf course greens, tees, and fairways shall be set back at least fifty (50) feet from any property line.

7.20.2. Principal and accessory buildings shall be setback at least one hundred (100) feet from any property line.

SECTION 7.21 HORSEBACK RIDING STABLES.

7.21.1. The use shall be located on a lot or tract of at least five (5) acres in area.

7.21.2. The principal and accessory buildings shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line.

SECTION 7.22 FAMILY CARE HOMES.

7.22.1. All Family Care Homes must be licensed by the State of North Carolina.

7.22.3. As defined by NC General Statutes Chapter 168-21, family care homes must be located no closer than one-half (1/2) mile from any other family care home. As provided for in Section 4.10.2, a variance to the 1/2 mile separation requirement may be obtained when the separation is accomplished by man-made features (i.e., railroad yards, freeways) or natural features (i.e., rivers, wetlands) and provides sufficient separation to ameliorate the harmful effects that justified the statutory separation.

SECTION 7.23 DWELLING, OVER A BUSINESS.

One, two and multi-family dwelling units, complying with State and local ordinances, are permitted above the first story of a commercial building.

SECTION 7.24 DWELLING, TOWNHOUSE DEVELOPMENT.

The following development requirements shall apply to all townhouse dwellings:

7.24.1. Site Plan. A site plan, drawn to scale by either a N.C. Licensed Professional Surveyor, Engineer or Architect, shall be submitted in accordance with Section 5.7.

7.24.2. The developer shall convey the common areas to an entity that will maintain them in perpetuity. Such entities include, but are not limited to homeowner's associations, land conservancies, and government agencies.

7.24.3. The developer shall file with an application for a zoning permit a declaration of covenants and restrictions governing the common areas, the owners' association and townhouse lots. A copy of the draft conveyance, covenants, and restrictions shall be reviewed by the City prior to issuing any certificate of occupancy to insure that the covenants and restrictions do not result in any liabilities for the City. The declaration of restrictions shall contain (but need not be limited to) provisions for the following:

7.24.3.1. The owner's association shall be organized and in legal existence prior to the sale of any townhouse lot in the development.

7.24.3.2. Membership in the owners' association shall be mandatory for each original townhouse lot owner and their successors or all assigns.

7.24.3.3. The owner's association shall be responsible for the payment of premiums for liability insurance; local taxes; maintenance of facilities located on the common areas, private streets, and other privately-owned infrastructure improvements; payments of assessments for public and private capital improvements made to or for the benefit of the common areas; maintenance and repair to the exterior of all structures located within the development. It shall be further provided that upon default by the owner's association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessment for public improvements to the common areas, which default shall continue for a period of six (6) months, each owner of a townhouse lot in the development shall become personally obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the number of sites in development. In such sum is not pad by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the site of the owner, his heirs, devices, personal representatives and assigns, and taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the amount due or may elect to foreclose the lien against the lot of the owner.

7.24.3.4. The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures may by the owner's association for the items set forth in the preceding paragraph and any such assessments not paid by owner against whom such are assessed shall constitute a lien on the site of the owner.

7.24.3.5. Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.

7.24.3.6. All common walls between individual dwelling units shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

7.24.4. Setback, Height, and Access Requirements.

7.24.4.1. Setbacks. The setbacks for individual townhouse lots are as follows: Front Yard - 20 feet; Side Yard - 10 feet for building end units or 15 feet if adjacent to a street; Rear Yard - 15 feet. However, the following yard setbacks will apply to all townhouse structures for distance from lot lines for the total townhouse development: Front Yard - 30 feet; Side Yard - 15 feet; Rear Yard - 30 feet. Internal lots shall have setbacks from interior drives or parking lots which have been approved in accordance with Section 2.12.

7.24.4.2. Maximum Building Height. Thirty-five feet (35').

7.24.4.3. Access. The locations of ingress/egress shall be subject to the approval of the City or North Carolina Department of Transportation, which ever has jurisdiction.

7.24.4.4. Each dwelling unit in a townhouse development shall comply with the State/local building codes and comply with Section 6.5, Zoning District Development Standards, and Section 7.24.4.1, which are depicted by the following diagram:

Individual Minimum Lot Area: 1,500 sq. ft.

Note: Common area should be exempt from Subdivision minimum lot requirements.

7.24.4.5. Bufferyard Requirements. As provided in the Article 9, Part I.

7.24.4.6. Parking. Off-street parking spaces, parking surfaces and drives to be provided in accordance with Article 9, Part II.

7.24.4.7. Ordinance Compliance. A townhouse development shall comply with the City's Code of Ordinances, and Development Ordinances.

SECTION 7.25 MANUFACTURED HOME PARKS.

7.25.1. Compliance. All manufactured home parks existing on the effective date of this Ordinance are required to comply with all applicable procedures and requirements of this Ordinance. Any manufacture home park failing to comply with the applicable provisions of this Ordinance is hereby declared to be a nonconforming use of land. Following the date of adoption of this Ordinance, all complying manufactured home parks shall continuously satisfy the general requirements of this

Ordinance. Failure to meet continuously each of the requirements shall be grounds for revocation of the certificate of occupancy/compliance for any conforming manufactured home park.

No person shall begin construction of a manufactured home park or make any addition to a manufactured home park that either increases the number of sites for manufactured homes within the park or affects the facilities required therein until he first secures a permit authorizing such construction or addition. The construction or addition shall be in accordance with plans and specifications submitted with the application to the Planning Board. The application will be reviewed by the Roxboro Planning Board, the Administrator, the Code Enforcement Department, the Public Works and Public Utilities Departments, and when applicable, the Person County Health Department. All applications for a manufactured home park construction permit will be accompanied by six copies.

Approval of Manufactured Home Parks shall follow the approval process for Major Site Plans (see Section 5.6), except where additional information is required below.

7.25.2. Conformance with Regulations. It shall be unlawful for any person to construct or engage in the construction of any manufactured home park or make any addition or alteration to an existing mobile home park within the jurisdiction of this Ordinance unless a site development plan of the manufactured home park has been approved in accordance with this Section. No new manufactured home park or manufactured home park addition shall be occupied until a Certificate of Occupancy has been issued by the Administrator.

The Administrator may, after due notice, subject to the right of appeal, suspend or revoke a Certificate of Occupancy for failure to maintain the park in compliance with the provisions of this Ordinance (see Section 1.6 on code enforcement). The Certificate of Occupancy may be revoked for a specific section of a manufactured home park which is in violation and occupancy allowed to continue in portions of the park which are in conformity with the Certificate of Occupancy.

The Administrator and his designee, as well as the Person County Health Department may conduct as many inspections of manufactured home parks as are deemed necessary to ensure the maintenance of applicable standards.

7.25.3. Contents of the Site Plan. The site plan shall meet all of the requirements of Section 5.7, as well as the information listed below, and be drawn at a scale not more than 100 feet to the inch:

7.25.3.1. Title information shall include: name of park, name of developer, scale, date, and name of surveyor.

7.25.3.2. Small scale location diagram showing all roads in the vicinity and the relationship of the site to major roads.

7.25.3.3. Topography information as deemed necessary by inspectors.

7.25.3.4. Location of any flood hazard areas as defined by Corps of Engineers which is located on property adjacent to the proposed manufactured home park.

7.25.3.5. Manufactured homes spaces well defined.

7.25.3.6. Method of surfacing driveways within the park.

7.25.3.7. Location and intensity of area lights, riser diagrams, and typical connections to manufactured homes, or a statement indicating that the power companies will be responsible for design and installation of the electric system.

7.25.3.8. Source of water and water distribution system. If water source is a well, it shall meet the appropriate county and/or state agencies.

7.25.3.9. Sanitary sewerage. If a private sewerage collection and disposal system is used, plans and specifications approved by appropriate County and/or State Agencies.

7.25.3.10. Proposed provisions for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

7.25.3.11. Prior to issuance of a Zoning Permit, the Developer shall provide any necessary and required permit issued by the County Environmental Health Department, County Soil Scientist, and the Administrator to discuss his proposed development.

7.25.4. Review of Site Plans. In addition to review and recommendations by the Planning Board as provided in Section 5.6 and approval of the site plan with a Special Use Permit by City Council, the following agencies shall be responsible for reviewing the proposed plans.

7.25.4.1. Person County Health Department. When septic tank or individual wells are required, the Health Department permit shall be submitted with the application for approval of a Manufactured Home Park site development plan. The Health Department shall be responsible for the review of the following to determine if they are in accordance with the minimum health standards and regulations.

7.25.4.1.1. Source of water and water distribution system;

7.25.4.1.2. Sanitary sewerage system; and

7.25.4.1.3. Adequate lot size.

7.25.4.2. When more than five (5) rural mail boxes are used for mail delivery, the approval of the local Post Office Department and the District Highway Engineer shall be required.

7.25.4.3. Should any agency find deficiencies in the review of the site development plans of a proposed manufactured home park, that agency shall notify the Administrator and the developer. Each agency is requested to notify the Planning Department after approving the plans of a proposed park. The Planning Department, after receiving notification of approval from all agencies involved in the review of a proposed manufactured home park, shall notify the developer of the proposed park that preliminary approval has been granted for the construction of the park.

7.25.5. Issuance of Certificate of Compliance.

The Administrator is authorized to issue a Certificate of Compliance after the installation of the number of spaces the developer wishes to initially install. In no case shall the Certificate of Compliance be issued for less than the minimum spaces required by this Ordinance. Should additional spaces be added to a park that has preliminary plans approved, a Certificate of Compliance for the additional spaces will be necessary before such spaces are offered for rent or lease.

7.25.6. Manufactured Home Park Site Development.

Manufactured home parks, or any portion thereof, are not allowed in a flood hazard area.

7.25.6.1. If wells or septic tanks are required, the amount of land for each manufactured home space shall be determined by the Person County Health Department after an investigation of soil conditions, the proposed method of sewerage disposal, and proposed water system. However, in no case shall the size of a manufactured home space be less than the following:

7.25.6.1.1. Lot sizes with public water and sewer shall be: 6,000 square feet when streets are paved with curb and gutter; 8,000 square feet when streets are paved with no curb and gutter; curb and gutter requirements will be waived only upon proof of extraordinary conditions during the special use permit hearing.

7.25.6.1.2. Lot sizes with central water and individual septic tanks shall be: 20,000 square feet with paved streets.

7.25.6.1.3. Lot sizes with individual wells and individual septic tanks shall be: 25,000 square feet.

7.25.6.1.4. Minimum lot width of 50 feet on public water and sewer, central well. Minimum lot width of 75 feet on individual well, individual septic tank.

All manufactured home parks shall be located on an undivided tract of land not less than three acres in size.

7.25.6.2. Parking space sufficient to accommodate at least two automobiles shall be located on each manufactured home space.

7.25.6.3. The manufactured home park shall be located on ground that is not susceptible to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded.

7.25.6.4. There shall be at least 20 feet clearance between manufactured homes including manufactured homes parked end to end. No manufactured home shall be located closer than 20 feet of any exterior boundary line of the park, no closer than 15 feet to the edge of any interior street right-of-way, or closer than 10 feet to any manufactured home space (lot) boundary line.

7.25.6.5. The manufactured home park shall have a buffer which complies with Article 9, Part I of this Ordinance.

7.25.6.6. Existing manufactured home parks which provide manufactured home spaces having a width or area less than that described above may continue to operate with spaces of existing width and area, but in no event shall any such nonconforming manufactured home park be allowed to expand unless such extension meets the requirements of this Ordinance.

7.25.6.7. Interior Drives. All manufactured home spaces shall abut upon an interior drive of no less than 36 feet in right-of-way, which shall have unobstructed access to a public street or highway, it being the intent of this section that manufactured home spaces shall not have unobstructed access to public streets or highways except through said interior drive. Interior drives shall be privately owned and maintained. All interior drives shall be graded to their full right-of-way and shall have a road of at least 20 feet in width.

Minimum improvements shall be a compacted base of four inches of #7 ABC stone. Roads shall be maintained with paved surface of 2" of asphalt. Graded and stabilized road shoulders and ditches shall be provided. Standing water shall not be permitted.

7.25.6.7.1. Cul-De-Sacs. Any interior drive designed to be closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 100 feet. The entire right-of-way of such turnaround shall be graded and usable for the turning of motor vehicles. Cul-de-sacs shall not exceed 600 feet in length.

7.25.6.7.2. Access to the manufactured home park must be via a public road and not located in a flood hazard area. The following street and parking standards shall be complied with:

7.25.6.7.2.1. Maintenance of such streets shall be provided by the owner or operator of the park.

7.25.6.7.2.2. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the NC Department of Transportation shall apply.

7.25.6.7.2.3. Proposed streets, which are obviously in alignment with others, existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of a suffix: Street, Avenue, Boulevard, Drive, Place, Court, etc. New manufactured home park names shall not duplicate or be similar to any existing manufactured home park name in the County. Street name signs that are in compliance with current city policy are required and may be purchased for the city.

7.25.6.7.2.4. A minimum of two automobile parking spaces surfaced with a minimum of four inches of gravel shall be provided on each manufactured home space and shall not be located within any public right-of-way or within any street in the park.

7.25.6.8. Intersections. Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than 75 degrees. Where an interior drive intersects a public right-of-way, the design standards of the North Carolina Department of Transportation shall apply.

7.25.6.9. Spaces Numbered. Each manufactured home space shall be identified by a permanent number which shall not be changed. All space numbers must be shown on the site development plan. The appropriate number of each manufactured home space must be permanent and visibly displayed on the space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.

7.25.7. Service, Administration, and Other Buildings.

7.25.7.1. Within a manufactured home park, one manufactured home may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

7.25.7.2. All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

7.25.8. Storage. Storage of a manufactured home or recreational vehicle is prohibited.

7.25.9. Management. In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly, safe, and sanitary condition. The manager shall be required to register with the City's emergency services director or system.

7.25.10. Manufactured Home Park. It shall be the duty of the operator of a manufactured home park to keep an accurate register containing a record of all registered occupants. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

7.25.11. Sales in Manufactured Home Parks.

7.25.11.1. It shall be unlawful to sell on a commercial basis manufactured homes or trailers within manufactured home parks.

7.25.11.2. It shall be unlawful to sell a manufactured home space(s) within the manufactured home parks.

7.25.11.3. Except for accessory uses, it shall be unlawful to operate any business within a manufactured home park.

7.25.12. Landscaping and Screening Requirements. Refer to Article 9, Part I.

SECTION 7.26 PLANNED UNIT DEVELOPMENT.

7.26.1. General Description

7.26.1.1. Purpose. The purpose of the PUD District is to establish a mechanism for a person to propose a commercial, industrial or residential mixed use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning. The PUD district is a special zoning district requiring approval of a special use permit and site plan(s).

7.26.1.2. Intent. The intent of the PUD District is to promote high quality developments while allowing greater flexibility in the design of such developments. The PUD should produce:

7.26.1.2.1. A maximum choice in the types of environment and dwelling units.

7.26.1.2.2. Common open space and recreation areas.

7.26.1.2.3. A pattern of development which preserves natural features and prevents soil erosion.

7.26.1.2.4. A creative approach to the use of land and related physical development.

7.26.1.2.5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs.

7.26.1.2.6. Internally located commercial uses that serve surrounding residential areas.

7.26.1.2.7. An environment of stable character in harmony with the surrounding development.

7.26.1.2.8. Efficient transportation.

7.26.1.2.9. Although design innovation is encouraged and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

7.26.1.3. Approval. All PUDs will be approved as a special use permit with a required site plan.

7.26.1.4. Minimum District Area. The minimum area required for property proposed for a Planned Unit Development District shall be ten (10) acres.

7.26.1.5. Not more than twenty (20) percent of the total lot area may be developed for non-residential uses.

7.26.1.6. Zoning and Master Site Plan. The PUD is a combination of a Special Use Permit with an approved master site plan, and a zoning district and a use designation in the Table of Uses and Activities (Section 6.4) as required by Section 7.26.2. A detailed site plan with specific uses as listed in the Table of Uses and Activities is required for special use approval. Once approved, the site plan becomes the guide for allowed uses in the PUD.

7.26.2. Permitted Uses.

The PUD submittal shall include a listing of the proposed land uses and the amount of land devoted to each. This list will substitute for Article 6 and will specify the uses to be allowed as a special use. Any uses allowed must be already identified/listed in Article 6 for residential R-12, R-8, R-6 and non-residential B-2, O/I, and I-1 zoning districts. No other land uses will be allowed unless the PUD is revised through the special use permit process.

7.26.3. Modification of Development Standards.

The applicant shall provide a written description of the proposed permitted uses and development standards. This information will become part of the zoning ordinance of the PUD District.

7.26.3.1. Modifications Permitted. The PUD District may allow the following zoning and development standards to be modified:

7.26.3.1.1. Density;
7.26.3.1.2. Building setbacks;
7.26.3.1.3. Height of building or structure;
7.26.3.1.4. Lot size;
7.26.3.1.5. Lot width;
7.26.3.1.6. Lot depth;
7.26.3.1.7. Landscaping;
7.26.3.1.8. Required off-street parking spaces in instances of mixed residential/ commercial uses; and
7.26.3.1.9. Street widths.

7.26.3.2. Modifications Prohibited. The PUD District shall not allow the following development standards to be modified:

7.26.3.2.1. Sign requirements;
7.26.3.2.2. Flood damage prevention;
7.26.3.2.3. Site plan requirements;
7.26.3.2.4. Subdivision platting requirements;
7.26.3.2.5. Landscaping;
7.26.3.2.6. Building design;
7.26.3.2.7. Parking;
7.26.3.2.8. Streets and sidewalks.

7.26.4. PUD Development Criteria.

7.26.4.1. Common Open Space Requirements. Common usable open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements.

7.26.4.1.1. Standards. The common open space requirements are:

7.26.4.1.1.1. Minimum Area. A minimum of 20% of the total gross project area, exclusive of public right-of-way and parking lots, shall be devoted to common open space.

7.26.4.1.1.2. Equitable Distribution. Open space should be distributed more or less equitably throughout the PUD District in relationship to the dwelling units and other use areas that are intended to be served by the common open space. All dwelling units must be connected to common open space areas via trails, greenways, bike paths, or sidewalks, and be located within a 20-minute walk of all residential dwelling units.

7.26.4.1.1.3. Preservation. Adequate guarantees must be provided that the common open space areas as contained in the plan for the PUD District are preserved and maintained for those purposes only. A Property Owners' Association shall be required if other arrangements satisfactory to the City Council have not been made for improving, operating, and maintaining all such common open space areas. At the time the final plan and plat is submitted, the Articles of Incorporation, Restrictive Covenants, and Bylaws of the Property Owners' Association shall be reviewed by the City Attorney and accepted, rejected, or approved with modifications by the City Council.

7.26.4.1.1.4. Accessible. Common usable open space shall be open to tenants and customers within the PUD. Access by the general public is desired.

7.26.4.1.2. Common Open Space Determination. The required common open space may include:

7.26.4.1.2.1. Wetlands and water bodies, including the normal water surface area of unfenced retention ponds up to 50% of the required open space area.

7.26.4.1.2.2. Active detention ponds that include recreational equipment/facilities.

7.26.4.1.2.3. Vegetated/landscaped area, excluding required parking lot landscaping requirements.

7.26.4.1.2.4. Pedestrian paths, trails, sidewalks (exclusive of those required by ordinance) and covered walkways.

7.26.4.1.2.5. Public plazas and hard surfaced recreation areas.

7.26.4.1.2.6. Public pools, tennis courts, basketball courts, baseball fields, soccer fields, or similar outdoor recreation facilities that are open to the residents and users of the PUD.

7.26.4.2. Parking and Off-Street Loading. All uses established within a Planned Unit Development District shall comply with the off-street parking and loading requirements as established in Article 9, Part II.

7.26.4.3. Perimeter Requirements. In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD District or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Board and City Council shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties. All landscape requirements of Article 9, Part I shall apply.

7.26.4.4. Density. The site plan shall clearly depict the proposed density by land use category. For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-way, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a Property Owners' Association shall be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one (1) Property Owners' Association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.27 TEMPORARY EMERGENCY, CONSTRUCTION/REPAIR RESIDENCE, OR OFFICE WORK SPACE.

7.27.1. Dimensional Requirements. A Temporary Emergency, Construction/Repair Residence, or Office/Work Space shall comply with the dimensional requirements for an accessory building as set forth in Section 6.5.

7.27.2. Permit Expiration. A permit for Temporary Emergency, Construction/Repair Residence or Office/Work Space to be occupied pending the construction, repair, or renovation of a permanent single-family dwelling on a site or a non-residential/commercial development shall expire within 6 months after the date of the issuance, except that the UDO Administrator may renew such permit if it is determined that: (1) substantial construction, repair work, renovation or restoration work has been done; and (2) such renewal is reasonably necessary to complete the necessary work to make such residence habitable. A Class A manufactured home may be used as a temporary residence.

SECTION 7.28 TINY HOUSES.

Tiny houses shall be allowed in accordance with Section 6.4, subject to the following:

7.28.1. A tiny house must comply with the North Carolina State Building Code.

7.28.2. A tiny house must be situated on a permanent foundation with secure wind-resistant tie-downs and connected to public water, sewer, and electric utilities.

7.28.3. If the tiny house is constructed on a travel chassis with wheels, the wheels must be removed for permanent location on a foundation.

7.28.4. A tiny house must comply with all UDO requirements for the zoning district in which is is located. Tiny house development shall not be built following the manufactured home park requirements.

7.28.5. Room Unit Capacity. The amount of floor space provided per room or occupant shall be that provided in the applicable North Carolina building code.

SECTION 7.29 AUTOMOBILE SERVICE STATIONS/GAS SALE OPERATIONS.

7.29.1. Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.

7.29.2. Certification by a NC registered professional engineer is required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage and sanitary sewer systems.

7.29.3. All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty (20) feet from any adjacent property lines unless the UDO Administrator determines that such a setback is not practicable. In such cases, the UDO Administrator may, as an alternative, require a lesser setback provided sufficient screening or enclosure is installed.

7.29.4. The open storage of one (1) or more wrecked or inoperable vehicles or parts of one (1) or more vehicles for ten (10) days or more shall be deemed a junkyard. An unlicensed vehicle stored for ten (10) days or more shall be deemed an inoperable vehicle.

SECTION 7.30 BATTERY CHARGING/BATTERY EXCHANGE STATION.

Battery charging stations and battery exchange stations shall be permitted in accordance with Section 6.4, subject to the following requirements:

7.30.1. Electric vehicle charging stations should be reserved for parking and charging of electric vehicles only.

7.30.2. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

7.30.3. Battery Charging Stations. For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use. Electric vehicle charging station(s) shall be permitted in a single- or multi-family garage designed to service the occupants of the home/dwelling unit as an accessory use. Accessory single-family charging stations shall not exceed residential building code electrical limitations. Whereas, charging station(s) installed in a parking

lot for non single-family residential use are expected to have intensive use and will be permitted to have multiple "rapid charging stations" to serve expected demand.

7.30.4. Battery Exchange Stations. Exchange stations are permitted in any commercial or industrial zoning district, provided, however, all other requirements for the building or space the use occupies are satisfied, including but not limited to the UDO, fire code, and building code requirements. This use is specifically prohibited in exclusively residential or conservation/recreation zoning districts.

7.30.5. Design Criteria for Commercial and Multi-Family Development. The following criteria shall be applied to electric charging facilities.

7.30.5.1. Number Required. This is an optional improvement. No minimum number of stalls applies. Provided, if electric vehicle stalls are reserved for electric vehicles, care should be taken to ensure enough spots are available for all of a site's parking needs.

7.30.5.2. Generally. Location and provision of electric vehicle parking will vary based on the design and use of the primary parking lot, keeping in mind flexibility will be needed in various parking lot layout options.

7.30.5.3. Signage to Identify. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations should be included if time limits or tow away provisions are to be enforced by the owner.

7.30.5.4. Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

7.30.5.5. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility.

7.30.5.6. Lighting. Where charging station equipment is installed, adequate site lighting should also be provided unless charging is for daytime purposes only.

7.30.5.7. Notification of Station Specifics. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

7.30.5.8. Avoid Conflict with Handicap Spots. Stalls should generally not be located adjacent to handicap spots unless designed for handicapped use.

SECTION 7.31 BED & BREAKFAST.

7.31.1. A bed and breakfast shall be permitted only within a principal residential structure.

7.31.2. A bed and breakfast shall be located in a dwelling in which there is a resident owner or resident manager.

7.31.3. In residential districts, food service shall be available only to guests and not to the general public.

7.31.4. Signage shall be limited to one (1) identification sign not to exceed four (4) square feet in area and four (4) feet in height.

7.31.5. A bed and breakfast shall have vehicular access to a subcollector or higher classified street.

SECTION 7.32 DAYCARE FACILITY, ADULT.

7.32.1. An adult daycare facility must not allow any adult to remain on the premises for more than twenty-four (24) consecutive hours in one (1) stay.

7.32.2. An on-site drop-off and/or residential passenger zone is required.

SECTION 7.33 MICROBREWERY/DISTILLERY.

An establishment that meets the definition of a microbrewery or distillery shall be permitted in accordance with Section 6.4, provided it meets the requirements of NCGS 18B-1104 or 18B-1105, respectively. Tasting rooms are an accessory use to a microbrewery.

SECTION 7.34 FLEA MARKETS.

7.34.1. Hours of operation shall be established by the special use permit.

7.34.2. The sale of food for consumption on or off the premises will require approval by the Department of Health.

7.34.3. The sale of firearms and/or alcohol is prohibited.

7.34.4. Permanent open-air flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the UDO Administrator.

SECTION 7.35 MANUFACTURED HOME SALES/MODULAR HOMES SALES.

Individual manufactured homes/modular homes located on a sales lot shall be set back twenty-five (25) feet from the public street right-of-way.

SECTION 7.36 MIXED USE.

7.36.1. Intent of the Mixed Use Supplemental Regulations.

The Mixed Use option is provided to allow flexibility in development requirements such as setbacks, density, permitted uses, etc., to accommodate the unique physical, economic, design or other characteristics of a development without compromising the essential standards needed for the protection of the public interest. Mixed Use developments require a special use permit, as specified in Section 4.9, in which the primary use of land is a mix of residential and small-scale commercial uses such as retail, office, service and entertainment establishments. A mix of permitted uses is allowed within the same building or on the same lot or as separate uses on individual parcels. This development pattern is characterized by overlapping patterns of use and activities, and clearly defined, human scale external spaces, where citizens can live, conduct business, and meet freely with others. Development within the mixed use special use shall be in accordance with the standards set forth herein.

7.36.2. Performance Standards.

The UDO Administrator and City Council will work cooperatively with the applicant in determining the appropriate performance standards for Mixed Use developments. The standards of the zoning district, or districts, in which the Mixed Use is located, provide general guidance in determining the standards, with consideration given to the specific characteristics and needs of the individual project. All performance standards including density, parcel dimensional requirements, lighting, landscaping, parking, and signage shall be established by the City Council through issuance of the

special use permit. The conditions specified by the special use permit shall be compatible with the surrounding area and the objectives of this UDO. Creative design concepts are encouraged to minimize impacts on infrastructure and to support environmental protection. The mixed use shall comply with all other requirements of this Ordinance, including but not limited to Article 9, Part VIII, Flood Damage Prevention and Article 9, Part IV, Subdivision Regulations.

7.36.3. Permitted Uses.

The following uses may be established as permitted uses in a mixed use development. Any use that is not listed in this section is expressively prohibited from being located within a mixed use development.

7.36.3.1. Accessory uses
7.36.3.2. Art galleries
7.36.3.3. Bank/financial services
7.36.3.4. Barber shops, beauty shops
7.36.3.5. Bookstore, including the retail of stationery, books, magazines, newspapers
7.36.3.6. Clothing store
7.36.3.7. Computer sales and repair
7.36.3.8. Drug store
7.36.3.9. Dwelling, multi-family
7.36.3.10. Dwelling, single-family (as an accessory for a principal business)
7.36.3.11. Fabric store
7.36.3.12. Florist
7.36.3.13. Gift shops
7.36.3.14. Government buildings/offices
7.36.3.15. Home occupations
7.36.3.16. Ice cream stand or store
7.36.3.17. Jewelry store/repair
7.36.3.18. Dry cleaner, laundromat
7.36.3.19. Libraries, public or private
7.36.3.20. Music instrument sales and service
7.36.3.21. Music studio
7.36.3.22. Nail/tanning salon
7.36.3.23. Office supplies
7.36.3.24. Outdoor recreational facilities
7.36.3.25. Indoor athletic and exercise facilities
7.36.3.26. Private postal shipping and receiving

7.36.3.27. Offices, clerical, research and services
7.36.3.28. Restaurants, excluding fast food & drive thru services
7.36.3.29. Sporting goods store
7.36.3.30. Tailor/dressmaking/seamstress
7.36.3.31. Toy store
7.36.3.32. Travel agencies

SECTION 7.37 SEXUALLY ORIENTED BUSINESSES.

7.37.1. Purpose.

It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare to the citizens of Roxboro, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

7.37.2. Classifications.

Sexually oriented businesses are classified as follows:

7.37.2.1. Adult arcades;
7.37.2.2. Adult bookstores, adult novelty stores, or adult video stores;
7.37.2.3. Adult cabarets;
7.37.2.4. Adult motels;
7.37.2.5. Adult motion picture theaters;
7.37.2.6. Adult theaters;
7.37.2.7. Escort agencies;
7.37.2.8. Nude model studios;
7.37.2.9. Sexual encounter centers; and,
7.37.2.10. Sadomasochism centers

7.37.3. Special Use Permit Required.

All sexually oriented businesses within the City of Roxboro's planning jurisdiction shall require a special use permit issued by the City Council pursuant to the normal special use permit process (see Section 4.9).

7.37.4. Location of Sexually Oriented Businesses

7.37.4.1. Sexually oriented businesses may only locate within the Heavy Industrial (I-2) zoning district.

7.37.4.2. A sexually oriented business shall be at least 500 feet from the property line of any lot(s) devoted to an established dwelling as defined in this Ordinance, 2,000 feet from the property lines of any residential zoning districts and 2,000 feet from the property lines of:

7.37.4.2.1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

7.37.4.2.2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

7.37.4.2.3. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;

7.37.4.2.4. An entertainment business which is oriented primarily towards children or family entertainment;

7.37.4.2.5. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State; or

7.37.4.2.6. Another sexually oriented business.

7.37.4.2.7. The City Council may reduce the separation requirements if it finds that thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the sexually oriented business.

7.37.4.3. No more than one sexually oriented business shall be operated, established, or maintained in the same building, structure, or portion thereof.

7.37.4.4. For the purpose of subsection 7.37.4.2 of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building, structure , or parking lot used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 7.37.4.2. Presence of a town, city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

7.37.4.5. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license provided for in the City Code, and/or the grant of a special use permit, of a use listed in subsection 7.37.4.2 of this Section within 2,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked, or after the special use permit has expired.

7.37.5. Inspection.

The permit holder and/or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other City departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with law, at any time it is occupied or open for business. Applicants must provide the contact information for owner or manager or both to the UDO Administrator.

7.37.6. Additional Regulations for Adult Motels.

7.37.6.1. It shall be a violation of this Ordinance if the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

7.37.6.2. For purposes of subsection 7.37.6.1 of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

7.37.7. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms.

A person who operates or causes to be operated a sexually oriented business, other that an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

7.37.7.1. Upon application for a special use permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

7.37.7.2. All applications shall have a statement that the applicant is making a true application and true statements.

7.37.7.3. No alteration in the configuration or location of a manger's station may be made without the prior approval of the City.

7.37.7.4. At least one licensed employee is on duty and situated in each manger's station at all times that any patron is present inside the premises.

7.37.7.5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. All manager's stations are to be staffed at all times the business is open, with the exception of breaks of 10 minutes per hour.

7.37.7.6. The view area specified in subsection 7.37.7.5 must remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection 7.37.7.1 of this section.

7.37.7.7. No viewing room may be occupied by more than one person at any time.

7.37.7.8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

7.37.7.9. The illumination described above is maintained at all times that any patron is present in the premises.

7.37.7.10. No openings of any kind shall exist between viewing rooms or booths.

7.37.7.11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

7.37.7.12. The premises shall, during each business day, be regularly inspected to insure that the walls between the viewing booths do not contain any openings or holes.

7.37.7.13. All floor coverings in viewing booths shall be nonporous, with easily cleanable surfaces, with no rugs or carpeting.

7.37.7.14. All wall surface and ceiling surfaces in viewing booths shall be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48") inches of the floor.

7.37.9. Additional Regulations for Nude Model Studios.

7.37.9.1. A nude model studio shall not employ any person under the age of 18 years.

7.37.9.2. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

7.37.10. Additional Regulations Concerning Public Nudity.

It shall be a violation of this ordinance for a sexually oriented business to cause, suffer or permit any of the following:

7.37.10.1. Allow a patron to appear in a state of nudity or depict specified sexual activities.

7.37.10.2. Allow a patron to appear in a semi-nude condition.

7.37.10.3. Allow an employee to appear in a semi-nude condition unless the employee is at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.

7.37.10.4. Allow an employee, while semi-nude, to touch a customer or the clothing of a customer.

7.37.11. Prohibition Against Children in a Sexually Oriented Business.

Persons under the age of 18 years shall not be allowed on the premises of sexually oriented business.

7.37.12. Hours of Operation.

No sexually oriented business except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M.

7.37.13. Exemptions.

This ordinance shall not deemed to have been violated where a person appearing in a state of nudity did so in a modeling class operated:

7.37.13.1. By a proprietary school, licensed by the State of North Carolina; a college, junior college, or university supported entirely or partly by taxation; or

7.37.13.2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and,

7.37.13.3. In a structure:

7.37.13.3.1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

7.37.13.3.2. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

7.37.13.3.3. Where no more that one nude model is on the premises at any one time.

SECTION 7.38 TATTOO/BODY PIERCING PARLORS.

Tattoo/body piercing parlors are permitted in the B-1 zoning district provided that:

7.38.1. The tattoo parlor may not be located or operated within two hundred (200) feet of:

7.38.1.1. A church, synagogue, or regular place of worship;
7.38.1.2. A public or private elementary or secondary school;
7.38.1.3. A public library;
7.38.1.4. A boundary of any residential district;
7.38.1.5. A publicly owned park or other recreation area or facility;

7.38.1.6. A licensed day care center;

7.38.1.7. An entertainment business that is oriented primarily towards children;

7.38.1.8. Another tattoo parlor.

7.38.2. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a tattoo parlor is to be conducted, to the nearest property line of the premises of any use listed in subsection 7.38.1 above.

7.38.3. No more than one (1) tattoo parlor establishment shall be located in the same building or structure or on the same lot. No person shall permit any building, premises, structure, or other facility to contain more than one tattoo parlor.

7.38.4. Tattoo parlors must comply with the following:

7.38.4.1. Hours of operation must be limited to 8:00 AM to 2:00 AM.

7.38.4.2. Must be fully licensed by the state of North Carolina.

SECTION 7.39 TOWING, AUTOMOBILE AND TRUCK.

7.39.1. Any outdoor vehicle storage area shall adhere to all applicable yard setback requirements and be at least fifty (50) linear feet from any residentially zoned parcels.

7.39.2. Outdoor vehicle storage areas may be located in the rear yard and side yard behind the front yard setback provided the storage area is screened by continuous opaque fabricated or vegetative screening six (6) feet in height. Any vegetative screening must be at least three (3) feet in width and three (3) feet tall at the time of planting and have a mature height of at least six (6) feet.

7.39.3. No more than twenty-five (25) vehicles may be stored on-premises.

7.39.4. All lighting shall be directed away from surrounding properties.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.40 VETERINARIAN, ANIMAL CLINIC, OUTSIDE KENNEL.

7.40.1. Outside kennels shall be located only in a side or rear yard.

7.40.2. Outside kennels shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line. Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.

7.40.3. Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting. All exterior enclosures must be surrounded by an eight (8) foot high solid continuous wall and door(s).

7.40.4. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

7.40.5. Fencing surrounding exercise areas and/or runs must be of a sufficient height to prevent escape and must be buried as part of installation to prevent escape by digging beneath the fence posts.

SECTION 7.41 SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS.

Junkyards along interstate and primary highways shall meet the requirements of NCGS Chapter 136, Article 12, Junkyard Control Act. Automobile graveyards, salvage yards, and similar types of used material industries must be conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that the City Council finds that such yard will not have injurious effect on the public interest or welfare.

SECTION 7.42 REGULATION OF FORESTRY ACTIVITIES.

7.42.1. No ordinance adopted by the City shall regulate either:

> ***7.42.1.1.*** Forestry activity on forestland that is taxed on the basis of its present-use valued as forestland under GS Chapter 105, Article 12; or
>
> ***7.42.1.2.*** Forestry activity that is conducted in accordance with GS Chapter 89B.

7.42.2. Nothing withstanding subsection 7.42.1 above, the City may deny a zoning special use, or a building permit for a tract of land for a period of up to three years after the completion of a timber harvest if the harvest results in the removal from that tract of all or substantially all of the trees protected by this Ordinance. If the removal of such trees was in willful violation of the requirements of this Ordinance, then such permits may be refused for a period of five years.

SECTION 7.43 SOLAR FARM (MAJOR ENERGY)

A Solar Farm developed as a principal use shall be permitted in accordance with Section 6.4, subject to the following:

7.43.1. Setbacks.
Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.

7.43.2. Height.
Fifteen (15) feet maximum.

7.43.3. Visibility.

7.43.3.1. Solar farms with panels located at least 150 feet from an adjacent public street right-of-way shall not require screening.

7.43.3.2. Solar farms with panels located less than 100 feet from an adjacent public street right-of-way, a residentially zoned property, or a property currently utilized for residential purposes must be screened by a continuous screen of evergreen vegetation intended to be at least six (6) feet high and three (3) feet thick at maturity.

7.43.4. Application Requirements.
A site plan is required in accordance with Article 5.

7.43.5. Installation and Design.

7.43.5.1. Approved Solar Components - Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

7.43.5.2. Compliance with Building and Electrical Code - All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments.

7.43.6. Decommissioning.

7.43.6.1. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.

7.43.6.1.1. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.)

7.43.6.1.2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.

7.43.6.1.3. Restoration of property to condition prior to development of the solar farm.

7.43.6.1.4. The timeframe for completion of decommissioning activities.

7.43.6.1.5. Description of any agreement (i.e., lease) with landowner regarding decommissioning.

7.43.6.1.6. The party currently responsible for decommissioning.

7.43.6.1.7. Plans for updating this decommissioning plan.

7.43.6.2. Before final electrical inspection, provide evidence decommissioning plan was recorded with the Register of Deeds.

SECTION 7.44 STORAGE OUTSIDE COMPLETELY ENCLOSED STRUCTURE.

7.44.1. No material goods shall be permanently offered for sale outside of a building in connection with any use permitted in the B-2 or B-3 districts, with the exception of living plants or temporary sales lasting no longer than five (5) calendar days. Temporary sales may be conducted no more than twice within any one continuous 365-day period.

7.44.2. Outside storage and display may be conducted in the B-1 and I-1 zoning districts in the rear yard and side yard behind the front yard setback if the storage or display area is continuously screened by continuous opaque fabricated or vegetative screening in accordance with Article 9,

Part I. This screening requirement will apply in the I-2 district if the outside storage is adjacent to residentially zoned property.

SECTION 7.45 TEMPORARY USES/SALES.

7.45.1. All temporary use/sales require the issuance of a zoning permit except for yard sales in residential zoning districts. The UDO Administrator may impose requirements in the zoning permit intended to ensure compliance with this Ordinance.

7.45.2. Temporary accessory sales are permitted on B-1 and B-3 zoned property provided that no more than four (4) events occur within a 365-day period on an individual parcel. Each individual sales event shall be limited to two (2) calendar days duration. The operator of each temporary sales event shall have the written permission of the property owner or manager of the principal business located on the property on which the temporary sale is to be conducted. If more than four (4) events occur within a 365 calendar day period, they must be located on a property owned or leased by a registered 501(c)(3) for tax purposes and the permit shall be issued only to the 501(c)(3) organization. Christmas tree and accessory natural ornamental sales may be conducted from three (3) calendar days prior to Thanksgiving until 5:00 pm on Christmas Eve.

7.45.3. Temporary uses for which the primary purpose is not the sale of commodities shall have a maximum specified time (specified by zoning permit) limit of seven (7) calendar days. Such temporary uses shall include assembly of people for entertainment, holiday festivals, social, political, religious or similar activities. Temporary uses, described in this section, which include the sale/use of alcoholic beverages shall submit all ABC permits with the application for a zoning permit. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use(s). Temporary uses may be unlike the customary or usual activities generally associated with the property where the temporary use is to be located. Any use intended for temporary and limited duration, operated as an accessory or principal use, shall be subject to applicable location, setback, parking, land use and other standards for the district in which it is located.

7.45.4. Temporary sales conducted on the grounds of a church, synagogue, temple, or other religious building or schools/colleges for the purpose of raising funds for the support of the principal use are considered accessory services. The religious institution or school/college must request the zoning permit.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.46 WIND FARM.

Wind Farms developed as a principal use shall be permitted in accordance with Section 6.4, subject to the following:

7.46.1. Setbacks.

Wind Energy Facility Type	Minimum Lot Size	Minimum Setback Requirements[1]				Maximum Height from Grade
		Occupied Buildings (Subject Property)[2]	Property Lines[2]	Public/ Private Right-of-Way[2]	Highway Corridor Overlay District	
Wind Farm	5 Acres	1.0	1.0	1.5	2.5	250 Ft.

[1] Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of the occupied building. [2] Calculated by multiplying required setback number by wind turbine height.

7.46.2. Height.

Two hundred fifty feet (250') maximum.

7.46.3. Ground Clearance.

Rotor blades on wind turbines must maintain at least twenty-four feet (24') of clearance between their lowest point and the ground.

7.46.4. Visibility.

Wind farms must be set back at least 150 feet from any residential district; no energy generating equipment may be located within 150 feet of any public right-of-way; and screening and landscaping shall be provided in accordance with Article 9, Part I.

7.46.5. Interconnection Agreement.

All wind farms are required to enter into an interconnection agreement with the City prior to connection.

7.46.6. Wind Farm Facility Noise, Shadow Flicker, and Electromagnetic Interference.

7.46.6.1. Audible sound from a Wind Turbine shall not exceed fifty-five (55) dBA, as measured at any off-site occupied building of a Non-Participating Landowner.

7.46.6.2. Shadow flicker at any occupied building on a Non-Participating Landowner's property caused by a Wind Energy Facility located within 2,500 feet of the occupied building shall not exceed thirty (30) hours per year.

7.46.6.3. Wind turbines may not interfere with normal radio and television reception in the vicinity. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

7.46.7. Application Requirements.

7.46.7.1. Submit a site plan denoting the dimensions of the parcel, proposed wind farm location (arrangement of turbines and related equipment), distance from the proposed area to all property lines, and location of the driveway(s). No developed portion of the wind farm area may encroach into the required setbacks and any buffer area(s).

7.46.7.2. Provide the representative type and height of the wind turbine in the form of horizontal and vertical (elevation) to-scale drawings.

7.46.7.3. Provide a statement, including the generating capacity of the turbines, dimensions and respective manufacturers of all generating systems and equipment, and a description of ancillary facilities.

7.46.7.4. Provide proof of compliance with applicable Federal Aviation Administration regulations.

7.46.7.5. An applicant for a Wind Farm special use permit shall include with the application an analysis of the potential impacts of the wind power project, proposed mitigating measures, and any adverse environmental effects that cannot be avoided within 1/4 mile of the site property line, in the following areas:

7.46.7.5.1. Demographics including people, homes, and businesses.
7.46.7.5.2. Noise.
7.46.7.5.3. Visual impacts.
7.46.7.5.4. Public services and infrastructure.
7.46.7.5.5. Cultural and archaeological impacts.
7.46.7.5.6. Recreational resources.

7.46.7.5.7. Public health and safety, including air traffic, electromagnetic fields, and security and traffic.

7.46.7.5.8. Additional or new hazardous materials.

7.46.7.5.10. Impact on tourism and community benefits.

7.46.7.5.17. Avian impact assessment that includes an indication of the type and number of birds that are known or suspected to use a project site and the area surrounding that site as well as known migration routes and patterns.

7.46.7.5.18. Wildlife impact assessment, including migration routes and patterns.

7.46.7.5.19. Rare and unique natural resources.

7.46.7.6. An applicant for Wind Farm special use permit shall state in the application whether a Certificate of Public Convenience and Necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The city may ask the Utilities Commission to determine whether a Certificate of Public Convenience and Necessity is required for a particular wind power project for which the city has received an application. The city shall not approve a project requiring a certificate unless and until such certificate is issued by the Utilities Commission.

7.46.8. Installation and Design.

7.46.8.1. The installation and design of the wind generation facility shall conform to applicable industry standards, including those of the American National Standards Institute.

7.46.8.2. Attachment of a tower or supporting structure to a building of any kind shall be prohibited.

7.46.9. Visual Appearance.

7.46.9.1. The wind turbine shall be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements, and be a non-obtrusive color such as white, off-white or gray; and

7.46.9.2. The wind turbine shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

7.46.10. Maintenance.

Any wind generation facility that is not functional shall be repaired by the owner within a 6-month period or be removed. In the event that the city becomes aware of any wind farm that is not operated for a continuous period of 6 months, the city will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the city deems the timetable for corrective action as unreasonable, the city shall notify the landowner, and such landowner shall remove the turbine(s) with 180 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

7.46.11. Decommissioning.

7.46.11.1. The applicant must remove the wind generation facility if, after the completion of the construction, the wind generation facility fails to begin operation, or becomes inoperable for a continuous period of one (1) year.

7.46.11.2. The one-year period may be extended upon a showing of good cause on appeal to the City of Roxboro Board of Adjustment

7.46.11.3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.

7.46.11.3.1. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.)

7.46.11.3.2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.

7.46.11.3.3. Restoration of property to condition prior to development of the wind farm.

7.46.11.3.4. The timeframe for completion of decommissioning activities.

7.46.11.3.5. Description of any agreement (i.e., lease) with landowner regarding decommissioning.

7.46.11.3.6. The party currently responsible for decommissioning.

7.46.11.3.7. Plans for updating this decommissioning plan.

7.46.11.4. Before final electrical inspection, provide evidence decommissioning plan was recorded with the Register of Deeds.

SECTION 7.47 WIRELESS COMMUNICATION FACILITIES.

7.47.1. Approvals Required for Wireless Facilities and Wireless Support Structures.

7.47.1.1. Administrative Review and Approval. The following types of applications are subject to the review process as provided in Section 5.5. No other type of zoning or site plan review is necessary.

7.47.1.1.1. New Wireless Support Structures that are less than fifty (50) feet in height, in any zoning district.

7.47.1.1.2. New Wireless Support Structures that are less than two hundred (200) feet in height, in any Industrial district.

7.47.1.1.3. Concealed Wireless Facilities that are fifty (50) feet or less in height, in any residential district.

7.47.1.1.4. Concealed Wireless Facilities that are one hundred fifty (150) feet or less in height, in any zoning district *except* residential districts.

7.47.1.1.5. Monopoles or Replacement Poles located on public property or within utility easements or rights-of-way, in any zoning district.

7.47.1.1.6. Carrier on wheels or cell on wheels (COWs), in any zoning district, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred twenty (120) days.

7.47.1.1.7. Substantial modifications.

7.47.1.1.8. Collocations.

7.47.1.2. Special Use Permit. Any application for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance shall be permitted in any district upon the granting of a Special Use Permit in accordance with the standards for granting Special Use Permits set forth in Section 4.9.

7.47.1.3. Exempt From All Approval Processes. The following are exempt from all City of Roxboro zoning approval processes and requirements:

7.47.1.3.1. Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this Ordinance.

7.47.1.3.2. Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures. Nothing in this section requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities.

7.47.1.3.3. Wireless Facilities placed on Utility Poles.

7.47.1.3.4. COWs placed for a period of not more than one hundred twenty (120) days at any location within the City of Roxboro or in response to a declaration of an emergency or a disaster by the Governor.

7.47.2. Administrative Review and Approval Process.

7.47.2.1. Content of Application Package - For All Sites. All Administrative Review and City Council application packages must contain the following in addition to those requirements outlined in Section 5.5 and 5.6:

7.47.2.1.1. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms.

7.47.2.1.2. Documentation from a licensed professional engineer if calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this Ordinance.

7.47.2.1.3. For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.

7.47.2.1.4. For substantial modifications, drawings depicting the improvements along with their dimensions.

7.47.2.3. Approval Schedule.

7.47.2.3.1. Applications for Collocation, Monopole or Replacement Pole, a Concealed Wireless Facility, a Non-Exempt COW, or a Substantial Modification. Within sixty (60) days of the receipt of a complete application for a Collocation, a Monopole or Replacement Pole, a Concealed Wireless Facility, a Non-Exempt COW, or a Substantial Modification, the UDO Administrator will:

7.47.2.3.1.1. Review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator provides notice that the application is incomplete in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The UDO Administrator may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, state, and local safety requirements. The UDO Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

7.47.2.3.1.2. Issue a written decision approval an eligible facilities request application within forty-five (45) days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the UDO Administrator shall issue its written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.

7.47.2.3.1.3. Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

7.47.2.3.2. Applications for New Wireless Support Structures that are Subject to Administrative Review and Approval. Within forty-five (45) calendar days of the receipt of an application for a New Wireless Support Structure that is subject to Administrative Review and Approval under this Ordinance, the UDO Administrator will:

7.47.2.3.2.1. Review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The UDO Administrator may deem an application incomplete if there is insufficient evidence provided to show that the eligible facilities request will comply with federal, state, and local safety requirements. The UDO Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

7.47.2.3.2.2. Issue a written decision approval on an eligible facilities request application within forty-five (45) days of such application being deemed complete.

7.47.2.3.2.3. Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

7.47.2.3.3. Application Review. The UDO Administrator's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the UDO Administrator may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. The UDO Administrator may not

require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The UDO Administrator may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the UDO Administrator may review the following:

7.47.2.3.3.1. Applicable public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

7.47.2.3.3.2. Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant's designed service.

7.47.2.3.3.3. The UDO Administrator may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The UDO Administrator may require information necessary to determine whether collocation on existing wireless support structures is reasonably feasible.

7.47.2.3.4. Building Permit. The Building Inspector shall issue a building permit following approval of the application under Administrative Review in accordance with the process and standards in this Ordinance.

7.47.3. Special Use Permit Process.

7.47.3.1. Any Wireless Facility or Wireless Support Structures not meeting the requirements of Section 7.47.1.1 or 7.47.1.3 above, may be permitted in all zoning districts upon the granting of a Special Use Permit, subject to:

7.47.3.1.1. The submission requirements of Section 7.47.3.1.2. below; and

7.47.3.1.2. The applicable standards of Section 7.47.4 below; and

7.47.3.1.3. The requirements of the special use permit process in Section 4.9.

7.47.3.2. Content of Special Use Permit Application Package. All Special Use permit application packages must contain the following in addition to those requirements contained in Sections 4.9, 5.6, 7.47.2.1.

7.47.3.2.1. Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials.

7.47.3.2.2. Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure.

7.47.3.2.3. Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.

7.47.3.2.4. A statement of the proposed Wireless Support Structure will be made available for Collocation to other service providers at commercially reasonable terms, provided space is available and consistent with Section 7.47.4.1.1 of this Ordinance.

7.47.3.3. Approval Schedule. Within one hundred fifty (150) calendar days of the receipt of an application under this section, the City Council upon recommendation of the Planning Board will:

7.47.3.3.1. Complete the process for reviewing the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. The City loses the ability to object that the application is incomplete if the applicant is not notified within 30 days. Upon receipt of a timely written notice that an application is deficient, the 150-day clock is stopped until more information is received at which point the 150-day clock starts again. If the application is still incomplete, the clock continues to run until the applicant is notified in writing. Applications are automatically approved after 150 days.

7.47.3.3.2. Make a final decision to approve or disapprove the application.

7.47.3.3.3. Advise the applicant in writing of its final decision. If the City Council denies an application, it must provide written justification of the denial.

7.47.3.3.4. Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

7.47.4. General Standards and Design Requirements.

Design standards apply to all communication towers, both staff approved and special use permit.

7.47.4.1. Design.

7.47.4.1.1. Wireless Support Structures shall be subject to the following:

7.47.4.1.1.1. Shall be engineered and constructed to accommodate a minimum number of Collocations based upon their height:

7.47.4.1.1.1.1. Support structures fifty (50) to one hundred (100) feet shall support at least two (2) telecommunications providers.

7.47.4.1.1.1.2. Support structures greater than one hundred (100) feet but less than one hundred fifty (150) feet shall support at least three (3) telecommunications providers.

7.47.4.1.1.2. The Equipment Compound area surrounding the Wireless Support Structure must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section 7.47.4.1.1.

7.47.4.1.1.3. There shall be no interference with local emergency communications or normal radio/television reception.

7.47.4.1.2. Concealed Wireless Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

7.47.4.1.3. Upon request of the Applicant, the UDO Administrator or City Council may waive the requirement that new Wireless Support Structures accommodate the Collocation of other service providers if it finds that Collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.

7.47.4.1.4. A Monopole or Replacement Pole shall be permitted within utility easements or rights-of-way, in accordance with the following design requirements with approval of the entity controlling the utility easement:

7.47.4.1.4.1. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

7.47.4.1.4.2. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

7.47.4.1.4.3. The height of the Monopole or Replacement pole may not exceed by more than thirty (30) feet the height of existing monopole structure.

7.47.4.1.4.4. Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

7.47.4.1.4.5. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection 7.47.4.1.4.3 above.

7.47.4.1.4.6. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to thirty (30) feet in height of the utility tower.

7.47.4.2. Setbacks. Unless otherwise stated herein, each Wireless Support Structure shall be set back from all property lines a distance equal to its engineered fall zone.

7.47.4.3. Height. In residential districts, Wireless Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the UDO Administrator or City Council shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request, the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the UDO Administrator or City Council, whoever has authority to approve.

7.47.4.4. Aesthetics.

7.47.4.4.1. Lighting and Marking. Wireless Facilities or Wireless Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

7.47.4.4.2. Signage. Signs located at the Wireless Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which Wireless Facilities are located (i.e., approved signage at locations on which Concealed Facilities are located).

7.47.4.5. Accessory Equipment. Accessory Equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the

operation of the Wireless Facility or Wireless Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

7.47.4.6. Fencing.

7.47.4.6.1. Ground mounted Accessory Equipment and Wireless Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the UDO Administrator or City Council.

7.47.4.6.2. The UDO Administrator or City Council may waive the requirement of Section 7.47.4.6.1 if it is deemed that a fence is not appropriate or needed at the proposed location.

7.47.6. Miscellaneous Provisions.

7.47.6.1. Abandonment and Removal. If a Wireless Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, the City of Roxboro may require that such Wireless Support Structure be removed only after first providing written notice to the owner of the Wireless Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Wireless Support Structure within sixty (60) days of receipt of said written notice. In the event the owner of the Wireless Support Structure fails to utilize the Wireless Support Structure within the sixty (60) day period, the owner of the Wireless Support Structure shall be required to remove the same within six (6) months thereafter. The City of Roxboro shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

7.47.6.2. Multiple Uses on a Single Parcel or Lot. Wireless Facilities and Wireless Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

7.47.7. Wireless Facilities and Wireless Support Structures in Existence on the Date of Adoption of this Ordinance.

7.47.7.1. Wireless Facilities and Wireless Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

7.47.7.2. Activities at Non-Conforming Wireless Support Structures. Notwithstanding any provision of this Ordinance:

7.47.7.2.1. Ordinary Maintenance may be performed on a Non-Conforming Wireless Support Structure or Wireless Facility.

7.47.7.2.2. Collocation of Wireless Facilities on an existing non-conforming Wireless Support Structure shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in Section 7.47.2; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

7.47.7.2.3. Substantial Modifications may be made to non-conforming Wireless Support Structures utilizing the Special Use Permit process defined in Section 4.9 of this Ordinance.

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ARTICLE 8. NONCONFORMING SITUATIONS

SECTION 8.1 INTENT.

Upon the effective date of this Unified Development Ordinance, and any amendment thereto, preexisting structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this Unified Development Ordinance for the district in which they are located or which would be prohibited as new development in the district in which they are located shall be considered as nonconforming. It is the intent of this article to permit these nonconforming uses to continue until they are removed, discontinued, or destroyed, but not to encourage such continued use, and to prohibit the expansion of any nonconformance.

SECTION 8.2 NONCONFORMING LOTS OF RECORD.

Any lot of record or structure existing at the time of the adoption of this Unified Development Ordinance, which has dimensions which do not meet the requirements of this Unified Development Ordinance, shall be subject to the following exceptions and modifications:

8.2.1. Lot Not Meeting Minimum Lot Size Requirements.

Except as set forth in the above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations that has dimensions that are less than required by these regulations may be used as a building site for a single-family dwelling providing the lot area and width are not less than eighty percent (80%) of the requirements in the district. If the lot is smaller or narrower, a variance may be requested of the Board of Adjustment.

8.2.2. Yard Requirements Modified.

Where a lot has width or depth less than that required in the district in which it is located, the UDO Administrator shall be authorized to reduce the yard requirements for such lot by not more than twenty percent (20%). Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment.

8.2.3. Enlargement of Nonconforming Structures.

Any building which is nonconforming solely because of its encroachment in a required yard area may be improved in any lawful manner that does not further encroach in that yard.

ARTICLE 8. NONCONFORMING SITUATIONS

SECTION 8.3 NONCONFORMING USES.

A nonconforming use is a use of land, buildings, or structures that was lawfully established prior to the effective date of this UDO, or any amendment thereto, but which does not conform to the regulations for the zoning classification in which it is located. Nonconforming uses may be continued subject to the limitations noted herein. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming manufactured home park for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or manufactured home park as a whole is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

8.3.1. Expansions.

No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area of land, buildings, or structures than was occupied by such use at the time it became nonconforming; provided, however, a nonconforming use may be extended throughout any parts of a building which were specifically designed and arranged for such use at the time it became nonconforming.

8.3.2. No building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such building or structure is thereafter devoted to a conforming use; provided, however, such building or structure may be enlarged or extended upon authorization from the Board of Adjustment, which authorization shall not be granted unless the Board of Adjustment makes each of the following findings of fact:

> ***8.3.2.1.*** The proposed enlargement or extension shall be less than 10% of the building or structure gross enclosed floor area in relation to the existing building or structure.
>
> ***8.3.2.2.*** The proposed enlargement or extension shall not increase the intensity of the nonconforming use, which is to say, it will not result in an increase in dwelling units for a residential use nor in gross floor area for a nonresidential use.
>
> ***8.3.2.3.*** The proposed enlargement or extension is designed so that it will not render the use of the property any less compatible that it is in its existing circumstances.

8.3.2.4. The authorization of such proposed enlargement or extension does not harm or reduce the public health, safety, or welfare.

8.3.5. Where a nonconforming use ceases for one hundred eighty (180) consecutive days, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of this UDO. Vacancy and non-use of the building or structure, regardless of the intent of the owner, shall constitute discontinuance under this provision.

8.3.6. When a structure or operation made nonconforming by this UDO is vacant or discontinued on _____, 2016, the one hundred eighty (180) day period for purposes of this section begins to run on _____, 2016.

8.3.7. Where a building or structure devoted to a nonconforming use is damaged to the extent of fifty percent (50%) or more of its current appraised valuation as determined by the current Person County real property tax assessment, such building or structure, if restored, shall thereafter be devoted to conforming uses.

SECTION 8.4 REPAIR, MAINTENANCE, AND RECONSTRUCTION.

8.4.1. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the appraised valuation as determined by the current county real property tax assessment of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this section.

8.4.2. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would not exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in subsection 8.3.

8.4.3. The UDO Administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:

8.4.3.1. No violation of Section 8.3 will occur; and

8.4.3.2. The permittee will comply to the extent reasonably possible with all provisions of this UDO permit conditions applicable to the existing use, (except that the permittee shall not lose his right to continue a nonconforming use).

SECTION 8.5 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS.

8.5.1. A change in the use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit under this UDO may not be made except in accordance with subsection 8.5.2 through 8.5.4 and the other requirements of this Ordinance. However, this requirement shall not apply if only a sign permit is needed.

8.5.2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

8.5.3. If the intended change in use is to a principal use that is permitted in the district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot reasonably be complied with, then the change is permissible, if the Board of Adjustment issues a variance authorizing the change. This permit may be issued if the Board of Adjustment finds, in addition to any other permits that may be required by this Ordinance, that:

8.5.3.1. The intended change will not result in a violation of Section 8.3; and

8.5.3.2. All of the applicable requirements of this Ordinance that can reasonably be complied with will be complied with. Compliance with a requirement of this Ordinance is not reasonably possible if, among other reasons, compliance cannot be achieved without adding additional land to the lot unless under common ownership where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements, as paved parking does not constitute grounds for finding that compliance is not reasonably possible. However, the UDO Administrator may conclude that compliance is not reasonably possible if the cost (financial and otherwise) of compliance is substantially disproportional to the benefits of eliminating nonconformity. In no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

8.5.4. If the intended change in principal nonconforming use is to another principal use that is also nonconforming in the district where the property is located, then the change in nonconforming use is permissible if the Board of Adjustment issues a permit authorizing the change. The Board of Adjustment may issue the permit if it finds, in addition to other findings that may be required by this Ordinance, that:

> ***8.5.4.1.*** The use requested is one that is permissible in some zoning district with either a zoning or special use permit; and
>
> ***8.5.4.2.*** All of the conditions applicable to the permit authorized in subsection 8.5.3 of this section are satisfied; and
>
> ***8.5.4.3.*** The proposed development will have less of an adverse impact on those most affected by it, except for the applicant, and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

An existing nonconforming use shall be discontinued within sixty (60) days of the date of approval of a change in nonconforming use. Subsequent to that time, such existing use shall become unlawful.

SECTION 8.6 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS.

8.6.1. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

8.6.2. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a

nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

8.6.3. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180-day period for purposes of this section begins to run on the effective date of this Ordinance.

SECTION 8.7 COMPLETION OF NONCONFORMING PROJECTS.

8.7.1. All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance as well as all nonconforming projects that are at least twenty five percent (25%) completed in terms of the total expected cost of the project on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.

8.7.2. Except as provided in subsection 8.7.1, and except to the extent that a developer has a vested right as set forth in Section 4.7, all work on any nonconforming project shall cease on the effective date of this Ordinance, and all permits previously issued for work on nonconforming projects shall be revoked unless the developer requests an appeal to the Board of Adjustment to overturn the UDO Administrator's decision. An appeal shall stay any revocation. The UDO Administrator shall issue such a permit if he/she finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changes his position in some substantial way in reasonable reliance on the Ordinance as it existed before the effective date of this Ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the UDO Administrator shall be guided by the following, as well as other relevant considerations:

> ***8.7.2.1.*** All expenditures made to obtain or pursuant to a building, zoning, sign, or special or conditional use permit that was validly issued and that remains unrevoked shall be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective.

8.7.2.2. Except as provided in subdivision 8.8.2.1, no expenditures made more than 180 days before the effective date of this Ordinance may be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

8.7.2.3. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditures to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old.

8.7.2.4. To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

8.7.2.5. A person shall be considered to have acted in good faith if the person (i) had actual knowledge of a proposed change in the Ordinance affecting the proposed development site which could not be attributed to him, or (ii) should have known of the proposed change in the Ordinance.

8.7.2.6. Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the UDO Administrator may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the requirements of the proposed Ordinance. The UDO Administrator may find that the developer did not proceed in an attempt to avoid requirements of the proposed Ordinance if he/she determines that (i) at the time the expenditures were made it was not clear that the proposed Ordinance would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.

8.7.2.7. In deciding whether a permit should be issued under this section, the UDO Administrator shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections, or stages thereof) as originally proposed or approved. Upon proper submission of plans by the applicant, the UDO Administrator may also issue a permit authorizing a development that is less nonconforming than the project as originally proposed or approved but that still does not comply with all the provisions of

the Ordinance making the project nonconforming. The UDO Administrator shall not allow the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project.

8.7.3. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection 8.7.2 and obtain permits. In addition to the matters and subject to the guidelines set forth in subdivisions 8.7.2.1 through 8.7.2.8, the UDO Administrator shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

8.7.3.1. Whether any plans prepared or approved regarding incompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

8.7.3.2. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

8.7.3.3. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or on such a scale, in anticipation of connection to or interrelationship with approved but incompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but incompleted phases are constructed in conformity with existing regulations.

8.7.3.4. The UDO Administrator shall not consider any application for the permit authorized by subsection 8.7.2 that is submitted more than sixty (60) days after the effective date of this Ordinance. The UDO Administrator may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

ARTICLE 8. NONCONFORMING SITUATIONS

SECTION 8.8 AUTHORIZATION OF NONCONFORMING PROJECTS.

Whenever an amendment to this Ordinance becomes effective after an application for a development permit is submitted but before the permit is issued, and the effect of the amendment is to render the proposed development nonconforming in some respect, then the applicant may choose to proceed with the development under the previous requirements or under the amended requirements.

SECTION 8.9 NONCONFORMING SIGNS.

8.9.1. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued.

8.9.2. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition; nor may illumination be added to any nonconforming sign.

8.9.3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.

8.9.4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign damaged.

8.9.5. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

8.9.6. Subject to other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 50% of the value (tax value if listed for tax purposes) of such sign.

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PART I. LANDSCAPE REQUIREMENTS

SECTION 9.1 BUFFERYARD REQUIREMENTS.

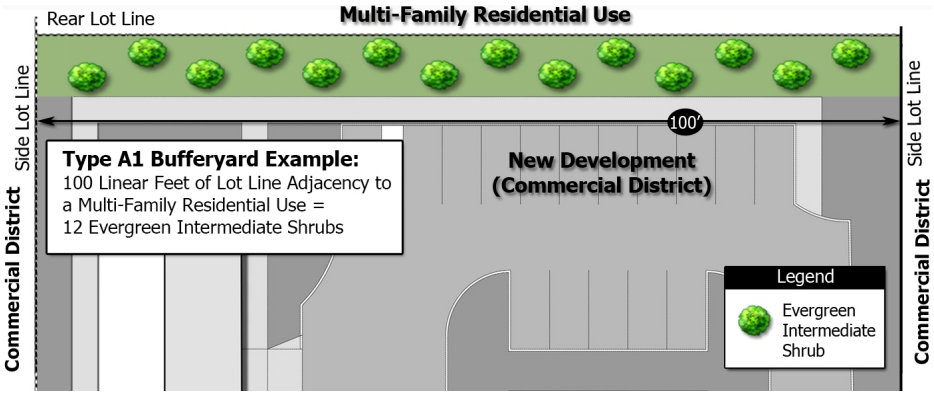
Bufferyards are required for multi-family residential development with ten (10) or more parking spaces and nonresidential development. See the table below to determine the type of bufferyard required.

	Adjacent Land Use			
Zoning District and/or Use To Be Developed (below)	Industrial	Commercial (including O/I)	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD
Industrial	N/A	Type A	Type B	Type A
Commercial (including O/I)	Type A	N/A	Type B	Type A
Multi-Family Residential (10 or more parking), PUD	Type A	Type A	Type A	N/A

Bufferyard requirements as they pertain to the Table of Uses and Activities (Section 6.4) are as follows:

1. Industrial shall include all uses allowed within the I-1 and I-2 districts.
2. Commercial shall include all uses allowed within the O/I, B-1, B-2, and B-3 districts.
3. Multi-Family Residential shall include all multi-family uses allowed within the R-6 and O/I districts.
4. Single-Family Residential shall include all single-family uses allowed within the R-12, R-8, R-6, and PUD.

The following provides an ***example*** of a **Type A bufferyard** for a developed commercial district adjacent to a multi-family use in a residential district.



❶ Type A Bufferyard Screening. A medium density screen intended to block visual contact between uses and to create special separation.

ⓐ Type A1: Minimum of 5 feet wide. For every linear 100 feet, or fraction thereof, the screen shall consist of 14 evergreen Intermediate Shrubs planted 8 feet on center.

-OR-

ⓑ Type A2: Minimum of 7.5 feet wide. For every 100 feet, or fraction thereof, the screen shall consist 21 evergreen Intermediate Shrubs 6 feet on center.

❷ Type B Bufferyard Screening. A high density screen intended to exclude virtually all visual contact between uses and to create a special separation.

ⓐ Type B1: Minimum width of 10 feet. For every linear 100 feet, or fraction thereof, the screen shall consist of 21 evergreen Large Shrubs planted 6 feet on center.

-OR-

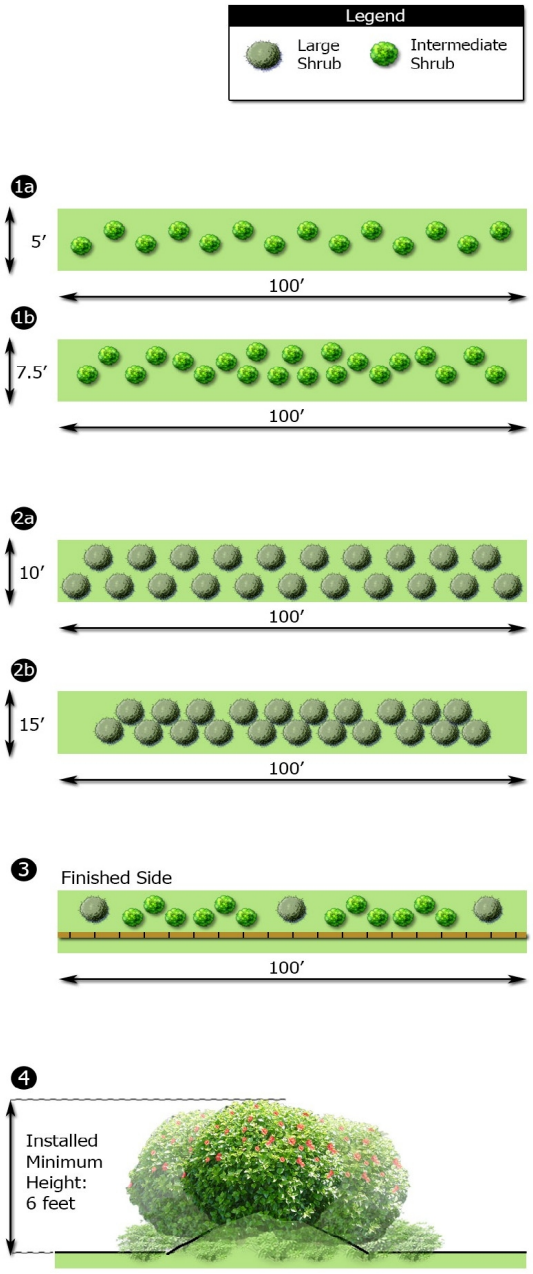
ⓑ Type B2: Minimum width of 15 feet, except for the B-2 district which shall have a minimum of 5 feet. For every linear 100 feet, or fraction thereof, the screen shall consist of 21 evergreen Large Shrubs planted 5 feet on center.

OPTIONS TO TYPE A AND/OR TYPE B

❸ Type C Bufferyard Screening. An opaque fence or opaque wall may be used in place of 50% of required bufferyard screening plants. The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved by the UDO Administrator. The side of the fence facing the affected property owner shall be the finished side of the fence. All planted screening required to be used in conjunction with a fence shall be approved by the UDO Administrator and planted on the finished side of the fence facing the affected use, and the remaining plantings shall be equally distributed in the bufferyard. Chain link fences are not permitted.

❹ Type D Bufferyard Screening. A combination earthen berm with vegetation may be used as follows:

- An earthen berm may be used in conjunction with planted vegetation made up of small, intermediate, and large shrubs, as approved by the UDO Administrator, provided that the combined height of the berm and planted vegetation shall be an installed minimum height of 6 feet.
- The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The height of the berm shall be a maximum of 6 feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.



NOTE: It is recommended and encouraged that native species and related cultivars be planted.

SECTION 9.2 STREET YARD REQUIREMENTS.

Street yards are required for all commercial, industrial, and multi-family residential development with eight (8) or more parking spaces.

❶ Minimum Standards: The minimum depth of all street yards shall be 7.5 feet. For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain a minimum of two (2) Shade Trees and six (6) Intermediate Shrubs. Newly installed plant material shall be evenly distributed, where possible.

❷ If there are existing trees in the proposed street yard area, the UDO Administrator may grant credit toward meeting the requirement for preservation of those trees as specified by the Tree Credits table.

❸ No planting material will be allowed which, at planting or at maturity, will impede vision between a height of three (3) feet and ten (10) feet in the sight visibility triangle specified by Section 2.17.

SECTION 9.3 PARKING FACILITY REQUIREMENTS.

❹ Minimum Standards: For parking facilities having 15 or more parking spaces, at least 8% of the gross paved area of the parking facility shall be landscaped and located in the interior of the facility.

❺ Planting islands shall include at least one Shade Tree or one Small Tree and six Small Shrubs. At least 50% of the trees planted shall be Shade Trees.

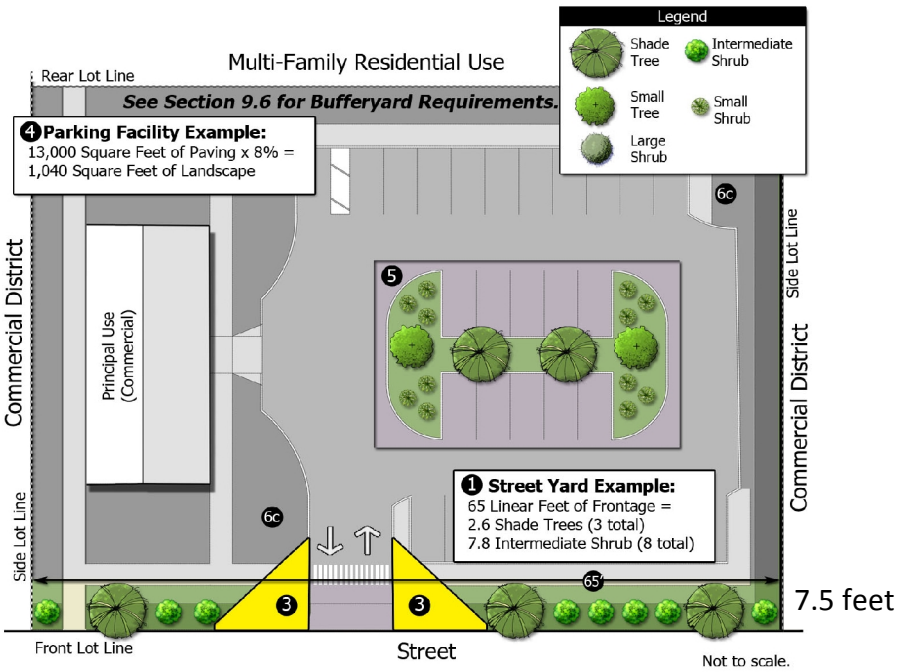
❻ In support of the above, the following standards shall apply to interior plantings:

ⓐ All plantings shall be evenly distributed throughout the parking facility.

ⓑ All interior plantings shall be curbed or otherwise physically protected. Depressed landscape islands and stormwater BMPs shall be permitted for stormwater management purposes as approved by the UDO Administrator.

ⓒ Landscaped islands shall be installed at each block of 15 consecutive parking spaces and at the ends of all parking rows. Landscaped islands shall contain at least 100 square feet in area and be at least 8 feet in width, measured from back of curb to back of curb.

Street Yard & Parking Facility Landscape Example (Sections 9.2 & 9.3)



SECTION 9.4 ADDITIONAL REQUIREMENTS.

9.4.1. Existing Trees and Shrubs.

Any existing trees or shrubs within required bufferyards shall be encouraged to be utilized and supplemented as necessary to meet bufferyard screening requirements. Existing trees intended to meet bufferyard screening requirements shall be protected from detrimental actions such as vehicle or equipment movement, excavating and grading, and installation of storage or structured elements as required in Section 9.4.2. Credit for existing trees will be based on the following:

Existing Tree Caliper (inches)	Number of Tree Credits Given
2-6	1
7-12	2
13-18	3
19-24	4
25 or greater	5

9.4.2. Protection of Existing Trees.

Any trees preserved on a development tract to receive credit shall meet the following protection standards. A root protection zone shall be established around all trees to be preserved. The root protection zone shall be clearly shown on all grading and site plans.

9.4.2.1. Root Protection Zone. The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid the tree's survival. The root protection zone shall be equal to one (1) foot radius for every inch of tree diameter measured at a point four and one-half (4-1/2) feet above ground. Root protection zone measurements shall be rounded off to the nearest foot.

9.4.2.2. Protective Barrier. A continuous barrier shall be installed at the start of grading, and be located at the outer edge of the root protection zone. Protective barriers shall be posted as a "Tree Save Area." This procedure shall be incorporated as a note on the grading and erosion control plans. Protective barriers shall be at least forty-two (42) inches high and constructed of a material resistant to degradation by sun, wind, and moisture and shall remain in place until all construction is complete.

9.4.2.3. No storage of materials, dumping of waste materials, fill, or parking of equipment shall be allowed within the root protection zone, and no trespassing shall be allowed within the boundary of the root protection zone. Utility easements or borings are permitted.

9.4.3. Uses in the Bufferyard.

No activities shall occur in the bufferyard except for maintenance of the bufferyard, required ingress and egress and the installation and maintenance of water, sewer, electrical, and other utility systems where the installation causes minimal disturbance of existing vegetation.

9.4.4. Uses in the Rear Yard and Side Yards Abutting a Residential Use.

The following uses shall be shielded from view from the property line of adjacent residentially used or zoned property by means of a 6-foot high Opaque Wooden or Masonry Fence, Opaque Wall, or 6-foot high Solid Vegetative Buffer:

9.4.4.1. Outside storage areas.

9.4.4.2. Loading/unloading areas.

9.4.5. Dumpsters or Other Trash Holding Areas.

All dumpsters or other trash holding areas shall be screened on three (3) sides by means of a 6-foot high Opaque Wooden or Masonry Fence, Opaque Wall, or 6-foot high Solid Vegetative Buffer.

9.4.6. Encroachment into Setbacks.

9.4.6.1. If an existing structure is located within a setback where the implementation of the Streetyard and/or Bufferyard requirements are physically impossible and the encroachment into the yard (streetyard or bufferyard) allows for a minimum of three (3) feet of planting area, only the required shrubs shall be planted.

9.4.6.2. If the encroachment into the yard (streetyard or bufferyard) allows for less than three (3) feet of planting area, no planting shall be required in that yard.

9.4.6.3. Facilities/structures required for compliance with the City of Roxboro Phase II NPDES permit may encroach into the setbacks (see Chapter 53 of the Code of Ordinances).

SECTION 9.5 INSTALLATION.

9.5.1. Plants shall meet the standards for plant quality and size as defined in the most recent version of the "American Standard of Nursery Stock" manual, published by the American Horticulture Industry Association.

9.5.2. Plants shall be installed per the installation details included in Appendix B of this Ordinance.

9.5.3. All buffer strips shall become part of the lot(s) on which they are located, or in the case of commonly owned land, shall belong to the property owners or homeowners association.

SECTION 9.6 MAINTENANCE.

9.6.1. The owner/developer of the project shall be responsible for providing and maintaining the required buffer strip. After the developer sells out, the homeowners association shall be responsible.

9.6.2. Opaque Fences or Opaque Walls shall be maintained, cleaned and repaired by the owner of the property on a continuing basis for the life of the development. Such fencing shall be kept free of litter and advertising. Opaque fences or walls may be subject to periodic inspection by the UDO Administrator.

9.6.3. All vegetation must be maintained to the standards established by the American National Standards Institute (ANSI) A300, developed by the Tree Care Industry Association.

SECTION 9.7 LANDSCAPE PLAN.

Landscape plans shall be submitted with minor or major site plans, conditional use permit application, and/or request for a zoning certificate of compliance. These plans shall contain the following information:

9.7.1. Date of plan preparation.
9.7.2. Project name and description of land use.
9.7.3. Project owner and mailing address.
9.7.4. Location of structures
9.7.5. Delineation of required parking spaces, drives, and driveways.
9.7.6. Location of signs with elevation sketch, buffer areas, walkways.
9.7.7. Landscape planting plan with maintenance and replacement schedule.
9.7.8. An approved Soil and Sedimentation Control Plan.
9.7.9. Identification of Best Management Practices (BMPs).
9.7.10. Buffer areas required.

ARTICLE 9. PERFORMANCE STANDARDS

PART II. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

SECTION 9.8 OFF-STREET PARKING REQUIREMENTS.

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space that complies with the standards for parking established in this section.

9.8.1. Certification of Minimum Parking Requirements.

Each application for a certificate of zoning compliance submitted to the UDO Administrator as provided for in Section 5.5.7 of this Ordinance shall include information as to the location and dimensions of off-street parking and the means of entrance and exit to the space. This information shall be in sufficient detail to enable the UDO Administrator to determine whether or not the requirements of this section are met.

9.8.2. Joint Use of Required Parking Spaces.

9.8.2.1. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

9.8.2.2. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety (90) percent vacant on weekends, another development that operates only on weekends could be credited with ninety (90) percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty (50) percent of capacity on days other than Sunday, another development could make use of fifty (50) percent of the church lot's spaces on those other days.

9.8.2.3. If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 9.9.3 are also applicable.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.9 GENERAL PROVISIONS.

9.9.1. Mixed Use.

In the case of mixed use developments, the total required off-street parking or loading space shall be the sum of the requirements for the various uses computed separately except for as provided below.

9.9.1.1. Up to one-half of the parking spaces required for one use in a mixed use development may be used to satisfy the parking requirements for a second use within the proposed development, subject to certification by the UDO Administrator that such joint usage parking complies with the following provisions:

9.9.1.1.1. The peak usage of the parking facility by one use will be at night or on Sundays and the peak usage of the parking facility by the second use will be at other times as provided in Section 9.8.2.

9.9.1.1.2. The other uses are ancillary to the primary use, such as restaurants and meeting rooms included in hotels and motels.

9.9.1.2. Minimum parking requirements for a mixed use development may be reduced by the City Council with an approved special use permit if a traffic/parking study, prepared by a licensed transportation engineer, is submitted to demonstrate and the Council finds that:

9.9.1.2.1. Sidewalks, bicycle facilities, transit service, and transit amenities are in place such that together with the number of parking spaces that are proposed, transportation is adequately served. Parking spaces required by this section may be placed within any public or private street right-of-way in accordance with an approved special use permit, if there is sufficient on-street public parking available within a 400-foot radius of the mixed-use development to meet the requirement for the mixed-use development.

9.9.1.2.2. Reduction of the minimum parking requirements will not be injurious to the general health, safety, and welfare.

9.9.2. Phased Developments.

Each individual phase of a multi-phase development shall meet all applicable parking standards established in this section including shared parking facilities prior to initiation of the next phase.

9.9.3. Satellite Parking.

9.9.3.1. If the number of off-street parking spaces required by this article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.

9.9.3.2. All such satellite parking spaces (except spaces intended for employee use) must be located within five hundred (500) feet of a public entrance of a principal building housing the use associated with such parking or within five hundred (500) feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. Satellite parking spaces must be located in a zoning district which permits parking lots for the use intended.

9.9.3.3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence, to be reviewed by the City Attorney, that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. Access to principal site from satellite parking shall be via public streets or sidewalks, otherwise a private access easement must be mapped and recorded at the register of deeds if necessary to cross intermediate property. The developer must also sign an acknowledgment that the continuing validity of his zoning permit depends upon his continuing ability to provide the requisite number of parking spaces. The satellite parking agreement must be recorded at the register of deeds and a copy must be provided to the planning department, prior to issuance of zoning permit.

9.9.3.4. Approved satellite parking areas must satisfy the design requirements of this article.

9.9.3.5. Notwithstanding any other provisions of this article, whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of Section 9.16 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 9.16 to the extent that (1)

parking space is practicably available on the lot where the development is located and (2) satellite parking space is reasonably available as provided in Section 9.9.3. However, if satellite parking subsequently becomes available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

9.9.3.6. Satellite parking must have an accessible pedestrian route with marked crosswalks from the remote parking to the principal use.

9.9.4. Maneuvering Room.

Maneuvering space for off-street parking shall be located on the lot upon which parking is provided and not on public right-of-way.

9.9.5. Surfacing.

Refer to the City of Roxboro Construction Specifications.

9.9.6. Entrances to Streets.

9.9.6.1. Access to public thoroughfares shall be from a driveway and not directly from a parking space. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

9.9.6.2. All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:

9.9.6.2.1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles travelling in abutting streets; and

9.9.6.2.2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

9.9.6.3. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

9.9.6.4. Within the corporate limits of the City of Roxboro, a driveway permit, issued by the city engineer, is required prior to the installation of a driveway. All such driveways must conform to the city's specification for driveways.

SECTION 9.10 REQUIREMENTS FOR PARKING LOTS.

Where parking lots for more than five (5) cars are permitted or required or where any principal building enlargement is 20% or greater of its existing size, the following provisions shall be complied with:

9.10.1. Parking spaces may not be used for loading, sales, dead storage, repair work, dismantling or servicing.

9.10.2. Only one entrance and one exit sign no larger than two square feet prescribing parking regulations may be erected at each entrance or exit.

9.10.3. Vehicle accommodation areas shall be graded and improved with crushed stone, gravel, asphalt, concrete, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. Whenever such a vehicle accommodation area abuts a paved street, the driveway leading form such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall, at a minimum, be paved for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two (2) parking spaces.

9.10.4. Parking spaces in areas paved with an impervious surface shall be appropriately demarcated with painted lines or other markings.

9.10.5. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

9.10.6. Vehicle accommodation areas for multi-family developments shall be constructed of masonry, concrete, or asphalt. This subsection shall not apply to single-family residences.

9.10.7. Where parking or loading areas are provided adjacent to a public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the UDO Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

9.10.8. Where two or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet or one-third of the lot frontage, whichever is greater.

9.10.9. No driveway shall be located closer than twenty-five (25) feet to any street intersection.

9.10.10. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

9.10.11. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

9.10.12. Refer to Article 9, Part I for bufferyard requirements.

9.10.13. Refer to Section 9.70 for lighting requirements.

SECTION 9.11 MANUFACTURED HOME AND TRAILER PARKING AND STORING.

It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured home or trailer within any zoning district unless a storing permit for any manufactured home to be parked or stored for longer than seven (7) days is obtained from the UDO Administrator.

SECTION 9.12 VEHICLE STACKING AREAS.

9.12.1. Vehicle Stacking Areas.

The vehicle stacking standards of this section shall apply unless otherwise expressly approved by the UDO Administrator. Additional stacking spaces may be required by the UDO Administrator to accommodate safe site ingress and egress.

9.12.2. Minimum Number of Spaces.

Off-street stacking spaces shall be provided as follows for each stacking lane:

Activity Type	Minimum Stacking Spaces	Measured From
Automated teller machine (ATM), as an accessory use	3	Teller
Bank teller lane	4	Teller or Window
Car wash bay, full-service	6	Bay
Car wash bay, self-service	3	Bay
Dry cleaning/laundry drive-through	3	Cleaner/laundry window
Gasoline pump island	3	Pump island
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy pick-up	3	Pharmacy window
Restaurant, drive-through	6	Order box
Restaurant, drive-through	4	Between order box and pick-up window
Valet parking	3	Valet stand
Other	Determined by the UDO Administrator. An approved study prepared by a registered engineer with expertise in Transportation Engineering may be required.	

9.12.3. Design and Layout of Stacking Spaces.

Required stacking spaces shall be subject to the following design and layout standards:

9.12.3.1. Size. Stacking spaces shall be a minimum of eight (8) feet in width by twenty (20) feet in length.

9.12.3.2. Location. Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

9.12.3.3. Design. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the UDO Administrator for traffic movement and safety.

ARTICLE 9. PERFORMANCE STANDARDS

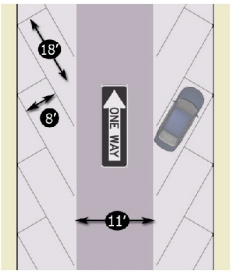
SECTION 9.13 PARKING SPACE DIMENSIONS.

9.13.1. Angled Parking.

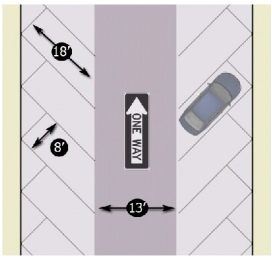
Parking stalls intended for the use of standard size automobiles shall have a minimum size of eight (8) feet by eighteen (18) feet for angled parking. All angled parking stalls shall be provided with the minimum aisle width specified below depending on their angle of entry. This width is designed to accommodate traffic flow within the parking area and allow reasonable room for maneuvering in and out of parking stalls.

9.13.1.1. One-Way Traffic.

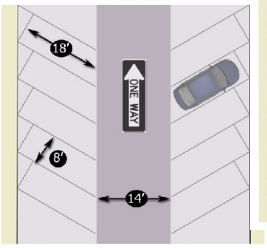
Degree of Angle	*Aisle Width*
30°	11 feet
45°	13 feet
60°	14 feet
90°	22 feet



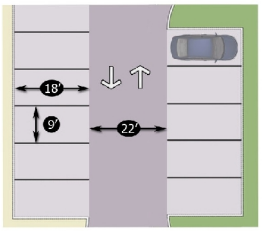
30 degrees



45 degrees



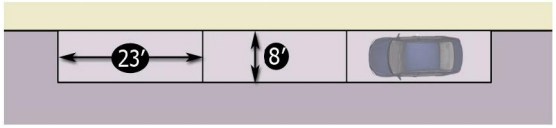
60 degrees



90 degrees

9.13.1.2. Two-Way Traffic. Aisle width: 22 feet.

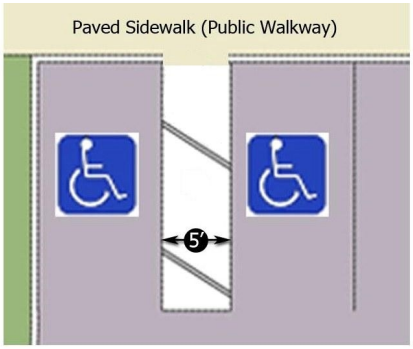
9.13.2. Parallel Parking.



Parallel parking stalls for standard size automobiles shall have a minimum size of eight (8) feet by twenty-three (23) feet. All parallel parking stalls shall have a minimum of ten (10) feet for maneuvering space in one-way traffic and twenty (20) feet maneuvering space in two-way traffic.

SECTION 9.14 HANDICAPPED REQUIREMENTS.

Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act (ADA), the NC Department of Transportation, the NC Division of Motor Vehicles ADA requirements, the NC State Building Code, and ICC A 117.1. All handicapped spaces shall be identified by pavement markings and by appropriate signage approved by the NC Department of Transportation. Handicapped parking shall be required on all multi-family and nonresidential sites.



Example

SECTION 9.15 LOADING AREAS.

9.15.1. Location.

9.15.1.1. No loading spaces shall be located within 30 feet of street intersections or in any required front, side, or rear yard.

9.15.1.2. Each loading space shall be a minimum of fifteen (15) feet by thirty (30) feet.

9.15.1.3. A minimum setback of fifty (50) feet shall be required where loading docks face a residential district or a structure with first-floor residential uses, unless the loading area is completely screened from view with an eight (8) foot high masonry wall consistent with the requirements of Section 7.7, Retaining Walls and Fences or equivalent on-site project boundary buffer.

9.15.1.4. Loading areas shall be located to provide the most convenient access to the use being served. Generally, loading areas should be adjacent to the building.

9.15.1.5. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can: (1) maneuver safely and conveniently to and from a public right-of-way; and (2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

9.15.2. Surfacing.

Generally, all open off-street loading areas shall be paved with an all-weather material such as concrete or asphalt, designed to carry the heaviest vehicle loads that can commonly be expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.

9.15.3. Design.

9.15.3.1. Loading berths for office uses shall be a minimum of twelve (12) feet wide by thirty-five (35) feet long with a height clearance of fourteen (14) feet.

9.15.3.2. All other loading berths shall be a minimum of twelve (12) feet wide and fifty-five (55) feet long with a height clearance of fourteen (14) feet.

9.15.4. Utilization.

Space allocated to any off-street loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-street parking or trash handling facilities.

9.15.5. Ingress and Egress.

Each required off-street loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public street, it shall be through driveways or openings which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment on the required front yards, side yards, or adjoining property.

9.15.6. Number of Spaces Required.

9.15.6.1. Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to educational, institutional, manufacturing and industrial, professional and services offices, retail sales and services, transportation, and wholesale sales and warehousing.

9.15.6.2. At least one loading space must be provided for each nonresidential use. The UDO Administrator may require one or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space.

SECTION 9.16 MINIMUM PARKING RATIOS.

The following defines parking ratios for general use classifications as delineated in the Table of Uses and Activities (Section 6.4). All uses are not defined; however, the broad categories listed should correlate with each use listed within the use table included in Section 6.4. If there are questions regarding how a given project should be classified, the methodology for defining a required parking requirement shall be determined by the entity designated by this Ordinance to approve a particular development. Parking requirements for all government sponsored/owned facilities, such as schools, shall be determined on a case-by-case basis through the development plan approval process. Parking requirements shall be rounded to the nearest whole number. For example, an 875 square foot restaurant would require 6 parking spaces (875/150 = 5.83 = 6).

Classification	Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, single-family	2 spaces
Dwelling, manufactured home	2 spaces
Dwelling, multi-family – One bedroom – Two bedrooms – Three bedrooms or more	 1.5 spaces per unit 1.75 spaces per unit 2 spaces per unit
Independent living, elderly	1.5 spaces/dwelling unit
Assisted living/nursing home	1 space/5 beds
ACCESSORY USES/BUILDINGS	
Accessory business or residential unit (including home occupations)	2 spaces per business or residence
Accessory buildings, non single-family residential	Same ratio as the principal use
COMMERCIAL & OFFICE/INSTITUTIONAL	
Bank	1 space per 300 square feet
Retail	4 spaces per 1,000 square feet
Restaurant	1 space per 150 square feet enclosed floor area
Office	3 spaces per 1,000 square feet
Lodging	1 space per room
Institutional/civic (auditorium, funeral homes, assembly, spectator)	1 space per 4 fixed seats or 4 spaces per 1,000 square feet, whichever is greater
School, secondary	4 spaces/classroom
School, elementary	2 spaces/classroom
INDUSTRIAL USES	
Adult entertainment establishments	1 space per 100 square feet of gross floor area or 1 space per every 3 persons of maximum seating capacity, whichever is greater; plus 1 space per employee
All other industrial uses	1 space per 500 square feet of gross floor area OR 1 space per employee based on largest number of employees on site at any one time, whichever is greater
RECREATION/ENTERTAINMENT	
The most applicable of the following standards shall apply for all recreational uses:	1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area.

Classification	Off-Street Parking Requirement
TEMPORARY USES/STRUCTURES	
To be determined by the UDO Administrator based on the site specific conditions and principal use.	
AGRICULTURAL USES	
To be determined by the UDO Administrator based on the site specific conditions.	

SECTION 9.17 MAXIMUM NUMBER OF SPACES PERMITTED.

For any use listed under the multi-family, commercial, industrial, or office and institutional use classification in Section 9.16, Minimum Parking Ratios, the number of off-street parking spaces shall not exceed 140 percent of the minimum number of parking spaces required in Section 9.16, unless specifically provided for in that section, except that additional parking spaces may be allowed through approval of an Alternative Parking Plan in accordance with Section 9.18.1, Provision over the Maximum Allowed.

SECTION 9.18 ALTERNATIVE PARKING PLAN.

The UDO Administrator is authorized to approve an Alternative Parking Plan that proposes alternatives to exceeding the maximum number of required off-street parking spaces required by Section 9.16.

9.18.1. Provision over the Maximum Allowed.

Requests to provide more than the maximum number of off-street parking spaces allowed by Section 9.17, Maximum Number of Spaces Permitted, shall comply with the following:

9.18.1.1. Parking Demand Study. Requests for exceeding the maximum number of required off-street parking spaces shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces specified by Section 9.17, Maximum Number of Spaces Permitted, is insufficient for the proposed development. A build-to-suit agreement or firm tenant lease specifications or similar documentation may be considered in lieu of a parking demand study.

9.18.1.2. Minimum Amount Required. The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces demonstrated as needed by the required parking demand study.

ARTICLE 9. PERFORMANCE STANDARDS

PART III. SIGN REGULATIONS

SECTION 9.19 PURPOSE AND INTENT

The purpose and intent of this Article is to support and complement the various land uses allowed in Roxboro by the adoption of policies and regulations concerning the placement of signs.

9.19.1. The Roxboro City Council does hereby find and declare the outdoor placement of signs to be a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and roads in Roxboro and to promote the reasonable, orderly and effective display of such signs, displays and devices. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitmately call for regulation. The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

9.19.2. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their, intended purpose while balancing the individual and community interests identified in subsection 9.19.1 of this section.

9.19.3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

9.19.4. These regulations distinguish between portions of the City designed for primarily vehicular access and portions to the City designed for primarily pedestrian access.

9.19.5. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

9.19.6. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

9.19.7. Severability.
Section 1.4, Severability applies to this Part III, Sign Regulations, and is incorporated into this Part by reference.

SECTION 9.20 SIGNS NOT REQUIRING A PERMIT

Signs listed in this section are exempt from the permit requirements of Section 9.25 and may be erected in any zoning district provided they comply with the conditions described herein.

9.20.1. Incidental Informational.
A sign, generally informational, that has a purpose to the use of the subject property on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives.

9.20.2. Flags.
Flags on a single, straight flagpole provided that:

> ***9.20.2.1.*** The flagpole is attached to the ground, building, or other object at only one end; it may not be attached to another pole;
>
> ***9.20.2.2.*** Flags are not hung or stretched between two (2) poles or a pole and another object or the ground;
>
> ***9.20.2.3.*** Flags are attached to the pole (or rope) on one (1) side only and are not weighted on an unattached side;

9.20.2.4. Flags hung from a horizontal or nearly horizontal, pole and displayed against, or nearly against, a wall, fence, or similar structure are prohibited (this applies only to flags permitted by this section);

9.20.2.5. More than one (1) flag may fly on a single pole;

9.20.2.6. The flags are not "feather flag;" and

9.20.2.7. All applicable requirements of Article 9, Part III are complied with.

9.20.3. Temporary Signs

A banner, pennant, poster, or display constructed of paper, cloth, canvas, plastic sheet, cardboard, wall board, plywood, or other like materials, and that appears to be intended or determined by the UDO Administrator to be displayed for a limited period of time. See Sections 9.22.1 to 9.22.3 and 9.24.3 which include temporary signs requiring a permit.

9.20.4. Construction Signs.

An on-site temporary sign identifying the names of the individuals and/or firms connected with the construction of an active project. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the City may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

9.20.5. Miscellaneous Exemptions.

9.20.5.1. Handicapped parking space signs; signs associated with the operation of equipment or other functional elements such as menu boards, automatic teller machines, gas pumps, vending machines, scoreboards, and similar incidental signs; signs visible only from the premises, markers which are non-commercial in nature.

9.20.5.2. Memorial signs, plaques or grave markers.

9.20.5.3. On-premises directional and instruction signs not exceeding four (4) square feet in area apiece.

9.20.5.4. All signs located within the interior of a business or operation.

9.20.5.5. Public interest signs (i.e., historical markers).

9.20.5.6. Identification signs not exceeding three (3) square feet in area (one only per premises).

9.20.5.7. Address and name signs. Signs or plates on residential structures giving the name and/or address of the occupant.

9.20.5.8. Integral decorative or architectural features of buildings or works of arts, provided such features or works of art do not contain advertisements, trademarks, moving parts, or lights.

9.20.5.9. Displays, including lighting, erected in connection with the observance of holidays. Such displays shall not be considered as illuminated signs and they shall be removed within ten (10) days following the holiday.

9.20.5.10. Political signs erected in accordance with NC General Statutes §136-32 as follows:

9.20.5.10.1. During the period beginning on the 30th day before the beginning date of "one stop" early voting under NC General Statutes §163-227.2 and ending on the 10th day after the primary or election day, person may place political signs in the right-of-way of the State highway system or City street as provided in this section. Signs must be placed in compliance with subsection 9.20.5.10.2 below and removed by the end of the period prescribed herein.

9.20.5.10.2. The permittee must obtain the permission of the property owner of a residence, business or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

9.20.5.10.2.1. No sign shall be permitted in the right-of-way of a fully controlled access highway.

9.20.5.10.2.2. No sign shall be closer than three (3) feet from the edge of the pavement of the road.

9.20.5.10.2.3. No sign shall obscure motorist visibility at an intersection.

9.20.5.10.2.4. No sign shall be larger than 864 square inches.

9.20.5.10.2.5. No sign shall obscure or replace another sign.

9.20.5.11. ID plaques of no more than four (4) square feet per business or tenant in non-residential zoning districts and signs of no more than two (2) square feet in area in residential zoning districts, including signs bearing only property identification numbers and names, post office box numbers of occupants of the premises, or other identification of premises so that public safety agencies can easily identify the property from a public street. In cases where the building is not located within view of the public street, the identifier shall be located on a mail box or other suitable device visible from the street. Such signs shall not be illuminated. The size and location of the identifying numerals and letters (if any) must be proportional to the size of the building and the distance from the street to the building.

SECTION 9.21 PROHIBITED SIGNS

The following list of signs are prohibited in the City; any violation is subject to the regulations as stated in this Article.

9.21.1. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

9.21.2. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public.

9.21.3. No sign may be erected so that by its location, color, size, shape, nature, or message, it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

9.21.4. Any sign, which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

9.21.5. No signs shall overhang or be erected in any public right-of-way. Traffic regulation, information, or warning signs erected by the State Department of Transportation, signs erected by the City, or signs located in the B-3 district are exempt.

9.21.6. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

9.21.7. Flashing, fluttering, swinging, rotating signs (except governmental signs and signs, which give time and temperature and other commercial public information message).

9.21.8. Roof signs, or signs above the parapet of a building.

9.21.9. Electronic message boards in all Residential districts.

9.21.10. Portable signs, except for "sandwich boards."

9.21.11. All Beacons and Spotlights. Illumination system(s) shall not contain or utilize any beacon, spot, search, or stroboscopic light or reflector which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized agencies for emergency services purposes.

9.21.12. Flood lights shall not be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property, nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

9.21.13. Any sign or sign structure that is structurally unsafe as determined by the Building Inspector.

9.21.14. Signs painted on or attached to trees, fences, or fence posts, and telephone or utility poles or signs on or attached to rocks or other natural features (snipe signs).

9.21.15. Pavement markings except those of a customary traffic-control nature, as found in the Manual of Uniform Traffic Control Devices.

9.21.16. Other signs not expressly permitted by this Ordinance.

SECTION 9.22 DISTRICT SIGNS

9.22.1. Residential District Signs (R-12, R-8, R-6, and PUD).

9.22.1.1. Residential districts contain developments that may require signage. Such developments include, but are not limited to: Single-Family Subdivisions, Multi-Family Developments, Manufactured Home Parks, Churches, and Recreational Facilities. At any entrance to a subdivision or multi-family development, there may be not more than two (2) signs located at the entrance to a development comprised of two (2) or more lots. A single side of any such sign may not exceed sixteen (16) square feet in area, nor may the surface area of all such signs exceed thirty-two (32) square feet in area.

9.22.1.2. Additionally, home occupations may install one sign with an area of no greater than four (4) square feet. Home occupation signage shall be permanently fixed to the residence within which the home occupation resides.

9.22.1.3. For residentially zoned and used properties: Temporary signs not exceeding four (4) square feet in area, and three (3) feet in height if freestanding are allowed in all residential districts. The number of these signs is limited to one (1) per one hundred (100) feet, or fraction thereof, of lot frontage of all immediately adjacent public streets. In no event shall there be more than three (3) such signs allowed per lot. The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

9.22.1.4. For residential zoned non-residential uses: One freestanding sign or one wall sign per zoning lot of no more than 32 square feet in area, with a maximum height of eight (8) feet if ground mounted or no higher than the roof line if wall mounted.

9.22.2. Business District Signs When Site Plan is Not Required (O-I, B-1, B-2, and B-3).

Permitted Sign Type(s)	Specific Applicability	Maximum Area[1]	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall[2]	Front facades	1 sq ft for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A
Wall[2]	Secondary to primary signage	½ sq ft for each linear foot of building facing side street	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting[3,4]	Businesses (excluding home occupations)	12 sq ft (total of 24 sq ft)	8 ft	1
Canopy or Awning[3,4]	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
FREESTANDING				
Monument or Ground Mounted[5]	Nonresidential	30 sq ft	6 ft	1
Column/Pole[5]	Nonresidential	100 sq ft (B-2, O/I); 200 sq ft (B1)	25 ft	1
Small Wall Signage	Home occupation (O/I only)	4 sq ft	5 ft	1
Temporary[6]		8 sq ft	6 ft	1

[1]Combined square footage of all signs shall not exceed 200 square feet.
[2]Wall signs may project a maximum of 12" from the wall to which it is mounted.
[3]Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.
[4]Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.
[5]Sign must be placed no closer than 10' from property line. One ground mounted or monument sign or column/pole sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. However, in no event, can a ground mounted or monument sign exceed 30 square feet or a column/pole sign exceed 100 square feet. In the event of a double-sided sign, only one side shall be used to figure the square footage.
[6]The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

9.22.3. Industrial District Signs (I-1 and I-2).

Permitted Sign Type(s)	Specific Applicability	Maximum Area[1]	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall[2]	Front facades	1.5 sq ft for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A
Wall[2]	Secondary to primary signage	1 sq ft for each linear foot of building facing side street	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting[3,4]	Businesses (excluding home occupations)	12 sq ft (total of 24 sq ft)	8 ft	1
Canopy or Awning[3,4]	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
FREESTANDING				
Monument or Ground Mounted[5]	Nonresidential	100 sq ft	6 ft	1
Column/Pole[5]	Nonresidential	200 sq ft (I-1); 300 sq ft (I-2)[6]	25 ft	1
Temporary[7]		8 sq ft	6 ft	1

[1]Combined square footage of all signs shall not exceed 200 square feet.
[2]Wall signs may project a maximum of 12" from the wall to which it is mounted.
[3]Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.
[4]Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.
[5]Sign must be placed no closer than 10' from property line. One ground mounted or monument sign or column/pole sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. However, in no event, can a ground mounted or monument sign exceed 30 square feet or a column/pole sign exceed 100 square feet. In the event of a double-sided sign, only one side shall be used to figure the square footage.
[6]Signs visible from a public road right-of-way which are greater than 250 square feet in area shall be located at least 500 linear feet apart as measured in a straight line.
[7]The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

9.22.4. Commercial Major Site Plans and Developments (O/I, B-1, B-2, and B-3).

Number of Outlets	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
FREESTANDING				
Up to six outlets	Businesses	100 sq ft	15 ft	1 per street frontage
7-14 outlets	Businesses	125 sq ft	15 ft	1 per street frontage
15 or more outlets	Businesses	150 sq ft	15 ft	1 per street frontage
Temporary[1]		8 sq ft	8 ft	1
OUT PARCELS				
	Monument or ground mounted sign	30 sq ft	6 ft	1 per out parcel

[1]The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

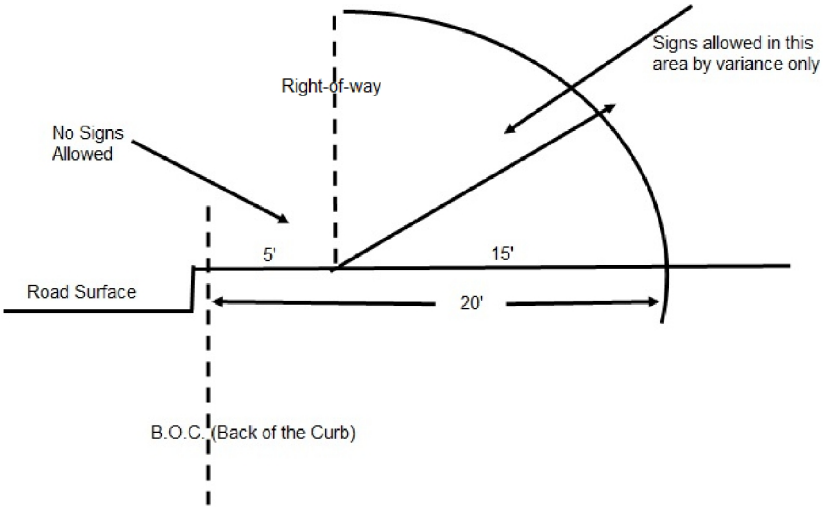
Permitted Sign Type(s)	Specific Applicability	Maximum Area[1]	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall[2]	Front facades	1 sq ft for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A
Wall[2]	Secondary to primary signage	½ sq ft for each linear foot of building facing side street and/or interior area of a planned building group	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting[3,4]	Businesses (excluding home occupations)	12 sq ft (total of 24 sq ft)	8 ft	1
Canopy or Awning[3,4]	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1

[1]Combined square footage of all signs shall not exceed 400 square feet.
[2]Wall signs may project a maximum of 12" from the wall to which it is mounted.
[3]Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.
[4]Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.
[5]Sign must be placed no closer than 10' from property line. One ground mounted or monument sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. However, in no event, can a ground mounted or monument sign exceed 30 square feet. In the event of a double-sided sign, only one side shall be used to figure the square footage.

9.22.5. Signs in Right-of-Way and Public Properties.

9.22.5.1. No sign shall be permitted in any public right-of-way or within five (5) feet of back of curb, whichever is farther from back of the curb, except on B-3 zoning district.

9.22.5.2. When, in the B-1 zoning district and along major and minor thoroughfares, the public right-of-way is within twenty feet (20') of the back of curb, the bottom edge of any sign within this area shall be outside of an arc with a 15' radius with the center of radius being a point five feet (5') from the back of the curb and at the same elevation as the back of curb (see illustration below):



9.22.5.3. Any sign hung, suspended, projected, or otherwise placed over or across, or partly over any sidewalk or curbing shall have its lower edge not less than eight (8) feet above the sidewalk or curbing, and the owner shall keep it in such condition that the public will not be exposed to any danger from the sign.

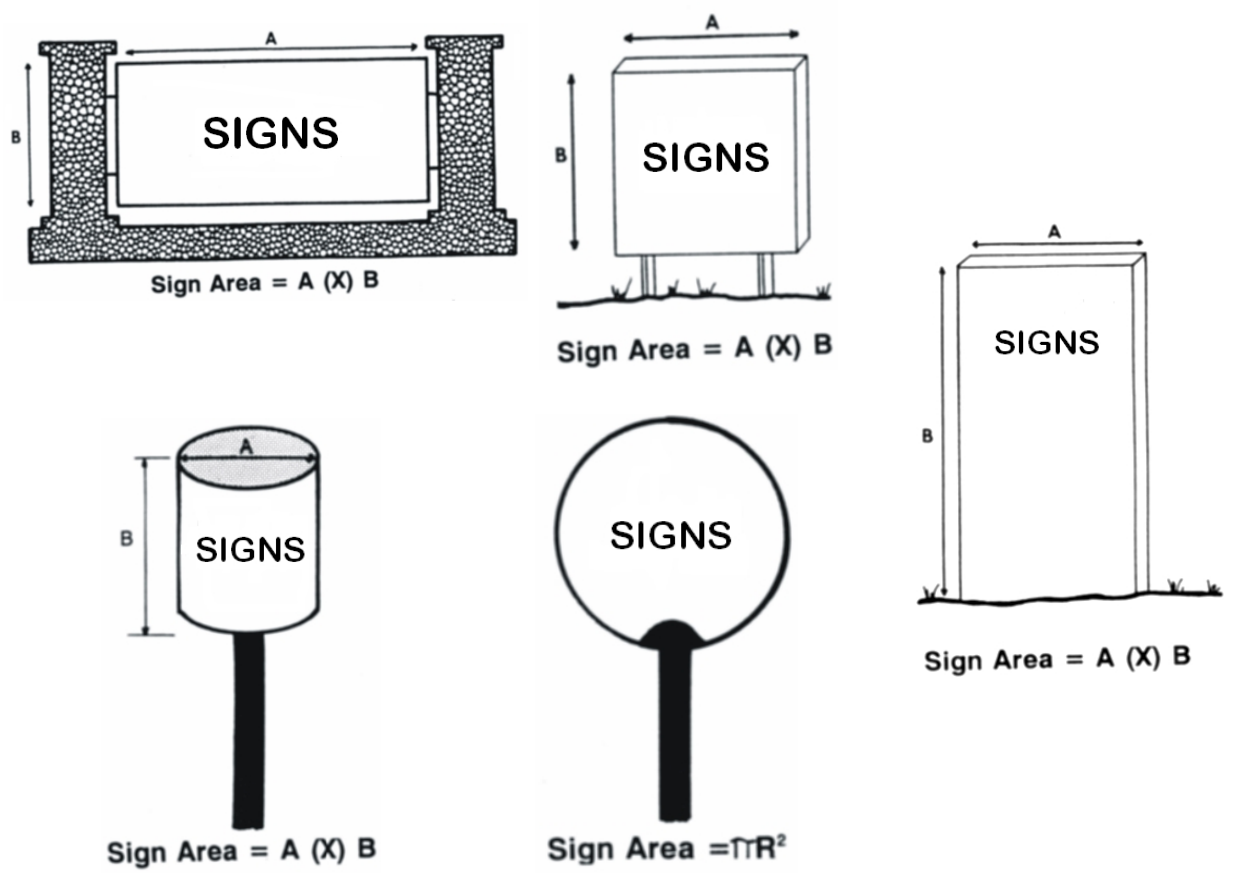
9.22.5.4. The Administrator may remove and destroy or otherwise dispose of any sign placed on public property or within any public right-of-way. This shall only apply to signs in violation of this Ordinance. Penalties may be levied for each such sign as prescribed in this Article.

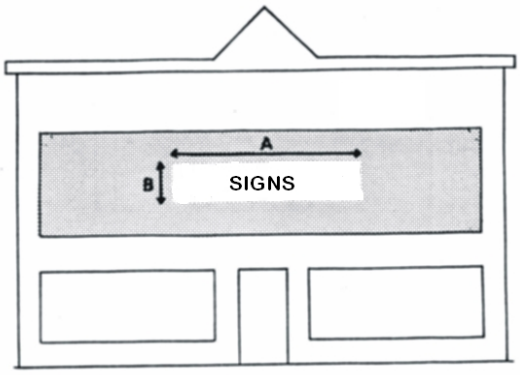
ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.23 SIGN AREA

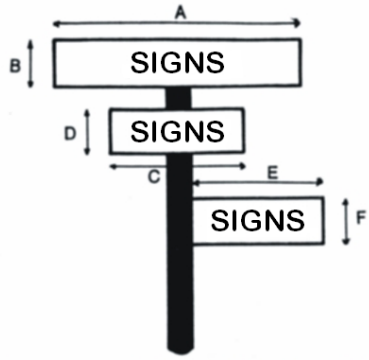
The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area is to be computed as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign area.

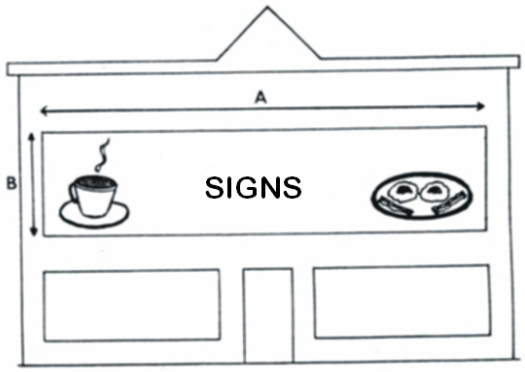




Sign Area = A (X) B



Sign Area = A (X) B + C (X) D + E (X) F



Sign Area = A (X) B

SECTION 9.24 SUPPLEMENTAL SIGN STANDARDS FOR THE O/I, B-1, B-2, AND B-3 DISTRICTS

Sign standards for specific business operations are in addition to the general standards outlined in this Article and recognize the different types of traffic, use and need of signs for the assistance of the traveling public and the prosperity of business owners and employees through the attraction, retention, and furtherance of commerce throughout the City. Establishments in the four listed zoning districts may avail themselves of the maximum signage allowable under Section 9.23 and additionally may supplement such maximum via the standards of this subsection.

9.24.1. Sandwich Board Sign.

Limited to one sign per business. Signs shall be limited to a maximum height of four (4) feet and a maximum length of three (3) feet. Folding and double-faced signs shall be considered one (1) sign. Sandwich board signs shall not be located on any public right-of-way, except that where the edge of the right-of-way is the face of the building and where such building abuts a public sidewalk, such signage may be allowed as a right-of-way encroachment. Sign placement shall not impede

movement on the sidewalk. Restaurants and food service establishments may have two (2) sandwich board signs.

9.24.2. Banners.

Limited to one banner per business. Banners shall be limited to a maximum height of six (6) feet and a maximum length of ten (10) feet. Banners shall contain the imprint or logo of the business in which the banner is intended. No additional logos, joint advertising or insignia shall be permitted.

9.24.3. Feather Flags.

Limited to two flags per business, but no more than six (6) flags at one time per approved major or minor site plan. Size limited to ten (10) feet in height and no greater than four (4) feet in width and, on a temporary basis, shall be permitted and may contain the imprint or logo of the business in which the flag is intended. In a Planned Unit Development, the location of flags are limited to the premises of the business or in a common pedestrian ingress area immediately in-front or adjacent to the primary pedestrian entrance of any business, in no case shall the flag be placed further than ten (10) feet from said primary pedestrian entrance. No flag shall be placed in the vehicular zone including parking areas, driveways, or vehicular ways. Placement of flags shall not impede ingress/egress to any building.

9.24.4. Sale/Event/Holiday Signs.

For no more than thirty (30) days annually, special signage for sales/events/holidays may be placed by a business on premises with the issuance of a permit. Such signs shall be of one of the categories above with the following supplemental standard: for each item in this subsection, the quantity of signs shall double.

SECTION 9.25 SPECIFICATIONS FOR SIGNS REQUIRING A PERMIT

The following are general specifications applicable to the various signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

9.25.1. Specifications for all Permitted Signs.

Unless specifically exempted by other sections of the Article, all signs will be required to have proper permits prior to construction or installation. Whether the sign is new, part of new construction, or an existing sign, the following information will be required as part of the permit application.

9.25.1.1. A detailed description of any new sign for which a permit is requested. This will include, but not necessarily be limited to, a detailed drawing of the sign showing size, height, and site location relative to property lines and street right-of-way.

9.25.1.2. Existing signs must meet the requirements of Article 9, Part III, if, for any reason, the sign is to be changed or altered. Normal copy changes and routine maintenance matters are exceptions to this requirement.

9.25.1.3. Prior to issuance of a sign permit, all fees in accordance with the associated fee schedule shall be paid.

9.25.1.4. Upon notification of completion by the permit holder, the UDO Administrator shall inspect the sign to verify conformance with applicable codes.

9.25.2. Wall Signs.

9.25.2.1. No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on the roofline, parapet, or mansard roof.

9.25.2.2. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way.

9.25.2.3. No wall sign shall be attached to any cupola, tower, or other architectural feature that is above the roofline.

9.25.2.4. Sign area may not exceed 200 square feet on any building wall.

9.25.3. Projecting Signs.

9.25.3.1. All Projecting Signs.

9.25.3.1.1. A projecting sign will not project more than four (4) feet from a building wall.

9.25.3.1.2. A projecting sign will not extend vertically above the roofline or parapet of a building.

9.25.3.1.3. The sign shall be a minimum of eight (8) feet from the bottom of the sign above the finished grade.

9.25.3.2. Projecting Signs for Major Site Plans. Projecting signs may be permitted for individual tenants of a major site plan without altering detached sign provisions. Such sign shall be permitted provided:

9.25.3.2.1. Subject to the same provisions of 9.25.3.1.1 through 9.25.3.1.3, above.

9.25.3.2.2. A projecting sign shall not project into any required setback or yard.

9.25.3.2.3. The maximum area for the projecting sign shall be calculated as though it was a wall sign. The maximum area of a projecting sign shall be seventy-five (75) feet.

9.25.3.2.4. No more than one projecting sign per business entrance.

9.25.4. Signs for Identification of Manufactured Home Parks.
Permanent identification sign(s) shall be required for every manufactured home park. The size of the signs shall be as follows: Not more than two signs with a total maximum area of 48 square feet and a total minimum area of 12 square feet. Signs must be located on the park property within 50 feet of the entrance and at least 10 feet off the front property line. Signs must be located a minimum of five feet from any side property lines. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public road right-of-way.

9.25.5. Temporary Use Signs.
A zoning permit for a temporary use may also authorize one temporary sign, not to exceed 40 square feet in sign surface area, associated with the temporary use. Such temporary sign shall conform to the requirements of Article 9, Part III.

9.25.6. Telecommunication Tower Signage.
Refer to Section 7.47.4.4.2 for requirements regarding telecommunication towers.

SECTION 9.26 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.

9.26.1. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

9.26.2. No sign within 150 feet of a Residential-Agricultural (R-12) or Residential (R-8, R-6) Zoning District may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

9.26.3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does shine directly into a public right-of-way or residential premises.

9.26.4. Electronic message boards and kinetic sign lighted display areas shall not exceed thirty (30) square feet.

9.26.5. Subject to Subsection 9.26.6, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.

9.26.6. Subsections 9.26.1 and 9.26.5 do not apply to temporary signs or decorations erected or installed in connection with observance of holidays.

SECTION 9.27 SIGN CONSTRUCTION.

All signs shall be designed, constructed and maintained in accordance with the following additional standards:

9.27.1. All sign shall comply with applicable provisions of the City's Building code and Electrical Code as referenced in the City of Roxboro's Code of Ordinances.

9.27.2. Except for permitted banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Unified Development Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground or building.

SECTION 9.28 SIGN MAINTENANCE.

All signs shall be maintained in good structural condition, in compliance with applicable building and electrical codes and the provisions of this Unified Development Ordinance. Specifically:

9.28.1. A sign shall not display disfigured, cracked, ripped or peeling paint, poster paper, or other material for a period of more than sixty (60) consecutive days.

9.28.2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than ten (10) consecutive days.

9.28.3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than thirty (30) consecutive days.

9.28.4. An illuminated sign shall not be allowed to stand with partial illumination for a period of more than thirty (30) consecutive days.

9.28.5. Whenever a sign becomes structurally unsafe or endangers the safety of the public health and welfare, the UDO Administrator shall order said sign to be made safe or removed. Such order shall be complied with within five (5) days of notification, unless the sign is an immediate danger to the public health, safety, and welfare, in which case the UDO Administrator may reduce the 5-day notice.

SECTION 9.29 NONCONFORMING SIGNS.

Refer to Article 8, Section 8.9 for nonconforming sign regulations.

SECTION 9.30 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES.

9.30.1. Any conforming or permitted nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage. However, if the sign should be declared unsafe by the UDO Administrator, the owner of the sign or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions in a manner satisfactory to the UDO Administrator.

9.30.2. For the purposes of this Section, a nonconforming sign or its structure shall be considered destroyed, and therefore not repairable, if it receives damage to the extent of more than 50% of its value as listed for tax purposes by the Person County Tax Office.

SECTION 9.31 DISCONTINUED SIGNS.

Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of one hundred eighty (180) days, the UDO Administrator shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The UDO Administrator shall give thirty (30) days' notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty-day period shall constitute a violation of this article and shall be remedied in accordance with the provisions of Section 1.6.

ARTICLE 9. PERFORMANCE STANDARDS

PART IV. SUBDIVISIONS

SECTION 9.32 STANDARDS FOR REVIEW.

Refer to Article 5 for the subdivision review process. Decision on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in Article 9, Part IV. Whenever the ordinance criteria for decisions requires application of judgment, those criteria must provide adequate guiding standards for the entity charged with plat approval.

SECTION 9.33 SKETCH PLANS.

A sketch plan is recommended and should include the information specified in Section 5.4.4.

SECTION 9.34 PRELIMINARY PLATS FOR MINOR AND MAJOR SUBDIVISIONS.

The preliminary plat shall depict or contain the information provided in Section 9.36. Preliminary plats shall be clearly and legibly drawn at a scale of not less than two hundred (200) feet to one (1) inch. If a major subdivision is to be developed in states, a phasing plan must be submitted with the preliminary plat.

SECTION 9.35 FINAL PLATS FOR ALL SUBDIVISIONS.

9.35.1. Final Plat Contents.

The final plats shall depict or contain the information provided in Section 9.36. Final plats shall be clearly and legibly drawn by a registered land surveyor currently licensed in the State of North Carolina by the NC State Board of Registration for Professional Engineers and Land Surveyors. The plat shall also be drawn at a scale of not less than two hundred (200) feet to one (1) inch and shall be drawn on a sheet size of mylar acceptable to the Register of Deeds of Person County.

9.35.2. Certifications.

The final plat shall contain the certifications outlined in Section 9.53 and Code of Ordinances 53-304(c) f and 53-405(A) [not published in Chapter 53].

SECTION 9.36 INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

Information	*Preliminary Plat*	*Final Plat*
Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, city boundaries, county lines if on or near subdivision tract.	X	
Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision.	X	X
Name of proposed subdivision.	X	X
Statement from the Person County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits.	X	
Graphic scale.	X	X
North arrow and orientation.	X	X
Concurrent with submission of the Preliminary Plat to the City, the subdivider or planner shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation.	X	
List the proposed construction sequence.	X	
Stormwater plan – see Code of Ordinances, Chapter 53.	X	
Show existing contour lines with no larger than five-foot contour intervals.	X	
New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines).	X	
Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor.	X	X
Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable).	X	X

Information	*Preliminary Plat*	*Final Plat*
Date of the drawing(s) and latest revision date(s).	X	X
The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site.	X	
State on plans any variance request(s).	X	
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X	X
Show the minimum building setback lines for each lot.	X	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 9, Part I.	X	
Show location of all proposed entrance or subdivision signage (see Section 9.23.1).	X	
Show pump station detail including any tower, if applicable.	X	
Show area which will not be disturbed of natural vegetation (percentage of total site).	X	
Label all buffer areas, if any, and provide percentage of total site.	X	X
Show all riparian buffer areas.	X	X
Show all watershed protection and management areas per Code of Ordinances Chapter 53.	X	X
Soil erosion plan.	X	
Show temporary construction access pad.	X	
Outdoor illumination with lighting fixtures and name of electricity provider.	X	
The following data concerning proposed streets:		
Streets, labeled by classification (see City of Roxboro Standards and Specifications document) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X	X
Traffic signage location and detail.	X	
Design engineering data for all corners and curves.	X	X

Information	*Preliminary Plat*	*Final Plat*
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X	
Type of street dedication; all streets must be designated public. (Where public streets are involved which will be dedicated to the City, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval).	X	X
When streets have been accepted into either the municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with City of Roxboro Standards and Specifications document.	X	X
If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations.	X	
(1) Evidence that the subdivider has applied for such approval.	X	
(2) Evidence that the subdivider has obtained such approval.	X	
The location and dimensions of all:		
Utility and other easements.	X	X
Pedestrian and bicycle paths.	X	X
Areas to be dedicated to or reserved for public use.	X	X
The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted homeowners' association) of recreation and open space lands.	X	X
Required riparian and stream buffer per Chapter 53 of the Code of Ordinances.	X	X
The site/civil plans for utility layouts including:		
Sanitary sewers, invert elevations at manhole (include profiles).	X	
Storm sewers, invert elevations at manhole (include profiles).	X	
Best management practices (BMPs)	X	
Stormwater control structures	X	
Other drainage facilities, if any.	X	
Impervious surface ratios	X	
Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.	X	
Gas lines.	X	

Information	*Preliminary Plat*	*Final Plat*
Telephone lines.	X	
Electric lines.	X	
Plans for individual water supply and sewage disposal systems, if any.	X	
Provide site calculations including:		
Acreage in buffering/recreation/open space requirements.	X	X
Linear feet in streets and acreage.	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places.	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	X	X
The accurate locations and descriptions of all monuments, markers, and control points.	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X	X
A copy of the erosion control plan submitted to the Regional Office of NC-DNRCD, when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 9.53 and 53-304(C) and 53-405(A).	X	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or City Council to be pertinent to the review of the plat.	X	X
Improvements guarantees (see Section 5.8.2.6).		X

SECTION 9.37 PRESALE OF LOTS.

Pre-sale and pre-lease contracts are allowed only after a preliminary plat has been approved. The closing and final conveyance of lots subject to pre-sale and pre-lease contracts may not occur until after the final plat is approved and recorded. The buyer shall:

9.37.1. Be provided a copy of the preliminary plat at the time the contract is executed;

9.37.2. Be notified that no final plat has been approved;

9.37.3. Be advised that there is no guarantee that changes will not be made to the plat before final approval;

9.37.4. Be provided a copy of the final plat before final approval by the City; and

9.37.5. Be informed that the contract or lease may be terminated by the buyer/leasee if the final plat differs in any material way from the preliminary plat.

SECTION 9.38 SUBDIVISION OWNER'S REQUEST TO ANNUL.

9.38.1. Any plat or any part of any plat may be vacated by the owner or developer at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

9.38.2. Any lot line may be adjusted of lots combined in a subdivision to which a copy of such revisions shall be attached deciding the adjustment.

9.38.3. Such an instrument shall be approved by the same agencies as approved the final plat. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

9.38.4. Such an instrument shall be executed, acknowledged, or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

9.38.5. When lots have been sold, the plat may be vacated in the manner provided in Section 9.38.1 through 9.38.3 of this section, by all owners of the lots in such plat joining in the execution of such writing.

SECTION 9.39 RESUBDIVISION PROCEDURES.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.40 COMPLIANCE WITH PROVISIONS REQUIRED.

Each subdivision shall contain the improvements specified in this section, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified in this section. Each subdivision shall adhere to the minimum standards of design established by this section.

SECTION 9.41 SUITABILITY OF LAND.

9.41.1. Land which has been determined by the Planning Board on the basis of engineering or other expert surveys to post an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct the conditions and to eliminate the dangers.

9.41.2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Person County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

9.41.3. All subdivision proposals shall be consistent with the Flood Damage Prevention Ordinance. In areas of flood hazard, identified on the Flood Insurance Rate Map of Person County, North Carolina, as Zones A and AE, all subdivisions shall be designed to minimize flood damage in accordance with the provisions of the Roxboro Flood Damage Prevention Ordinance, Article 9, Part VIII.

SECTION 9.42 STREET NAMES AND HOUSE NUMBERS.

Street names and house numbers shall be assigned in accordance with the City of Roxboro Construction Standards.

SECTION 9.43 STORMWATER DRAINAGE FACILITIES.

The preliminary plat shall be accompanied by evidence satisfactory to the Planning Board as to the proposed method of providing for stormwater drainage in accordance with Code of Ordinances Chapter 53 and compliant with the City of Roxboro Phase II NPDES requirements.

SECTION 9.44 EROSION AND SEDIMENTATION CONTROL.

The preliminary plat shall be accompanied by a written statement from NCDENR, or the UDO Administrator, as the case may be, that any required soil erosion and sedimentation control plan has been approved in accordance with Article 9, Part X.

SECTION 9.45 RIPARIAN BUFFERS.

Riparian buffers within a lot are to be shown on the recorded plat, and the area of a lot within the riparian buffer must still count toward any dimensional requirements for lot size. Riparian buffers must be shown on all subdivision plats, including those on platted lots. If a riparian buffer is designated as a privately-owned common area (e.g., owned by a property owners association), the City may, upon request, attribute to each lot abutting the riparian buffer area a proportionate share based on the area of all lots abutting the riparian buffer area for purposes of development-regulated regulatory requirements based on property size. Dimensional lot requirements include calculations for, among other things, residential density standards, tree conservation area, open space or conservation area, setbacks, perimeter buffers, and lot area. See Chapter 53, Code of Ordinances.

SECTION 9.46 STREETS AND UTILITIES.

All streets and utilities shall be constructed in accordance with the City of Roxboro Standards and Specifications document.

9.46.1. Design Standards.

9.46.1.1. Conformity to Existing Maps and Plans.

9.46.1.1.1. The location and width of all proposed streets shall be in conformity with the officially adopted Thoroughfare Plan for Roxboro Township, and shall be in conformity with all current plans of the Roxboro Planning Board.

9.46.1.1.2. The proposed street system within a subdivision shall, whenever possible, be tied in with the existing street system. The proposed street system shall also provide for the continuation of the existing City and State systems, whenever possible.

9.46.1.2. All streets shall be labeled on the preliminary plat as: Major Streets and Highways; Collector Streets; Minor Streets; or Cul-de-sacs.

9.46.1.3. Blocks

9.46.1.3.1. Blocks shall be a maximum of 1,200 feet and a minimum of 400 feet in length.

9.46.1.3.2. Blocks shall ahve sufficient width to provide two tiers of lots.

9.46.1.4. Lots

9.46.1.4.1. Insofar as is possible, all lots shall be perpendicular to the right-of-way lines. Those lots fronting on curves should be radial to the right-of-way lines.

9.46.1.4.2. All lots shall front on a public street.

9.46.1.4.3. Double frontage lots are not permitted.

9.46.1.4.4. Lot sizes, setbacks, widths, and depths shall apply as called for in the City of Roxboro Unified Development Ordinance for those parcels found within the corporate limits, and as called for in the Roxboro Township Unified Development Ordinance for those parcels found within the extraterritorial jurisdiction of this ordinance.

9.46.1.5. Easements

9.46.1.5.1. To provide service to public utility facilities easements of not less than 30 feet in width may be provided for on a subdivision plat.

9.46.1.5.2. To provide access to required engineered stormwater control facilities including BMPs.

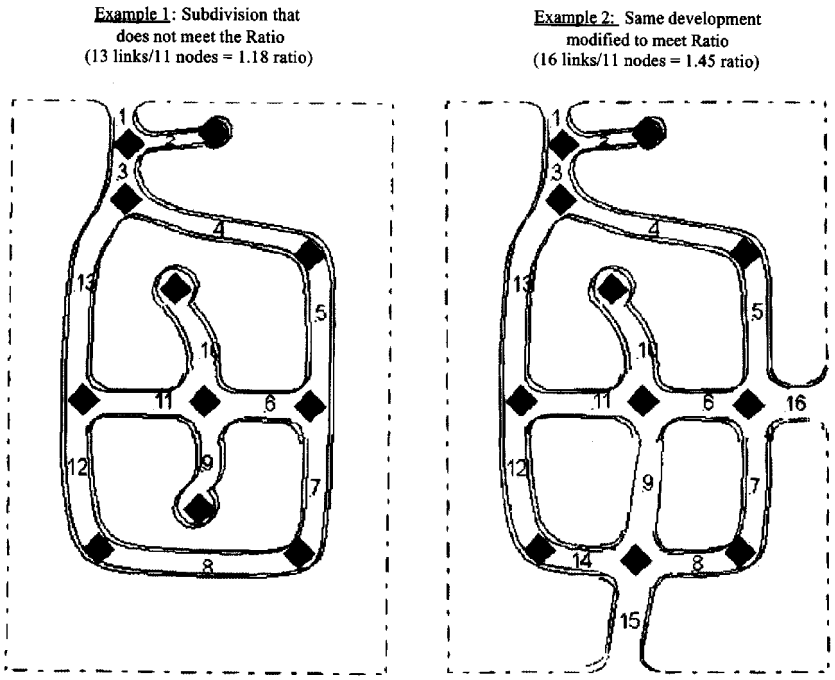
9.46.1.5.3. The location and extent of such an easement shall be finalized before the approval of the preliminary plat.

SECTION 9.47 STREET CONNECTIVITY REQUIREMENTS.

9.47.1. An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current City Thoroughfare Plan. In areas where such plans have not been completed, the streets shall be designated and located in relation to existing and proposed streets, the topography, to natural features such as streams and tree cover, to public safety and convenience, and to the proposed use of land to be served by such streets.

9.47.2. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

9.47.3. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.45 (see example below).



9.47.4. For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

9.47.5. Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences, and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

9.47.6. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.

9.47.7. Utility stub-outs shall be provided at all required points of street connectivity.

9.47.8. Exemptions. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity requirement when the UDO Administrator determines that the subdivision will provide for connectivity with adjacent future development and there are no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors.

SECTION 9.48 SIDEWALKS.

9.48.1. Except as provided in Section 9.48.3, the City Council may require the construction of sidewalks adjacent to one side of new streets in subdivisions. The sidewalks required by this section shall be four (4) feet in width if on both sides of the street and five (5) feet in width if on one side of the street. All sidewalks shall be constructed according to the specifications set forth in the City of Roxboro Standards and Specifications document.

9.48.2. Whenever the City finds that a means of pedestrian access is necessary from a subdivision to schools, parks, open space, playgrounds, roads, or other facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to reserve an unobstructed easement of at least ten (10) feet in width and a five (5) foot sidewalk to provide such access.

9.48.3. Subdivisions fronting on major thoroughfares are required to construct four (4) foot sidewalk(s) on the thoroughfare right-of-way regardless of whether or not a sidewalk exists on the opposite side of the street. The sidewalk(s) shall comply with the City of Roxboro Standards and Specifications document and NCDOT requirements.

SECTION 9.49 MAINTENANCE OF COMMON AREAS, IMPROVEMENTS, AND FACILITIES.

9.49.1. Any applicant for subdivision approval, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the City of Roxboro. As illustrations, and without limiting the generality of the foregoing best management practices, this means that roads and parking areas, engineered stormwater drainage systems, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

9.49.2. As provided in Section 9.49.1, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

SECTION 9.50 EFFECT OF PLAT APPROVAL ON DEDICATIONS AND ACCEPTANCES.

9.50.1. Plat Approval Shall Not Constitute Acceptance.

Pursuant to NCGS 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. To be effective, all offers of dedication must be accepted by resolution.

9.50.2. Acceptance of Dedications.

> ***9.50.2.1.*** At the time of submittal of a preliminary plat with streets, utilities, or other proposed to be dedicated for acceptance by the City as public, the City Council will decide if it will approve the dedication, subject to the street(s), parks, utilities, sidewalks, or other complying with all City requirements for acceptance. The City of Roxboro is not obligated to accept any offer of dedication.

9.50.2.2. Acceptance of dedication will be provided by adoption of a resolution of acceptance by the City of Roxboro City Council.

SECTION 9.51 ADJUSTMENTS.

The Planning Board may authorize an adjustment from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any adjustment, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Board deliberations of the request must follow quasi-judicial procedures. No adjustment shall be granted unless the Planning Board finds:

9.51.1. There are special circumstances or conditions affecting that property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.

9.51.2. The adjustment is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

9.51.3. The circumstances giving rise to the need for the adjustment are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance.

9.51.4. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which the property is situated.

An appeal to the Planning Board's decision on an adjustment request shall be made to the City Council. The Council's consideration of the appeal must follow quasi-judicial procedures.

SECTION 9.52 CEMETERY SUBDIVISION LOT SIZE EXEMPTION.

Cemeteries and individual cemetery plot(s) may be platted and approved as minor subdivisions and recorded that do not meet the minimum lot size of the zoning district; however, the cemetery shall comply with all other zoning district restrictions. Where there is not reasonable access to individual lots, an 18-foot easement for ingress and egress may be established.

SECTION 9.53 FINAL PLAT CERTIFICATIONS AND OTHER DOCUMENTATION.

9.53.1. Minor Subdivision Approval.

9.53.1.1. Certificate of Ownership. I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which property is within the subdivision regulation jurisdiction of the City of Roxboro, and that I freely adopt this plan of subdivision.

_____ _____

Owner(s) Date

9.53.1.2. Certificate of Approval. I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the City of Roxboro Unified Development Ordinance, and that therefore this plat has been approved by the UDO Administrator, subject to its being recorded in the Person County Registry within sixty days of the date below.

_____ _____

UDO Administrator Date

9.53.1.3. Flood Damage Prevention Certificate of Approval for Recording. I certify that the plat shown hereon complies with the City of Roxboro Flood Damage Prevention Ordinance requirements and is approved by Roxboro for recording in the Register of Deeds office.

_____ _____

UDO Administrator Date

9.53.1.4. Certificate of Survey and Accuracy. I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page_____ etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ___, Page ___, that the ratio of precision as calculated is 1:___, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____A.D., 20___.

_____ Official Seal

Professional Land Surveyor

_____

Registration Number

The certificate of the Notary shall read as follows:

North Carolina, _____ County
I, _____, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.
_____ Official Seal
Signature

My Commission Expires: _____

9.53.1.5. Statement of Compliance with the City of Roxboro Riparian Buffer Ordinance. I certify that this subdivision fully complies with the City of Roxboro Code of Ordinances Chapter 53 lake watershed, water supply watershed, and NPDEA Phase II Stormwater Ordinance for New Development and Illicit Discharge Detection and Elimination Ordinance.

_____ _____
Stormwater Administrator Date

9.53.2. Major Subdivision Approval.

9.53.2.1. Certificate of Ownership and Dedication. I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which property is within the subdivision regulation jurisdiction of the City of Roxboro, that I freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Roxboro City Council in the public interest.

_____ _____
Owner(s) Date

_____
(Notarized)

9.53.2.2. Certificate of Improvements. If the required improvements are completed prior to the submission of the Final Plat, the following certificate shall be lettered on the plat above the signature of the City Engineer:

"Know all men by these present, that I hereby certify that on this, the ___ day of _____, 20__, all of the improvements as required by the Roxboro Subdivision Regulations have been installed by the developer in an approved manner."

If the required improvements are not completed prior to the submission of the Final Plat, the following certificate shall be lettered on the plat above the signature of the City Manager:

"Know all men by these presents, that I hereby certify performance guarantee sufficient to secure the amount of $_____ has been posted with the City of Roxboro by the developer, thereby guaranteeing that all improvements required by the Roxboro Subdivision Regulations shall be constructed. Such improvements shall be completed within ____ days from the date of this statement."

9.53.2.3. Flood Damage Prevention Certificate of Approval for Recording. I certify that the plat shown hereon complies with the City of Roxboro Flood Damage Prevention Ordinance requirements and is approved by Roxboro for recording in the Register of Deeds office.

_____ _____

UDO Administrator Date

9.53.2.4. Certificate of Survey and Accuracy. I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page_____ etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ___, Page ___, that the ratio of precision as calculated is 1:___, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____A.D., 20___.

_____ Official Seal

Professional Land Surveyor

_____

Registration Number

The certificate of the Notary shall read as follows:

North Carolina, _____ County
I, _____, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.
_____ Official Seal
Signature

My Commission Expires: _____

9.53.2.5. Offer of Dedication. City Council approved offer of dedication by resolution adopted at meeting held on _____, 20__.

_____ _____
City Clerk Date

SECTION 9.54 RESERVED FOR FUTURE USE.

ARTICLE 9. PERFORMANCE STANDARDS

PART V. RECREATIONAL FACILITIES AND OPEN SPACE

SECTION 9.55 USABLE OPEN SPACE.

9.55.1. Every multi-family residential and manufactured home park development shall be developed so that at least five percent of the total area of the development remains permanently as usable open space.

9.55.2. For purposes of this section, usable open space means an area that:

9.55.2.1. Is not encumbered with any substantial structure;

9.55.2.2. Is not devoted to use as a roadway, parking area, or sidewalk;

9.55.2.3. Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in Subsection 9.55.2.4;

9.55.2.4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

9.55.2.5. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

9.55.2.6. Consists of land no more than twenty-five percent of which lies within an area of special flood hazard or a floodway as those terms are defined in Part VIII.

SECTION 9.56 OWNERSHIP AND MAINTENANCE OF RECREATIONAL AREAS AND REQUIRED OPEN SPACE.

9.56.1. Recreation facilities and usable open space required to be provided by the developer in accordance with this article shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 9.57.

9.56.2. The person or entity identified in subsection 9.56.1 as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

SECTION 9.57 HOMEOWNERS ASSOCIATIONS.

Homeowners associations or similar legal entities that, pursuant to Section 9.56, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

9.57.1. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

9.57.2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

9.57.3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

SECTION 9.58 FLEXIBILITY IN ADMINISTRATION AUTHORIZED.

9.58.1. The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with multi-family residential, manufactured home park developments, and subdivisions are established by the Council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city plans. The Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the City Council may permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

9.58.2. Whenever the permit issuing board authorizes some deviation from the standards set forth in this article pursuant to subsection 9.58.1, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

SECTIONS 9.59 THROUGH 9.61 RESERVED FOR FUTURE USE.

ARTICLE 9. PERFORMANCE STANDARDS

PART VI. BUILDING FACADE DESIGN

SECTION 9.62 INTENT.

In order to present an attractive "face" for the City of Roxboro Central Business District and preserve its historic architectural appearance, buildings within the B-3 downtown business district shall comply with Article 9, Part VI. The emphasis shall be on architectural detail and human-scale design.

SECTION 9.63 APPLICABILITY.

Except for single-family dwellings, two-family dwellings (duplexes), townhouses, and accessory buildings built under the NC Residential Building Code for One and Two Family Dwellings, the requirements of this section shall apply in the following circumstances:

9.63.1. Construction of any new building within the B-3 zoning district.

9.63.2. Expansion or modification of an existing building in the B-3 zoning district that will increase the total enclosed floor area by at least 50% or 5,000 square feet, whichever is greater.

SECTION 9.64 STANDARDS.

9.64.1. Materials.

All facades that are visible from a public roadway shall be constructed of one or a combination of the following materials: concrete aggregate, stucco, brick, stone, glass or wood, faced concrete block. Artificial materials which closely resemble these materials shall also be allowed. Pre-engineered metal building materials shall not be used on facades.

9.64.2. Scale.

Primary facades shall incorporate details at the pedestrian level (below ten feet) that emphasize human scale.

9.64.3. Transparency.

Facades of all commercial structures facing a street or primary travelway shall incorporate transparent features on at least 50% of the surface area on the ground floor.

9.64.4. Roofing Materials.

Recommended roofing materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles. Partial (occupying less than three sides) mansard roofs are not allowed.

9.64.5. Outdoor Site Lighting.

Shall be selected, designed, located, and installed in accordance with Section 9.70 so that light trespass onto public rights-of-way and adjacent residential property is significantly limited and direct glare is minimized.

9.64.6. Color.

All exterior colors should be muted, subdued, or earth tones.

9.64.7. Screening of Utilities and Mechanical Equipment.

9.64.7.1. Rooftop mounted equipment shall not be visible from public rights-of-way. Equipment shall be screened by parapet walls or continuous mechanical screens that are compatible with and complementary to the overall building design. Where complete screening is not technically feasible due to differences in grade elevations, then the parapet or screens shall be at least as tall as the tallest piece of equipment.

9.64.7.2. Ground mounted utilities and equipment, including outdoor service, storage, loading, and mechanical areas shall be located on the structure's side and/or rear and shall be screened by garden walls, fences, or solid vegetation so they are not visible from public rights-of-way.

9.64.6.3. Locate noise-generating equipment to mitigate the impact on adjacent properties and public rights-of-way. Equipment that generates more than 60 decibels at the property line must incorporate mufflers or other noise-reducing equipment.

9.64.8. Fencing.

Solid fencing is not allowed in the B-3 zoning district travelways. Chain link fencing is not permitted where it will be visible from streets, pedestrian paths, sidewalks, and bicycle paths/trails.

SECTION 9.65 EXTERIOR DESIGN REQUIREMENTS.

9.65.1. Use of high quality, durable materials is required. Materials used for the primary facades shall return along secondary sides a minimum distance as required based on visibility from public rights-of-way. Visible rear and side facades shall be designed with as much attention as the other elevations.

9.65.2. Visual balance shall be achieved with the use of order and symmetry within separate building elements.

9.65.3. Architectural elements, details or massing components shall be utilized to create visual organization through repetition and spacing.

9.65.4. Architectural scale shall be consistent with the structures in the B-3 zoning district. Primary facades shall provide appropriate architectural transitions between horizontal elements or differences in apparent floor-to-floor heights.

9.65.5. Design and detailing of materials shall result in a structure with dimensions and spans of visible materials related to the structural properties. Elements designed to appear as load-bearing shall be visually supported by other elements directly below.

9.65.6. Design shall perpetuate/reflect the historic appearance and architectural features of the B-3 zoning district.

SECTION 9.66 MAINTENANCE OR REPAIR.

9.66.1. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the B-3 zoning district that does not involve a change in design, material, or outer appearance thereof, or to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature that the building inspector or similar official shall certify is required for the public safety because of unsafe or dangerous condition. Ordinary maintenance or repair shall include, but is not limited to, the following:

> ***9.66.1.1.*** Painting of structures, when said painting is not connected with alteration or new construction.
>
> ***9.66.1.2.*** Interior work which does not result in any exterior changes.

9.66.1.3. Planting of yard vegetation, shrubbery, trees, etc.

9.66.1.4. Replacement of window glass with a pane of equal dimensions and transparency.

9.66.1.5. Caulking and weatherstripping.

9.66.1.6. Installation on the rear or side of the house window air conditions, television antennas, and other temporary mechanical equipment.

9.66.1.7. Repairs to walks, patios, fences, and driveways so long as the replacement materials match the original.

9.66.1.8. Replacement of small amounts of missing or deteriorated siding, roof shingles, porch flooring, steps or railing so long as the replacement materials are identical to the original. (For siding, roofing and porch flooring, twenty (20) square feet or less shall be considered normal maintenance.)

SECTION 9.67 APPROVAL/APPEAL.

The building facade design shall be approved or denied by the UDO Administrator within fifteen (15) days of submittal to the UDO Administrator. Appeal of the UDO Administrator's facade design decisions shall be made to the Board of Adjustment by application submitted within forty-five (45) days of the UDO Administrator's decision. The Board of Adjustment shall act on the appeal at its next regularly scheduled meeting.

SECTION 9.68 RESERVED FOR FUTURE USE.

ARTICLE 9. PERFORMANCE STANDARDS

PART VII. UTILITIES

SECTION 9.69 UTILITY OWNERSHIP AND EASEMENT RIGHTS.

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, natural gas, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities in accordance with Section 9.50. In addition, the developer, in accordance with Section 9.75, shall dedicate sufficient easement rights to accommodate the extension of utility facilities which will serve adjacent or nearby developments. All property rights must be accepted by resolution by the Roxboro City Council before they become the property of the City. Refer to the City of Roxboro Standards and Specifications document for more information on right-of-ways and utility alignment/requirements.

SECTION 9.70 LIGHTING REQUIREMENTS.

9.70.1. Subject to Subsection 9.70.2, all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities. A site lighting plan shall be submitted with all major site plans. Minor and major subdivisions require a lighting plan approved by the appropriate electric company which serves the subdivision, whether Piedmont Electric or Duke Energy Progress.

9.70.2. Street lights shall be placed at each intersection and at such block spacing as may be required by the public utilities director in accordance with the city's street lighting policies.

9.70.3. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

9.70.4. All entrances and exits in substantial buildings used for nonresidential purposes and in multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

SECTION 9.71 ILLUMINATION LEVELS.

9.71.1. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level), measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

LIGHT LEVEL (foot-candles)			
Type of Lighting	**Minimum**	**Average**	**Maximum**
Architectural Lighting	0.0	1.0	5.0
Canopy Area Lighting	2.0	10.0	15.0
Multi-Family Parking Lot	0.2	1.0	8.0
Nonresidential and Multi-Family Entrances	1.0	5.0	15.0
Nonresidential Parking Lot	0.2	1.5	10.0
Storage Area (Security Lighting)	0.2	1.0	10.0
Vehicle Sales and Display	0.2	3.0	15.0
Walkways, Landscape, or Decorative Lighting	0.2	0.8	5.0

9.71.2. The maximum level of illumination at the outer perimeter of the site or project shall be 0.2 foot-candles when abutting a residential zoning district and 0.5 foot-candles when abutting all other districts and/or streets.

9.71.3. All parking lot light fixtures shall be full cover fixtures.

SECTION 9.72 EXCESSIVE ILLUMINATION.

9.72.1. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this Section 9.72.1.

9.72.2. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

9.72.3. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

9.72.4. Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (i.e., beacons on towers) or shall be permitted as part of a sign in accordance with Article 9, Part III, Sign Regulations.

SECTION 9.73 ELECTRIC POWER.

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. The provision of electrical service shall be in accordance with the policies of either Piedmont Electric or Duke Energy Progress, depending upon the location of the subdivision and its appropriate servicing electric company.

SECTION 9.74 TELEPHONE SERVICE.

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

SECTION 9.75 UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT.

9.75.1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service as determined by the City of Roxboro. The dedication of requisite utility easements and/or the construction of utility facilities may be required, as determined necessary by the City of Roxboro, to accommodate utility service to adjacent or nearby properties.

9.75.2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

SECTION 9.76 RESERVED FOR FUTURE USE.

ARTICLE 9. PERFORMANCE STANDARDS

PART VIII. FLOOD DAMAGE PREVENTION

SECTION 9.77 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of the City of Roxboro, North Carolina, does ordain as follows:

SECTION 9.78 FINDINGS OF FACT.

9.78.1. The flood prone areas within the jurisdiction of the City of Roxboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

9.78.2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION 9.79 STATEMENT OF PURPOSE.

It is the purpose of Article 9, Part VIII to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

9.79.1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

9.79.2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

9.79.3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

9.79.4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

9.79.5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 9.80 OBJECTIVES.

The objectives of Article 9, Part VIII are to:

9.80.1. Protect human life, safety, and health;

9.80.2. Minimize expenditure of public money for costly flood control projects;

9.80.3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.80.4. Minimize prolonged business losses and interruptions;

9.80.5. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

9.80.6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

9.80.7. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

SECTION 9.81 GENERAL PROVISIONS.

9.81.1. Lands to Which this Part Applies.

Article 9, Part VIII shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extraterritorial Jurisdictions (ETJs), of the City of Roxboro and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

9.81.2. Basis for Establishing the Special Flood Hazard Areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Person County and incorporated areas, dated June 4, 2007, which are adopted by reference and declared to be a part of this Ordinance.

The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

9.81.2.1. Generated as a requirement of Section 9.82.3.11 and 9.82.3.12;

9.81.2.2. Preliminary FIRMs where more stringent than the effective FIRM; or

9.81.2.3. Post-disaster Flood Recovery Maps.

In addition, upon annexation to the City of Roxboro or inclusion in the Extraterritorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Person County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this Ordinance.

9.81.3. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 9.81.2 of this Ordinance.

9.81.4. Compliance.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

9.81.5. Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

9.81.6. Interpretation.

In the interpretation and application of this Ordinance, all provisions shall be:

9.81.6.1. Considered as minimum requirements;

9.81.6.2. Liberally construed in favor of the governing body; and

9.81.6.3. Deemed neither to limit nor repeal any other powers granted under State statutes.

9.81.7. Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roxboro or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 9.82 ADMINISTRATION.

9.82.1. Designation of Floodplain Administrator.

The UDO Administrator, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of Article 9, Part VIII.

9.82.2. Floodplain Development Application, Permit and Certification Requirements.

9.82.2.1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

9.82.2.1.1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

- the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.81.2, or a statement that the entire lot is within the Special Flood Hazard Area;

- flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.81.2;

- the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.81.2;

- the Base Flood Elevation (BFE) where provided as set forth in Section 9.81.2; Section 9.82.3; or Section 9.83.4.

- the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

- the certification of the plot plan by a registered land surveyor or professional engineer.

9.82.2.1.2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

- Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and

- Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

9.82.2.1.3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

9.82.2.1.4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

- The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

- Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 9.83.2.4.3 when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

9.82.2.1.5. Usage details of any enclosed areas below the lowest floor.

9.82.2.1.6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

9.82.2.1.7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

9.82.2.1.8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 9.83.2.6 and 9.83.2.7 of this Ordinance are met.

9.82.2.1.9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

9.82.2.2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

9.82.2.2.1. A description of the development to be permitted under the floodplain development permit.

9.82.2.2.2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 9.81.2.

9.82.2.2.3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

9.82.2.2.4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

9.82.2.2.5. All certification submittal requirements with timelines.

9.82.2.2.6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

9.82.2.2.7. The flood openings requirements, if in Zones A, AO, AE or A1-30.

9.82.2.2.8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

9.82.2.3. Certification Requirements.

9.82.2.3.1. Elevation Certificates.

- An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the

seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/ Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

9.82.2.3.2. Floodproofing Certificate. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

9.82.2.3.3. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 9.83.2.3.2.

9.82.2.3.4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

9.82.2.4. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsection 9.82.2.3.1 and 9.82.2.3.2:

9.82.2.4.1. Recreational Vehicles meeting requirements of Section 9.83.2.6;

9.82.2.4.2. Temporary Structures meeting requirements of Section 9.83.2.7; and

9.82.2.4.3. Accessory Structures less than 150 square feet meeting requirements of Section 9.83.2.8.

9.82.3. Duties and Responsibilities of the Floodplain Administrator.
The Floodplain Administrator shall perform, but not be limited to, the following duties:

9.82.3.1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

9.82.3.2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

9.82.3.3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse,

and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

9.82.3.4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

9.82.3.5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.83.5 are met.

9.82.3.6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9.82.2.3.

9.82.3.7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 9.82.2.3.

9.82.3.8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 9.82.2.3.

9.82.3.9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 9.82.2.3 and Section 9.83.2.2.

9.82.3.10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9.82.3.11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 9.81.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 9.83.3.2.2, in order to administer the provisions of this Ordinance.

9.82.3.12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 9.81.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

9.82.3.13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

9.82.3.14. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

9.82.3.15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

9.82.3.16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

9.82.3.17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for 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 floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

9.82.3.18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

9.82.3.19. Follow through with corrective procedures of Section 9.82.4.

9.82.3.20. Review, provide input, and make recommendations for variance requests.

9.82.3.21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.81.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

9.82.3.22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

9.82.4. Corrective Procedures.

Refer to Section 1.6.

9.82.5. Variance Procedures.

9.82.5.1. The Board of Adjustment as established by the City of Roxboro, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of Article 9, Part VIII.

9.82.5.2. Variances may be issued in accordance with Section 4.10.2 for:

9.82.5.2.1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

9.82.5.2.2. Functionally dependent facilities if determined to meet the definition as stated in Appendix A of this Ordinance, provided provisions of Section 9.82.5.9.2, Section 9.82.5.9.3, and Section 9.82.5.9.5 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

9.82.5.2.3. Any other type of development, provided it meets the requirements of this Section.

9.82.5.3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

9.82.5.3.1. The danger that materials may be swept onto other lands to the injury of others;

9.82.5.3.2. The danger to life and property due to flooding or erosion damage;

9.82.5.3.3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

9.82.5.3.4. The importance of the services provided by the proposed facility to the community;

9.82.5.3.5. The necessity to the facility of a waterfront location as defined under Appendix A of this Ordinance as a functionally dependent facility, where applicable;

9.82.5.3.6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

9.82.5.3.7. The compatibility of the proposed use with existing and anticipated development;

9.82.5.3.8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9.82.5.3.9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

9.82.5.3.10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

9.82.5.3.11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

9.82.5.4. A written report addressing each of the above factors shall be submitted with the application for a variance.

9.82.5.5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

9.82.5.6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

9.82.5.7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

9.82.5.8. Conditions for Variances.

9.82.5.8.1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

9.82.5.8.2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

9.82.5.8.3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

9.82.5.8.4. Variances shall only be issued prior to development permit approval.

9.82.5.8.5. Variances shall only be issued upon:

- a showing of good and sufficient cause;
- a determination that failure to grant the variance would result in exceptional hardship; and
- a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.82.5.9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

9.82.5.9.1. The use serves a critical need in the community.

9.82.5.9.2. No feasible location exists for the use outside the Special Flood Hazard Area.

9.82.5.9.3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

9.82.5.9.4. The use complies with all other applicable Federal, State and local laws.

9.82.5.9.5. The City of Roxboro has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.83 PROVISIONS FOR FLOOD HAZARD REDUCTION.

9.83.1. General Standards.

In all Special Flood Hazard Areas, the following provisions are required:

9.83.1.1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

9.83.1.2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

9.83.1.3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

9.83.1.4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

9.83.1.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

9.83.1.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

9.83.1.7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9.83.1.8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

9.83.1.9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

9.83.1.10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 9.82.5.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 9.82.2.3.

9.83.1.11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

9.83.1.12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

9.83.1.13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

9.83.1.14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

9.83.1.15. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

9.83.1.16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

9.83.2. Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 9.81.2, or Section 9.83.3, the following provisions, in addition to the provisions of Section 9.83.1, are required:

9.83.2.1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance.

9.83.2.2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 9.83.6.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 9.82.2.3, along with the operational plan and the inspection and maintenance plan.

9.83.2.3. Manufactured Homes.

9.83.2.3.1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance.

9.83.2.3.2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36)

inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

9.83.2.3.3. All enclosures or skirting below the lowest floor shall meet the requirements of Section 9.83.2.4.

9.83.2.3.4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

9.83.2.4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

9.83.2.4.1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

9.83.2.4.2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

9.83.2.4.3. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;

- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

- Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9.83.2.5. Additions/Improvements.

9.83.2.5.1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.83.2.5.2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

9.83.2.5.3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.83.2.6. Recreational Vehicles. Recreational vehicles shall either:

9.83.2.6.1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

9.83.2.6.2. Meet all the requirements for new construction.

9.83.2.7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

9.83.2.7.1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

9.83.2.7.2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

9.83.2.7.3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

9.83.2.7.4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

9.83.2.7.5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

9.83.2.8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

9.83.2.8.1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

9.83.2.8.2. Accessory structures shall not be temperature-controlled;

9.83.2.8.3. Accessory structures shall be designed to have low flood damage potential;

9.83.2.8.4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

9.83.2.8.5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 9.83.1.1;

9.83.2.8.6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 9.83.1.4; and

9.83.2.8.7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 9.83.2.4.3.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.82.2.3.

9.83.3. Standards for Floodplains Without Established Base Flood Elevations.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.81.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 9.83.1, shall apply:

9.83.3.1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

9.83.3.2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

9.83.3.2.1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 9.83.1 and 9.83.2.

9.83.3.2.2. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 9.83.2 and 9.83.5.

9.83.3.2.3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 9.81.2 and utilized in implementing this ordinance.

9.83.3.2.4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Appendix A. All other applicable provisions of Section 9.83.2 shall also apply.

9.83.4. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

9.83.4.1. Standards of Section 9.83.1 and 9.83.2; and

9.83.4.2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

9.83.5. Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.81.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 9.83.1 and 9.83.2, shall apply to all development within such areas:

9.83.5.1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

9.83.5.1.1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

9.83.5.1.2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

9.83.5.2. If Section 9.83.5.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

9.83.5.3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

9.83.5.3.1. the anchoring and the elevation standards of Section 9.83.2.3; and

9.83.5.3.2. the no encroachment standard of Section 9.83.5.1.

9.83.6. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Section 9.81.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 9.83.1 and 9.83.2, all new construction and substantial improvements shall meet the following requirements:

9.83.6.1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

9.83.6.2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 9.83.6.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 9.82.2.3 and Section 9.83.2.2.

9.83.6.3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 9.84 LEGAL STATUS PROVISIONS.

9.84.1. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance.
This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted May 8, 2007, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Roxboro enacted on May 9, 1995, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for the City of Roxboro is February 12, 1991. The date of the initial Flood Damage Prevention Ordinance for Person County is September 14, 1990.

9.84.2. Effect Upon Outstanding Floodplain Development Permits.
Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

ARTICLE 9. PERFORMANCE STANDARDS

PART IX. STORMWATER CONTROL

SECTION 9.85 GENERAL PROVISIONS.

The owner and/or applicant developer shall comply with all applicable requirements and thresholds established by the NC Department of Environmental Quality (Division of Water Resources and Division of Energy, Mineral, and Land Resources), and the US Army Corps of Engineers, and as adopted by the City in Code of Ordinances, Chapter 53, Falls Lake Watershed, Water Supply Watershed, and NPDES Phase II Stormwater Ordinance for New Development and Illicit Discharge Detection and Elimination Ordinance. All applications for approved stormwater control plans must be submitted to the UDO Administrator who will forward them to the Stormwater Administrator.

PART X. SEDIMENTATION AND EROSION CONTROL

SECTION 9.86 GENERAL PROVISIONS.

All projects greater than one (1) acre are required to comply with the North Carolina Sedimentation and Erosion Control regulations. All required permits must be provided to the City of Roxboro UDO Administrator prior to project approval.

PART XI. WATER SUPPLY WATERSHED PROTECTION AND MANAGEMENT

SECTION 9.87 GENERAL PROVISIONS.

All proposed developments requiring City of Roxboro approval shall comply with the NC Department of Environmental Quality (Division of Water Resources and Division of Energy, Mineral, and Land Resources), and the US Army Corps of Engineers, and as adopted by the City in Code of Ordinances, Chapter 53, Falls Lake Watershed, Water Supply Watershed, and NPDES Phase II Stormwater Ordinance for New Development and Illicit Discharge Detection and Elimination Ordinance.

PART XII CONSTRUCTION SPECIFICATIONS

SECTION 9.88 GENERAL PROVISIONS.

All construction standards for the City should comply with the City of Roxboro Standards and Specifications document.

APPENDIX A.
DEFINITIONS

Section A.1 Purpose A-2
Section A.2 Interpretation A-2
Section A.3 Definitions A-3

APPENDIX A. DEFINITIONS

SECTION A.1 PURPOSE.

For the purposes of this Ordinance, certain words, concept, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

SECTION A.2 INTERPRETATION.

A.2.1. As used in this Ordinance, words importing the masculine gender include the feminine and neuter.

A.2.2. Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.

A.2.3. Words used in the present tense include future tense.

A.2.4. The word "person" includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.

A.2.5. The words "may" and "should" are permissive.

A.2.6. The words "shall" and "will" are always mandatory and not merely directive.

A.2.7. The word "used for" shall include the meaning "designed for."

A.2.8. The words "used" or "occupied" shall mean "intended, designed, and arranged to be used or occupied."

A.2.9. The word "lot" shall include the words "plot," "parcel," "site," and "premises."

A.2.10. The word "structure" shall include the word "building."

A.2.11. The word "street" includes the word "alley," "road," "cul-de-sac," "highway," or "thoroughfare," whether designated as public or private.

A.2.12. The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

A.2.13. The word "UDO Administrator" shall mean the UDO Administrator or his/her designee.

A.2.14. The words "Planning Board" shall mean the "City of Roxboro Planning Board."

A.2.15. The word "City" shall mean the "City of Roxboro," a municipality of the State of North Carolina.

A.2.16. The words "map," and "zoning map" shall mean the "Official Zoning Map for the City of Roxboro, North Carolina."

A.2.17. The words "Board of Adjustment" shall mean the "City of Roxboro Board of Adjustment."

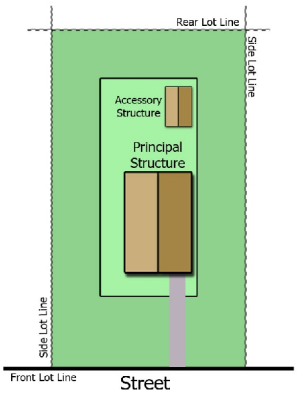
SECTION A.3 DEFINITIONS.

A

Abutting
Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

Access
A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.



APPENDIX A. DEFINITIONS

Accessory Use

Whenever an activity (which may or may not be separately listed as a principal use in this ordinance) is conducted in conjunction with another principal use and the former use: (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For the purpose of interpreting the above:

(1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,

(2) To be "commonly associates" with a principal use it is not necessary for an accessory use to be connected with such principal use more often than not, but only that the association of such use takes place with sufficient frequency that there is common acceptance of their relatedness.

Administrative Approval

Approval that the UDO Administrator or designee is authorized to grant after Administrative Review.

Administrative Review

Non-discretionary evaluation of an application by the UDO Administrator or designee. This process is not subject to a public hearing.

Appeal

A request for a review of the UDO Administrator's interpretation of any provision of this Ordinance.

Appraised Valuation

Either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

Art, Work of

All forms of original creations of visual art including but not limited to: sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic; painting, whether portable or permanently fixed, as in the case of murals; mosiacs; photographs; crafts made from clay, fiber and textiles, wood, glass, metal, plastics, or any other material, or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural stylings or embellishments, including architectural crafts;

environmental landscaping; or restoration and renovation of existing works of art of historical significance. Signs are not considered artwork.

Artisan's Workshop

An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. An artisan's workshop includes an establishment that is engaged in the low-impact manufacturing, assembly, repair, or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include contractors and building maintenance services and similar uses that perform services off-site, low-impact clothing or textile manufacturing, commercial bakery, food service contractor, movie production facility, printing, publishing, lithography, sign-making, welding, woodworking, arts-based (culinary, dance, art, music, photography) classroom, and other similar uses.

Assisted Living Residence

Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. There are three types of assisted living residences: adult care homes, adult care homes that serve only elderly persons, and multi-unit assisted housing with services. As used in this definition, "elderly person" means: (i) any person who has attained the age of 55 years or older and requires assistance with activities of daily living, housing, and services; or (ii) any adult who has a primary diagnosis of Alzheimer's disease or other form of dementia who requires assistance with activities of daily living, housing, and services provided by a licensed Alzheimer's and dementia care unit.

(1) ***Adult Care Home.*** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes include halfway houses and drug rehab facilities.

(2) ***Multi-Unit Assisted Housing with Services.*** An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or other compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care.

B

Bar

Any establishment wherein alcoholic beverages are sold at retail for consumption on the premises and from where minors are excluded by law. This definition does not include premises where alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 25% of gross receipts.

Battery Charging Station

An electrical component assembly or cluster or component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed federal, state, and/or local requirements.

Battery Exchange Station

A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds federal, state, and/or local requirements.

Bed and Breakfast

A type of, but a use separate from, that of home occupations. Bed and breakfasts are a form of guest lodging in which bedrooms are rented and breakfast is served. The term is intended to describe the offerings of temporary lodging in a private home, rather than the provision of food

service or the offering of facilities for long-term occupancy. The only functions permitted are the renting of guest rooms and serving of breakfasts.

Best Management Practice (BMP)

A practice, or combination of practices, that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Boarding House

A residential use consisting of at least one (1) dwelling unit together with two (2) or more rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Board of Adjustment

A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the UDO Administrator and to consider requests for variances from the terms of the Unified Development Ordinance.

Bona Fide Farm

Land being used for farm purposes as defined by NCGS 160A-360(k). Proof that property functions as a farm includes the following: (1) a farm sales tax exemption certificate; (2) a copy of the property tax listing showing that the farm qualifies for the present-use-value property taxation that applies to agricultural, horticultural, and forestry uses; (3) a copy of the farm operator's federal income tax form that demonstrates farm activity; (4) a forestry management plan; or (5) a farm identification number issued by the US Department of Agriculture.

Buffer

A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walls, or fences in accordance with the provisions of Article 9, Part I.

Building

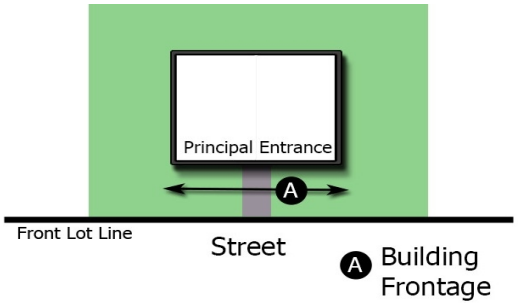
A structure designed to be used as a place of occupancy, storage, or shelter in compliance with district regulations. Also see Structure.

APPENDIX A. DEFINITIONS

Building, Accessory

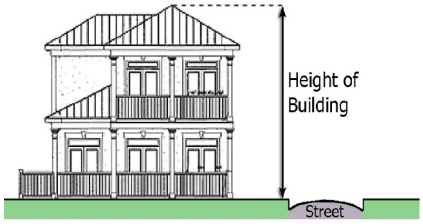
See Accessory Structure (Appurtenant Structure).

Building Frontage



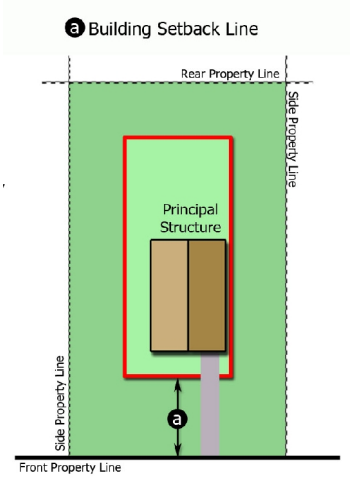
Building frontage shall mean the horizontal length of a building on the side with its principal entrance. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from the corner to the corner; where the side of the building is convex or has one or more sections that project in front of the front corners, then the measurements shall be made as the shortest distance between two lines project from the two front corners of the building, with such lines parallel to each other and as close as practical to perpendicular to the front of the building.

Building Height



The vertical distance measured from the average, proposed finished grade around a building to the highest point of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line



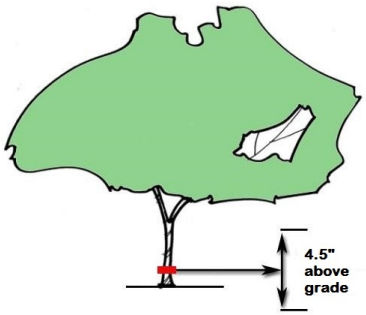
A line establishing the minimum allowable distance between the nearest portions of any building, excluding steps, gutters, chimneys, and similar fixtures, and the boundary of the parcel on which the principal building is situated.

Building, Principal

The building in which the principal use conducted on a lot is situated.

APPENDIX A. DEFINITIONS

C



Caliper
The measurement of the diameter of a tree trunk. Measurement shall be taken four and a half (4.5) inches above grade.

Cane
The slender, strong but often flexible stem of a shrub.

Carport
A roofed structure not more than 75% enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

Car Shelter
An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, on movable framing for the shade and shelter of one or two private passenger vehicles.

Cemetery
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Occupancy
Official certification that a premises conforms to provisions of the Zoning Code and Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

Certify
Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency

when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

Certiorari, Nature of

The review of the record of a case (minutes of a hearing) by a court for the issuance of a ruling to a board having some judicial power.

Child Care

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

Child Care Facility

Includes child care centers, family child care homes, and any other child care arrangement not excluded by NCGS 110-86 (2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

(1) ***Child Care Center.*** An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

(2) ***Small Child Care Center.*** Small centers in a residence that are licensed for six to twelve children which may keep up to three additional school age children, depending upon the ages of other children in care. When the group has children of different ages, staff-child ratios and group size must be met for the youngest child in the group.

(3) ***Family Child Care Home.*** A child care arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care.

Circulation Area

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

APPENDIX A. DEFINITIONS

City
The City of Roxboro

City Council
The City Council of the City of Roxboro.

Clinic
An institution connected with a hospital used for the treatment of outpatients.

Clubs and Lodges
An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a nonprofit basis for the benefit of its members.

Commercial Greenhouses and Nurseries
Establishments primarily engaged in the production of ornamental plants and other nursery products such as bulbs, flowers, shrubbery, flower and vegetable seeds and plants, agricultural plants and sod. Such products may be grown under cover or outdoors.

Community Garden
A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, but not for commercial sale.

Common Areas
All portions of the land, property and space of a condominium or multi-family townhouse development not individually owned that exist for the common use or enjoyment of the individual owners of the dwellings units in a condominium or multi-family townhouse development.

Community Center
A publicly owned and operated facility used for the recreation, social, educational and for cultural activities.

Competent Evidence
NC General Statutes require that the rules of evidence as applied in the trial division of the General Court of Justice ordinarily be followed but adds the important exception that "when evidence is not reasonably available under such rules to show relevant facts, they may be shown by the most reliable and substantial evidence available." The Board just limit itself to the type of evidence that

ought to be admissible before local administrative agencies generally. The term “competent” is essentially a synonym for “admissible before a local board.”

Conditional Use

A conditional use may be permitted upon the approval of the Roxboro Board of Adjustment in accordance with this ordinance. It shall be the duty of the Board of Adjustment to hold a public hearing in regard to any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board of Adjustment shall evaluate the effect of the proposed conditional use on the surrounding property and the existing road system. Prior to granting approval for the establishment of such conditional uses, the Board of Adjustment shall impose such limitations on the location, arrangement and operation of such uses as they deem advisable to achieve the objectives set forth in the purpose statement of this ordinance.

Condominium

A building, or group of buildings, in which dwelling units are owned individually, and the building or group of buildings and their facilities are owned by all the owners on a proportional, undivided basis.

Connectivity Ratio

The number of streets links divided by the number of nodes or link ends, including cul-de-sac heads. A LINK means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A NODE refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this Ordinance, an INTERSECTION shall be defined as:

(1) Any curve or bend of a street that fails to meet the minimum curve radius as established by the North Carolina Department of Transportation, Division of Highways design and minimum construction standards, or

(2) Any location where street names change (as reviewed and approved by the UDO Administrator).

Convenience Store

A one-story, retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed

to attract and depends upon a large volume of "stop and go" traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11" and "Pantry" chains.

Cost

Cost of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement. The "cost" of renovation or repair or replacement shall also mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection 8.4.1 or 8.4.2 by doing such work incrementally.

D

Day Care Facility, Adult

The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

Developer

A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dimensional Nonconformity

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Distillery

A distillery as permitted by NCGS is an enterprise which engages in one or more of the following:

(1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor;

(2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at

wholesale or retail to private or public agencies or establishments of other states or nations;

(3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

Drawings, Construction

Drawings utilized during construction prepared by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina.

Drawings, As-Built

Engineering plans prepared after the completion of construction, by the engineer by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, gutters, and sidewalks.

Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dwellings

A building or portion of a building designated or used for housekeeping purposes.

Dwelling, Multi-family

A building used as a residence for three or more families, each housekeeping separately.

Dwelling, Single-family

A detached building used as a residence for one family.

Dwelling, Townhouse Development

A multi-family resident use of 3 or more dwelling units in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Two-family

A building used as a residence by two families, each housekeeping separately.

APPENDIX A. DEFINITIONS

E

Easement
A grant by the property owner for use, by the public, a corporation, or a person(s), of a strip of land for a specified use.

Effective Date of This Ordinance
Whenever the effective date of this ordinance is referred to, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.

Electric Vehicle
Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for energy purpose. Electric vehicle includes: (1) a battery powered electric vehicle; and (2) a plug-in hybrid electric vehicle.

Electric Vehicle Charging Station
A public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.

Electric Vehicle Parking Space
Any marked parking space that identifies the use to be exclusively for an electric vehicle.

Energy Generating Facility
A facility that uses a variety of sources and/or products for the production of power. Energy facilities may include, but are not limited to: petroleum; methane; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Ex Parte
A Latin legal term meaning "from (by or for) [the/a] party". An *ex parte* decision is one decided by a judge without requiring all of the parties to the controversy to be present.

APPENDIX A. DEFINITIONS

Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated costs of the proposed project, and (ii) the ordinary business practices of the developer or business or project.

Extraterritorial Planning Area

That portion of the city's planning jurisdiction that lies outside the corporate limits of the city.

F

Family

One or more persons living as an independent housekeeping unit not including individual occupants of rooming houses, boarding houses, fraternities or sororities.

Family Care Home

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

Family Foster Home

The private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship, or adoption.

Farm, Craft, Produce Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

APPENDIX A. DEFINITIONS

Farm Stand

A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Flood Damage Prevention Definitions

(1) ***Addition (to an existing building)*** means an extension or increase in the floor area or height of a building or structure.

(2) ***Appeal*** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

(3) ***Area of Shallow Flooding*** means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(4) ***Area of Special Flood Hazard*** see Special Flood Hazard Area (SFHA).

(5) ***Base Flood*** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

(6) ***Base Flood Elevation (BFE)*** means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."

(7) ***Basement*** means any area of the building having its floor subgrade (below ground level) on all sides.

(8) ***Building*** see "Structure."

(9) ***Chemical Storage Facility*** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

(10) ***Development*** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(11) ***Disposal*** as defined in NCGS 130A-290(a)(6) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

(12) ***Elevated Building*** means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(13) ***Encroachment*** means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

(14) ***Existing Manufactured Home Park or Manufactured Home Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

(15) ***Flood or Flooding*** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; and/or
(b) the unusual and rapid accumulation or runoff of surface waters from any source.

(16) ***Flood Boundary and Floodway Map (FBFM)*** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

(17) ***Flood Hazard Boundary Map (FHBM)*** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

(18) ***Flood Insurance*** means the insurance coverage provided under the National Flood Insurance Program.

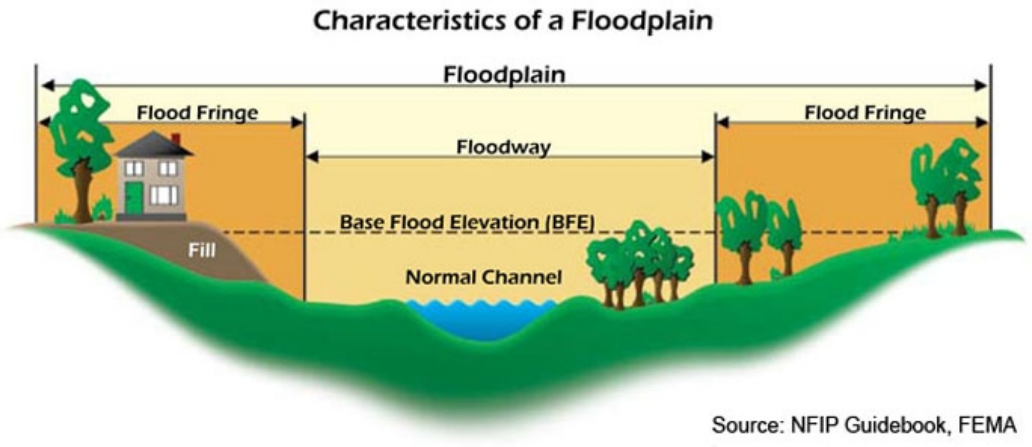
(19) ***Flood Insurance Rate Map (FIRM)*** means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

(20) ***Flood Insurance Study (FIS)*** means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

(21) ***Flood Prone Area*** see "Floodplain."

(22) ***Flood Zone*** means a geographical area shown on a Flood Hazard Boundary Map or lood Insurance Rate Map that reflects the severity or type of flooding in the area.

(23) ***Floodplain*** means any land area susceptible to being inundated by water from any source.



(24) ***Floodplain Administrator*** means the individual appointed to administer and enforce the floodplain management regulations.

(25) ***Floodplain Development Permit*** means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

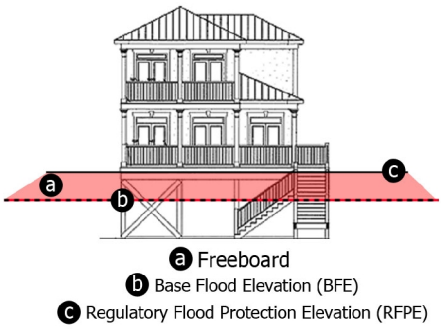
(26) ***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(27) ***Floodplain Management Regulations*** means Article 9, Part VIII of this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

(28) ***Floodproofing*** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

(29) ***Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(30) ***Freeboard*** means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation."



(31) ***Functionally Dependent Facility*** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

(32) ***Hazardous Waste Management Facility*** as defined in NCGS 130A, Article 9 means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

(33) ***Highest Adjacent Grade (HAG)*** means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

(34) ***Historic Structure*** means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or

(d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

(35) ***Lowest Adjacent Grade (LAG)*** means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

(36) ***Lowest Floor*** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(37) ***Market Value*** means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

(38) ***Mean Sea Level*** means the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

(39) ***New Construction*** refers to structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

(40) ***Non-Encroachment Area*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

(41) ***Post-FIRM*** refers to construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

(42) ***Pre-FIRM*** refers to construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

(43) ***Principally Above Ground*** means that at least 51% of the actual cash value of the structure is above ground.

(44) ***Public Safety and/or Nuisance*** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

(45) ***Recreational Vehicle (RV)*** means a vehicle, which is:

(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

(46) ***Reference Level*** means the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

(47) ***Regulatory Flood Protection Elevation*** means the "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be a least two (2) feet above the highest adjacent grade.

(48) ***Remedy a Violation*** means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

(49) ***Riverine*** is relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(50) ***Salvage Yard*** means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

(51) ***Solid Waste Disposal Facility*** means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

(52) ***Solid Waste Disposal Site*** as defined in NCGS 130A-290(a)(36) means any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

(53) ***Special Flood Hazard Area (SFHA)*** means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9.81.2 of this ordinance.

(54) ***Start of Construction*** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

(55) ***Structure*** means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

(56) ***Substantial Damage*** means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(57) ***Substantial Improvement*** means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(58) ***Violation*** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

(59) ***Water Surface Elevation (WSE)*** means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

(60) ***Watercourse*** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Forestland

Land that is devoted to growing trees for the production of timber, wood, and other forest products.

Forestry

The professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

Forestry Activity

Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

G

Gameroom

A use providing video games or other games for playing for amusement and recreation. Any table games such as air hockey, football, pinball, or the like shall be included under this definition. More than three (3) such games shall constitute a primary use and shall be allowed only in those zoning districts permitting gamerooms as a listed permitted use or by a conditional use permit. Three (3) or fewer such games shall constitute an accessory use and may be permitted in any licensed retail business.

General Business Office

A room, group of rooms, or building whose primary use is the conduct of a business that is non-retail or wholesale in nature; including administrative, record keeping, clerical and similar functions. This definition is not meant to include manufacture, processing, repair or storage of materials or products.

Granny Pod/Temporary Health Care Structure

A temporary structure that will house a single mentally or physically impaired person in accordance with NCGS 160A-383.5. The statute defines these to be North Carolina residents who require assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation, transferring, toileting, and eating). The impairment must be certified in writing by a physician licensed in North Carolina.

APPENDIX A. DEFINITIONS

Gross Floor Area

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

H

Hazardous Material

Any material defined as a hazardous substance under 29 Code of Federal Regulations §1910.120(a)(3).

Health Spa

A profit-making business or a private club as opposed to YMCA. Spa would include such activities as weight lifting, exercising, steam room, whirlpool, sauna, and possibly other gymnastics.

Home Occupation

A commercial activity that is conducted by a person on the same lot where such person resides, and can be conducted without any significantly adverse impact on the surrounding neighborhood. Under this definition, a home occupation shall be regarded as having a significantly adverse impact on the surrounding neighborhood if there is:

(1) A perceivable noise, odor, smoke, glare, electrical interference, or vibration emanating from the home occupation,

(2) Outdoor storage of materials or equipment or display of goods, stock in trade, or other commodities,

(3) On-premise retail or wholesale sales except for catalog and electronic (i.e., via telephone, facsimile, internet, etc.) business orders. Said orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and sent from the premises to fulfill catalog or electronic business orders.

(4) More than one full time person working more than 40 hours per week or persons working an equivalent number of hours per week, who are not residents of the premises employed in connection with the purported home occupation,

(5) More than twenty-five (25%) percent of the total gross floor area of the residential buildings plus other building housing the purported home occupation, or more than 750 square feet of gross floor area (whichever is less), is used for home occupation purposes,

(6) Traffic generated by the home occupation that exceeds what would normally be expected in residential neighborhood.

(7) Exterior indication of the home occupation or other variation from the residential character of the building(s)/property.

Hotel or Motel

A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where:

(1) Sleeping accommodations are supplied for pay to transient or permanent guests or tenants;

(2) Rooms are furnished for the accommodation of such guests; and

(3) May have one or more dining rooms, restaurants, or cafes where meals are served.

I

Inoperable Vehicle

Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperable.

Institutionalized Persons

Persons who are committed through some legal process (jail, hospital ward for the dangerously mentally ill), or persons committed to an institution, such as a halfway house, on a time-of-day basis.

J

Junkyard

An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for maintenance or operation of a used car junkyard and shall include sanitary landfills. The open storage of one (1) or more wrecked or inoperable vehicles or parts of one (1) or more vehicles for ten (10) days or more shall be deemed a junkyard. An unlicensed vehicle stored for ten (10) days or more shall be deemed an inoperable vehicle.

K

Kennel

A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), (ii) engages in the breeding of animals for sale, or (iii) engages in the training or breeding of animals.

L

Landowner

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this Ordinance.

Loading and Unloading Area

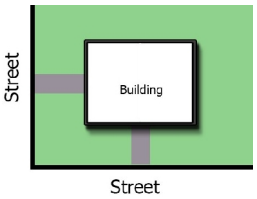
That portion of the vehicle accommodation area used to satisfy the requirements of Article 9, Part II.

Lot

A parcel of land in single ownership, which has been, recorded as one or more lots on a subdivision plat or by a metes and bounds description and which meets the minimum requirements set forth in this ordinance.

Lot, Corner

A lot abutting upon two or more streets at their intersection.

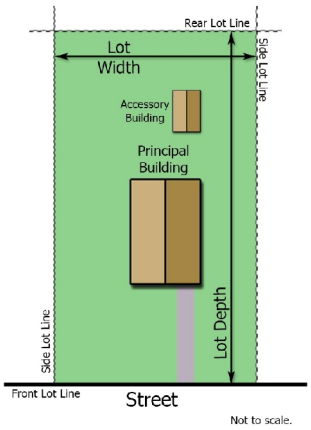


Lot Depth

The average horizontal distance between the front and rear property lines of a lot.

Lot Width

The horizontal distance between the side property lines of a lot, measured at the rear of the required front yard.



M

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home, Class A

A dwelling unit constructed with one (1) or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code, as amended.

Manufactured Home, Class B

A dwelling unit that:

(1) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code, as amended; and

(2) Is composed of two (2) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site; and

(3) Meets or exceeds the construction standards of the US Department of Housing and Urban Development; and

(4) Conforms to the following appearance criteria:

- The manufactured home has a minimum width, as assembled on the site, of fourteen (14) feet;
- The pitch of the manufactured home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
- The exterior siding of the manufactured home is of a color, material, and scale comparable with those in the immediate vicinity, and in no case does the degree of reflectivity of the exterior finish exceed that of gloss white paint;
- A continuous, permanent masonry or corrosive-resistant, nonreflective curtain wall, unpierced except for required ventilation and access is installed under the manufactured home; and

- The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home, Class C

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home but which, at a minimum, exceeds thirty-two (32) feet in length and eight (8) feet in width. Manufactured homes that do not meet the definitional criteria of Class A, B, or C manufactured homes are classified as travel trailers (see Travel Trailer definition).

Manufactured Home Park

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Microbrewery

A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise.

Mixed Use

The Mixed Use option is provided to allow flexibility in development requirements such as setbacks, density, permitted uses, etc., to accommodate the unique physical, economic, design, or other characteristics of a development without compromising the essential standards needed for the protection of the public interest. In Mixed Use developments, the primary use of land is a mix of residential and small-scale commercial uses such as retail, office, service, and entertainment establishments. A mix of permitted uses is allowed within the same building or on the same lot or as separate uses on individual parcels. This development pattern is characterized by overlapping patterns of use and activities, and clearly defined, human scale external spaces, where citizens can live, conduct business, and meet freely with others.

Modular Home

A dwelling unit which is constructed off-site and when assembled at a permanent site complies fully with the North Carolina State Building Code.

N

Night Club

An establishment dispensing liquor [aka alcohol] and meals and in which music, dancing or entertainment is conducted.

Nonconforming Lot

A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project

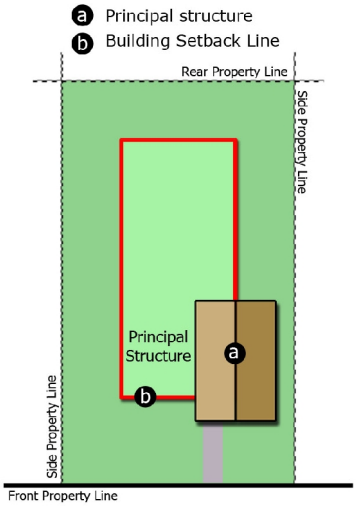
Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign

A sign that, on the effective date of this ordinance does not conform to one or more of the regulations set forth in this ordinance applicable to signs.

Nonconforming Situation

A situation that occurs when, on the effective date of this ordinance, an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, because signs do not meet the requirements of this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.



Nonconforming Use

A nonconforming use that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

Nursing Home

A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

O

Office

Quarters maintained by individuals or corporation for the purpose of offering services in which no goods or merchandise are sold or displayed over the counter.

Official Maps and Plans

Any maps or plans officially adopted by the City Council as a guide for the future development and growth of the City and the area immediately adjacent to it. Such maps or plans may consist of maps, charts, and text.

Open Air Storage

An unroofed area for the storage of (bulk) materials or discarded items whether fenced or not, but not including items and materials openly displayed for the purpose of retail sales.

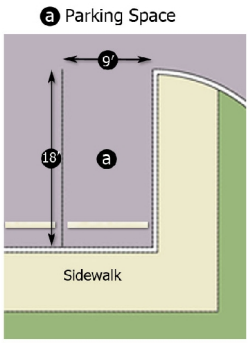
Open Space

An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

APPENDIX A. DEFINITIONS

P

Parking Area Aisles
That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.



Parking Space
A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Person
An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Phased Development Plan
A plan which has been submitted to the city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site specific development plan.

Photovoltaic Power
An active solar energy system that converts solar energy directly into electricity.

Planned Unit Development
A development constructed on a tract of at least twenty-five (25) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and non-residential uses on land with a PUD district. Once PUD zoning is established, the specific PUD development will be approved as a special use and is listed as such in the Table of Uses and Activities. All uses allowed in the PUD will be special uses and will include the uses allowed in the following zoning districts: R-12, R-8, R-6, B-2, O/I, and I-1.

Planning Board
The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

Professional Office

Any building or portion thereof, used for or intended to be used only as an office for a surveyor, architect, engineer, land surveyor, real estate broker contractor, accountant, physician, surgeon, chiropractor, dentist, orthodontist, physical therapist, insurance agent, and other similar professions.

Property

All real property subject to zoning regulations and restrictions and zone boundaries by the city.

Q

Quasi-Judicial Decisions

Those decisions that require the finding of facts and the application of standards that involve judgment and discretion. Examples include special use permits and variances.

R

Reasonable Accommodations

Accommodations held to be reasonable include conversion of a motel to a shelter and a variance from setback requirements. A total exclusion of all nursing home facilities and assisted living residences from a residential district has been held to be a failure to make reasonable accommodations.

Renewable Energy Resource

A solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a biomass resource, including agricultural waste, animal waste, wood waste, spent pulping liquors, combustible residues, combustible liquids, combustible gases, energy crops, or landfill methane; waste heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy at a retail electric customer's facility; or hydrogen derived from a renewable energy resource. "Renewable energy resource" does not include peat, a fossil fuel, or nuclear energy resource.

Residential Child-Care Facility

A staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care, but not family care homes.

Right-of-way

The term "right-of-way" for land platting purposes, shall mean that each street or road right-of-way hereafter established and shown on a final plat is to be SEPARATE AND DISTINCT from the lots or parcels of land adjoining such street or road right-of-way and not included within area requirements for such lots or parcels.

Roominghouse

See Boardinghouse.

S

Self Service Storage Facility (or Mini-Warehouse)

A structure containing separate, individual, and private storage spaces of varying size, lease d or rented on individual leases for varying periods of time. Said spaces shall not be utilized for the storage of flammable or hazardous chemicals or explosives.

Setback

The required distance between every structure and the lot lines of the lot on which it is located.

Sexually Oriented Business Definitions

(1) ***Adult Arcade*** means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) ***Adult Bookstore, Adult Novelty Store or Adult Video Store*** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides, or other visual representations which are characterized by the depiction or

description of "specified sexual activities" or " specified anatomical areas"; or

(b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) ***Adult Cabaret*** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) persons who appear in a state of nudity or semi-nude; or

(b) live performances which are characterized by the exposure of "specified anatomical areas" or by " specified sexual activities"; or

(c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area."

(4) ***Adult Motel*** means a hotel, motel or similar commercial establishment which:

(a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less that ten (10) hours.

(5) ***Adult Motion Picture Theater*** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) ***Adult Theater*** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) ***Employee*** means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(8) ***Escort*** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) ***Escort Agency*** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(10) ***Establishment*** means and includes any of the following:

(a) the opening or commencement of any sexually oriented business as a new business;

(b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(c) the additions of any sexually oriented business to any other existing sexually oriented business; or

(d) the relocation of any sexually oriented business.

(11) ***Licensee*** means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in sexually oriented business.

(12) ***Nude Model Studio*** means any place where a person who appears semi-nude, in a state of nudity, or who "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(b) where in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) where no more than one nude or semi-nude model is on the premises at any one time.

(13) ***Nudity or a State of Nudity*** means the showing of the human male or female genitals, pubic area, vulva, anus anal cleft or cleavage with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(14) ***Person*** means individual, proprietorship, partnership, corporation, association, or other legal entity.

(15) ***Sadomasochism Center*** means a business or commercial enterprise wherein the practice of flagellation, torture or fettering is used or administered to an individual either by an employee of the establishment or a patron of the establishment.

(16) ***Semi-nude or in a Semi-nude Condition*** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(17) ***Sexual Encounter Center*** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
(b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(18) ***Sexually Oriented Business*** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(19) ***Specified Anatomical Areas*** means:

(a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
(b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(20) ***Specified Criminal Activity*** mean any of the following offenses:

(a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness;

indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(b) for which:

- less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
- less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- less than five years have elapsed since the date of last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring with 24-month period.

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with applicant.

(21) ***Specified Sexual Activities*** means any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

(22) ***Substantial Enlargement*** of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

(23) ***Transfer of Ownership or Control*** of a sexually oriented business means and includes any of the following:

(a) the sale, lease, or sublease of the business;

(b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Shadow Flicker

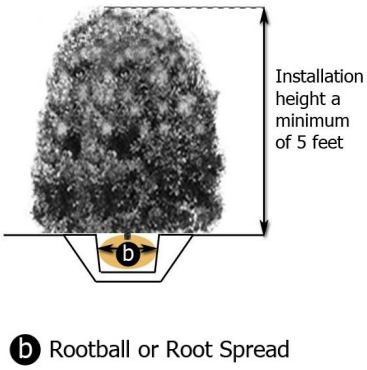
The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Shopping Center

A building or group of buildings totaling thirty-five thousand (35,000) square feet or more of gross floor area, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. There must be a minimum of four (4) stores.

Shrub, Intermediate

Deciduous or evergreen plants installed at a minimum height of 36 inches, a minimum of 5 canes, and a minimum spread of roots or rootball diameter of 14 inches.



Shrub, Large

Deciduous and/or evergreen plants, as required in the applicable sections, installed at a minimum height of 5-feet, a minimum of 6 canes, and a minimum spread of roots or rootball diameter of 24-inches. Large shrubs shall be maintained at a height of 6 to 10 feet, and shall be of a vegetation family which normally does not grow taller than 10 feet.

APPENDIX A. DEFINITIONS

Sign Regulations Definitions

(1) ***Animation*** means the movement, or optical illusion of movement of any part of the sign. Also included in this definition are signs having chasing action which is the action of a row of lights commonly used to create the appearance of motion. Automatic changeable copy boards are permitted provided that there is no running action to copy and provided that the copy does not change more than once every one minute. No flashing, revolving, or intermittent illuminating shall be employed.

(2) ***Beacon*** means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source. Also, any light with one or more beams that rotate or move.

(3) ***Billboard*** means an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

(4) ***Copy*** means any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface.

(5) ***Parapet*** means the extension of a false front or a false wall above the roofline.

(6) ***Roof Line.*** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

(7) ***Sign*** means a name, identification, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an institution, organization, or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered a sign.

(8) ***Sign, Accessory*** means an advertising device used to disseminate information concerning the particular use of the lot upon which it is located.

(9) ***Sign, Animated*** means any sign that utilizes movement, the illusion of movement, change of lighting, change of copy, or other means to depict action or create a special effect.

(9) ***Sign, Area*** means (1) the space enclosed within the extreme edges of the sign for each sign face, as computed in Section 9.23.7, not including the supporting structure, or (2) where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

(10) ***Sign, Canopy or Awning*** means any sign that is a part of or attached to an awning, canopy, or other structural protective covering above a door, entrance, window, or walkway.

(11) ***Sign, Column/Pole*** means a freestanding sign supported by one or more columns or poles or other similar support.

(12) ***Sign, Construction*** means a sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier or others involved in the development of the project.

(13) ***Sign, Face*** means the entire display surface area of a sign upon, against, or through which copy is placed.

(14) ***Sign, Feather Flag*** means a freestanding temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

(15) ***Sign, Flag.*** A device generally made of flexible material, usually cloth, paper or plastic, typically used as a symbol of a government, school, or religion. The term "Flag" does not include feather flag signs.

(13) ***Sign, Freestanding*** means a sign that (i) is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but (ii) is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign.

(23) ***Sign, Ground-mounted*** means a freestanding sign, supported by a contiguous structural base or planter box that is permanently affixed to the ground.

(24) ***Sign, Height Of*** means the vertical distance measured from the ground to the top of the sign face or sign structure, whichever is greater.

(25) ***Sign, Independent*** means an advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

(26) ***Sign, Kinetic*** means a wall-mounted computer-programmable lighting system that displays changing and moving colors.

(27) ***Sign, Message Board*** means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. This definition does not include menu and sandwich board signs.

(28) ***Sign, Monument*** means any sign permanently attached to the ground and not attached to any building advertising multiple tenants, multiple uses, multiple buildings or multiple parcels. The design of the monument sign is to advertise multiple offerings in the building, group of buildings, or development area. Individual business within multi-tenant facilities are not permitted freestanding signs and shall have their signage located on a monument sign.

(29) ***Sign, Non-Conforming*** means a sign which was legally erected prior to the effective date of this Ordinance, but which does not conform to these regulations.

(30) ***Sign, Portable*** means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported.

(31) ***Sign, Projecting*** means any sign, other than a wall, awning, canopy or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

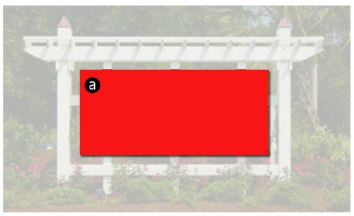
(32) ***Sign, Roof.*** Any sign erected, constructed, or maintained upon or over the roof of a building, or extending above the highest wall of the building, and having its principal support on the roof or walls of the building.

(33) ***Sign, Snipe*** means a sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or to other objects.

(34) ***Sign, Structure*** means any structure that is built to support, supports, or has supported a sign.

(35) ***Sign, Subdivision*** means a sign identifying a recognized residential subdivision, condominium complex, or residential development.

(36) ***Sign, Surface Area*** in determining the size of an advertising sign the surface area of said sign shall be measured. The surface area of the sign shall encompass the copy area, which is actually utilized for advertising. Such an area shall be measured as the area of the smallest rectangle, triangle, circle, or combination thereof, which would completely enclose the copy area.



a Sign, Surface Area

(37) ***Sign, Temporary*** means a sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a

period of not more than fifteen (15) calendar days prior to and/or following the associated circumstance, situation, or event.

(38) ***Sign, Vehicle*** means a sign attached to, mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

(39) ***Sign, Wall*** means any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than eighteen (18) inches from the wall.

(40) ***Sign, Window*** means any sign appearing in, on or through a window of a structure and visible from outside. The term window sign shall not be used to define a window display.

Site Built Building
A building constructed at the location where it is to be used. Not intended or designed to be moved and fully complies with the North Carolina State Building Code.

Site Plan
A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and, depending on requirements, the location of proposed utility lines.

Site Plan, Major
All site plans not meeting the requirements for a minor site plan.

Site Plan, Minor
Includes the following:

- Buildings or additions with an aggregate enclosed square footage of less than 7,000 square feet;
- Buildings or additions involving land disturbance of less than one (1) acre;

- Multi-family development involving less than ten (10) dwelling units;
- Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area;
- Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance;
- Accessory uses which comply with the requirements of this Ordinance; and
- Site plans which do not require a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance.
- Sites plans which do not require easement dedication or street construction.

Social Club
See Night Club.

Solar Collector (Accessory)
Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy
Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System
A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

Solar Farm
An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.

Special Events
Circuses, fairs, carnivals, festivals or other types of special events that (i) run for longer than 1 day but not longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are different from the customary or usual activities generally associated with the property where the special event is to be located.

APPENDIX A. DEFINITIONS

Standing

The following persons shall have standing to file a petition or appeal under this Ordinance:

(1) Any person meeting any of the following criteria:

(a) Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.

(b) Has an option or contract to purchase the property that is the subject of the decision being appealed.

(c) Was an applicant before the decision-making board whose decision is being appealed.

(2) Any other person who will suffer special damages as the result of the decision being appealed.

(3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(4) A city whose decision-making board has made a decision that the Council believes improperly grants a variance or is otherwise inconsistent with the proper interpretation of an ordinance adopted by the City Council.

Street

A dedicated and accepted public right-of-way for vehicular traffic.

Streets (Residential)

All streets, roads and traveled rights-of-way used for vehicular traffic other than those indicated as thoroughfares.

APPENDIX A. DEFINITIONS

Streets, Types of

(1) ***Principal Arterials*** are roadways which serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas.

(2) ***Minor Arterials*** provide service for trips of moderate length, serve geographic areas that are smaller than their higher Arterial counterparts and offer connectivity to the higher Arterial system.

(3) ***Collector Streets*** serve a critical role in the roadway network by gathering traffic from Local Roads and funneling them to the Arterial network. Collectors are broken down into Major Collectors and Minor Collectors. Generally, Major Collectors are longer in length; have lower connecting driveway densities; have higher speed limits; are spaced at greater intervals; have higher annual traffic volumes; and may have more travel lanes than their Minor Collector counterparts.

(4) ***Local Roads*** are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land.

Streetyard

The area extending the full lot width or length and situated between the street lot line and a side of the principal building, which is parallel to, or most nearly parallel to, the street lot line.

Structure

Anything erected or constructed which has a relatively permanent ground location, or is attached to something, which has a relatively permanent ground location. The term "structure" applies to mobile homes, trailers, buildings, fences, walls, and signs.

Subdivider (Developer)

Any person, firm, or corporation who subdivides or develops land deemed as a subdivision as defined herein.

Subdivision

All divisions of a tract or a parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance:

(1) The combination or recombination of portions or previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in these regulations;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening of streets or for public transportation system corridors; and

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.

Subdivision, Major

Any subdivision other than a minor subdivision.

Subdivision, Minor

A subdivision that does not involve any of the following: (i) the creation of more than a total of five (5) lots; (ii) the creation of any new public streets; (iii) the extension of a public water or sewer system; or (iv) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

T

Temporary Emergency, Construction or Repair Residence

A subordinate residence (which may be a Class B manufactured home, travel trailer) that is: located on the same lot as a single-family dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

Temporary Storage Facility (Portable Storage Units)

Any container intended for storing or keeping household goods, other personal property or business related goods intended to be filled, refilled, or emptied while located outdoors and later removed from the property for storage or disposal off-site. Temporary storage facilities are sometimes also known as portable storage units or portable storage containers.

Therapeutic Foster Home

A family foster home where, in addition to the provision of foster care, foster parents who receive appropriate training provide a child with behavioral health treatment services under the supervision of a county department of social services, an area mental health program, or a licensed private agency and in compliance with licensing rules adopted by the Commission.

Thoroughfares, Major and Minor

Shall be those streets so indicated on the Roxboro Urban Area Thoroughfare Plan as adopted by the Person County Commissioners, Roxboro City Council and North Carolina State Highway Commission as amended.

Tiny House

A single-family detached home that is 200 square feet to 600 square feet in size (not including loft space) and complies with the North Carolina State Building Code. A tiny house on wheels for permanent occupancy (longer than 30 days) is considered a recreational vehicle.

Tourist Home

A building, or part thereof, other than a motel, hotel, or bed and breakfast, where sleeping accommodations are provided for transient guests, without guests, and which also serves as the residence of the operator.

Travel Trailer

A structure that: (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but does not satisfy one or more the definition criteria of a manufactured home.

U

UDO Administrator

The UDO Administrator is the Planning and Development Director or a designee appointed by the City Manager.

Use

The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal
A use listed in the Table of Uses and Activities, Section 6.4.

V

Variance
A grant of relief from the requirements of this Ordinance.

Vehicle Accommodation Area
That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Veterinary Hospital
A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Violation
The failure of a structure or other development to be fully compliant with this Ordinance.

W

Water Tower
A water shortage tank, a standpipe, or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wholesale Sales
On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wind Farm
An electricity-generating facility whose main purpose is to supply electricity to the electrical grid, consisting of one or more wind turbines and other accessory structures and buildings including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities, which has a rated capacity of greater than 100 kW.

Wind Energy Generator (Accessory)
A single system consisting of a single wind turbine, a tower, and associated control or conversion electronics designed to supplement other electricity sources as an accessory use to existing buildings or facilities, which has a rated capacity of not more than 100 kW.

Wind Power
Power that is generated in the form of electricity by converting the rotation of wind turbine blades into electrical current by means of an electrical generator.

Wind Turbine
A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

Wind Turbine Height
The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wireless Communication Facilities Definitions

(1) ***Abandonment*** means cessation of use of a wireless support structure for wireless telecommunication activity for at least the minimum period of time specified under this Ordinance.

(2) ***Accessory Equipment*** means any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

(3) ***Antenna*** means communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

(4) ***Application, Wireless Facility*** means a formal request submitted to the UDO Administrator to construct or modify a wireless support structure or a wireless facility.

(5) ***Carrier on Wheels or Cell on Wheels (COW)*** means a portable self-contained Wireless Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

(6) ***Collocation*** means the mounting or installation of transmission equipment on a currently existing tower or base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(7) ***Communication Tower*** means a new or existing structure, such as a monopole, lattice tower, guyed tower, fire observation tower, or water tower that is designed to support or is capable of supporting equipment used in the transmission or receipt of television broadcast signals, radio wave signals, or electromagnetic radio signals used in the provision of wireless communication service.

(8) ***Concealed Wireless Facility*** means any Wireless Facility that is integrated as an architectural feature of an Existing Structure or any new Wireless Support Structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the Facility or Wireless Support Structure is not readily apparent to a casual observer.

(9) ***Electrical Transmission Tower*** means an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any Utility Pole.

(10) ***Eligible Facilities Request*** means a request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

(11) ***Equipment Compound*** means an area surrounding or near the base of a Wireless Support Structure within which a wireless facility is located.

(12) ***Existing Structure*** means a Wireless Support Structure, erected prior to the application for collocation or substantial modification under this Ordinance, that is capable of supporting the attachment of Wireless Facilities, including, but not

limited to, Electrical Transmission Towers, buildings, and Water Towers. The term shall not include any Utility Pole.

(13) ***Fall Zone*** means the area in which a Wireless Support Structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

(14) ***Monopole*** means a single, freestanding pole-type structure supporting one or more Antennas. For the purposes of this Ordinance, a Monopole is not a Tower or a Utility Pole.

(15) ***Ordinary Maintenance*** means ensuring that Wireless Facilities and Wireless Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a Wireless Support Structure's foundation or of the Wireless Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape, and color and Accessory Equipment within an existing Equipment Compound and relocating the Antennas to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Substantial Modifications.

(16) ***Replacement Pole*** means a pole of equal proportions and of equal height or such other height that would not constitute a Substantial Modification to an Existing Structure in order to support Wireless Facilities or to accommodate Collocation. Requires removal of the Wireless Support Structure it replaces.

(17) ***Satellite Dish Antenna or Satellite Earth Station*** means an antenna and attendant processing equipment for reception of electronic signals from satellites.

(18) ***Search Ring*** means the area within which a Wireless Support Facility or Wireless Facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

(19) ***Substantial Modification or Change*** means the mounting of a proposed Wireless Facility on a Wireless Support Structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is

on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the Wireless Support Structure.

(a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%), or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater. For other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the U.S. Spectrum Act.

(b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of a tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater. For other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.

(c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

(d) It entails any excavation or deployment outside the current site.

(e) It would defeat the concealment elements of the eligible support structure.

(f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (a) through (e) above.

(20) ***Tower*** means a lattice-type structure, guyed or freestanding, that supports one or more Antennas.

(21) ***Utility Pole*** means a structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

(22) ***Wireless Facility or Wireless Facilities*** means the set of equipment and network components, exclusive of the underlying Wireless Support Structure or Tower, including Antennas, Accessory Equipment, transmitters, receivers, Base Stations, power supplies, cabling and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

(23) ***Wireless Support Structure*** means a new or existing structure, such as a Monopole, Lattice Tower, or Guyed Tower that is designed to support or capable of supporting Wireless Facilities. This definition does not include Utility Poles.

X

None

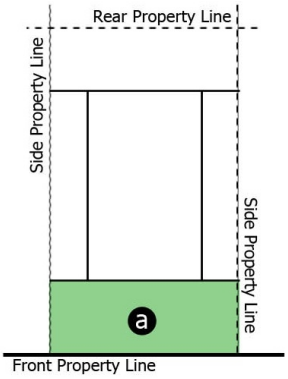
Y

Yard

A required open space, which shall not be occupied or obstructed by a structure, or any portion thereof, with the exception of fences.

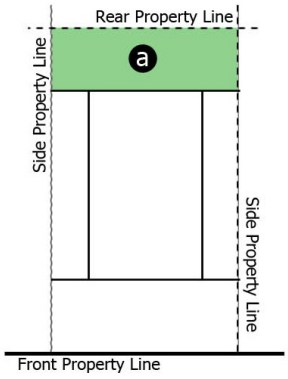
Yard, Front ⓐ

A yard extending across the front of the lot which is bounded by the center line of the street or streets, the two side property lines, and a line extending along the form of the foremost structure permitted on the lot. Depth of the required front yard shall be measured along a line perpendicular to the centerline of the street from said center line to the nearest point on the structure.



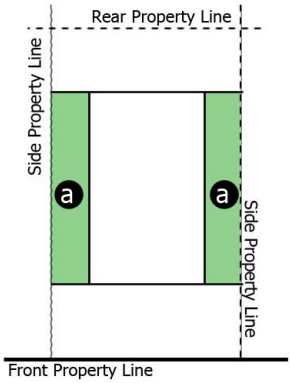
Yard, Rear ⓐ

A yard extending across the rear of a lot, bounded by the rear property line the two side property lines, and a line extending along the rear of the hindmost structure on the lot. Depth of the required rear yard shall be measured along a line drawn perpendicular to the rear property line.



Yard, Side ⓐ

A yard extending across the side of a lot, bounded by the rear yard line, the side property line, the front yard line, and the side line of the structure nearest the side property line on the same side of the lot. Width of required side yards shall be measured along a line perpendicular to the side lot line on the side of the lot in question.



Z

Zoning

A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district. but they must be uniform within districts. The Zoning Code consists of two parts: a text and a map.

Zoning Permit

A permit issued by the UDO Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.