

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

**CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE**

Table of Contents

PREAMBLE	PAGE
SECTION 1 - JURISDICTION	2
SECTION 2 - OFFICIAL ZONING MAP	3
SECTION 3 - INTENT OF ZONING DISTRICTS	3
SECTION 4 - ZONING DISTRICTS	3
SECTION 5 - DISTRICT PROVISIONS	4
SECTION 6 – SPECIAL USE PERMITS	46
SECTION 7 - EXCEPTIONS AND MODIFICATIONS	51
SECTION 8 - STREET ACCESS	54
SECTION 9 - OFF-STREET PARKING & LOADING	55
SECTION 10 - SIGNS	59
SECTION 11 - NONCONFORMING SITUATIONS	75
SECTION 12 - ADMINISTRATION AND ENFORCEMENT	86
SECTION 13 - ZONING PERMIT APPLICATION & ISSUANCE	87
SECTION 14 - CERTIFICATE OF COMPLIANCE	88
SECTION 15 - VIOLATION AND PENALTY	88
SECTION 16 - BOARD OF ADJUSTMENT	89
SECTION 17 - AMENDMENTS	99
SECTION 18 - LEGAL PROVISIONS	104
SECTION 19 - EFFECTIVE DATE	104
SECTION 20 - DEFINITIONS	108
SECTION 21 - THE PLANNING BOARD	116
SECTION 22 - MOBILE HOME PARKS	123
SECTION 23 - SEXUALLY ORIENTED BUSINESSES	128
SECTION 24 – REGULATION OF FORESTY ACTIVITIES	141
CHECK LIST	142

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

ZONING ORDINANCE
FOR THE
CITY OF ROXBORO,
PERSON COUNTY, NORTH CAROLINA

PREAMBLE

AUTHORITY

The provisions of this ordinance are adopted under the authority granted by the General Assembly of the State of North Carolina, in particular Chapter 160, Article 14 of the General Statutes.

Whenever any provision of this ordinance refers to or cites a section of the City's Code of Ordinances or North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

PURPOSE

The regulations and districts set forth in this ordinance are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provisions of transportation, water, sewerage; schools, parks, and other public requirements. The regulations contained herein have been formulated with reasonable consideration, among other things, as to the character of the various uses within the districts and their suitability for that district, and with a view to conserving the value of buildings and encouraging the most appropriate usage of the land within the City of Roxboro.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, STATE OF NORTH CAROLINA, AS FOLLOWS:

SECTION 1. JURISDICTION

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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 2. OFFICIAL ZONING MAP

The boundaries of the various zoning districts are indicated on the Official Zoning Map for the City of Roxboro, North Carolina. The Zoning Map shall be signed by the Mayor and the City Clerk, and kept on file at the office of the Ordinance Administrator. The Official Zoning Map is hereby made a part of this ordinance. Any changes to the Official Zoning Map shall be initiated by the City Clerk.

SECTION 3. INTENT OF ZONING DISTRICTS

Each district is established as an exclusive zoning district and only those uses which are listed as permitted, conditional uses or special uses are allowed. If a particular use of land is not mentioned in a certain district, that use shall be prohibited for that district unless added by amendment.

SECTION 4. ZONING DISTRICTS

For the purposes of this ordinance, the City of Roxboro is hereby divided into the following zoning districts:

	<u>District</u>	<u>Page</u>
1. Residential-Agricultural District-Low Density	R-1	4
2. Residential District-Medium Density	R-2	14
3. Highway Business District	B-1	24
4. Neighborhood Business District	B-2	27
5. Downtown Business District	B-3	30
6. Shopping Center District	B-4	35
7. Office District	B-5	36
8. Light Industrial District	I -1	39
9. Heavy Industrial District	I - 2	42

There may also be established a shopping center special use district (SUD) within any one of the above general use districts, but all regulations pertaining to the general use district shall apply to the shopping center district.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 5 DISTRICT PROVISIONS

5.1 Residential-Agricultural District--Low Density - R-1

A. Permitted Uses.

1. Accessory buildings and uses that are customary and incidental to the following uses.
2. Agricultural uses.
3. Home occupation.
4. Single-family dwelling units, exclusive of mobile homes.
5. Governmental Postal Facilities.

B. Conditional Uses.

1. Buildings for civic and fraternal organizations and clubs except for those whose chief activity is a service customarily carried on as a business.
2. Churches, public and private schools, country clubs, golf courses (exclusive of miniature and Par-three courses), clinics, swimming clubs, hospitals, and orphanages, provided that all buildings and swimming pools be set back a minimum of fifty feet from all exterior property lines.
3. Community or municipal sewage and water treatment plants.
4. Day nurseries and kindergartens.
5. Fire Station.
6. General Business Office.
7. Government Building(s).
8. Group Care Facility meeting the following supplemental requirements:
 - a). Intent. The purpose of establishing supplementary requirements for the development of group care facilities is to protect the residential character and property values of the area in which they are located.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

b). Development Standards. The following standards shall be a supplement to any other standard in this ordinance and shall apply to all new or substantially modified group care facilities. For the purposes of this section, substantial modification shall be defined as any work which involves the alteration of the building's foot print and/or construction of additional stories or accessory structures. Whenever there is a conflict between any requirement of this section and any other section of the Zoning Ordinance, the more stringent requirements shall prevail.

1. Accessory Buildings: Accessory buildings shall be permitted under the following conditions.
 - (a) Driveway access to accessory structures shall be through the main entrance to the facility.
 - (b) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
 2. Appearance: Principal and accessory buildings shall be predominately designed and constructed with architectural features compatible with residential structures in the area where they are located.
 3. Building Separation: A separation of at least twenty feet shall be provided between all buildings on the same site.
 4. Lighting: Exterior lighting shall be kept to the minimum type height and brightness to ensure safety on the property, and minimal intrusion of light and glare on adjacent properties. All exterior lighting shall be arranged so that it does not directly shine onto adjacent properties.
 5. Parking: One space per each employee in the largest work shift, plus one per each five clients or fraction thereof; if clients do not own vehicles, one space per 600 square feet of gross floor area.
 6. Dimensional Requirements: Comply with dimensional requirements referenced in Section 5-2C.
9. Multi-family townhouse development.

The following development requirements shall apply to all multi-family townhouse dwellings:

- 1) Site Plan - A site plan, drawn to scale by either a N.C. Licensed Professional Surveyor, Engineer or Architect, shall be submitted to the Board of Adjustment for the multi-family townhouse development depicting the following:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (a) General Site Information - Vicinity map, total area (in square feet) and boundaries of the tract to be developed, names of adjoining tract owners, north arrow, and scale;
- (b) Townhouse Development Lots – The site plan shall show the number and the location, dimension and square footage of each townhouse lot within the development.
- (c) Topography – Topography of the entire tract of multi-family townhouse development at contour intervals no greater than 10', location of any perennial streams and surface drainage areas and stream buffers;
- (d) Structures - Existing and proposed structures, existing and proposed parking areas, parking spaces, drive/sidewalk locations;'
- (e) Circulation – Within the multi-family townhouse development the proposed points of access and egress and proposed patterns of internal automobile and pedestrian circulation, names of adjoining streets, location of rights-of-way (s) and easements.
- (f) Parking and Loading – Location of parking spaces and loading areas, and lighting facilities for parking and loading areas;
- (g) Timing – Proposed schedule of development including phases of development.
- (h) Impervious Surface Area - If the multi-family townhouse development is located in Flat River's Balance of Watershed, depict the applicable square footage/percentage of all existing/proposed impervious surfaces and acreage of area to be left in a natural state.
- (i) Buffer - The location and type of any required landscape buffer strip either existing or proposed; and the location, type and heights of all existing and proposed fences, walls and hedges.
- (j) Refuse Container -
 - (i) The location of refuse and recycling containers on site.
 - (ii) If a dumpster is used, a dumpster pad must be constructed to the specifications of the Public Service Director (show location of pad and provide details).
 - (iii) If screening is proposed around dumpster, show location and provide details.
- (k) Other Detail –
 - (i) Types of surfaces for drive, sidewalks, parking areas; location of any existing water or sewer lines on or adjacent to the parcel; and proposed provisions for sanitary sewage and storm water.
 - (ii) Existing or proposed recreation areas.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (l) Common Area –
 - (i) Common area is land within the development, not individually owned or dedicated for public use, designed and intended for the common use or enjoyment of the residents and their guest of development. Said area to be owned/maintained by the owner’s association in accordance with the declaration of covenants and restrictions governing the common areas as set forth below.
 - (ii) All areas on the site plan, other than public streets and sites, shall be shown and designated as common areas.

- 2) The developer shall convey fee simple title of all common areas to the owner’s association of the multi-family townhouse development, which owner’s association shall consist of all owners of the dwelling units in the development.

- 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. The declaration of restrictions shall contain (but need not be limited to) provisions for the following:
 - (a) The owner’s association shall be organized and in legal existence prior to the sale of any townhouse lot in the development.
 - (b) Membership in the owners’ association shall be mandatory for each original townhouse lot owner and their successors or all assigns.
 - (c) 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, 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

authority by the number of sites in development. In such sum is not paid 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, devisees, 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.

- (d) The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made 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.
- (e) 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.
- (f) 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.

4) Density, Height and Access Requirements –

- (a) Density - The overall average residential density of the multi-family townhouse development within this zoning district shall not be less than 3 dwelling units nor exceed an overall average density of 4 dwelling units per acre. The overall average density is determined by dividing the total square footage of the entire tract (without first subtracting street right-of-ways) to be developed by 10,890 sq. ft. per dwelling unit.
- (b) Maximum Building Height – 35’.
- (c) Access – All townhouse lots shall be exempt for Zoning Ordinance Section, Section 8-1. However, the overall tract shall have a minimum frontage of 100 linear feet on a public street. Ingress and egress to the multi-family townhouse development shall be from/to a public street. The locations of ingress/egress shall be subject to the approval of the City or North Carolina Department of Transportation, which ever has jurisdiction.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

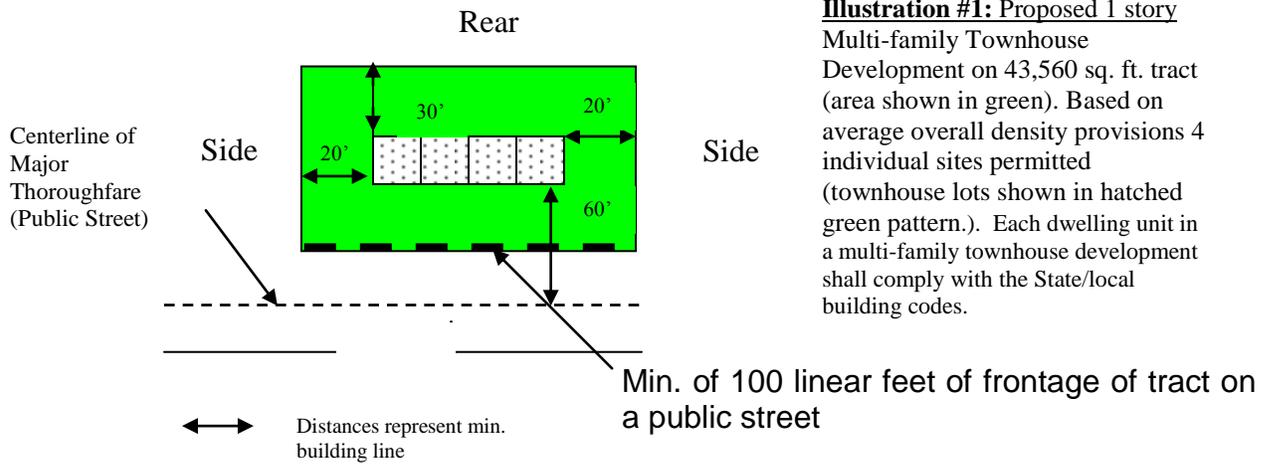


Illustration #1: Proposed 1 story Multi-family Townhouse Development on 43,560 sq. ft. tract (area shown in green). Based on average overall density provisions 4 individual sites permitted (townhouse lots shown in hatched green pattern.). Each dwelling unit in a multi-family townhouse development shall comply with the State/local building codes.

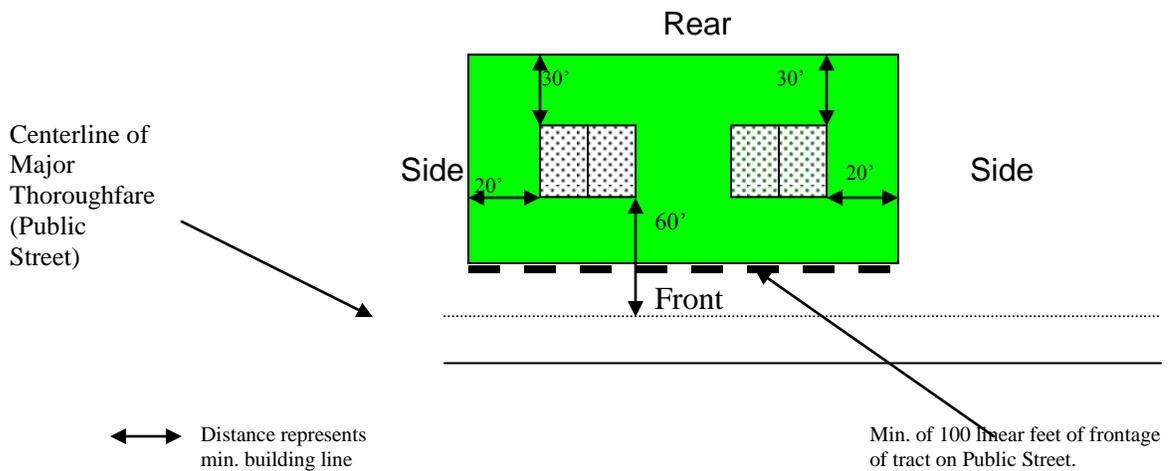


Illustration #2: Proposed 1 story Multi-family Townhouse Development on 43560 sq. ft. tract (area shown in green). Based on average overall density provisions, 4 individual sites permitted (townhouse lots shown in hatched pattern). Each dwelling unit in a multi-family townhouse development shall comply with the State/local building codes.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (d) Each dwelling unit in a multi-family townhouse development shall comply with the State/local building codes and be located at least:
(See illustrations #1 and #2)
 - (1) Front or Corner building line - Minimum 60 feet (as measured from the road centerline) on major and minor thoroughfares; min. 45 feet (as measured from the road centerline) on residential streets and all other public rights-of-way;
 - (2) Side building line – Minimum 20 feet; and
 - (3) Rear building line - Minimum of 30’.
 - (e) Buffer Strips – As provided in the City’s Zoning Ordinance, Section 7-6, City’s Code of Ordinances, and Development Ordinances.
 - (f) Parking – Off street parking spaces, parking surfaces and drives to be provided in accordance with Section 9 of the City’s Zoning Ordinance.
 - (g) Ordinance Compliance – A multi-family townhouse development shall comply the City’s Code of Ordinances, and Development Ordinances.
9. Mobile Homes provided that sites conform to the City of Roxboro Trailer Ordinance.
10. Public utility towers, substations, pumping stations and storage tanks provided that each facility is set back a minimum of fifty feet from all exterior property lines.
11. Trash and garbage disposal facilities provided there is no open burning, vermin or other nuisances.
12. Two-family, multiple-family excluding multi-family townhouse developments, rooming and boarding houses, and garage apartment dwellings provided they conform to the provisions of the R-2 dimensional requirements.
13. Libraries under ownership of governmental units.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

14. Beauty shops.
15. Professional office.
16. Class "A" Manufactured Houses. (See definitions Section 22)
17. Non-profit art galleries, non-profit museums, government art galleries, Government museums.
18. Cemeteries located on the same property as a church, which meet the following criteria
 - a) Abuts a residential lot.
 - b) The cemetery shall not encroach on any yard setbacks.
 - c) A site plan shall be submitted showing the following:
 1. Topography (well-drained site with adequate storm drainage facilities)
 2. Structures (location of sign, entrance and buildings must be shown on plan)
 3. Circulation (proposed points of access and egress and pattern of internal circulation)
 4. Parking and Loading (layout of parking spaces), and
 5. Other Details (proposed restrictions, if any).
19. Recreation Facility –
 - a) Publicly owned and operated indoor and/or outdoor recreation facilities such as gym, athletic field, tennis courts, track, swimming pool, etc.
20. Temporary Emergency, Construction and Repair Residence.
 1. Zoning Permit Required – A Zoning Permit shall be required prior to the placement of a Temporary, Construction or Repair Residence. An application shall be filed with the Zoning Ordinance Administrator (See Section 13 for specific provisions.)
 2. A Temporary Emergency, Construction or Repair Residence shall comply with the dimensional requirements for an accessory building as set forth in the R-1 Zoning District (See Section 5.1 for specific standards).
 3. Zoning Permit Expiration – A zoning permit for Temporary Emergency, Construction or Repair Residence to be occupied pending the construction, repair, or renovation of the permanent single family dwelling on a site shall expire within 6 months after the date of the issuance, except that the Zoning Administrator may renew

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

such permit if it is determined that: (1) substantial construction, repair work, renovation or restoration work has been done; and (ii) such renewal is reasonably necessary to complete the necessary work to make such residence habitable.

C. *Dimensional Requirements:*

All lots not served by municipal sewer shall be a minimum of 20,000 square feet. All lots not served by water shall be a minimum of 12,000 square feet. All lots not served by municipal sewer and water facilities shall be a minimum of 20,000 square feet in size. All lots served by municipal sewer and water shall conform to the following dimensional requirements.

1. Minimum lot size - 12,000 square feet.
2. Minimum lot width - 80 feet measured at the building line.
3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
4. Minimum side yard - 15 feet on each side of the building.
5. Minimum rear yard - 30 feet.
6. Maximum building height - 35 feet.
7. Accessory buildings may be located in required rear yards provided such buildings shall be:
 - a). Fifteen feet from the principal building;
 - b). Not less than five feet from any lot line;
 - c). Occupy not more than twenty (20%) percent of the required rear yard.

Required yard areas shall not be used for the location of any principal building but may be used for the location of buildings as outlined in paragraph No. 7 above.

8. Uncovered decks and porches attached to a principal structure may be located in side or rear yards provided such uses shall not be less than 10 feet from any lot line. This provision does not allow the encroachment of these uses into front and corner lot yard setbacks.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

This provision does not include covered decks, porches, or sunrooms.

9. Off-street parking and loading facilities shall be provided as is indicated in Section No. 9.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-2 Residential District - Medium Density -- R-2

A. Permitted Uses.

1. Accessory buildings and uses that are customary and incidental to the following uses.
2. Agricultural uses.
3. Boarding and rooming houses provided they conform to the dimensional requirements concerning multiple family dwellings set forth below.
4. Home occupations as provided for in the Residential-Agricultural Low Density (R-1) Zoning District.
5. Dwellings - single-family, two-family, and multiple family, excluding mobile homes.
6. Family Child Care Home
7. Garage Apartments.
9. Home Occupations as provided for in the Residential-Agricultural Low Density (R-1) Zoning District.

B. Conditional Uses.

1. Accessory Signs - There shall be no more than two accessory signs for each establishment in this district. Such signs shall be no larger than 6 square feet each and shall advertise only a home occupation and real estate transactions. Accessory signs may be illuminated provided such illumination is from a lamp of the enclosed design type, and be non-flashing.
2. Beauty Salon
3. Class "A" Manufactured Houses. (See definition in Sec. 21).
4. Cemeteries located on the same property as a church, which meet the following criteria:
 - a) No minimum lot area.
 - b) A screen of dense plant material not less than six (6) feet high where a cemetery abuts a residential lot.
 - c) The cemetery shall not encroach on any yard setbacks.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- d) A site plan shall be submitted showing the following:
 - 1. Topography (well-drained site with adequate storm drainage facilities)
 - 2. Structures (location of sign, entrance and buildings must be shown on plan)
 - 3. Circulation (proposed points of access and egress and pattern of internal circulation)
 - 4. Parking and Loading (layout of parking spaces), and
 - 15.5. Other Details (proposed restrictions, if any).
- 5. Clinics and hospitals provided they are set back at least 50 feet from all exterior property lines.
- 6. Day Care Centers.
- 7. Golf courses, private clubs, churches and meeting halls. This provision does not include Par-three courses or miniature courses.
- 8. Group Care Facility meeting the following supplemental requirements:
 - a). Intent. The purpose of establishing supplementary requirements for the development of group care facilities is to protect the residential character and property values of the area in which they are located.
 - b). Development Standards. The following standards shall be a supplement to any other standard in this ordinance and shall apply to all new or substantially modified group care facilities. For the purposes of this section, substantial modification shall be defined as any work which involves the alteration of the building's foot print and/or construction of additional stories or accessory structures. Whenever there is a conflict between any requirement of this section and any other section of the Zoning Ordinance, the more stringent requirements shall prevail.
 - (1) Accessory Buildings: Accessory buildings shall be permitted under the following conditions.
 - (a) Driveway access to accessory structures shall be through the main entrance to the facility.
 - (b) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
 - (2) Appearance: Principal and accessory buildings shall be predominately designed and constructed with architectural features compatible with residential structures in the area where they are located.
 - (3) Building Separation: A separation of at least twenty feet shall be provided between all buildings on the same site.
 - (4) Lighting: Exterior lighting shall be kept to the minimum type

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

height and brightness to ensure safety on the property, and minimal intrusion of light and glare on adjacent properties. All exterior lighting shall be arranged so that it does not directly shine onto adjacent properties.

- (5) Parking: One space per each employee in the largest work shift, plus one per each five clients or fraction thereof; if clients do not own vehicles, one space per 600 square feet of gross floor area.
 - (6) Dimensional Requirements: Comply with dimensional requirements referenced in Section 5-2C.
- 9. Mobile homes provided they conform to the trailer ordinance of the City of Roxboro.
 - 10. Multi-Family Townhouse Development
 - 11. Nursing and rest homes provided they are set back at least 50 feet from all exterior property lines.
 - 12. Public utility towers, substations, pumping stations, storage tanks, and similar facilities provided they are set back a minimum of 50 feet from all exterior property lines.
 - 13. Professional offices.
 - 14. Schools - Elementary and secondary, public and private.
 - 15. Tourist homes.
 - 16. Temporary Emergency, Construction and Repair Residence.
 - 1. Zoning Permit Required – A Zoning Permit shall be required prior to the placement of a Temporary, Construction or Repair Residence. An application shall be filed with the Zoning Ordinance Administrator (See Section 13 for specific provisions.)
 - 2. A Temporary Emergency, Construction or Repair Residence shall comply with the dimensional requirements for an accessory building as set forth in the R-1 Zoning District (See Section 5.1 for specific standards).
 - 3. Zoning Permit Expiration – A zoning permit for Temporary Emergency, Construction or Repair Residence to be occupied pending the construction, repair, or renovation of the permanent single family dwelling on a site shall expire within 6 months after the date of the issuance, except that the Zoning Administrator may renew such permit if it is determined that: (1) substantial construction, repair work, renovation or restoration work has been done; and (ii)

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

such renewal is reasonably necessary to complete the necessary work to make such residence habitable.

C. Dimensional Requirements.

All lots not served by municipal sewer shall be a minimum of 20,000 square feet. All lots not served by municipal sewer and water facilities shall be a minimum of 20,000 square feet in size. All lots served by municipal sewer and water facilities shall conform to the following dimensional requirements. The following dimensional requirements shall apply to all single family dwelling units within this district:

1. Minimum lot size - 6,000 square feet.
2. Minimum lot width - 50 feet.
3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
4. Minimum side yard - 10 feet on each side of the building.
5. Minimum rear yard - 15 feet.
6. Maximum building height - 35 feet.
7. Accessory buildings may be located in required rear yards provided such buildings shall be:
 - a) Fifteen feet from the principal building;
 - b) Not less than five feet from any lot line;
 - c) Occupy not more than twenty (20%) percent of the required rear yard.
8. Required yard areas shall not be used for the location of any principal building but may be used for the location of accessory buildings as outlined in paragraph No. 7 above.
9. Uncovered decks and porches attached to a principal structure may be located in side or rear yards provided such uses shall not be less than 10 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

The following dimensional requirements shall apply to all two-family dwelling units within this district:

1. Minimum lot size - 9,000 square feet.
2. Minimum lot width - 75 feet.
3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
4. Minimum side yard - 15 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.
7. Accessory buildings may be located in required rear yards provided such buildings shall be:
 - a) Fifteen feet from the principal building;
 - b) Not less than five feet from any lot line;
 - c) Occupy not more than twenty (20%) percent of the required rear yard.
8. Required yard areas shall not be used for the location of any principal building but may be used for the location of accessory buildings as outlined in paragraph No. 7 above.
9. Uncovered decks and porches attached to a principal structure may be located in side or rear yards provided such uses shall not be less than 10 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Except for multi-family townhouse developments, the following dimensional requirements shall apply to all multiple-family dwelling units within this district:

1. Minimum lot size - 4,000 square feet for each dwelling unit.
2. Minimum lot width for multi-family:
 - One story – 80 foot minimum
 - Two story – 100 foot minimum
3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
4. Minimum side yard - 15 feet for the first story, and an additional 10 feet side yard for each additional story.
5. Minimum rear yard - 25% of the average depth of the lot or a minimum of 30 feet.
6. Maximum building height - 50 feet.
7. Accessory buildings may be located in required rear yards provided such buildings shall be:
 - a) Fifteen feet from the principal building;
 - b) Not less than five feet from any lot line;
 - c) Occupy not more than twenty (20%) percent of the required rear yard.
8. Required yard areas shall not be used for the location of any principal building but may be used for the location of accessory buildings as outlined in paragraph No. 7 above.
9. Uncovered decks and porches attached to a principal structure may be located in side or rear yards provided such uses shall not be less than 10 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

The following requirements shall apply to all multi-family townhouse developments:

- 2) Site Plan - A site plan, drawn to scale by either a N.C. Licensed Professional Surveyor, Engineer or Architect, shall be submitted to the Board of Adjustment for the multi-family townhouse development depicting the following:
 - (a) General Site Information - Vicinity map, total area (in square feet) and boundaries of the tract to be developed, names of adjoining tract owners, north arrow, and scale;
 - (b) Townhouse Development Lots – The site plan shall show the number and the location, dimension and square footage of each townhouse lot within the development.
 - (c) Topography – Topography of the entire tract of multi-family townhouse development at contour intervals no greater than 10', location of any perennial streams and surface drainage areas and stream buffers;
 - (d) Structures - Existing and proposed structures, existing and proposed parking areas, parking spaces, drive/sidewalk locations;'
 - (e) Circulation – Within the multi-family townhouse development the proposed points of access and egress and proposed patterns of internal automobile and pedestrian circulation, names of adjoining streets, location of rights-of-way (s) and easements.
 - (f) Parking and Loading – Location of parking spaces and loading areas, and lighting facilities for parking and loading areas;
 - (g) Timing – Proposed schedule of development including phases of development.
 - (h) Impervious Surface Area - If the multi-family townhouse development is located in Flat River's Balance of Watershed, depict the applicable square footage/percentage of all existing/proposed impervious surfaces and acreage of area to be left in a natural state.
 - (i) Buffer - The location and type of any required landscape buffer strip either existing or proposed; and the location, type and heights of all existing and proposed fences, walls and hedges.
 - (j) Other Details –
 - a) Types of surfaces for drives, sidewalks, parking areas; location of any existing water or sewer lines on or adjacent to the parcel; and proposed provisions for sanitary sewage and storm water.
 - b) Proposed solid-waste storage facilities; and
 - c) Existing or proposed recreation areas.
 - (k) Common areas - All areas on the site plan, other than public streets and sites, shall be shown and designated, as common areas.
2. The developer shall convey fee simple title of all common areas to the owner's association of the multi-family townhouse development, which

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

owner's association shall consist of all owners of the dwelling units in the development.

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. The declaration of restrictions shall contain (but need not be limited to) provisions for the following:
 - (a) The owner's association shall be organized and in legal existence prior to the sale of any townhouse lot in the development.
 - (b) Membership in the owners' association shall be mandatory for each original townhouse lot owner and their successors or all assigns.
 - (c) 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, 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. If such sum is not paid 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, devisees, personal representatives and assigns, and the 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.
 - (d) 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.
 - (e) 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

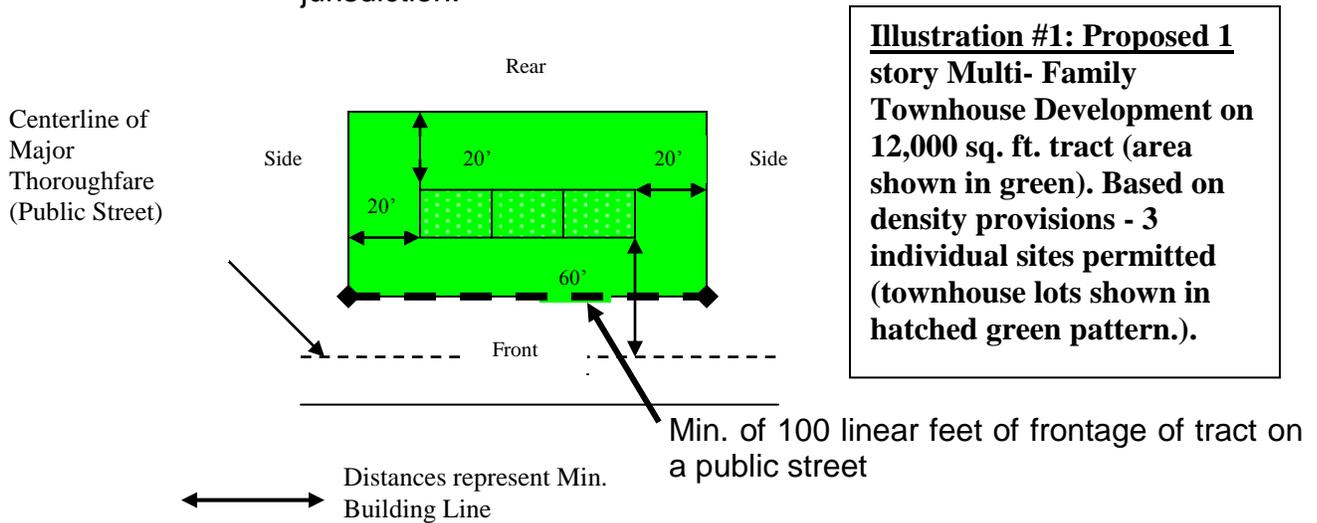
- (f) All common walls between individual dwelling units shall be party walls and provisions for the maintenance thereof and restoration in the vent of destruction or damage shall be established.

4. Density, Height and Access Requirements –

- (a) Density - The overall residential density of the multi-family townhouse development shall not be less than 3 dwelling units nor exceed an overall density of 10 dwelling units per acre. The overall density is determined by dividing the total square footage of the tract (without first subtracting street right-of-ways) by 4,000 sq. ft. per dwelling unit.

- (b) Maximum Building Height – 35’.

- (c) Access – All townhouse lots shall be exempt for Zoning Ordinance Section, Section 8-1. However, the overall tract shall have a minimum frontage of 100 linear feet on a public street. Ingress and egress to the multi-family townhouse development shall be from/to a public street. The locations of ingress/egress shall be subject to the approval of the City or North Carolina Department of Transportation, which ever has jurisdiction.



- (d) Each dwelling unit in a multi-family townhouse development shall be located at least: (see illustration #1):

- (1) Front or Corner building line - Minimum 60 feet (as measured from the road centerline) on major and minor thoroughfares; min. 45 feet (as measured from the road centerline) on residential streets and all other public rights-of-way;

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (2) Side building line – Minimum 20 feet; and
- (3) Rear building line - Minimum of 20’.
- (e) Buffer Strips – As provided in the City’s Zoning Ordinance, Section 7-6.
- (f) Parking – Off street parking spaces, parking surfaces and drives to be provided in accordance with Section 9 of the City’s Zoning Ordinance.
- (g) Ordinance Compliance – A multi-family townhouse development shall comply the City’s Code of Ordinances, and Development Ordinances.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-4 Highway Business District - B-1

A. *Permissible Uses.*

1. Agricultural Operations
2. Automobile parking garages or parking when it is not located on a lot where there is another principal use to which the parking is related.
3. Bus Terminal
4. Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses (Lot size less than 1 acre).
5. Car Wash
6. Churches, synagogues, and temples (including residential structures for religious personnel and associated building(s) but not including elementary school or secondary school (Lot size less than 1 acre).
7. Commercial Greenhouse with on and/off premise sales
8. Convenience Store (Lot size less than one acre)
9. Gas Sales
10. Golf Driving Ranges not accessory to golf courses, Par 3 golf, Miniature Golf Courses, Skateboard Parks, Waterslides and similar uses.
11. Manufacturing, Processing, Creating, Repairing, Renovation, Painting, Cleaning, Assembling of Goods, Merchandise, Equipment (Lot size less than 3 acres)
12. Motor Vehicle Repair and Maintenance, not including substantial body work
13. Motor Vehicle Sales, Manufacture Home Sales, Modular Home Sales, Boat Sales, Equipment Sales or Rental
14. Movie Theater
15. Office, Clerical, Research and Services not primarily related to goods

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

or merchandise

16. Restaurant
17. Sales with Installation of Motor Vehicle Parts or Accessories (e.g., tires, mufflers, etc.)
18. Storage or Display of Goods for Sale (Inside or Out)
19. Storage of goods not related to the sale or use of those goods on the same lot where they are stored
20. Temporary Structures uses in connection with the construction of a permanent building or some non-recurring purposes.
21. Towers and antennas 50' tall or less

B. Conditional Uses.

1. Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool hall, indoor athletic and exercise facilities and similar uses (Lot size 1 acre or more)
3. Cemetery, Crematorium
4. Church, synagogues, and temples (including residential structures for religious personnel an associated buildings(s) but not including elementary school or secondary school (Lot size 1 acre or more)
6. Convenience Store (Lot size 1 acre or more)
7. Day Care Center, Nursery Schools
8. Dry Cleaner, Laundromat
9. Funeral Home
10. Golf Driving Ranges not accessory to golf courses, Par 3 Golf Courses, Miniature Golf courses, Skateboard Parks, Waterslides, and similar uses (Lot size 1 acre or more)
11. Internet Sweepstakes.

In addition to the findings of fact, referenced in Section 16-3D, 5(b), the following specific provisions shall be met as minimum standards prior to the approval of any business engaging in "internet sweepstakes":

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- A. Days/Hours of operation: businesses engaging in electronic gaming operations activities may operate from 8:00 am until 12: 00 midnight each day, seven (7) days per week.
- B. All applicable permits must be issued to the applicant prior to the issuance of the conditional use permit and the opening of business.
- C. If food or beverage is served, the establishment must meet the requirements of the Person County Health Department, including any and all necessary permits and/or licenses.
- D. The establishment must be a minimum of five hundred (500) feet from any building used as a dwelling.
- E. The establishment must be a minimum of one thousand (1,000) feet from any other organization engaged in an electronic gaming operations business.
- F. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the internet café/ sweepstakes business is located.

C. Special Use Permits.

- 1. Fire Station
- 2. Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise, Equipment (Lot size 1 acre or more)
- 3. Police Station
- 4. Hotels, Motels and similar Business or Institutions providing overnight accommodation
- 5. Penal and Correctional Facilities
- 6. Rescue Squad, Ambulance Service
- 7. Shopping Center – see Section 6 for special use permit requirements and Section 21 for definition of shopping center

D. Dimensional Requirements.

- 1. Minimum lot size - 5,000 square feet.
- 2. Minimum lot width - 50 feet.
- 3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

4. Minimum side yard - 15 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.

The required yard areas shall not be used as the locations of any principal or accessory buildings.

Off-street parking and off-street loading facilities shall be provided in accordance with Section 9.

Signs shall be permitted as found in Section 10.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-5 Neighborhood Shopping District - B-2

A. Permitted Uses.

1. Barber shops.
2. Beauty shops.
5. Drug stores.
6. Health Spa (See Definitions)
7. Medical clinics.
8. Professional offices.
8. Signs - Signs shall be regulated as found in Section 10.
9. U. S. Postal Service

B. Conditional Uses.

1. Service establishments.
2. Funeral homes and chapels.
3. Clothing shops.
4. Gift shops.
5. Small homes for the elderly. (Licensed by Social Services)
6. Self-service Storage Buildings. (Mini-Warehouse)
7. Shipping/Packaging/Parcel Service
8. Restaurants.
9. Convenience stores.
10. Day Care Centers.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

C. Dimensional Requirements.

1. Minimum lot size - 6,000 square feet.
2. Minimum lot width - 50 feet.
3. Minimum front yard and corner lot setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
4. Minimum side yard - 10 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.

Off-street parking and off-street loading facilities shall be provided in accordance with Section 9.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-6 Downtown Business District - B-3

The Downtown Business Zone is our First Fire District. If any property is changed to B-3 it will become part of the First Fire District and if any property is changed from B-3 to another zone, it will be removed from the First Fire District.

The Planning Board and City Council should consider the effects of the First Fire District before re-zoning property.

A. *Permitted Uses.*

1. Banks.
2. Barber shops.
3. Beauty shops.
4. Billiard parlors.
5. Bus stations.
6. Community center.
7. Eating and drinking establishments excluding drive-in facilities.
8. Hardware stores.
9. Health Spa.
10. Home Occupation.
11. Hotels.
12. Laundry and dry cleaning pick-up station and plant.
13. Laundromats.
14. Libraries.
15. Offices - Business, professional and governmental.
16. Parking lots.
17. Police station, jail, and fire stations.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

18. Printing establishments.
19. Repair shops for jewelry, shoes, and household appliances.
20. Signs, accessory only - Regulations shall apply as found in Section 10.
21. Stores, retailing antiques, auto accessories, appliances, clothing, drugs, dry goods, flowers, foods and beverages, furniture, gifts, hardware, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint and wallpaper, pets, seeds and feeds.
22. Taxi stands.
23. Theaters, indoors only.
24. Train stations.
25. Uses customarily accessory to permitted uses, but not to include open-air storage.
26. Churches.
27. Funeral homes.
28. One, two and multi-family dwelling units, complying State and local ordinances, are permitted above the first story of a commercial building.
29. Cemeteries located on the same property as a church, which meet the following criteria:
 - a) No minimum lot area.
 - b) A screen of dense plant material not less than six (6) feet high where a cemetery abuts a residential lot.
 - c) The cemetery shall not encroach on any yard setbacks.
 - d) A site plan shall be submitted showing the following:
 1. Topography (well-drained site with adequate storm drainage facilities)
 2. Structures (location of sign, entrance and buildings must be shown on plan)
 3. Circulation (proposed points of access and egress and pattern of internal circulation)
 4. Parking and Loading (layout of parking spaces), and
 5. Other Details (proposed restrictions, if any).

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

B. Conditional Uses.

1. Adult Day Care.
2. Antenna and Accompanying Accessory Facility or Structure shall be permitted in the B-3 zoning District upon issuance of a Conditional Use Permit from the Board of Adjustment.
 - a). In connection with to the required findings of fact listed in Section 16-3 (D) (5) (b), the following shall be considered by the Board of Adjustment:
 1. Location and height of the existing and proposed antenna, accompanying accessory facility or structure, on the existing building.
 2. The Applicant's need for the proposed location and height of the antenna and accompanying accessory facility or structure.
 - b). Items that need to be submitted for the Board of Adjustment's consideration:
 1. Copy of the construction drawings, prepared by a N.C. Licensed Engineer or Architect, showing placement of antenna, accompanying accessory facility or structure, elevation of the building showing the antennas, accompanying accessory facility or structure and methods of screening (if proposed).
 2. Photo simulations showing existing and proposed antenna, accessory facilities or structures.
 3. Before and after propagation maps showing the need for the proposed location.
 4. Inventory of all of the applicant's existing sites with the City of Roxboro. Information provided to include address, latitude/longitude, type of site (owned or co-location), type of antenna support structure.
 5. Applicant to provide a copy of letter sent to the State Historic Preservation Office.
 6. Landowner and building owner (if different then landowner) authorization, copy of signed option or lease will suffice.
 7. Filing fee as set forth by the City.
 8. Radio Frequency study to show that the proposed installation will not interfere with the City's public safety communications. If the application is for a second telecommunications provider, the second provider will also be required to submit proof they will not interfere with the existing carriers on the structure.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- c). Copy of SHPO (State Historic Preservation Office) approval (where applicable) shall be submitted to the Zoning Administrator prior to issuance of the zoning permit. (The applicant may apply for a zoning permit prior to SHPO authorization. However, zoning permit issuance is contingent on SHPO approval.)
 - d). Copy of FAA (Federal Aviation Administration) approval (where applicable) for the proposed antenna and accompanying accessory facilities and structures shall be submitted to the Zoning Administrator prior to issuance of the building permit.
- 3. Automotive sales, new and used, and service provided that such service areas be enclosed by a fence at least 6 feet in height. This provision does not apply to wrecking yards.
 - 4. Bowling alleys.
 - 5. Building supplies and equipment sales, provided that all storage yards be enclosed by a fence at least 6 feet in height. This provision does not apply to wrecking yards.
 - 6. Farm equipment sales and service, provided that such service areas be enclosed by fence at least 6-feet in height.
 - 7. Independent signs as provided for in Section 9.
 - 8. Installation of car stereos, installation of rims, tinting of windows.
 - 9. Night Club.
 - 10. Service stations provided they have a minimum area of 7,000 square feet and 100 feet of frontage. All service station's equipment must be located at least 25 feet from all exterior property lines.
 - 12. Single family dwelling with dimensional requirements as set forth in the B-5 Zoning District.
 - 12. Temporary Emergency, Construction and Repair Residence.
 - 1. Zoning Permit Required – A Zoning Permit shall be required prior to the placement of a Temporary, Construction or Repair Residence. An application shall be filed with the Zoning Ordinance Administrator (See Section 13 for specific provisions.)
 - 2. A Temporary Emergency, Construction or Repair Residence shall comply with the dimensional requirements for an accessory building

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

as set forth in the R-1 Zoning District (See Section 5.1 for specific standards).

3. Zoning Permit Expiration – A zoning permit for Temporary Emergency, Construction or Repair Residence to be occupied pending the construction, repair, or renovation of the permanent single family dwelling on a site shall expire within 6 months after the date of the issuance, except that the Zoning Administrator may renew such permit if it is determined that: (1) substantial construction, repair work, renovation or restoration work has been done; and (ii) such renewal is reasonably necessary to complete the necessary work to make such residence habitable.

13. Warehouses.

C. Supplemental Provisions.

1. The storage of goods not related to the sale or use of those goods on the same lot where they are stored shall not be permitted, except in the basement below street level.

D. Dimensional Requirements.

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. Where there are no adjoining buildings such a new building shall be set back at least 10 feet from the street right-of-way.
2. Side Yard - There is no side yard requirement within the Downtown Business District; however, when side yards are provided they shall be at least 4 feet wide. When a new building is constructed on a lot abutting a residential district, the business use shall have a minimum side yard of 25 feet.
3. Off-street parking and off-street loading - Refer to Section 9.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-7 Shopping Center District - B-4:

A. Permissible Uses.

The permissible uses with a zoning permit, conditional use or special use permit as provided in the Highway Business (B-1) District apply in the Shopping District. The fact that existing shopping centers have not been issued a special use permit shall not render them non-conforming; and they shall be considered as having a permit.

B. Dimensional Requirements.

1. Minimum lot size – 5,000 square feet
2. Minimum lot width – 50 feet
3. Minimum front yard and corner lot setback – 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way
4. Minimum side yard – 15 feet
5. Minimum rear yard – 20'
6. Maximum building height – 35'

The required yard areas shall not be used as the locations of any principal or accessory buildings.

Off-street parking and off-street loading facilities shall be provided in accordance with Section 9.

Signs shall be permitted as found in Section 10.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-8 Office District – B-5

A. *Permitted Uses.*

1. Single family dwelling units, exclusive of mobile and manufactured homes.
2. Catering
3. Customary home occupations (as defined in the R-1 District).
4. Churches.
5. Parks and playgrounds.
6. Post offices.
7. Public library, museums, art galleries.
8. Financial institutions (insured by FIDC).
9. Specialized business offices such as:
 - Insurance agency
 - Real estate agent
 - Bookkeeping
10. Professional offices.
11. Utility Company (No open-air storage)
12. Beauty and Barber Shops
13. Drug Stores.
14. General business offices.
15. Governmental offices.
16. Cemeteries located on the same property as a church, which meet the following criteria:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- a. No minimum lot area.
- b. A screen of dense plant material not less than six (6) feet high where a cemetery abuts a residential lot.
- c. The cemetery shall not encroach on any yard setbacks.
- d. A site plan shall be submitted showing the following:
 1. Topography (well-drained site with adequate storm drainage facilities)
 2. Structures (location of sign, entrance and buildings must be shown on plan)
 3. Circulation (proposed points of access and egress and pattern of internal circulation)
 4. Parking and Loading (layout of parking spaces), and
 5. Other Details (proposed restrictions, if any).

B. Conditional Uses.

1. Funeral Homes.
2. Small Group Homes for the elderly
3. Temporary Emergency, Construction and Repair Residence.
 1. Zoning Permit Required – A Zoning Permit shall be required prior to the placement of a Temporary, Construction or Repair Residence. An application shall be filed with the Zoning Ordinance Administrator (See Section 13 for specific provisions.)
 2. A Temporary Emergency, Construction or Repair Residence shall comply with the dimensional requirements for an accessory building as set forth in the R-1 Zoning District (See Section 5.1 for specific standards).
 3. Zoning Permit Expiration – A zoning permit for Temporary Emergency, Construction or Repair Residence to be occupied pending the construction, repair, or renovation of the permanent single family dwelling on a site shall expire within 6 months after the date of the issuance, except that the Zoning Administrator may renew such permit if it is determined that: (1) substantial construction, repair work, renovation or restoration work has been done; and (ii) such renewal is reasonably necessary to complete the necessary work to make such residence habitable.

C. Dimensional Requirements.

1. Minimum lot size - 8,000 square feet.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

2. Minimum lot width - 60 feet.
3. Minimum front yard - 60 feet from the centerline on major and minor thoroughfares; 45 feet from the centerline of all other streets and public rights-of-way.
4. Corner lot - 60 feet from the centerline on major and minor thoroughfares; 45 feet from the centerline of all other streets and rights-of-way.
5. Minimum side yard - 10 feet.
6. Minimum rear yard - 20 feet.
7. Maximum building height - 35 feet.
8. Uncovered decks and porches attached to a principal structure may be located in side or rear yards provided such uses shall not be less than 10 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.

D. Parking Requirements - (See Section 9).

E. Signs. One sign per lot; indirect lighting; non-flashing signs - one (1) yard sign maximum size 4 x 8.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-9 Light Industrial District - I-1.

A. *Permitted Uses.*

The principal use of the land within the Light Industrial District is that of industrial activity which is operated in a relatively clean, quiet, and unobnoxious manner.

1. Accessory signs as provided for in Section 10.
2. Bottling plants.
3. Building materials sales and storage yards.
4. Cabinet and woodworking establishments.
5. Clothing manufacture.
6. Cold storage plants.
7. Contractors office and equipment storage.
8. Dairy products processing.
9. Dry cleaning plants.
10. Electronic equipment manufacture.
11. Farm machinery sales and service.
12. Food processing plants, except slaughtering of animals.
13. Furniture manufacture.
14. Greenhouses and nurseries.
15. Grounds and facilities for outdoor games and sporting events.
16. Ice plants.
17. Industrial education and research facilities.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

18. Laboratories for research and testing.
19. Machine shops.
20. Metal working shops.
21. Mobile home sales and service.
22. Off-street parking facilities.
23. Office uses as an accessory use to an industrial type activity, and being located on the same lot.
24. Petroleum bulk storage, providing such facilities are set back a minimum of 100 feet from all exterior property lines.
25. Plastic manufacture.
26. Printing establishments.
27. Public utility towers, substations, pumping stations, water storage tanks and similar facilities provided they are set back at least 50 feet from all exterior property lines.
28. Repair establishments.
29. Service stations
30. Signs - Independent - as provided for in Section 10.
31. Truck terminals.
32. Warehouses.
33. Animal sales.
34. Washerettes and commercial laundries.
35. Auto washers.
36. Rescue facilities.
37. Recycling Center with no Open-air storage.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

B. *Conditional Uses.*

1. Recycling processing centers.

C. *Special Uses.*

1. Sexually Oriented Business (See Section 23)

D. *Dimensional Requirements.*

1. Minimum lot width - 100 feet.
2. Minimum front yard and corner to setback - 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
3. Minimum side yard - 15 feet.
4. Minimum rear yard - 30 feet.
5. Maximum building height - 50 feet.
6. Off-street parking and off-street loading facilities shall be provided in accordance with Section 9.
7. Where an industrial district abuts a residential district, all industrial uses which abut the residential district shall be set back a minimum of 50 feet from the abutting exterior property line.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

5-10 Heavy Industrial District - I-2.

A. *Permitted Uses.*

The principal use of the land within the Heavy Industrial District is that of industrial activity which, by its nature, may tend to create some nuisance or relatively obnoxious effect in the area where they are located.

1. All industrial uses as permitted and regulated in the Light Industrial District.
2. Airports.
3. Coal yards.
4. Feed and seed milling and storage.
5. Fertilizer sales.
6. Foundries producing steel products.
7. Machine tool manufacture.
8. Metal Fabrication.
9. Mixing plants for concrete, or other types of paving materials and the manufacture of concrete products.
10. Paper, pulp, cardboard and building board manufacture.
13. Railroad freight yards.
14. Real Estate Office
13. Textile manufacture.
14. Tobacco products manufacture.
15. Recycling processing centers.
16. Antenna and Accompanying Accessory Facility or Structure that are: (i) located or certified to be fully self-contained on the underlying parcel in the event of tower collapse; and (ii) not more than 199' in height

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(measured to the top attachment), shall be permitted in I-2 zoning district subject to an administrative zoning permit upon filing the following:

- a.) Copy of the Construction Drawings, prepared by a N.C. Licensed Engineer or Architect, showing the placement of antenna, accompanying accessory facility or structure, elevation of the building showing the antennas, accompanying accessory facility or structure and methods of screening (if proposed).
 - b.) Before and after propagation maps showing the need for the proposed location.
 - c.) Inventory of all of the applicant's existing sites with the City of Roxboro. Information provided to include address, latitude/longitude, type of site (owned or co-location), and type of antenna structure.
 - d.) Applicant to provide a copy of the letter sent to the State Historic Preservation Office.
 - e.) Landowner and building owner (if different then landowner) authorization. A copy of signed option or lease will suffice.
 - f.) Filing fee as set forth by the City.
 - g.) Radio frequency study to show that the proposed installation will not interfere with the City's public safety communications. If the application is for a second telecommunications provider, the second provider will also be required to submit proof they will not interfere with the existing carriers on the structure.
 - h.) Copy of SHPO (State Historic Preservation Office) approval (where applicable) which shall be submitted prior to issuance of the zoning permit. (The applicant may apply for a zoning permit prior to SHPO authorization. However, zoning permit issuance is contingent on SHPO approval.)
 - i.) Copy of FAA (Federal Aviation Administration) approval (where applicable) for the proposed antenna and accompany accessory facilities and structures shall be submitted to the Zoning Administrator prior to issuance of the building permit.
17. Antenna and Accompanying Accessory Facility or Structure that are: (i) located or certified to be fully self-contained on the underlying parcel in the event of a tower collapse; and (ii) more than 199' in height (measured to the top attachment), shall be permitted in the I-2 Zoning District upon issuance of a Conditional Use Permit from the Board of Adjustment. The applicant shall file the materials required in subsection 16 of this 5-10A, and the Board shall consider, in connection with the required findings of fact in 16(D)(5)(b), the following:
- a.) Location and height of the existing and proposed antenna, accompanying accessory facility or structure,

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- b.) The Applicant's need for the proposed location and height of the antenna and accompanying accessory facility or structure.

B. Conditional Uses.

1. Automotive wrecking yards and similar types of used materials industries provided they are conducted within a solid fence at least 6 feet in height, provided such fence shall not be less than 50 feet from any street right-of-way line and provided further that the Board of Adjustment finds that such a wrecking yard or industry will not have an injurious effect on the public interest or welfare.
2. Self -Service Storage Facility (aka Mini-Warehouse)
3. Retail/Wholesale of Truck and Car Accessories
4. Wholesale Sales of Automobiles, Boats, Trucks and Recreational Vehicles
5. *Antenna more than 199' and Accompanying Accessory Facility or Structure (See #17 above)*

C. Special Uses.

1. Sexually Oriented Businesses (See Section 23)
2. Electrical Generating Facilities

D. Dimensional Requirements.

1. Minimum lot width - 100 feet.
2. Minimum front yard and corner lot setback, 60 feet on major and minor thoroughfares; 45 feet on residential streets and all other public rights-of-way.
3. Minimum side yard - 15 feet.
4. Minimum rear yard - 20 feet.

Off-street parking and off-street loading facilities - refer to Section 9.

Where an industrial district abuts a residential district, all industrial uses

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

shall be setback a minimum of 50 feet from any exterior property line, which abuts, said residential district.

5-11 Shopping Center Special Use District – SUD:

Purpose of Shopping Center Special Use District –

Purpose of Special Use Overlay District – If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner/authorized agent may apply for rezoning to a Shopping Center Special Use District (SUD) bearing the same designation as a standard zoning district but subject to additional conditions. The property owner shall apply simultaneously for the rezoning and Special Use Permit; and both applications shall proceed simultaneously through the review process. Such application shall also include all requirements of special use permit applications as detailed in Section 6 of this ordinance and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

- A. *Rezoning Application/Site Plan.* No special use overlay district zoning shall be established until after the property owner/authorized agent proposing the district has submitted a written application to the Zoning Administrator to rezone the property. The application shall be accompanied by a site plan, prepared by either a N.C. licensed Professional Surveyor, Architect or Engineer, containing information that the City Manager or designee deems necessary to verify compliance with the City's Code of Ordinances and development ordinances.
- B. *Simultaneous Submission of Special Use Permit Application.* In addition to the rezoning application and site plan, the property owner/authorized agent shall simultaneously submit to the Zoning Administrator a special use permit application as stipulated in Section 6. Unless otherwise stated, the site plan requirements for a special use permit are the same as those for the shopping center special use district rezoning request and are referenced Section 5-11A. Both applications shall proceed simultaneously through the review process.
- C. *Planning Board Consideration.* The Planning Board shall forward its recommendations concerning Shopping Center Special Use District Rezoning application and Special Use Permit within 60 days of the date of the initial Planning Board meeting at which the rezoning request and the special use permit are considered, unless the Planning Board requests and is granted an extension by the Roxboro City Council. Failure to submit a

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

recommendation within this period without an extension shall be deemed a favorable recommendation. The Planning Board may, at its discretion, hold a separate public hearing from that held by the Roxboro City Council.

- D. *Notice of Public Hearing.* The Notice of Public Hearing for the special use overlay district rezoning request and special use permit shall be as stated in Section 17-5.
- E. *City Council Action.* Before exercising its discretionary legislative authority, the City Council shall consider the Planning Board's recommendations on each proposed rezoning request and special use permit as stipulated in the ordinance. The City Council may approve the requests only upon determining that the proposed use will comply with of City's Code of Ordinances and development ordinances that are applicable to the proposed use.

The City Council may request additional information deemed appropriate to provide a complete review of the above referenced requests stated in Section 5-11, A & B above.

- F. *Conditions of Approval.* In approving the application to rezone the property to a shopping center special use district and special use permit, the Planning Board may recommend and the City Council may attach reasonable and appropriate conditions to approval of petition. Any such conditions should relate to the relationship of the proposed use to the surrounding property, existing or proposed support facilities such as parking areas, driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, open space, and other matters that the City Council may find appropriate or that the applicant may propose. Such conditions to approval of the petition may include dedication to the City of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. No conditions shall be less restrictive than the standards of the underlying general zoning district.
- G. *Denial of Special Use Overlay District Rezoning Request.* If the City Council denies the Shopping Center Special Use rezoning request, it shall enter the reasons for its actions in the minutes of the meeting at which the action is taken.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 6. SPECIAL USE PERMITS

Objectives and Purpose: Permitting Special Uses adds flexibility to the City' Zoning Ordinance. Subject to high standards of planning and designing, certain property uses allowed in several districts where these uses would not otherwise be acceptable

- A. *Special Use Permit Application.* No special use permit shall be considered until after the property owner/authorized agent proposing the district has submitted a complete written application to the Zoning Administrator. The application shall be accompanied by a site plan, prepared by either a N.C. licensed Professional Surveyor, Architect or Engineer, containing information that the City Manager or designee deems necessary to verify compliance with the City's Code of Ordinances and development ordinances. The property owner/authorized agent shall have the burden of establishing that the special use permit should be approved by City Council.
- B. *Planning Board Consideration.* The Planning Board shall forward its recommendations concerning Special Use Permit within 60 days of the date of the initial Planning Board meeting at which special use permit is considered, unless the Planning Board requests and is granted an extension by the Roxboro City Council. Failure to submit a recommendation within this period without an extension shall be deemed a favorable recommendation. The Planning Board may, at its discretion, hold a separate public hearing from that held by the Roxboro City Council.
- C. *Notice of Public Hearing.* The Notice of Public Hearing for the special use permit shall be as stated in Section 17-5.
- D. *Special Use Permit Consideration.* In addition to the conditions stated in Section 6E below, before any special use permit can be granted, the City Council shall consider to the following, if applicable:
1. Circulation: Number and location of access points to the property and proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 2. Parking and Loading: Location of off-street parking and loading areas.
 3. Traffic Impact: Estimated traffic generated as a result of the proposed development, adequacy of existing street system and, if applicable, assessment of needed improvements to the existing street system to support traffic from the proposed development. (Estimates of vehicle trips shall be calculated based on trip generation rates from the most

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.)

4. Effect on Adjacent Property: Levels of Noise, glare or odor and the effects on adjacent property.
 5. Service Entrances and Areas: Location of refuse and service areas with particular reference to ingress and egress of service vehicles.
 6. Utilities: Location, availability and adequacy/suitability of existing/proposed utilities.
 7. Screening and landscaping: Installation of screening and fencing where necessary to protect adjacent property from potential negative impacts.
 8. Signs and Lighting: Location/intensity of exterior lighting and signs with reference to glare, traffic safety, economic effect and compatibility with other property in the area.
 9. Open Space: Location of required yards and other open spaces, preservation of existing trees and other natural features.
 10. Compatibility: The level of general compatibility with adjacent properties and the appropriateness of the use in relationship to other properties.
 11. Other :Any other review factors which the City council considers to be appropriate to the property in questions.
- E. *City Council Action*. Before exercising its legislative discretion, the City Council shall consider the Planning Board's recommendations and the items referenced in Section 6, D, 1-11 above. In granting the permit, the City Council shall find:
1. That the use will not materially endanger the public health or safety located where proposed and developed according to the plan submitted and approved;
 2. That the use meets all required conditions and specifications;
 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 4. That the location and character of the use if developed according to the plan as submitted approved will be in harmony with area in which it is to be located and in general conformity with the City's Comprehensive Land Use Plan. The City Council may request additional information deemed appropriate to provide a complete review of the above referenced request stated in Section 6A.
- F. *Conditions of Approval*. In approving the application for a special use permit and the accompanying site plan, the Planning Board may recommend and the City Council may attach reasonable and appropriate conditions to approval of the request. Any such conditions should relate to the relationship of the proposed use to the surrounding property, existing or proposed support facilities such as parking areas, driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

improvements, storm water drainage, open space, and other matters that the City Council may find appropriate or that the applicant may propose. Such conditions to approval of the petition may include dedication to the City of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. No conditions shall be less restrictive than the standards of the underlying general zoning district. All conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns. Violation of any of the conditions shall be treated in the same manner as other violations of this ordinance.

- G. *Denial Special Use Permit.* If the City Council denies the permit it shall enter the reasons for its actions in the minutes of the meeting at which the action is taken. Denial of the special use permit request should be based on findings, listed in Section 6 E, which are supported by competent, material, and substantial evidence that appears on the record.
- H. *Modification of Special Use Permits.* The Zoning Administrator may approve minor changes to final plans approved by the City Council if with such minor changes the development remains substantially consistent with the Board's approval and with all other provisions of this Ordinance and applicable rules and regulations. The Zoning Administrator may not approve changes that would constitute a major change to the Special Use Permit. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:
1. Significant changes in the zoning lot's boundaries, unless the purposes of this ordinance or the City's plan for the comprehensive development of the area within the lot is located is satisfied to an equivalent or greater degree;
 2. A change from the use approved;
 3. Significant changes in the location of the principal and/or accessory structures and/or uses;
 4. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of the principal and/or accessory structure shown on the approved plan;
 5. Significant changes in pedestrian or vehicular access or circulation;
 6. Significant changes in the amount or location or required landscape buffer if an alternate proposal does not provide the same or greater degree of screening.
- H. *Re-submittals.*

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

An application for a special use permit which has been denied by the City Council may be resubmitted only if there has been a substantial change in circumstances as determined by the Zoning Administrator and as specified in Section 17-7) .

Major changes to approved special uses shall required submittal of a new application and site plan.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 7: EXCEPTIONS AND MODIFICATIONS

- 7-1 Existing lots of insufficient size - If a lot, which was recorded prior to the adoption of this ordinance, does not meet the lot area or width requirements in a district where single-family residences are permitted, such a lot may be used as the location of a single-family dwelling with related accessory buildings providing such lot is in separate ownership and is not of continuous frontage with another lot or lots of the same ownership. There shall be no alteration of the minimum yard requirements on such lots except where the Roxboro Board of Adjustment finds, after a public hearing, that the values of the neighboring properties would not be unduly depreciated nor would the public safety or welfare be unduly affected by such action.
- 7-2 Curb Cuts - As provided for in the Driveway Ordinance of the City of Roxboro.
- 7-3 Corner Visibility - In all zoning districts other than B-3, Downtown Business District, there shall be no structure, fence, or other obstruction to visibility on any corner lot within 15 feet of the intersection of any two right-of-way lines.
- 7-4 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.
- 7-5 Group Housing Projects - A group housing project, which consists of a group of two or more buildings situated on a parcel of land that has a minimum area of two acres, and which is not subdivided into the customary streets and lots, shall be exempt from the lot and yard dimensional requirements of this ordinance providing the plan for the project is approved by the Roxboro Planning Board and the City Council on finding that the intensity of development shall be greater and the preservation of open space no less than would be the case in other residential development in the same district.
- 7-6 Buffer Strips -
- A. Buffer strips shall be required along all property lines where any of the following uses abut land zoned for residential use: commercial planned developments, shopping centers, all commercial enterprises (except home occupations), multi-family developments, parking lots, and industrial enterprises. A buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned for residential uses.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- B. The buffer strip shall not be less than fifteen (15) feet in width, shall be composed of evergreen bushes, shrubs, or trees such that at least two (2) rows of coverage are provided from the ground to a height of six (6) feet within four (4) years and foliage overlaps. The owner/developer of the project may use a built buffer screen in combination with the planted buffer requirement. The built buffer may consist of a chain-link, cyclone, or wood slat fence or a wall of masonry construction provided, however, the height of the fence or wall is at least four (4) feet in height. However, the fence or wall shall not exceed six (6) feet in height. Fences and walls may not be used along the portion of a lot that abuts a public right-of-way. If a built buffer screen is provided, the side facing the adjacent lot shall be planted with evergreen shrubs or trees that will grow to a height of at least six (6) feet in four (4) years. One (1) row of plant material may be used in these cases rather than two (2).
- C. Buffer strips shall be located on the outer perimeter of the lot or parcel and extend to the parcel boundary line. The buffer may be located in whole or in part within the required front, side, and rear setbacks. The buffer strip shall not be located on any portion of a public road right-of-way.

When the front, side or rear of a use is required to install a buffer adjacent to a public road right-of-way, partial buffering may be installed in lieu of the full buffering requirement. The partial buffer shall consist at a minimum of six (6) trees or shrubs per one hundred (100) linear feet of yard. The trees or shrubs shall be no less than four (4) feet in height. Trees or shrubs shall be planted within the required setbacks for buildings or parking while maintaining required site distances at driveway exits.

- D. 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.
- E. Installation of plant material shall be according to accepted landscape principles. Built buffer screens shall be constructed according to accepted construction standards.
- F. The owner/developer of the project shall be responsible for providing and maintaining the required buffer strip.
- G. If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, this existing screening may be substituted for the buffer strip. No existing natural buffer in the location of the required buffer strip shall be removed.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- H. Applications for permits for uses requiring buffers shall be accompanied by a Site Plan, drawn by a registered land surveyor, architect, or landscape architect, drawn to scale, showing at least (but not limited to) the following: location of structures, delineation of required parking spaces, drives and driveways, location of signs with elevation sketch, buffer areas, walkways, landscape planting plan with maintenance and replacement schedule, and an approved Soil and Sedimentation Control Plan where required.
- I. The required screening shall be installed and approved prior to the issuance of a Certificate of Occupancy or a bond in an amount sufficient to cover the cost of installation shall be posted with the City.
- J. All buffer strips, whether plant material or built, shall be maintained or replaced if necessary in order to maintain the effectiveness of the screening.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 8: STREET ACCESS

- 8-1 Unless otherwise exempted in this ordinance, no building shall be erected on a lot which does not abut a public street.
- 8-2 Unless permitted in this ordinance or elsewhere, no two separate or detached residences shall be constructed on any lot until said lot has been subdivided in accordance with the City of Roxboro Subdivision Ordinance and particularly Section 2, B, 4.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 9. OFF STREET PARKING AND OFF STREET LOADING REQUIREMENTS

- 9-1 All uses and establishments commenced hereafter shall provide the minimum number of off-street parking spaces required in this Section. Minimum dimensions for each parking space shall be 9 ft. x 18 ft. with a minimum 24 ft. wide drive aisle requirement.
- 9-2 The required amount of parking may be provided on the same lot as is the principal building, or on a lot within 500 ft. of the principal building, and such a lot may be owned or leased on a long term basis from the property owner by the occupants of the principal use.
- 9-3 All establishments shall provide off-street parking for their employees equivalent to the maximum number of persons on the largest shift. Establishments shall also provide additional parking spaces according to the following schedule:
- A. Auditorium - 1 space for every four seats.
 - B. Ball Park - 1 space for every eight spectator seats.
 - C. Churches - 1 space for every four seats in the main auditorium of the church.
 - D. Clubs - 1 space for every two active members.
 - E. Community center – 1 space for every 6 people the facility is designed to accommodate when used to the maximum capacity.
 - F. Dental Offices - 3 spaces for each dentist.
 - G. Drive-in Restaurants - 1 space for every 40 sq. ft. of dining and/or drinking space or area.
 - H. Funeral Homes - 1 space for every four seats in the largest assembly room.
 - I. Home Improvement Store – 1 space for every 250 sq. ft. of floor space devoted to customer sales and service.
 - J. Hospital - 1 space for every two beds.
 - K. Hotel - 1 space for each room for rent
 - L. Library - 1 space for every 400 square foot of floor space.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- M. Medical Office - 3 spaces for each doctor.
- N. Motel - 1 space for each room for rent
- O. Nursing Home - 1 space for every five beds.
- P. Offices (General) - 1 space for every 200 square feet of floor space.
- Q. Residence - 2 spaces for each dwelling unit.
- R. Retail uses not otherwise listed - 1 space for every 100 square feet of floor space.
- S. Rooming and/or Boarding Houses - 2 spaces for every two (2) rental rooms.
- T. Sales and Service Establishments not otherwise listed - 1 space for every 200 square feet of floor space devoted to customer sales and service.
- U. Schools, secondary - 1 space for every 20 students.
- V. Schools, elementary - 1 space for each faculty member.
- W. Tourist Homes - 1 space for each rental room.

9-4 All establishments commenced hereafter, which require or dispense goods shall provide the minimum number of off-street loading spaces required in this ordinance. Minimum dimensional requirements for such a space shall be 15 feet by 30 feet, and there shall be adequate access to such loading space from a public street.

9-5 The following schedule shall apply to all uses within the various districts which are required to provide off-street loading facilities:

One (1) off-street loading space for each 10,000 square feet of floor space or portion thereof.

One (1) additional loading space for each additional 10,000 square feet of floor space, or portion thereof.

The above loading requirements shall not apply to residential uses of the land.

9-6 Surfacing -

A. Paved Parking Required.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Except as provided below, all open off-street parking areas (spaces and aisles) and drives connecting such areas with the street, other than spaces required or serving single family residences, shall be surfaced and constructed

1. either with a minimum depth of four (4) inches of gravel and stone and a minimum of one and one-half (1.5) inches of asphalt, or
2. with four (4) inches of concrete, or
3. with four (4) inches of brick, or
4. with four (4) inch blocks of porous paving materials.

B. Exceptions.

The following situations are exempted from the requirements of this Section:

1. a parking lot used only for occasional use.
(Occasional use is a use that occurs on two (2) or fewer days a week),
2. a parking lot which is used exclusively as an accessory use and where the total number of parking spaces required for the uses in the principal structure on the lot is less than fifteen (15) spaces; provided however that said parking spaces shall be surfaced with a stabilized all-weather material, capable of carrying without damage the heaviest vehicle loads that can reasonably be regularly anticipated on such surface, or
3. a parking lot that is already surfaced with asphalt shall be exempted from having to provide a gravel or stone base as set out in Section 6(a) above.

C. Other Exemptions and Adjustments.

Whenever a proposed development involves only one (1) of the following:

1. an accessory structure, or
2. an addition to an existing structure which is less than twenty-five (25) percent of the existing floor area in the principal structure, or
3. a change in use that does not substantially increase the intensity of the use of the site, and, where the effect of complying with the requirements of this Section would create on said developer or landowner a

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

disproportionate and unfair burden compared with the nature of the proposed development, the permit issuing authority may relieve the developer of a portion or all the requirements as set out in Section 6(a).

D. Standards for Non-Paved Areas.

Whenever a vehicle accommodation area is exempt from the paved parking requirements under Section 6(b) above or otherwise not required to be paved in accordance with Section 6(a) above, the permit issuing authority:

1. may require that landscape aisles or spatial separations be provided every three (3) or more spaces where it finds it is desirable to ensure that the parking stalls will be readily identifiable to users, and
2. may require the perimeter of the vehicle accommodation area, encompassing but not limited to the unpaved parking stalls and the side of any unpaved drive or aisle leading to said stalls, to be rimmed or edged with landscape timbers, railroad ties, brick, or curbing of adequate size where it finds that it is desirable to prevent erosion, or the washing away of surface materials, or where it is necessary to assist the public in ascertaining the shape of the parking area.

E. Porous Paving Materials May Be Required.

The Zoning Administrator may require that porous paving materials be substituted for other surfaces in any portion of a vehicle accommodation area where it finds it is necessary to protect the root system of a tree or trees from damage.

F. Storage Spaces and Stacking Lanes Required to be Paved:

All stacking lanes are required to be paved.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 10 SIGNS

Section 10.0 Definitions.

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

- (1) **SIGN.** Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them.
- (2) **Billboard.** Off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
- (3) **FREESTANDING SIGN.** 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.
- (4) **OFF-PREMISES SIGNS.** Any free standing sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, maintained or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off premises sign unless such sign is excluded from regulation under Section 10.2 (9) and 10.3 or is subject to regulation under Section 10.3(5)
- (5) **Portable Sign** – Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported.
- (6) **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.
- (7) **TEMPORARY SIGN.** A sign that (i) 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

- (8) **Copy.** Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface.

Section 10.1 Permit Required for Signs.

(a) Except as otherwise provided in Sections 10.2 (Signs Excluded From Regulation) and 10.3 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Ordinance and the City's Code of Ordinances. Mere repainting or changing the copy of a sign shall not, in and of itself, be considered a substantial alteration.

(b) If plans submitted for a zoning permit, special use permit, or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning, special use, or conditional use permit shall constitute approval of the proposed sign or signs.

(c) Signs not approved as provided in subsection (b) or exempted under the provisions referenced in subsection (a) may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the Administrator.

- (1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter and applicable to zoning permits.
- (2) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center):
 - a. Subject to Subsection 10.1(b), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business requesting a particular sign, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area.
 - b. Upon application by such owner or agent, the administrator may issue a master sign permit that allocates permissible sign surface area to the various buildings or businesses within the development or lot according to an agreed upon formula, and thereafter sign permits may be issued to individual tenants

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

only in accordance with the allocation contained in the
master sign permit.

Section 10.2 Signs Excluded From Regulation.

The following signs are exempt from regulation under this chapter except for those stated in Subsection 10.10.

- (1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
- (3) Official signs of a noncommercial nature erected by public utilities.
- (4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (6) Signs directing and guiding traffic on private property that do not exceed four square feet in area each, do not exceed 3' in height and that bear no advertising matter.
- (7) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area.
- (8) Signs painted on or otherwise adhered to currently licensed motor vehicles that are not primarily used as signs.
- (9) Signs proclaiming religious, political, or other non-commercial messages, other than those regulated by Subsection 10.3 (a)(5) that do not exceed one per abutting street and sixteen square feet in area.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (10) Signs attached to the interior of a building window or glass door, or visible through such window or door. Such signs, individually or collectively, may not cover more than 75% of the surface area of the transparent portion of the window or door to which they are attached.
- (11) Physical displays of actual merchandise offered for sale or rent on the premises where physically displayed, if the merchandise is of the type that is actually for sale or rent on the premises, but not pictorial or other representations of such merchandise.
- (12) Signs carried by people.
- (13) Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such structures.
- (14) Signs not visible from a public place or private street.

Section 10.3 Certain Temporary Signs: Permit Exemptions and Additional Regulations.

(a) The following temporary signs are permitted without a zoning, special use, conditional use, or sign permit provided they are not placed within the public road right-of-way, nor attached to any natural or man-made permanent structure located within a public right-of-way, including without limitation, trees, utility poles, or traffic control signs in a public right-of-way; and conform to the requirements set forth below as well as all other applicable requirements of the City's Code of Ordinances and this Article except those contained in Section 10.6 and Section 10.8. The property owner shall be held responsible for violations.

- (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent.
 - a. For property in residential zoning districts such signs may not exceed four square feet in area and shall be removed within 7 days after sale, lease, or rental.
 - b. Not more than one such sign may be erected per site, and may not exceed 32 square feet in area in a commercial or industrial zoning district; and 4 square feet in area in a residential zoning district.
 - c. Such signs shall be removed within 7 days after the sale is closed or, rent or lease transaction is finalized.
 - d. No person shall post any real estate sign without the permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information.
 - a. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area in a commercial or industrial zoning districts; and 4 square feet in area in a residential zoning district.
 - b. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days after the issuance of the final occupancy permit.
 - c. No person shall post any construction sign without the permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;

- (3) Signs indicating that, on the lot where the sign is located, a new business is opening, a previously existing business is going out of business, a one-time auction is planned, or some other non-recurring activity of a similar nature is scheduled.
 - a. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area in a commercial or industrial zoning district; and 4 square feet in area in a residential zoning district.
 - b. Signs referring to sales or other events designed to promote a pre-existing, ongoing business or commercial venture or any specific product or service offered by such business or commercial venture are not authorized under this subsection.
 - c. Signs authorized under this subsection may be erected or displayed not sooner than 30 days before the activity that is advertised and must be removed not later than 7 days after the activity or event.
 - d. No person shall post any sign without the permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;

- (4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within seven days following the holidays.

- (5) Signs erected in connection with elections or political campaigns provided:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- a. Such signs shall be limited to not more than one per candidate or issue on any single parcel;
 - b. Such signs shall be located on private property, with permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;
 - c. Such signs shall not create a safety hazard nor be located in the public right-of-way, nor attached to or secured to any natural or man-made permanent structure located within a public right-of-way, including without limitation, trees, utility poles, guide wires or traffic control signs in a public right-of-way;
 - d. Such signs shall not exceed four square feet in area per side and 42 inches in height, except where such sign is erected in place of another type of sign permitted at that location, then it shall be the same size and subject to the same conditions as such sign; and
 - e. Where such sign refers to an election or other specified event, it shall be removed within 7 days after the election or specific political event.
 - f. In accordance with the above, such signs may be placed in the specified proximity of polling places on Election Day, under rules established by the Person County Board of Elections.
- (6) Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located.
- a. Such signs may be erected with the property owners and, when applicable, lessee's written permission, not sooner than 30 days before the event and must be removed not later than seven days after the event.
 - b. No more than one such sign may be erected on a site, and it may not exceed 32 square feet in area commercial and industrial zoning districts; and 4 square feet in residential zoning districts.
 - c. No person shall post any sign without the permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;
- (7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
- a. Not more than one such sign may be located on any lot.
 - b. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area in a commercial or industrial zoning districts; and 4 square feet in area in a residential zoning districts.
 - c. Such sign may not be displayed for longer than three consecutive days nor more than ten days out of any 365-day period.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

d. No person shall post any sign without the permission of the owner as per City Code of Ordinances, Chapter 93, Section 93.08;

(b) Other temporary signs not listed in Subsection 10. 3 (a) shall be regarded and treated in all respects as permanent signs, except that (as provided in Sections 10.6 and 10.8) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 10.4 Determining the Number of Signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device-containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) A two-sided or multi-sided sign shall be regard as one sign so long as:

(1) With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and

(2) With respect to double faced (back to back signs), the distance between the backs of each face of the sign does not exceed three feet.

Section 10.5 Computation of Sign Area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display including embellishments, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

(1) The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (2) The sign surface area of a double faced sign constructed in the form of a “V” shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the “V” does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

Section 10.6 Freestanding Sign

(a) For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 10.5. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common. The following requirements shall apply to all freestanding signs.

(b) Except as authorized by 10.6 and Section 10.13, no lot may have more than one freestanding sign.

(c) One flag, other than one covered by Section 10.2 (4), and consisting of a flexible banner or similar material (i.e., plastic, vinyl, etc.) secured to a single permanent pole shall be allowed for every 75’ of lot frontage in commercial and industrial zoning districts. Said flag shall not exceed 15 sq. ft. in area; and it shall be secured to single, permanent pole not exceeding 25’ in height.

(d) Freestanding signs shall conform to the allowable surface areas and maximum surface areas, per zoning district, as set forth in the following chart:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

FREESTANDING SIGN CHART

<u>ZONING DISTRICT</u>	<u>ALLOWABLE SURFACE AREA</u>	<u>MAXIMUM TOTAL SURFACE AREA</u> (*See Notes 1 and 2 Below)
R-1	4 sq. ft. in area	4 sq. ft. in area
R-2	4 sq. ft. in area	4 sq. ft. in area
B-1	1 sq. ft. in area per front foot of property	200 sq. ft. in area
B-2	½ sq. ft in area per front foot of property	100 sq. ft. in area
B-3	2 sq. ft. in area per front foot of property	75 sq. ft. in area
B-4	2 sq. ft. in area per front foot of property	250 sq. ft. in area
B-5	1 sq. ft. per front foot of property	100 sq. ft. in area
I-1	1 sq. ft. in area per front foot of property	150 sq. ft. in area
I-2	1 sq. ft in area. per front foot of property	150 sq. ft. in area

Note 1: Maximum Sign Area Exception - At any entrance to a subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen square feet in area, nor may the total surface area of all such signs exceed thirty-two square feet in area.

Note 2: Temporary Signs - Temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 10.7 Subdivision and Multi-Family Development Entrance Signs.

At any entrance to a subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen square feet, nor may the total surface area of all such signs exceed thirty-two square feet in area. The maximum sign height is provided in Section 10.8.

Section 10.8 Location and Height Requirements.

(a) Signs shall be allowed on the front, sides, rear, or roof of a building as provided for in this Section. The allowable surface area for signs on the front of a building shall not exceed the allowable surface area set forth in Subsection (b). The

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

allowable surface area for signs on any one side, rear or roof a building shall not exceed one-half of the allowable surface area for signs permitted on the front of a building as set forth in Subsection (b). The total allowable surface area for signs on the sides, rear, and roof of a building shall not exceed the maximum total surface area set forth in Subsection (b).

(b) All signs attached to a building wall or roof shall conform to the allowable surface area and maximum total surface area requirements as shown in the “Roof or Wall Sign Chart” below:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

ROOF OR WALL SIGN CHART

<u>ZONE</u>	<u>ALLOWABLE SURFACE AREA</u>	<u>MAXIMUM TOTAL SURFACE AREA</u> (See Notes 1, 2, 3, & 4 Below)
R-1	4 sq. ft. in area	4 sq. ft. in area
R-2	4 sq. ft. in area	4 sq. ft. in area
B-1	2 sq. ft. in area per front foot of building	175 sq. ft. in area
B-2	1 sq. ft. in area per front foot of building	50 sq. ft. in area
B-3	2 sq. ft. in area per front foot of building	50 sq. ft. in area
B-4*	2 sq. ft. in area per front foot of building (*See Note 2)	200 sq. ft. in area
B-5	1 sq. ft. in area per front foot of building	50 sq. ft. in area
I-1	2 sq. ft. in area per front foot of building	100 sq. ft. in area
I-2	2 sq. ft. in area per front foot of building (*See Note 2)	100 sq. ft. in area

Note 1: In all zoning districts other than the R-1 and R-2 districts, the maximum square footage may be increased by 10 sq. ft. in area for every 100' that the storefront is behind the right-of-way.

Note 2: In a B-4 Shopping Center District and I-2 Heavy Industrial District, the allowable area for a roof or wall sign shall be as stated in the Roof or Wall Sign Chart for buildings up to 100 linear feet of building footage. For buildings over 100 linear feet of building footage, the allowable area of signage shall be increased by 1 sq. ft. in area for each foot over 100 linear feet of building footage. In a multi-occupancy building, each occupant with an outside service entrance for the general public may have a separate wall sign. The allowable sign area for each occupant shall be as allowed in the Roof or Wall Sign Chart.

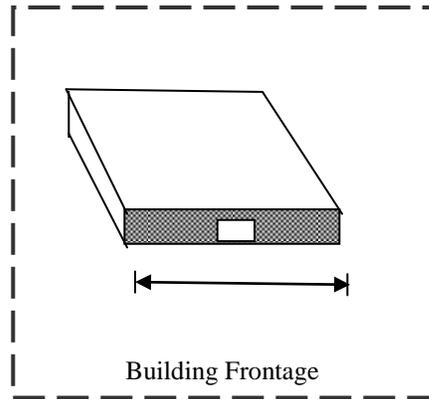
Note 3: An awning, canopy or mansard may be used for the placement of the allowable square footage for wall signs.

Note 4: Temporary Signs shall not be included in calculating the total amount of sign area.

(c) For purposes of this Section, the “front foot of a building” means, “building frontage” in feet. 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

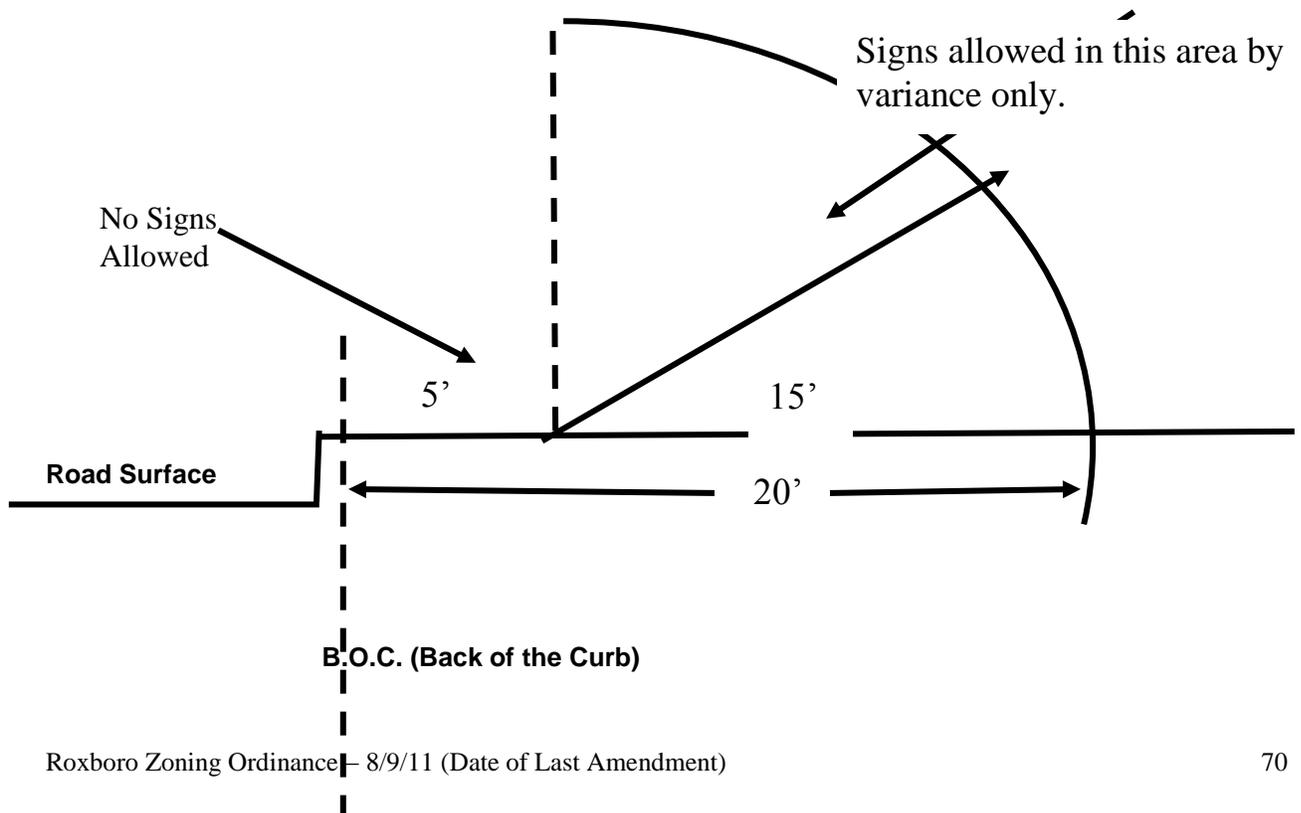
CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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.



(d) No sign shall be permitted in any public right-of-way or within 5' of back of curb, whichever is further from back of the curb, except on B-3 zoning district.

(1) When, in the B-1 or B-4 zoning districts and along major and minor thoroughfares, the public right-of-way is within 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 5' from the back of the curb and at the same elevation as the back of curb (see illustration below):



CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(2) When the requirement that a sign not be permitted within any side yard or rear yard setback, or be placed outside of the 15' arc would create an undue hardship, the Board of Adjustment may, after finding that the requirement would constitute an unnecessary hardship due to the peculiar characteristics of the property and by granting a variance would not obstruct the sight area or impede the orderly flow of traffic, grant a variance to the 15' arc requirement, side yard or rear yard setbacks.

(e) Small entrance and exit signs are exempt from Subsection (c) of this section providing they do not exceed thirty-six (36) inches in height and four (4) square feet in area.

(f) When a sign is placed on a corner lot, it shall not obstruct the sight area at the intersection or impede the orderly flow of traffic.

(g) 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 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.

(h) No part of a freestanding sign may exceed a height, measured from ground level, of twenty-five (25) feet in a B-1, B-2, B-3, B-4, I-1 or I-2 Zoning District; and 15' in all other residential zoning districts.

Section 10.9 Sign Illumination and Signs Containing Lights.

(a) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

(b) No sign within 150 feet of a Residential-Agricultural Low Density (R-1) or Residential-Medium Density (R-2) Zoning District may be illuminated between the hours of 12 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.

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Subject to Subsection (f), illuminated tubing or strings of light that outline property lines, sales areas, rooflines, doors, windows, architectural features or similar areas are prohibited. Subject to Section 10.6(d) – Freestanding Sign Chart and 10.8(b) –

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Roof or Wall Chart, illuminated tugging may be utilized and included in the allowable surface area of free standing, wall or roof signs.

(e) Subject to subsection (g), 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.

(f) Subsections (a) and (e) do not apply to temporary signs erected in connection with observance of holidays.

(g) Subsections (e) and (f) do not apply to temporary signs erected in connection with the observance of holidays.

Section 10.10 Miscellaneous Requirements.

(a) 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.

(b) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing, electronic message boards, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited, if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in Subsection 10.2 (4) or 10.6(c) or to an electronic message board, not exceeding 10 square feet (per side), provided the overall area of the sign complies with the applicable provisions referenced in Section 10.6 (d) – Free Stand Sing Chart, 10.8(b) – Roof or Wall Sign Chart.

(c) 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.

(d) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

Section 10.11 Sign Construction

All signs shall be designed, constructed and maintained in accordance with the following additional standards:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(a) All signs 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.

(b) Except for permitted banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Zoning Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground or building.

Section 10.12 Sign Maintenance of Signs

All signs shall be maintained in good structural condition, in compliance with applicable building and electrical codes and the provisions of this Zoning Ordinance. Specifically:

(a) A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 consecutive days.

(b) 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 10 consecutive days.

(c) 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 30 consecutive days.

(d) An illuminated sign shall not be allowed to stand with partial illumination for a period of more than 30 consecutive days.

(e) Whenever a sign becomes structurally unsafe or endangers the safety of the public health and welfare, the Zoning Ordinance Administrator shall order said sign to be made safe or removed. Such order shall be complied with within five (5) days of notification.

Section 10.13 Nonconforming Signs

(a) Subject to the remaining restrictions of this section, non-conforming signs that were otherwise lawful on the effective date of this article may be continued.

(b) 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 non-conforming sign.

(c) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(d) If a non-conforming 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 replace it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign damaged.

(e) The message of a nonconforming sign may be changed so long as this does not create any new non-conformity (for example, by creating an off premises sign under circumstances where such a sign would not be allowed.)

(f) Subject to other provisions of this section, non-conforming 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.

Section 10.14 Prohibited Signs

(a) Portable signs – All portable, A-frame, T-frame signs are prohibited unless otherwise permitted in Section 10.2 and Section 10.3. Existing prohibited signs shall be removed within nine (9) months following adoption of this Article.

(b) The erection of any sign, which requires a permit, without obtaining all necessary permits before erection, is prohibited.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 11 NONCONFORMING SITUATIONS

Section 11-1 Definitions.

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

- (1) **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.
- (2) **EFFECTIVE DATE OF THIS ORDINANCE.** Whenever this Section II refers to the effective date of this ordinance, 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.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **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.
- (7) **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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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.

- (8) **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.

Section 11-2 Continuation of Nonconforming Situations and Completion of Nonconforming Projects.

(a) Nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued, subject to the restrictions and qualifications set forth in Section 11-3 through 11-11.

(b) Nonconforming projects may be completed only in accordance with the provisions of Section 11-8.

Section 11- 3 Nonconforming Lots.

(a) When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Section 5, then the lot may be used as proposed just as if it were conforming. However, no use that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot reasonably be complied with, then the administrator may allow deviations from the applicable setback requirements if he/she finds that:

- (1) The property cannot reasonably be developed for the use proposed without such deviations;
- (2) These deviations are necessitated by the size or shape of the nonconforming lot; and
- (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 11-6.

(e) Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

Section 11-4 Extension or Enlargement of Nonconforming Situations.

(a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- (1) An increase in the total amount of space devoted to a nonconforming use; or
- (2) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

(b) Subject to subsection (d) a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 11-8 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) Subject to Section 11-8 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent or more of the earth products had already been removed at the effective date of this chapter.

(d) The volume, intensity, or frequency of use or property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

(e) Notwithstanding subsection (a), any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 11-7 (abandonment and discontinuance of nonconforming situations).

(f) Notwithstanding subsection (a), whenever: (i) there exists a lot with one or more structures on it; and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (iii) the parking or loading requirements of this ordinance 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 or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land.

Section 11-5 Repair, Maintenance and Reconstruction.

(a) 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 twenty-five percent of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this section.

(b) 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 exceed twenty-five percent 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 11-4(e).

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (c) For purposes of subsections (a) and (b):
 - (1) The “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.
 - (2) The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection (a) or (b) by doing such work incrementally.
 - (3) The “appraised valuation” shall mean 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.
- (d) The administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:
 - (1) No violation of Section 11-4 will occur; and
 - (2) The permittee will comply to the extent reasonably possible with all provisions of this chapter applicable to the existing use, (except that the permittee shall not lose his right to continue a nonconforming use).

Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot 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.

Section 11-6 Change In Use of Property Where a Nonconforming Situation Exists.

(a) A change in the use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning, special use, or conditional use permit under this ordinance may not be made except in accordance with subsection (b) through (d). However, this requirement shall not apply if only a sign permit is needed.

(b) 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

conformity with this ordinance is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible 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 administrator issues a permit authorizing the change. This permit may be issued if the administrator finds, in addition to any other findings that may be required by this ordinance, that:

- (1) The intended change will not result in a violation of Section 11-4; and
- (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 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 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.

(d) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the administrator issues a permit authorizing the change. The administrator may issue the permit if he/she finds, in addition to other findings that may be required by this ordinance, that:

- (1) The use requested is one that is permissible in some zoning district with either a zoning, special use, or conditional use permit; and
- (2) All of the conditions applicable to the permit authorized in subsection (c) of this section are satisfied; and
- (3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Section 11-7 Abandonment and Discontinuance of Nonconforming Situations.

(a) When a nonconforming use is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.

(b) 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.

(c) 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.

(d) 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 11-8 Completion of Nonconforming Projects.

(a) 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 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(b) Except as provided in subsection (a), and except to the extent that a developer has a vested right as set forth in Sections 11-10 and 11-11, 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 as of that date. The 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 land use law 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 administrator shall be guided by the following, as well as other relevant considerations:

- (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.
- (2) Except as provided in subdivision (b)(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.
- (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, for the expenditure can be recovered by a resale of the property.
- (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.
- (5) 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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.
- (7) Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the 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 effects of the proposed ordinance. The administrator may find that the developer did not proceed in an attempt to undermine the proposed ordinance if he/she determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or 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) In deciding whether a permit should be issued under this section, the 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 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.

(c) 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 (b). In addition to the matters and subject to the guidelines set forth in subdivisions (1) through (8) of subsection (b), the 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:

- (1) Whether any plans prepared or approved regarding incompleting phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.
- (2) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.
- (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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

approved but incompleting phases, that the investment in such utilities or other facilities cannot be recouped if such approved but incompleting phases are constructed in conformity with existing regulations.

(d) The administrator shall not consider any application for the permit authorized by subsection (b) that is submitted more than sixty days after the effective date of this ordinance. The administrator may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

(e) When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the 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.

Section 11-9 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 administrator may nevertheless issue the permit even though the project is nonconforming if he/she finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on this ordinance as it existed prior to the amendment and thereby would be unreasonably prejudiced if required to comply with this ordinance as so amended.

Section 11-10 Vested Rights: Site Specific Development Plan.

(a) A special use permit or a conditional use permit shall be regarded as a "site specific development plan" under the provisions of G.S. 160A-385.1. Therefore, once a special use permit or conditional use permit has been issued, the permit recipient shall have a "vested right" to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this ordinance, to the extent provided in G.S. 160A-385.1.

(b) Recipients of zoning permits shall be entitled to the same protections as recipients of special or conditional use permits. Therefore, once a zoning permit has been issued, the permit recipient shall have a "vested right" to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this ordinance, to the same extent provided in G.S. 160A-385.1 for developments authorized by the approval of "site specific development plans."

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(c) A vested right under this section commences upon the issuance of the permit in question and:

- (1) A zoning right that has been vested as provided in this ordinance shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan (that are not processed as new applications, unless expressly provided by the approval authority at the time the amendment or modification is approved.
- (2) As provided in G.S. 160A-385.1(d)(6), a right which has been vested in accordance with this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(d) Nothing in this section shall prohibit the revocation of a permit authorized under this ordinance, and the vesting of rights provided for under this section shall be terminated upon such revocation.

- (f) The effect of this section is to ensure that, during the period of vesting, the developer is protected from subsequent changes in this ordinance to a greater extent than is authorized under Section 11-11 (which provides for a vesting of rights only after a building permit has been obtained), or Section 11-8 (which generally provides for a vesting of rights only after the developer has made substantial expenditures in good faith reliance upon this chapter).

Section 11-11 Vested Rights Upon Issuance of Building Permits.

As provided in G.S. 160A-385, amendments, modifications, supplements, repeal or other changes in the zoning regulations set forth in this ordinance or zoning district boundaries shall not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a building permit has been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes, so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 12. ADMINISTRATION AND ENFORCEMENT

- 12-1 Ordinance Administrator - The position of Ordinance Administrator is hereby authorized for the purpose of enforcement of this Zoning Ordinance. The Ordinance Administrator shall be appointed by the Roxboro City Council and such appointment shall become effective upon the adoption of this ordinance. The length of term and compensation shall be determined by the City Council.
- 12-2 Zoning Permit Required - Following the adoption of this ordinance, it shall be unlawful for any person to erect, extend, move, or alter any structure, or to begin, extend, move, or enlarge any use of the land within the city limits, unless a Zoning Permit has been issued to such a person for the specific purposes found in this ordinance. Such a permit shall be made of a cardboard substance, 6" x 8" in size, and shall be displayed in a conspicuous place on the particular parcel of land which is being effected by the permit. A written record of the issuance of such a permit shall be kept on file in the office of the Ordinance Administrator. The permit shall contain the following information:
- A. The name and address of the person who has applied for the permit.
 - B. The street address of the property effected by the permit.
 - C. The use proposed by the applicant for the permit.
 - D. The date, seal, and signature of the Ordinance Administrator.
- 12-3 No Zoning Permit shall be issued by the Ordinance Administrator unless the provisions of this ordinance have been adhered to, or unless the Board of Adjustment rules otherwise in writing.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 13. ZONING PERMIT APPLICATION AND ISSUANCE

13-1 Application for a Zoning Permit shall be made to the Ordinance Administrator by any person who is considering an action listed in Section 12-2 within the jurisdiction of this zoning ordinance.

13-2 The application shall consist of two copies of a plan of the site showing:

- A. The actual shape and dimensions of the lot or parcel which is to be
- B. The exact sizes of all existing and proposed buildings on the site and within a distance of 50 feet on all sides of the site.
- C. The location of the parcel with reference to existing rights-of-way.
- D. The areas which are to be set aside for off-street parking and off-street loading as required by this ordinance.
- E. Any other information which the Ordinance Administrator may deem necessary for his consideration in enforcing this ordinance.

13-3 After the Ordinance Administrator has checked the application against the provisions of this ordinance and found it to be in conformity, he shall issue a Zoning Permit to the applicant.

13-4 Upon issuance of the Zoning Permit, the applicant shall receive one copy of the site plan, the other being retained by the Ordinance Administrator.

13-5 At this time the applicant shall pay a fee of \$5.00 to the City of Roxboro to cover administrative costs.

13-6 If the application for a Zoning Permit is denied by the Ordinance Administrator, the applicant may appeal the action to the Roxboro Board of Adjustment.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 14. CERTIFICATE OF COMPLIANCE

Upon the completion of a structure for which a Zoning Permit has been issued, the Ordinance Administrator shall go into the field and check to see that the use has been constructed in conformity with the provisions of this ordinance.

The certificate of compliance shall indicate that the developer has met the requirements set forth in this ordinance in reference to the property and action described on the Zoning Permit.

SECTION 15. VIOLATION AND PENALTY

Any person who violates any of the provisions of this ordinance, or who falsified plans or statements filed there under, or who continues work on any building or structures after having received written notice to cease work from the Ordinance Administrator, shall be guilty of a misdemeanor.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 16. BOARD OF ADJUSTMENT

16-1 Creation and organization.

- A. The Zoning Board of Adjustment shall be governed by the terms of the General Statutes of North Carolina (160A - 388).
- B. *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, except that the first appointments shall be as follows: Regular members -two (2) members shall be appointed for a (one) 1 year term; two (2) members shall be appointed for two (2) year terms; and three (3) members shall be appointed for a full 3 year term.

At the expiration of these first terms each member shall be appointed for a period of three years. 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 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.

- C. *Members of the Board May Be Removed For Cause.*
 - 1. Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a pre-requisite of continuing membership on the Board.
 - 2. Board of Adjustment members (regular and alternate) may be removed by the Council t any time for 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

council shall hold a hearing on removal before it becomes effective.

3. No Board members shall take part in the hearing, consideration or determination of any case in which he is personally or financially interested.
4. No Board member shall vote on any matter deciding an application or appeal unless he shall have attended the public hearing on that application or appeal.
5. No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive or seek information pertaining to the case from any other member of the Board, its Secretary.
6. Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

D. *Compensation.*

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

E. *Officers and Duties.*

1. Chairman - The Chairman 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 Chairman shall be eligible for re-election. Subject to these rules, the Chairman shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matter before the Board.
2. Vice-Chairman - A Vice-Chairman shall be elected by the Board from among its members in the same manner and for the same term as the Chairman. He shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.
3. Secretary - The Zoning Administrator shall serve as Secretary.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

16-2 Meetings.

A. Regular meetings of the Board shall be held on the 4th Thursday of each month at 7:00 p.m. in City Hall; provided, however, that meetings may be held at some other convenient place in the City if directed by the Chairman 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 Chairman may notify; 24 hours in advance, the other members through the Secretary that the meeting for that month will not be held.

B. *Special Meetings.* Special meetings of the Board may be called at any time by the Chairman. At least twenty-four (24) hours written notice of the time and place of special meetings shall be given by the Secretary or the Chairman, to each member of the Board.

C. Quorum and Voting.

(a) 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 reverse any order, requirement, decision, or determination of the administrator or to grant any variance. All other actions of the board, including decisions relating to conditional 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).

(b) 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 (c) or (d) or has been allowed to withdraw from the meeting in accordance with Subsection (e).

(c) A member shall not participate in or vote on any quasi-judicial matter if the member's participation would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts included, but are not limited to,

- (1) a member having a fixed opinion prior to hearing the matter that is not susceptible to change, or
- (2) undisclosed ex parte communications,
- (3) a close familial, business, or other associational relationship with an affected person, or
- (4) a financial interest in the outcome of the matter.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

If an objection is raised to a member's participation and a member does not recuse himself or herself, the remaining members shall be a majority vote rule on the objection.

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

- (1) If the matter at issue involves the member's own official conduct;
or
- (2) If the participation in the matter might violate the letter or spirit of the member's code of professional responsibility.

(e) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voted on matters to be considered at the meeting.

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

(g) A roll call vote shall be taken upon the request of any member.

D. *Conduct of Meetings.* All meetings shall be open to the public, subject to these rules. The order of business at regular meetings shall be as follows:

1. Roll call.
2. Consideration of approval of minutes;
3. Hearing /Consideration/Determination of Cases;
4. Reports of committees;
5. Other Business

16-3 Appeals and Applications.

A. *Types of Appeals.* The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Building Inspector. It shall also hear and decide all matters referred to it or upon which it is required to pass by the Zoning Ordinance of the City of Roxboro, NC. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the ordinance.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- B. *Procedure for Filing Appeals.* No appeal shall be heard by the Board unless notice thereof is filed within fourteen (14) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Zoning Administrator. No application for a conditional use permit to be issued by the Board of Adjustment shall be considered by the Board unless a completed application is received at least fourteen (14) days prior to the next regularly scheduled meeting of the Board. All applications for hearings shall be filed with the Secretary or with the Zoning Administrator, who shall act as Secretary for the board in receiving this notice. All applications shall be made upon the form furnished for that purpose, and all required information shall be provided thereon before an appeal or an application shall be considered as having been filed. Any resident of the area of zoning jurisdiction may appeal from any order or act of the Zoning Administrator pertaining to enforcement of the zoning ordinance.
- C. *Fees.* No applications or notice of appeal shall be considered as having been completed until there has been paid to the City of Roxboro a filing fee. The amount of the fee shall be as stated/listed in the City's annual approved budget.
- D. *Hearings.*
1. Time - After receipt from the Zoning Administrator and/or Secretary of the completed notice of appeal or application, the Chairman shall schedule the time for a hearing, which shall be at the next regularly scheduled meeting.
 2. Notice - The Board shall give public notice of the hearing by all of the following means:
 - a) By publishing or advertising notice of the hearing in a newspaper of general circulation in the City of Roxboro at least once and at least five (5) days prior to the date of the hearing.
 - b) By mailing notices of the hearing to the parties to the action at least fourteen (14) days prior to the hearing.
 - c) By mailing notices of the hearing to the residents of all properties adjoining any portion of the property which is the subject of the action at least fourteen (14) days prior to the hearing; and
 - d) By posting notice of the hearing at a prominent place or places on the property which is the subject of the action at least fourteen (14) days prior to the hearing.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

All such notices shall state the location of the building or lot; the general nature of the question involved and the time and place of the hearing.

3. Conduct of Hearing - Any party may appear in person or by agent or by attorney at the hearing. The order of business for each hearing shall be as follows:
 - a) The Chairman, or such person as he shall direct, shall give a preliminary statement of the case;
 - b) The applicant shall present the evidence in support of his case or application;
 - c) Persons opposed to granting the application shall present the evidence against the application;
 - d) Both sides will be permitted to present rebuttals to opposing testimony;
 - e) The Board shall not be limited to consideration of such evidence as would be admissible in a court of law. The Board may, in its discretion, view the premises and obtain additional facts in the matter before arriving at a determination of the case.

4. Powers and Duties -
 - a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
 - b) To hear and decide application for Conditional Uses as defined in definitions.
 - c) To hear and decide appeals for variance of the requirements of this ordinance when it is alleged that the requirements would cause practical difficulties or unnecessary hardship.
 - d) Decisions by the Board shall be made not more than sixty (60) days from the time of the hearing.

5. Necessary Findings of the Board -
 - a) When granting a variance from the requirements of the ordinance the Board of Adjustment shall find for all of the following:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

1. Granting the variance will not allow the establishment of a use not otherwise permitted in a district by this ordinance;
 2. If the applicant complies with the literal terms of the ordinance, the applicant will not be able to make a reasonable use of the property.
 3. The practical difficulty or unnecessary hardship complained of is due to the peculiar characteristic of the property in question and is not applicable to other property in the vicinity or to the general public.
 4. The practical difficulty or unnecessary hardship complained of is not the result of the actions of the applicant and relates to the applicant's land.
 5. If granted, the variance will be in harmony with the general purpose and intent of the Roxboro Zoning Ordinance and will preserve the spirit of the ordinance.
 6. If granted, the variance will secure the public safety and welfare and do substantial justice.
- b) When granting an application for Conditional Uses, the Board of Adjustment shall find for all of the following:
1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 2. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public nuisance.
 3. That the location, design, and character of the use, if developed according to the plan as submitted and approved will be compatible with the existing development in the area in which it is to be located.
 4. That if the proposed use may be expected to materially increase the traffic volumes on adjacent streets, the location and dimensions of driveways, turning lanes and off-street parking areas shall be such as to facilitate the flow of traffic and to protect minor residential streets from substantial through or truck traffic.
 5. That fencing, screening, or a sufficient planting strip shall be shown on the plan that will minimize the effect created by the establishment or adjacent uses that are incompatible, such as utility substations adjacent to schools and churches, or off-street

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

parking lots adjacent to residential uses.

c). Board May Attach Conditions -

When granting a variance or a conditional use, the Board of Adjustment may attach thereto such conditions regarding the location and other features of the proposed building, structure, or use as they may deem advisable to protect established property values and to achieve the other purposes set forth in the statement of purpose.

6. Records, Permits and Notices -

a) Written notice of the decision in a case shall be given to the applicant by the Secretary by registered mail after the final decision of the Board is entered in the minutes of the Board and filed with the Zoning Administrator and signed by the Chairman and the Secretary upon approval of the minutes by the Board. The record shall show the reasons for the decision, with a summary of the evidence introduced and the findings of fact made by the Board.

1. Variances. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a variance or an exception.

2. Conditional Use Permits. Where a conditional use permit is granted, the record shall state in detail any facts supporting findings required to be made prior to the issuance

b) All parties who have filed with the Board a written protest to the proposed action of the Board or who shall have appeared in person at the hearing (and who shall have notified the Board in writing of his or her protests) and the applicant shall be given notice by registered mail of the Board's action under 6 a) above.

c) Every petition for certiorari shall thereafter be filed not later than thirty (30) days after the delivery by the Board of the notice to the parties involved of the action of the Board.

d) No building permits based upon any action of the Board of Adjustment shall be issued until the expiration of thirty (30) days

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

following the notification as required by Subsection (5) (a) above.

- e) Expiration of Permits. Unless otherwise specified, any order or decision of the Board granting a variance or a conditional use permit shall expire if a building permit or certificate of occupancy for such use is not obtained by the applicant within six (6) months from the date of the decision.
- f) Public Record of Decisions. The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times. Written notice of the decision in a case shall be filed by the Secretary with the Zoning Administrator under Section 6 a) above.
- g) The Board shall prepare and submit in June of every year, to the City Council, a report of its activities for the year then ending. Such report shall contain a statement of the number of cases heard and a summary of the actions taken, along with any other matters, which the Board deems appropriate for inclusion in such report.
- h) The Board of Adjustment may recommend to the Roxboro City Council that the rules be amended. An affirmative vote of not less than five (5) members of the Board. Such amendment(s) be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

8. Appeal from Decision of the Board

An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing.

Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of the

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

denial of the original application.

Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Administrator or the Chairman of the Board of Adjustment at the time of its hearing of the case, whichever is later.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 17. AMENDMENTS

The Roxboro City Council may amend, supplement, or change the Zoning Ordinance and district lines in accordance to the following procedures outlined in this section.

As provided in North Carolina General Statute 160A-385(b), amendments, modifications, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to building and uses for which either (i) a building permit has been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes as long as the permit remains valid and unexpired pursuant to G.S. 160-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160-385.1.

17-1 Initiation of Amendments/Application. Except as otherwise stated herein, a proposal to amend or repeal this ordinance or any part thereof may be submitted by any corporation or person who resides or owns property within the area zoned by this ordinance, or by any city official, board or commission. The proposal shall contain a description of the area involved, and a statement of the present and proposed zoning regulations to be applied to the area. A Shopping Center Special Use District rezoning request shall be made in accordance with the provisions of Section 5A. Proposals shall be submitted to the Zoning Ordinance Administrator.

17-2 Fees. Until there has been paid to the City of Roxboro a filing fee in the amount specified below, to cover the cost of advertising and other administrative expenses. The fee amount shall be as stated/listed in the City of Roxboro's approved annual budget

17-3 Planning Board Consideration. The Planning Board shall forward its recommendations concerning the request with 60 days of the initial Planning Board meeting at which the zoning amendment is considered, unless the Planning Board request and is granted an extension by the Roxboro City Council. Failure to submit a recommendation within this period without an extension shall be deemed a favorable recommendation. The Planning Board may, at its discretion, hold a separate public hearing from that held by the Roxboro City Council.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City 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 Council.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

17-4 City Council Consideration. The City Council shall consider requests to amend this Ordinance at the next regular scheduled meeting of the City Council following receipt of the Planning Board's recommendation and after notice of public hearing is provided in accordance with Section 17-5 below.

17-5 Notice of Public Hearing.

(a) No amendment to any of the provisions of this Zoning Ordinance may be adopted until a public hearing has been held on such amendment, and the City Manager or designee is authorized to set the public hearing date immediately following the Planning Board's meeting at which an amendment request is reviewed and a recommendation made to the City Council.

(b) The Zoning Administrator shall publish a notice of the public hearing on any proposed amendment to the provisions of this ordinance once a week for two successive weeks in a newspaper having general circulation in the Roxboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the Zoning Administrator shall mail, by first class mail, written notice of the public hearing to the record owners as shown on the county tax listing of all properties whose zoning classification may be changed by the proposed amendment as well as to the record owners as shown by the county tax listing of all parcels of land abutting that parcel of land which may be rezoned by the amendment. This notice shall be mailed to the last address listed for such owners on the county tax abstracts and shall be deposited in the mail at least 10 days but not more than days 25 prior to the date of the public hearing. The person or persons mailing such notices shall certify to the City Council the fact, and such certificate shall be deemed conclusive in the absence of fraud.

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of a least 50 different property owners, and the City elects to use the expanded published notice provided for in this subsection. In this instance, the City may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page 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 the newspaper circulation area, according

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

to the address listed on the most recent County property tax listing for the affected property, shall be notified according to the provisions of subsection (3) of this section.

(e) For proposed zoning map amendments, the Zoning Administrator shall also prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Zoning Administrator shall post sufficient notices to provide reasonable notice to interested persons.

(f) The Zoning Administrator shall take any other action deemed to be useful or appropriate to give notice of the public hearing on any proposed amendment.

The notice required or authorized by this section shall:

- (2) State the date, time and place of the public hearing.
- (3) Summarize the nature and character of the proposed change.
- (4) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (5) State that the full text of the amendment can be obtained from the City Clerk.
- (6) State that substantial changes in the proposed amendment may be made following the public hearing.

(g) The Zoning Administrator shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Council's intention that no failure to comply with any of the notice provisions (except for those set forth in subsection (b)) shall render any amendment invalid.

17-6 City Council Action. Before exercising its discretionary legislative authority, the City Council shall consider the Planning Board's recommendations on each proposed amendment and, when applicable, the "Recommended Checklist for Zoning Amendments" contained in the ordinance.

Except for Shopping Center Special Use District rezoning requests, the City Council shall not consider any representations made by the applicant, 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 and the proposed impact on the public at large.

Prior to adopting or rejecting any zoning amendment, the City Council shall

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest.

17-7 Re-Submission of Petition.

- A. The Planning Board shall not review any applications (i.e., text amendments, map amendments, special use permits, etc.) for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial.

- B. The Zoning Administrator Enforcement Officer may allow re-submission of such petition within said one (1) year period if it be determined that, since the date of action on prior petition:
 - 1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
 - 2. The City Council has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;
 - 3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or
 - 4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

17-8 (a) If a petition opposing an amendment to the zoning map is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Council membership. For the purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered “members of the Council” for calculation of the requisite supermajority.

(b) To trigger the three-fourths vote requirement, the petition must:

- (1) Be signed by the owners of either (i) twenty percent (20%) or more the area included in the proposed change or (ii) five percent (5%) of the 100-foot-side buffer extending along the entire boundary of each discrete or

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100' buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the City may rely on the Person County Tax listing to determine the "owners" of potentially qualifying areas.

- (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
 - (3) Be received by the City Clerk in sufficient time to allow the City at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.
 - (4) Be on a form provided by the City Clerk and contain all the information requested on this form.
- (c) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.
- (d) The foregoing provisions concerning protests shall not be applicable to any amendment, which initially zones property added to the territorial coverage of this Ordinance as result of annexation or otherwise.

17-9 Voting of Members of City Council and Boards.

Notwithstanding any other provisions of this Ordinance, no member of the City Council nor any member of the Planning Board or any other appointed Board providing advice to the City Council shall vote on any zoning map or text amendment or recommendation therefore where the outcome of the mater being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 18. LEGAL PROVISIONS

18-1 Effect of Other Ordinances.

Requirements set forth by this ordinance are minimum requirements. If they differ from the requirements of any other legal adopted rule, regulation, or ordinance of the City of Roxboro, then the more restrictive requirements shall apply. All provisions of the Zoning Ordinance of the City of Roxboro passed prior to the adoption of this ordinance, which are not reenacted herein, are hereby repealed.

18-2 Effect of Private Deed Restriction.

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.

18-3 Effect of Invalidity of One Section of This Ordinance.

Should any section or provision of this ordinance be decided by the courts to be invalid, such decision shall not affect the validity of the rest of the ordinance.

18-4 Effect Upon Existing Conditional Uses:.

After the effective date of this ordinance, those uses which existed prior to that effective date and would only be permitted as Conditional Uses in this district in which they are located shall be considered to be legally established Conditional Uses. Any expansion, addition, or other change for which a zoning permit is required shall be heard, considered, and approved or disapproved by the Board of Adjustment in the same manner as original applications for Conditional Use approval.

SECTION 19. EFFECTIVE DATE

This ordinance shall be in force and effect from the date of its adoption by the Roxboro City Council.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

ADOPTED BY ROXBORO CITY COUNCIL - AUGUST 13, 1964

**PREPARED
FOR:**

**City of Roxboro
Roxboro, North Carolina**

**D'Arcy W. Bradsher, Mayor
O. T. Kirby
J. W. Green**

**Aubrey S. King
John Bullock
Dr. J. Donald Bradsher**

**Jack F. Neel, City Manager
A. M. Burns, Jr., City Attorney
Clarence Burch, Ordinance Administrator**

PREPARED BY:

Roxboro Planning Board

**D. R. Taylor, Chairman
James Brooks
H. N. Sergeant
Dan Buckley
Ben Brown**

**C. C. King
Mrs. Mildred Nichols
Banks Berry
Frank Hester, Jr.**

Professional Assistance By:

**Tod J. Kilroy - Project Planner
Anne Smith - Secretary
Raymond Brown - Draftsman**

**Division of Community Planning
N. C. Dept. of Conservation and Development
Raleigh, North Carolina**

RE-PRINTED - NOVEMBER, 1994

**INCLUDING ALL AMENDMENTS
ADOPTED BY COUNCIL
FROM AUGUST, 1988 THRU PRESENT**

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Since 1988, the following people have served as Mayor:

Donald J. Waldo
Lois McIver Winstead

Since 1988, the following people have served as Councilmen:

<i>James M. Allen</i>	<i>H. Melvin Bates</i>	<i>Alfred B. Clayton</i>
<i>Eugene Keen</i>	<i>Samuel B. Spencer</i>	<i>Cynthia O. Ford</i>
<i>J. Martin Stone</i>	<i>Mike Cannon</i>	
<i>J. B. Oakley</i>	<i>William Warren, Jr.</i>	

Since 1988, the following people have served as Planning Board Members:

<i>Edward Bradsher</i>	<i>A. W. Jones</i>	<i>J. B. Day</i>
<i>Dan Harris</i>	<i>Edwin Knott</i>	<i>Danny Pentecost</i>
<i>Ted Hicks</i>	<i>Donald Bradsher</i>	<i>Chuck Oakley</i>
<i>Shelby Oakley</i>	<i>Dot Jackson</i>	<i>Bobby Hall</i>
<i>Randall Thompson</i>	<i>Theresa LaVoy</i>	

Since 1988, the following people have served as Board of Adjustment Members:

<i>William M. Jones</i>	<i>Dolly Denton</i>	<i>Q. A. Dickens</i>
<i>James Sampson</i>	<i>Riley Oakley</i>	<i>Alfred Clayton</i>
<i>Lois Winstead</i>	<i>Earllean Robertson</i>	<i>Charlie F. Gentry</i>
<i>Frank Johnson</i>		

The original Board of Adjustment Members were: (8-20-64)

<i>Frank Hester, Jr.</i>	<i>H. N. Sergeant</i>	<i>Burke Mewborne</i>
<i>J. A. Long, Jr.</i>	<i>Harold Wilkerson</i>	<i>Dan Buckley</i>
<i>Ben Brown</i>		

1994 Current Members:

The present (1994) Mayor is:

Lois McIver Winstead

The present (1994) City Council Members are:

<i>James M. Allen</i>	<i>Sam Spencer</i>
<i>Eugene Keen</i>	<i>J. B. Oakley</i>
<i>William Warren, Jr.</i>	

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

The present (1994) Planning Board Members are:

<i>Danny Pentecost</i>	<i>A. W. Jones</i>
<i>Edward Bradsher</i>	<i>Donald Bradsher</i>
<i>Chuck Oakley</i>	<i>Bobby Hall</i>
<i>Randall Thompson</i>	

The present (1994) Board of Adjustment Members are:

<i>William M. Jones</i>	<i>Dolly Denton</i>
<i>Q. A. Dickens, Alt.</i>	<i>James Sampson</i>
<i>Riley Oakley</i>	<i>Alfred Clayton</i>
<i>Earllean Robertson</i>	

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 20. 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:

- (a) 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,
- (b) 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.

Adult Day Care – An Adult Day Care is a facility offering day programs for adults, which may include, but are not limited to, entertainment, meals, occasional classes or instruction, access to computers, books or magazines and interaction which others in a supervised environment. Some facilities may cater to specific user groups, such as the elderly, adults with physical limitations, adults with mental limitations, etc. Such facilities generally have staff with special training in dealing with these user groups, such as the elderly, adults with physical limitations, adults with mental limitations, etc. The concept is very similar to that of a children’s day care, where children arrive and are supervised in various activities during the day, and then return home in the evening.

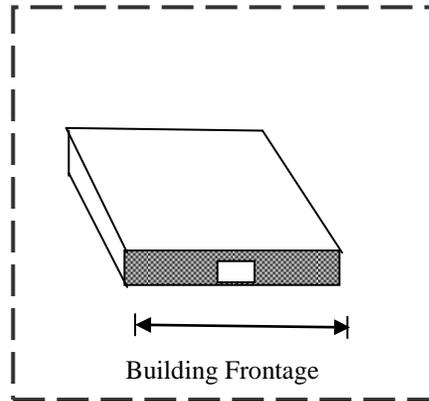
Antenna – Means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such systems shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), microwave Telecommunications and services whether or not licensed by the FCC.

Accessory Facility or Structure - means an accessory facility or structure serving or being used in conjunction with an antenna or Wireless Telecommunications Facilities, and located on the same property or lot as the antenna or Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

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;

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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 centerline of any street or external boundary of the tract on which multi-family townhouse development is situated.

Building, Principal - The building in which the principal use conducted on a lot is situated.

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.

Clinic - An institution connected with a hospital used for the treatment of outpatients.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Co-location - Means the use of a Tower or structure to support Antennae for the provision of wireless serves without increasing the height of the tower or structure by more than 20ft.

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.

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.

Development Ordinances – The city of Roxboro’s development ordinances (adopted by the City Council) shall consist of the following: Zoning Ordinance, Water Supply Protection Ordinance, National Flood Insurance Flood Damage Prevention Ordinance and Subdivision Regulations.

Dwellings - A building or portion of a building designated or used for housekeeping purposes.

Dwelling, Single-family - A detached building used as a residence for one family.

Dwelling, Two-family - A building used as a residence by two families, each housekeeping separately.

Dwelling, Multiple-family - A building used as a residence for three or more families, each housekeeping separately.

Family - One or more persons living as an independent housekeeping unit not including individual occupants of rooming houses, boarding houses, fraternities or sororities.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

Family Child Care Home - A child care arrangement (as defined in GS 110-86) located in a residence where, at any one time, more than two children, but less than 9 children receive child care.

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.

Group Care Facility - A transitional housing facility licensed by the State of North Carolina or operated by a non-profit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

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

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

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:

- (i) A perceivable noise, odor, smoke, glare, electrical interference, or vibration emanating from the home occupation,
- (ii) Outdoor storage of materials or equipment or display of goods, stock in trade, or other commodities,
- (iii) 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.
- (iv) 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- residents of the premises employed in connection with the purported home occupation,
- (v) 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,
 - (vi) Traffic generated by the home occupation that exceeds what would normally be expected in residential neighborhood.
 - (vii) Exterior indication of the home occupation or other variation from the residential character of the building(s)/property.

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.

Internet Sweepstakes – For profit business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes or cybercafés. This does not include any lottery approved by the State of North Carolina or any business enterprise that conducts the forgoing activity for less than 10 hours per week.

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 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.

Multi-Family Townhouse Development – A multi-family resident use of 3 or more dwelling units but not exceeding ten dwelling units per acre 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.

Night Club – An establishment dispensing liquor [aka alcohol] and meals and in which music, dancing or entertainment is conducted.

Offices - Quarters maintained by individuals or corporation for the purpose of offering

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

services in which no goods or merchandise are sold or displayed over the counter.

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.

Parking Space, Off-Street - The storage area required for parking one automobile on a particular lot; minimum dimensions are 9' x 20', plus adequate access drives.

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.

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.

Self Service Storage Facility (aka 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.

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

Sign (Billboard) - An advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this ordinance shall not apply to the following traffic control devices; legal notices; Noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have an area of one square foot or less.

Sign, Accessory - An advertising device used to disseminate information concerning the particular use of the lot upon which it is located.

Sign, Independent - 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.

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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

area of the smallest rectangle, triangle, circle, or combination thereof, which would completely enclose the copy area.

Streets (Residential) - All streets, roads and traveled rights-of-way used for vehicular traffic other than those indicated as thoroughfares.

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.

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 (See Section 5.1, 5.2, 5.6, 5.9 for specific standards related to residences).

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.

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.

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.

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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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.

Zoning Administrator (aka Ordinance Administrator) – The Zoning Administrator is the Planning and Development Director or a designee appointed by the City Manager.

Other Word Meaning, Tenses, and Numbers - The word "shall" is mandatory; the word "may" is permissive. Words used in the present tense include the future words used in the plural number include the singular.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 21. The Planning Board:

21-1 General Rules. The Planning Board shall be governed by the terms of NC G.S. 160A - 361, Planning Agency.

21-2 Creation and Organization.

A. *Membership and Vacancies* - The Planning Board shall consist of 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, except that the first appointments shall be as follows: One member shall serve for one year; one member shall serve for two years; one member shall serve for three years; one member shall serve for four years and one member shall serve a full term of five years. At the expiration of these first terms, each member shall be appointed for a period of five years. 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 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.

At any time the City Planning Board is required to act or consider proposals under the Subdivision Control Ordinance or any other ordinance of the City of Roxboro, which shall effect areas outside the corporate limits, but within the area which the City of Roxboro may exert regulatory powers granted to it by either the General Assembly of North Carolina or the County Commissioners of Person County, the City Planning Board shall sit jointly with the Person County Planning Board. It shall be the duty of the Secretary of the City Planning Board to notify the County Planning Board at least 48 hours in advance of the time and place of any such joint meeting.

Planning Board members may be removed by the Council at any time for 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 be it becomes effective.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

In the event, it would be advisable to have a seven (7) member City Board, terms should be for four years; first terms should be; two members for one year; two members for two years; two members for three years and one member for four years. This might be advisable to match the membership of the County Board.

B. *Organization, Rules, Meetings and Records.* Within thirty (30) days after appointment, the Planning Board shall meet and elect a Chairman and create and fill such office as it may determine. The term of the Chairman and other officers shall be one (1) year, with eligibility for re-election. The City Building Inspector and Zoning 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 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 21 d) 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.

C. *Offices and Duties.*

1. Chairman - A chairman 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 chairman shall be for the duration of the Board's duties in preparing the zoning ordinance. The Chairman 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 chairman shall appoint any committees found necessary to investigate any matters before the Board.
2. Vice-Chairman - A Vice-Chairman shall be elected by the Board from among its citizen members in the same manner and for the same term as the chairman. He/She shall serve as acting chairman in the absence of the chairman, and at such times he shall have the same powers and duties as the chairman.
3. Secretary - A secretary shall be appointed by the chairman of the Board, either from within or outside its membership. The secretary, subject to the direction of the chairman 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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.

D. *Meetings.*

1. Regular Meetings - Regular meetings of the Board shall be held, on an as needed basis, on the first Monday of each month at 7:00 P.M. in the Council Chambers of City Hall, unless posted otherwise. The meetings will be held only when a request has been filed requiring Planning Board action or in cases of special meetings.
2. Special Meetings - Special meetings of the Board may be called at any time by the chairman. At least twenty-four (24) hours notice of the time and place of special meetings shall be given, by the secretary or by the chairman, to each member of the Board; provided, that this requirement may be waived by a majority of all the members.
3. Cancellation of Meetings - Whenever there is no business for the Board, the Chairman 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.
4. Quorum - A quorum shall consist of four (4) members of the Board for zoning changes, amendments, special use permits, etc.
5. Conduct of Meetings - All meetings shall be open to the public. The order of business at regular meetings shall be as follows:
 - a). Roll call
 - b). Reading of minutes of previous meetings
 - c). Reports of committees
 - d). Unfinished business
 - e). New business
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.
7. Compensation - Members of the Board shall be compensated for all meetings attended, as appropriated in the City of Roxboro's annual budget.

21-3 General Powers and Duties - It shall be the duty of the Planning Board, in general:

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- A. To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
- B. To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
- C. To establish principles and policies for guiding action in the development of the area.
- D. To prepare and recommend to the City Council ordinances promoting orderly development along lines indicated in the comprehensive plan;
- E. To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
- F. To keep the City Council and the general public informed and advised to these matters;
- G. To perform any other duties which may lawfully be assigned to it.

21-4 Basic Studies - As background for its comprehensive plan and any ordinance it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but are not limited to studies of housing, commercial and industrial facilities, parks, playgrounds, and recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

All City officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

21-5 Comprehensive Plan - The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall be and show the Planning Board's recommendations to the City Council for the development of said territory, including, among other things, the general location, character, and extent of

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

streets, bridges, boulevards, parkways, playgrounds, squares, parks, 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, light, sanitation, removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals.

The plan and any ordinance or other measures to effectuate 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, morals, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, and promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, and the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities, services, and other public requirements.

21-6 Zoning Ordinance - The Planning Board is hereby designated as the Zoning Commission for the City of Roxboro and its environs. It shall prepare and submit to the City Council for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of Article 14 of Chapter 160 of the General Statutes of 1943, as amended. Such proposed zoning ordinance, when adopted by the City Council, will supplant any previous zoning ordinance and amendments now in effect.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the City Council concerning all proposed special use permit(s) and amendments (i.e., text amendments, map amendments) to the zoning ordinance.

21-7 Subdivision Regulations - The Planning Board shall review, from time to time, the existing regulations for the control of land subdivision in the area and submit to the City Council its recommendations, if any, for the revision of said regulations.

21-8 Public Facilities - The Planning Board shall review with the City Manager and other city officials and report its recommendations to the City Council upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines, and proposals to change existing street lines.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

However, in the absence of a recommendation from the Planning Board, the City Council may, if it deems wise, after the expiration of thirty (30) days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.

- 21-9 Miscellaneous Powers & Duties - The Planning Board may conduct such public hearings as may be required to gather information necessary for the maintenance of the comprehensive plan. Before adopting any amendments it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

Members and employees of the Planning Board, when duly authorized by the Planning Board may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable traveling expenses incident to such attendance.

- 21-10 Annual Report of Activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year:

The Planning Board shall, in May of each year, submit in writing to the City Council a written report of its activities, an analysis of the expenditures to date for the current physical year, and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

The Planning Board is authorized to receive contributions from private agencies and organizations or from individuals in the name of the City of Roxboro, in addition to any sum which may be appropriated for its use by the City Council of the City of Roxboro. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approved budget.

The Planning Board is authorized to appoint such committees and employees, and to authorize such expenditures, as it may see fit, subject to limitations of funds provided for the Planning Board by the City Council in the City's annual budget.

- 21-11 Advisory Council and Special Committees:

The Planning Board may seek the establishment of unofficial Advisory Council and may cooperate with this Council to the end that its investigations and plans

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

may receive fullest consideration, but the Board may not delegate to such Advisory Council any of its official prerogatives.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

21-12 Repeal and Date of Effect:

Any ordinance or parts of ordinances in conflict with this resolution and ordinance shall be in full force and effect as an ordinance of the City of Roxboro from and after the date of its adoption by the City Council. This ordinance upon adoption supercedes the Zoning Ordinance of Minute Book "G", page 203 dated June 10, 1948 and the ordinance to establish a Planning Board of Minute Book "P", page 302, dated June 17, 1941.

21-13 Validity:

Should any section, paragraph, sentence, clause, or phrase of this resolution and ordinance be declared unconstitutional or invalid for any reason, the remainder of the resolution and ordinance shall not be affected thereby.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 22. Mobile Home Regulations and Park Requirements:

22-1 Definitions:

A. *Manufactured Home or House.*

A manufactured housing unit designed for transportation on its own chassis and placement on temporary, semi-permanent foundation having a measurement of 40 feet or more in length and 8 feet or more in width. Manufactured home or house shall also mean a multi-sectional unit which is two or more manufactured housing units designed for transportation on their own chassis, which connect on-site for placement on a temporary or semi-permanent foundation of 40 feet or more in length and 8 feet or more in width.

B. *Classes of Manufactured Housing.*

Class A. Manufactured Housing which complies with the National Mobile Home Construction and Safety Standards adopted by the U. S. Department of Housing and Urban Development, but which does not meet the Appearance Criteria established by this ordinance.

Class B. Manufactured Housing which complies with the National Mobile Home Construction and Safety Standards adopted by the U. S. Department of Housing and Urban Development, but which does not meet the Appearance Criteria established by this ordinance.

C. *Appearance Criteria for Manufactured Housing.*

A Class "A" manufactured home must meet the following appearance criteria. Before issuing a Certificate of Occupancy for a Class "A" manufactured home, the Zoning Administrator must certify that the home (or, in the case of identical units, a model of the home) meets the following appearance criteria:

1. Length-Width Ratio - The main portion of the home shall have a building length not exceeding four times the building width. Single wide homes will not be acceptable.
2. Roofing Material - The roofing material must be compatible with residential construction within the area in which it is to be located.
3. Exterior Finish - The exterior materials shall be of a color material and scale comparable with those existing in residential construction and in no

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

way shall the degree of reflectivity of exterior finishes exceed that of gloss white paint. Siding trim and features should be compatible.

4. Foundation - A continuous permanent masonry foundation, unpierced except for required ventilation and access shall be installed under all elements of the building. Footings for walls shall be below the frost line. The ground surface below the foundation shall be protected with a poly vapor barrier. Installation shall include a positive surface water drainage away from the home.
5. Chassis Removal - The home shall have wheels, axles, transporting lights and towing apparatus removed.

22-2 Location of Mobile Homes:

- A. All units as defined may be stored on sale lots in permitted business or industrial zones.
- B. All units as defined may not be stored or parked on public rights-of-way for more than 24 hours.
- C. All units as defined may be stored on private property, but may not be used except as follows:
- D. Mobile homes may be used for human habitation as follows:

In a permitted and licensed mobile home park.

22-3 Board of Adjustment may grant conditional hardship use (see Section 15) to place on mobile home on a residential lot in addition to the main dwelling provided:

- A. That the person(s) occupying the mobile home shall be close relatives of the occupant of the main dwelling.
- B. That there be presented sufficient evidence of hardship which would require the close observation and/or nursing care to the occupant(s) of the main dwelling or the mobile home.
- C. That such permit must be renewed annually.
- D. That no person will be allowed to rent the lot, part of the lot, the main dwelling or the mobile home.

21-4 Mobile home may be allowed to remain on residential lots if they were in

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

existence and occupied as of the effective date of this ordinance or if they were annexed into the City since the effective date, as long as the occupants remain the same. If the occupants vacate the mobile home then it shall come under the general operation of this ordinance.

The Board of Adjustment may grant a conditional use to place one Class "A" manufactured house on a single-family lot in R-1 or R-2.

All units as defined may not be used for storage, accessory buildings, utility buildings, shops, or home occupation without the permission of the Inspection Department.

22-5 Mobile Home Park Permits Required:

- A. Prior to the construction of a mobile home park, the builder shall make application for a zoning permit. The application shall include a plan of the proposed park, which shall be reviewed by the Ordinance Administrator and checked against the requirements of this ordinance. The builder may be required to revise the plan before it is submitted to the Board of Adjustment.
- B. Construction plans for the park shall include:
 - 1. A complete site plan of the park, showing streets, driveways, walkways, recreation area, mobile home spaces, parking spaces, buildings, garage receptacles, street lighting, etc.
 - 2. Plans shall show proposed layouts and connections for water, sewer, storm drainage, telephone, electric, gas, and cablevision lines.
 - 3. If the City of Roxboro cannot serve proposed site with water and sewer, then an approved plan and letter from N. C. Health Department must accompany the application.
 - 4. The plan must show the owner's name, designer's name, and park's name and address of each. The plan must also show adjoining zoning districts.

22-6. Mobile Home Park Space Requirements:

- A. All mobile home parks shall be located on a site or tract of land not less than one (1) acre in size.
- B. All mobile home spaces shall abut upon a driveway of not less than 20 feet in width. Drives shall have unobstructed access to a public street or thoroughfare. All drives shall be hard surface well marked and lighted by

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

the park owner.

- C. At least two (2) off-street auto parking space shall be constructed and maintained for each mobile home and shall be located so as not to interfere with the movement of traffic on streets and park drives.
- D. Dimensional Requirements:
 - 1. Each mobile home space shall be a minimum of 4,000 sq. ft.
 - 2. There shall be a minimum of 20 ft. side clearance between mobile homes.
 - 3. There shall be a minimum of 20 ft. end clearance between mobile homes.
 - 4. No mobile home shall be placed any closer than 25 ft. in the R-1 District and 25 ft. in the R-2 District from the park property line and 45 ft. to the center line of residential streets; 60 ft. to center line of major or minor thoroughfares.
 - 5. Mobile homes shall be 10 ft. from edge of driveway pavement and shall be graveled or paved.

22-7 Mobile Home Park Utility Requirements:

Mobile park utility regulation shall meet N. C. State Building Code requirements as follows:

- A. Plumbing Code - See Appendix D, Section 2, Page D-6 for water and sewer.
- B. Plumbing Code - See Appendix H, Part 2, Par. 1, 2, 5 for gas piping.
- C. Heating & Air Conditioning Code - See Section 1405 for gas piping.
- D. Electrical Code - See National Electric Code Article 550, Part B, Page 70-489.
- E. Also, see above for connections.
- F. Location of Connections - See State of N. C. Regulations for Mobile Homes, Page 53.
- G. All portable oil and gas tanks or bottles shall be placed at rear of mobile home.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

22-8 Mobile Home Park Miscellaneous Requirements:

- A. Garbage and Trash Disposal - All garbage and refuse shall be stored in watertight and wind-proof metal containers of one of the following methods:
 - 1. Regular 20-30 gal. trash cans with lids which the City will dump, or
 - 2. A dumpster box, 4-6-8 cu. yd. size which the City will rent to park-owners and the City will dump.Either method will need to be approved by the City.
- B. Street & Yard Lights - All mobile home park streets, drives, and yards must be lighted as to permit safe movement of vehicles and pedestrians at night and must be provided by park owner.
- C. Recreation - Layouts of park should be arranged to allow for play areas for children.
- D. Mail Boxes - Mobile home park owners must furnish a group of mail boxes (1per space) and place these boxes as to direction of Post Office Dept. Each box must be marked with space number.
- E. Identification - Each space or mobile home must be identified, so it can be read by emergency vehicles from the park driveway.
- F. Underpinning - All manufactured housing shall be skirted with material designed for that use.

22-9 Mobile Home Park License

- A. After a mobile home park has passed final inspection by the Inspection Department, then it shall be unlawful to maintain or operate a mobile home park within the city limits without first obtaining a license, which shall be renewed annually. The annual license fee is \$12.50.
- B. A mobile home park license may be revoked by the City or a court of competent jurisdiction on evidence by the Health Dept., Police Dept., Fire Dept., or Inspection Dept. that this ordinance has been violated.
- C. Any person violating the provision herein shall be guilty of a misdemeanor and punished according to North Carolina General Statutes. Each day's violation shall constitute a separate offense.

22-10 All mobile homes in the City of Roxboro shall meet the City of Roxboro's Minimum Housing Code (Adopted by Council 04-08-69)

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 23. Sexually Oriented Businesses

The City of Roxboro’s Sexually Oriented Businesses zoning regulations are codified in Section 23 of this Ordinance. Licensing regulations are codified in Chapter 5, Article IV of the Roxboro City Code.

23-1 Purpose

It is the purpose of this ordinance 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 ordinance 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 ordinance 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 ordinance to condone or legitimize the distribution of obscene material.

23-2 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

(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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (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;

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (b) for which:
 - (1) 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;
 - (2) 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
 - (3) 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (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.

23-3 Classifications

Sexually oriented businesses are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters;
- (7) escort agencies;
- (8) nude model studios;
- (9) sexual encounter centers; and,
- (10) sadomasochism centers

22-4 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 6). Permit applications shall proceed as expeditiously as possible and shall be completed within 60 days of the filing of the application. In the event a permit is denied for any reason, the applicant may appeal in the nature of certiorari to the Superior Court of Person County. The City shall file the record within seven (7) days of being served with a writ of certiorari and shall request that the matter be heard at the next available term of Superior Court.

23-5 Location of Sexually Oriented Businesses

- (A) Sexually oriented businesses may only locate within the Light Industrial (I-1); HEAVY INDUSTRIAL (I-2) zoning districts, as defined and

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

described in the Zoning Ordinance.

- (B) 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 the Zoning Ordinance, 2000 feet from the property lines of any residential zoning districts and 2000 feet from the property lines of:
- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (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.
 - (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 town which is under the control, operation, or management of the city park and recreation authorities;
 - (4) An entertainment business which is oriented primarily towards children or family entertainment; or
 - (5) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
 - (6) Another sexually oriented business.
- (C) No more than one sexually oriented business shall be operated, established, or maintained in the same building, structure, or portion thereof.
- (D) For the purpose of subsection B 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 or structure 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 B. Presence of a town, city, county or other political subdivision boundary

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

- (E) 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 conditional use permit, of a use listed in subsection B of this Section within 2000 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 conditional use permit has expired.

23-6 Inspection

- (A) 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.

23-7 Additional Regulations for Adult Motels

- (A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.
- (B) 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.
- (C) For purposes of subsection (B) of this section, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.

23-8 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.

- (A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

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:

- (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.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manger's station may be made without the prior approval of the City.
- (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.
- (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.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (6) The view area specified in subsection (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 (1) of this Section.
- (7) No viewing room may be occupied by more than one person at any time.
- (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.
- (9) The illumination described above is maintained at all times that any patron is present in the premises.
- (10) No openings of any kind shall exist between viewing rooms or booths.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (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.
- (13) All floor coverings in viewing booths shall be nonporous, with easily cleanable surfaces, with no rugs or carpeting.
- (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.

23-9 Additional Regulations for Escort Agencies

- (A) An escort agency shall not employ any person under the age of 18 years.

23-10 Additional Regulations for Nude Model Studios

- (A) A nude model studio shall not employ any person under the age of 18 years.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

- (B) 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.

23-11 Additional Regulations concerning Public Nudity

- (A) It shall be a violation of this ordinance for a sexually oriented business to cause, suffer or permit any of the following:
 - (1) allow a patron to appear in a state of nudity or depict specified sexual activities.
 - (2) allow a patron to appear in a semi-nude condition.
 - (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.
 - (4) allow an employee, while semi-nude, to touch a customer or the clothing of a customer.

23-12 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.

23-13 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. on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. on Sundays.

23-14 Exemptions

- (A) 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:
 - (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
 - (2) by a private college or university which maintains and operates

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and,

- (3) in a structure:
 - (a) 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
 - (b) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) where no more than one nude model is on the premises at any one time

23-15 Injunction

A person who operates or causes to be operated a sexually oriented business without a valid special use permit is subject to a suit for injunction as well as prosecution for criminal violations.

23-16 Civil Penalties

A person who violates this ordinance shall be assessed a \$200.00 civil penalty. Each day that a violation continues unabated shall constitute a separate violation subjecting the person to daily civil penalties.

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

SECTION 24. REGULATION OF FORESTRY ACTIVITIES

- (a) The term “forestry,” “forestry activity,” “forestland,” “forest management plan” and “timber harvest” shall be defined by and used in the same manner as in G.S. 160A-458.5.
- (b) No ordinance adopted by the City shall regulate either:
 - (1) Forestry activity on forestland that is taxed on the basis of its present-use valued as forestland under G.S. Chpt. 105, Art. 12; or
 - (2) Forestry activity that is conducted in accordance with G.S. Chapter 89B.
- (c) Nothing withstanding subsection (b) above, the City may deny a zoning, conditional 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

CITY OF ROXBORO, NORTH CAROLINA
ZONING ORDINANCE

RECOMMENDED CHECKLIST FOR ZONING AMENDMENTS

1. Is there a public need for additional land space to be zoned to the class required?
2. Would the granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land use?
3. Would the granting of the rezoning request conform to presently accepted plans for future handling of traffic as well as present traffic considerations?
4. If there is a need for additional land space to be zoned as requested, should the rezoning be done in areas requested or would the public interest be better served if the rezoning were done in other areas of the city?
5. Could adequate parking space be provided if the rezoning request were granted?
6. Would the granting of the rezoning request adversely affect property values of adjacent landowners to an unreasonable degree?
7. Would the granting of the rezoning request impose other undue hardships on adjacent landowners such as noise, electric display signs, odors, or other nuisances?
8. If the rezoning request was granted would the necessary utility (transportation, rail, truck, air, water, sewer, electricity, gas or telephone) be available to serve the purpose intended?
9. Would the granting of the rezoning request raise any legal questions such as spot zoning, violation of precedents, or the rule of "reasonableness"?
10. Could the Planning Board suggest an alternate area for use that would eliminate the necessity of rezoning?