

# **CHAPTER 2      ZONING**

## **ARTICLE I AUTHORITY AND ENACTMENT PROVISIONS**

### **1-1 Authority**

The Board of County Commissioners of Rockingham County, North Carolina, pursuant to the authority granted by Article 18, Chapter 153A of the General Statutes of North Carolina, does hereby ordain and enact into law the following Articles and Sections.

### **1-2 Purpose**

This ordinance establishes zoning regulations in Rockingham County, North Carolina, provides for the administration, amendment and enforcement of the ordinance, and provides for and defines the duties and powers of a Board of Adjustment in accordance with the provisions of North Carolina General Statutes Chapter 153A, Part 3 of Article 18, and for the repeal of all ordinances in conflict herewith. This ordinance is designed to promote the public health, safety, and general welfare. To that end, the regulations may address the following public purposes, to provide adequate light and air; to promote the orderly development of the county, to prevent the overcrowding of land; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

## **ARTICLE II TITLE**

### **2-1 Cite as Zoning Ordinance**

The ordinance shall be known as The Zoning Ordinance of Rockingham County, North Carolina and may be cited as the Zoning Ordinance.

## **ARTICLE III JURISDICTION**

### **3-1 Jurisdiction**

This ordinance shall apply to all lands within the areas designated by the Rockingham County Board of Commissioners as zoning districts on the official zoning map(s), other than those areas validly controlled by the zoning jurisdiction of municipalities.

### **3-2 Bona Fide Farms**

The provisions of this ordinance shall not apply to bona fide farms. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. Residences for nonfarm use or occupancy and other nonfarm uses shall be subject to the provisions of this ordinance.

## **ARTICLE IV ESTABLISHMENT OF DISTRICTS**

### **4-1 District Names**

For the purpose of this ordinance the County of Rockingham is hereby divided into county zoning districts with the designations as listed below:

RA	Residential-Agricultural District
RP	Residential-Protected District
RM	Residential-Mixed District
RC	Rural Commercial District
NC	Neighborhood Commercial District
OI	Office and Institutional District
HC	Highway Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

(Amended 4/10/2006; 3/13/12)

### **4-2 Official Zoning Maps Adopted - District Boundaries Established**

The location and boundaries of zoning districts shall be as kept in spatial databases entitled "Zoning Data" that are maintained as part of the County's geographic information system (GIS) under the direction of the Planning Director, or designee. This depiction of zoning boundaries along with additional reference data in the GIS shall constitute the Official Zoning Map for the County's zoning jurisdiction, and is adopted into this Ordinance by reference. The County Clerk, as applicable, may upon validation by the Planning Director, or designee, certify a paper copy of the Official Zoning Map, or portions of the map, as a true and accurate copy of the Official Zoning Map, or a portion thereof, under the authority of G.S. 153A-50.

The Planning Director must direct revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments. The Planning Director, or designee, shall correct errors in the map as they are discovered. No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shown on the GIS system.

The Planning Director, or designee, may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

#### **4-3 Rules Governing Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (a) Where such district boundaries are indicated as approximately following railroad, street or highway lines, such lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center line of streets, highways or railways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map.
- (d) Where district boundaries are so indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water the boundaries shall be construed as following such centerlines.
- (e) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

### **ARTICLE V APPLICATION OF REGULATIONS**

#### **5-1 Zoning Affects Every Building and Use**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

## **5-2 Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

## **5-3 Relationship of Building to Lot**

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

## **5-4 Required Open Space Not Used for Other Building**

No part of any yard, other open space, or off-street parking or loading space required for any building, structure, or other use shall be considered to be a part of a required yard, open space, off-street parking or loading space for any other buildings, structures or use except as provided in Article XI, Section 11-5.

## **5-5 Major Subdivision Overlay District and Minimum Lot Size**

(Amended 5/01/2006)

The Major Subdivision Overlay District is established to accommodate the development of major subdivisions in a designated area of the county experiencing rapid growth. This district is intended to provide open space and recreational areas for residents while also helping to retain the area's character and preserve natural resources. The open space may also be used to preserve unique and sensitive environmental features, as well as scenic views and historic areas.

The boundaries for the Major Subdivision Overlay District are as follows: A line running from the Guilford County line at its intersection with US 158, east along US 158 to Price Mill Road, north along Price Mill Road to NC 65 and the northern boundary of the Troublesome Creek Watershed Overlay District, east along the northern boundary of said watershed district, east along the northern property line of the property identified as Tax PIN 129839, northeast along NC 65 to Iron Works Road, east along Iron Works Road to Monroeton Road, south along Monroeton Road and Cunningham Mill Road to the southern property line of the property identified as Tax PIN 138765, east along the southern property line of the property identified as Tax PIN 138765 and north along the eastern property line of the property identified as Tax PIN 138765 to US 158, east along US 158 to the intersection with Flat Rock Road, east along Flat Rock Road to Fairview Church Road, north along Fairview Church Road to Cross Key Road, east along Cross Key Road to McCoy Road, south along McCoy Road to Flat Rock Road, east along Flat Rock Road to the Simpsonville-Reidsville Township line, south along the Simpsonville-Reidsville Township line to the Guilford County line, then

west along the Guilford County line to the point of beginning as shown on the Major Subdivision Overlay District Map. (Amended 12/04/2006)

The Major Subdivision Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section. If there is any conflict between the provisions of the overlay district(s), the existing zoning district, and any State, Federal or local statutes, in all cases, the most restrictive regulation shall apply. All lots zoned RP or RM shall have a minimum lot size of 1 acre with the following exceptions:

- 1) These exceptions shall **ONLY** apply to major subdivisions submitted for rezoning approval after the 1<sup>st</sup> day of May, 2006;
- 2) The provisions of this section shall **NOT** apply to major subdivisions that meet the requirements for vested rights as established in Article XVIII;
- 3) The minimum lot size shall be 35,000 sq. ft. provided there is a minimum average residential density of one dwelling unit per acre **AND** if the following minimum standards are met:
  - a) Open space/common areas, **NOT** including proposed road right-of-ways, shall total at least 10% of the gross acreage of the tract to be subdivided; and
  - b) A 20 foot buffer compatible with Article XVII shall be provided for subdivisions abutting state and/or federal highways between the highway right-of-way and any lot used for residential purposes. This buffer may be included as part of the required open space acreage.
- 4) The minimum lot size shall be 32,500 sq. ft. provided there is a minimum average residential density of one dwelling unit per acre and if the following minimum standards are met:
  - a) Open space/common areas, **NOT** including proposed road right-of-ways, shall total at least 15% of the gross acreage of the tract to be subdivided;
  - b) A 20 foot buffer compatible with Article XVII shall be provided for subdivisions abutting state and/or federal highways between the highway right-of-way and any lot used for residential purposes. This buffer may be included as part of the required open space acreage; and

- c) Community water supply (**NOT** including individual wells) shall be provided for all lots.
- 5) The minimum lot size shall be 30,000 sq. ft. provided there is a minimum average residential density of one dwelling unit per acre and if the following minimum standards are met:
- a) Open space/common areas, **NOT** including proposed road right-of-ways, shall total at least 20% of the gross acreage tract to be subdivided;
  - b) A 20 foot road frontage buffer compatible with Article XVII shall be provided for subdivisions abutting state and/or federal highways between the highway right-of-way and any lot used for residential purposes. This buffer may be included as part of the required open space acreage; and
  - c) County, Municipal, or Dan River, Inc. water supply (**NOT** including individual or community wells) shall be provided.
- 6) The minimum lot size shall be one-half acre (21,780 sq. ft.) if the following minimum standards are met:
- a) Open space/common areas, **NOT** including proposed road right-of-ways, shall total at least 30% of the gross acreage of the tract to be subdivided;
  - b) A 20 foot road frontage buffer compatible with Article XVII shall be provided for subdivisions abutting state and/or federal highways between the highway right-of-way and any lot used for residential purposes. This buffer may be included as part of the required open space acreage;
  - c) The proposed lots are consistent with the Comprehensive Plan (adopted plans, maps, ordinance text, corridor studies, and guidelines as applicable); and
  - d) County, Municipal, or Dan River, Inc. water supply (**NOT** including individual or community wells) **AND** public/municipal sewer shall be provided.

For the purposes of this section, minimum average residential density shall be calculated using the gross acreage of the tract to be subdivided and **NOT** including proposed road right-of-ways.

## ARTICLE VI DISTRICT REGULATIONS

### 6-1 General Use Zoning Districts

#### **(a) RA Residential Agricultural District**

The purpose of this district is to provide a place for agricultural and very low-density residential uses. Requests for rezoning to a higher intensity use district must demonstrate that the proposed development would be in accordance with the Rockingham County comprehensive plan. (Amended 4/10/2006)

#### **(b) RP Residential Protected District**

The purpose of this district is to provide a place for low density single-family residential uses where water and sewer needs are met by individual wells and septic tanks. Requests for rezoning to a higher intensity use district must demonstrate that the proposed development will be adequately provided with water and sewer services to specifications approved by the county health department, the Department of Natural Resources and Community Development or the Department of Human Resources.

#### **(c) RM Residential Mixed District**

The purpose of this district is to provide a place for medium density residential uses of all types (single family residences; multi-family dwellings; mobile home parks; Class A or B manufactured housing) providing that water and sewer systems are provided and approved by appropriate authorities.

#### **(d) RC Rural Commercial District**

The Rural Commercial Zoning District is designed to provide locations for retail and service establishments in the general proximity of and compatible with established rural residential areas. (Amended 4/10/2006)

#### **(e) NC Neighborhood Commercial District**

The purpose of this district is to provide a place for crossroads shopping and community center shopping establishments. (Amended 4/10/2006)

#### **(f) OI Office and Institutional District**

The OI District is established primarily for office and institutional uses. (Amended 4/10/2006)

#### **(g) HC Highway Commercial District**

The purpose of this district is to provide a place in which the principal use of land is for the retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.



**(h) LI Light Industrial District**

The LI District is established as a place for light industrial, warehousing, and distribution and sales of large-item products.

**(i) HI Heavy Industrial District**

The HI District is designed to accommodate those industries whose normal operations include dust, noise, odor, or other emissions, which may be deemed objectionable.

**ARTICLE VII    CONDITIONAL DISTRICTS**

**7-1    Purpose**

Conditional districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning provides for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general use district has insufficient standards to mitigate the site-specific impact on surrounding areas.

**7-2    Conditional District Categories**

Conditional zoning districts are created through a legislative decision-making process. The development and use of property in a Conditional zoning district is controlled by predetermined standards along with additional rules, regulations and conditions that are imposed as part of the decision creating the district. The following zoning district categories are established as conditional zoning districts.

**A.    Parallel conditional district**

1.    Defined. A parallel conditional district is a zoning district in which the potential permitted uses or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in the general district having a parallel designation or name.
  
2.    Established. A Parallel Conditional District, bearing the designation CD, is hereby established as a companion district for the following districts established in Section 6-1 as a General Use Districts. These districts are:
  - a. RA-CD Residential Agricultural Conditional District
  - b. RP-CD Residential Protected Conditional District
  - c. RM-CD Residential Mixed Conditional District
  - d. RC-CD Rural Commercial Conditional District
  - e. NC-CD Neighborhood Commercial Conditional District
  - f. OI-CD Office and Institutional Conditional District

- g. HC-CD Highway Commercial Conditional District
- h. LI-CD Light Industrial Conditional District
- i. HI-CD Heavy Industrial Conditional District

All regulations that apply to a general use district shall also apply to the companion parallel Conditional District, unless modified by conditions.

3. Who may apply, uses and conditions. Only the property owner(s) shall be eligible to apply for rezoning to a parallel conditional district. All owners of the property to be included must sign the petition to rezone to a parallel conditional district. Only those uses allowed by Article VI in the general zoning district with which the conditional district corresponds shall be permitted. The owners of the property may propose conditions to be incorporated in the conditional zoning district requirements. In granting approval, the Board may impose reasonable and appropriate conditions. Only those conditions mutually acceptable to both the petitioner(s) and the Board shall be incorporated. No use shall be permitted except for the specific use authorized by the Board.

**B. High impact uses**

1. Defined. High impact uses are those which by their nature produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, traffic and/or other impacts upon the lands adjacent to them. All high impact uses as described in Section 7-2(B)(2) shall be established as a Heavy Industrial Conditional Zoning District and bear the designation HI-CZ.
2. Established. The following uses are considered high impact uses. Each use is grouped into categories based on the projected impact to the surrounding area.

<b>CLASSIFICATION</b>	<b>USE</b>
<b>Class I</b>	<ol style="list-style-type: none"> <li>1. Airstrips</li> <li>2. Concrete suppliers (ready-mix)</li> </ol>
<b>Class II</b>	<ol style="list-style-type: none"> <li>1. Chemical manufacturing and storage</li> <li>2. Cement Manufacturers</li> <li>3. Sawmills</li> <li>4. Bulk Storage Facility of Flammables- Propane, Gasoline, Fuel Oil and Natural Gas</li> <li>5. Scrap Metal Salvage Yards, Junkyards</li> <li>6. Commercial Livestock Auction</li> </ol>
<b>Class III</b>	<ol style="list-style-type: none"> <li>1. Commercial Incinerators</li> <li>2. Local Solid Waste Management Facilities/Landfills</li> <li>3. Chip Mills</li> <li>4. Airports</li> <li>5. Shooting Range (Outdoor)/Shooting Range Complex</li> </ol>
<b>Class IV</b>	<ol style="list-style-type: none"> <li>1. Asphalt Plants</li> <li>2. Hazardous Waste Facilities</li> <li>3. Slaughtering and Processing Plants</li> <li>4. Pulp and Paper Mills</li> <li>5. Motor Sports Activities (i.e. racetracks and dragstrips)</li> </ol>
<b>Class V</b>	<ol style="list-style-type: none"> <li>1. Explosives Manufacturing, Storage and Wholesale</li> <li>2. Regional Solid Waste Management Facilities/Landfills-Privately Owned</li> <li>3. Mining, Extraction Operations and Quarries (including sand, gravel and clay pits)</li> </ol>

3. Exempt Uses. The following uses are exempt from High Impact regulations:
- a. Agricultural Chemical Storage Facilities and/or Buildings regulated by the NC Department of Agriculture pursuant to the NC Best Management Practices (BMP) and Integrated Pest Management (IPM) programs.
  - b. Rockingham County (Shiloh) Airport operations, including air space and landing flight patterns, as regulated by the Airport Hazard Ordinance.
  - c. Portable sawmills as defined herein.
  - d. The storage of less than 25,000 gallons of flammable or combustible liquids or gases at filling stations or convenience stores solely for retail distribution to individual customers.

### **7-3 Application and Process for Parallel Conditional Districts and High Impact Uses**

This section is applicable to both parallel conditional districts and high impact uses approved only as a conditional zoning district.

#### **A. Application Requirements**

An application for a conditional district shall include a site plan drawn to scale, along with supporting information and text that specifies the actual use or uses intended for the property and how Federal, State or other local rules, regulations and conditions are to be met, in addition to all predetermined ordinance requirements, that will govern the development and use of the property. High impact uses require a site plan prepared by a registered surveyor, architect or engineer. The site plan must provide the following information:

1. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;
2. All existing easements, reservations, and rights-of-way;
3. Approximate location on the site of proposed buildings, structures and other improvements;
4. Approximate dimensions, including height of proposed buildings and other structures;
5. Proposed use of all land and structures, including the number of residential units (if applicable) and the total square footage of any nonresidential development;
6. All required setbacks, buffers, screening, and landscaping required by this chapter or proposed by the petitioner; the landscaping plan may be part of the site plan or shown on a separate drawing;
7. All existing and proposed points of access to public streets;
8. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps;
9. Proposed phasing, if any;
10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
11. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads and pedestrian walkways;
12. Generalized traffic, parking, and circulation plans;

The Planning Director has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical. In the course of evaluating the application, the Planning Staff, Planning Board or Board of Commissioners may request additional information from the petitioner. This information may include the following:

1. Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
2. Existing and general proposed topography, at four (4) foot contour intervals or less;
3. Height and scale of buildings or structures relative to abutting property;
4. Building elevations and exterior features of proposed development;
5. Proposed number and location of signs; and
6. Any other information needed to demonstrate compliance with this chapter.

### **B. Lighting**

All lighting shall be pointed downward with the primary cone of illumination being entirely contained on the subject property. Exterior lighting fixtures shall be overhead full cut-off fixtures.

### **C. Noise Mitigation**

The Planning Staff, Planning Board or Commissioners may request that a Noise Mitigation Plan (NMP) be submitted as part of the application process. The NMP shall be designed and sealed by a N.C. Design Professional. The NMP shall also address traffic noise within the site in regard to: vehicular speed; vehicular compliance with N.C. Muffler Laws and Vehicle Manufacturer's Specifications; Jake brake usage; and regular vehicle use within the site. The Plan does not need to address emergency warning devices and lawn care equipment used during daylight hours.

### **D. Roads and Streets**

All roads and streets proposed for public use by the developer, including proposed roads and streets which are not eligible to be placed on the State Highway system shall be designed and constructed as follows:

1. The minimum right-of-way for streets and roads shall be 50' for all high impact classes.
2. The minimum travel surface width for access roads and streets shall be 18' of improved travel surface. Improved travel surface means a paved or minimum of 8" compacted gravel surface
3. The North Carolina Department of Transportation Driveway Permit is required for all classes.

### **E. Traffic Impact Analysis.**

The applicant shall provide a traffic impact analysis (TIA) performed by a N.C. licensed engineer or transportation planner if a high impact use is proposed to be located on a road that is not designated as a State or Federal numbered highway or within ½ mile from such highway, and the

use would create an amount of traffic (in terms of vehicle trips per day) that would push the road over which the industry is gaining access over its practical carrying capacity as defined by the N. C. Department of Transportation (NCDOT). The most updated version of the Institute of Transportation Engineers "Trip Generation Manual" shall be used to determine the average number of daily trips generated by the proposed industry. These numbers will be compared to the most recent traffic counts performed by NCDOT for the surrounding road network. The TIA shall provide specific recommendations for the mitigation of impacts from the proposed traffic, acceleration and deceleration lanes, road design standards, shoulder width, stop lights and outlying intersection improvements.

#### **F. Review of the Application**

Applications for conditional districts shall be submitted and reviewed in the same procedural manner as set forth in Article XIII, Section 4 of this chapter. Rezoning approval for a conditional district does not authorize any development activity. Zoning and building permits and any other administrative permits shall be required.

#### **G. Approval**

Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and stand of review that apply to general use district zoning decisions. Conditional zoning district decisions shall be made in consideration of adopted land use, comprehensive, strategic, area, neighborhood, and corridor plans and any other land-use policy documents. In approving a conditional zoning district, the Planning Board may recommend and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the petition. See Chapter 2, Article XV, Section 15-4(h) for limits on conditions.

#### **H. Reporting**

At any time a report is required or if a citation is issued by the State of North Carolina or any agency of the State concerning noise, dust, odor or other environmental issues, the County shall receive a copy of the report and/or citation in addition to the resulting action taken by the affected industry. The responsibility for this reporting shall be that of the industry.

#### **I. Appeals**

Appeals shall be in accordance with procedures listed in Chapter 2, Article XV, Section 15-7.

**J. Changes to an Approved Petition**

Changes to an approved petition or to the conditions attached to the approved petition shall be in accordance with Chapter 2, Article XV.

**K. Penalties**

Violations and/or penalties and remedies are set out in Chapter 2, Article XVI.

**L. Post-Approval Review**

It is intended that property rezoned to a conditional districts be limited to cases where there are firm plans to develop the property. Therefore, no sooner than three years after the date of approving the conditional district, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Commissioners a report, which may recommend that the property be rezoned to another district.

**7-4 High Impact Uses**

This section sets out additional requirements for high impact uses.

**A. Landscaping and Screening for High Impact Uses.**

1. Location. Landscaping and screening shall be required for all high impact uses, along all front, sides and rear property lines according to the Screening Table and Chapter 2, Article XVIII.

Screening Table

Classificati on [See Section 7- 2(B)(2)]	Existing Vegetation and/or Broken Screen	Existing Vegetation and/or Opaque Screen
<b>Class I -II</b>	Required	Not applicable
<b>Class III-V</b>	Not applicable	Required

2. Types of Screening. Screening is based on the following types:

- a. Broken Screen, which includes:
  - i. Deciduous and/or evergreen trees places a maximum of 25 feet apart on center, and

- ii. Shrubs placed a maximum of ten feet apart on center.
  - iii. Opaque wooden fences, masonry walls or landscaped earthen berms, a minimum of six feet in height, may be used in place of the requirement of shrubs (ii).
- b. Opaque Screen, which includes:
- i. Deciduous trees placed a maximum of 20 feet apart on center, and
  - ii. Evergreen trees placed a maximum of ten feet apart on center, in two staggered rows or five feet apart in a single row, and
  - iii. Shrubs placed a maximum of ten feet apart on center.
  - iv. Opaque wooden fences, masonry walls or landscaped earthen berms, a minimum of eight feet in height, may be used to replace the requirement of shrubs, and to decrease the required number of evergreen trees by ½.
- c. Existing vegetation may be used in lieu of the required screens. The existing vegetation must be mature, at least ten feet in width at ground level and meet the intent of screening.
- d. The following standards shall apply to trees and shrubs planted to meet the high impact use screening requirements:
- i. Trees shall be setback at a distance equal to ½ the canopy spread at maturity from the property line.
  - ii. Trees shall be a minimum of six feet tall and have a 1.5 inch trunk caliper measured six inches above grade at the time of planting.
  - iii. Trees shall be of a type that will reach a height of at least 25 feet at maturity and must be at least 75% of the designated height at maturity.
  - iv. Shrubs shall be a minimum of one foot tall at the time of planting.
  - v. Shrubs shall be evergreen and of a type that will reach a height of at least five feet at maturity or within five years, whichever is shorter

**B. Setbacks for high impact uses**

1. Setbacks Established. Setbacks from property line, rights-of-way, zoning districts and structures are listed in to the Setbacks Table. For purposes of high impact uses, the following shall be considered “protected facilities:”
  - a. An educational facility
  - b. A North Carolina licensed child care facility
  - c. A North Carolina licensed assisted living facility



- d. A North Carolina licensed nursing home
  - e. A public or privately owned hospital
  - f. A medical center
  - g. A church or place of worship
  - h. A dwelling unit (single family or multi-family)
- Also included in the setback requirement are permanent accessory structures and areas that are part of the protected facility (i.e outdoor play yards, classrooms, gymnasiums). Stream setbacks are measured from the area of operation of any high impact use to the top of the bank of any perennial stream.

**Setbacks Table**

<b>Classification [See Section 7-2(B)(2)]</b>	<b>Operations Area Setback from Property Line and/or Road Right-of-Way</b>	<b>Operations Area Setback from Protected Facility</b>	<b>Operations Area Setback from Perennial Stream</b>
<b>Class I</b>	75'	250'	100'
<b>Class II</b>	100'	500'	100'
<b>Class III</b>	200'	1000'	100'
<b>Class IV</b>	300'	1500'	100'
<b>Class V</b>	500'	3000'	100'

2. Exceptions and modifications to setbacks and screening for High Impact Uses:
- a. Employee and/or visitor parking may occur up to 25 feet from any property line.
  - b. Any high impact use that has frontage on a State or Federal numbered highway may use the recorded right-of-way of that road in determining the area of operation setback. For example:

$$\begin{array}{r}
 \text{Required setback} \quad \quad \quad 250' \\
 \text{Recorded right-of-way} \quad - \quad 100' \\
 \hline
 \text{Adjusted setback} \quad \quad \quad 150'
 \end{array}$$

- c. When a high impact use is proposed to be located on a site that is contiguous to an existing high impact use, the setback and screening requirements specified in this Section shall not apply to the property lines that are contiguous to an existing high impact use. All other provisions of this section shall apply.

- d. When a high impact use is proposed to be located on a site that is contiguous to an active railroad and the high impact use will utilize a spur track from the railroad to receive and/or ship goods, the setback and screening requirements specified in this Section shall not apply to the property line that is contiguous to the railroad right-of-way. All other provisions of this section shall apply.

## **7-5 Special Requirements**

This section sets out requirements in addition to those listed in Section 7-4 that are applicable for specific high impact uses.

### **A. Airstrips and airports**

1. Approval from all required state and federal agencies.
2. Site plan shall include location and size of landing strips, approach zones, overrun areas and all existing and proposed structures and their use.
3. Description shall include type of and extent of use of aircraft.
4. Exception to the setback for an Airstrip located in a Residential Agricultural zoning district: The 250' setback from an airstrip to a dwelling unit shall not apply to a dwelling unit located on the same parcel in the Residential Agricultural zoning district. The 250' setback from an airstrip to a dwelling unit shall apply to all dwelling units located on surrounding parcels and to all airstrips and airports located in other zoning districts.

### **B. Hazardous Waste, Infectious Waste and Toxic Substance Storage Facilities, Treatment Facilities, Transportation Facilities, and/or Disposal Facilities**

Note: The term "hazardous waste" shall also include the term "infectious waste."

1. A facility shall be located outside of Rockingham County's designated watersheds as defined by the Rockingham County Watershed Ordinance and official zoning watershed maps.
2. Access to a facility shall not make use of minor collector, local roads or streets or subdivision roads.
3. The minimum lot size for a hazardous or infectious waste or toxic substance storage, transport, treatment and/or disposal facility shall be ten (10) acres.
4. Storage of hazardous or infectious waste or toxic substances shall be above ground and in a manner consistent with applicable state and/or federal regulations covering each specific stored material.
5. The storage for processing area containment system shall be one and one-half (1.5) times larger than the largest storage tank. If the

storage vessels are drums, then the storage area containment system shall be 50% of their total storage volume.

6. All hazardous or infectious waste or toxic substance storage, treatment, transportation and/or disposal facilities shall provide a Contingency Plan consistent with 40 CFR 265.52 to the Rockingham County Planning Director, the Rockingham County Health Director and the Rockingham County Fire Marshal.
7. In determining whether to require greater separation distances or other protective measures, the County shall consider the following factors:
  - a. The type of hazardous or infectious waste or toxic substance to be stored, treated, transported, and/or disposal of at the facility, and the degree of hazard or toxicity associated with such waste or substance;
  - b. The volume of hazardous or infectious waste or toxic substance to be stored, treated, transported, and/or disposed of at the facility;
  - c. The number of residents in proximity to the facility;
  - d. The number of institutional, school, and commercial structures in proximity to the facility, their distance from the facility, and the particular nature of the activities that take place in these structures;
  - e. The lateral distance and slope from the facility to surface water supplies or to watersheds draining directly into surface water supplies;
  - f. The vertical distance, and the type of soils and geologic conditions separating the facility from the water table;
  - g. The direction of the flow of groundwater from the sites;
  - h. Any other relevant factors.
  - i. A hazardous or infectious waste or toxic substance storage, treatment, transportation, and/or disposal facility shall comply with the security requirements of 40 CFR 265.14, as a minimum.
  - j. All sanitary sewer and storm water management systems on the site shall be protected so as to minimize to the greatest extent reasonable the probability of contamination by hazardous waste or toxic substance.
  - k. Reviewing agencies and departments shall submit written reports and/or recommendations to the Rockingham County Department of Planning Department. These shall be forwarded to the Rockingham County Planning Board for review. If the Rockingham County Planning Board has not received reports from the reviewing entities within sixty (60) days from the date of application, the Planning Board may proceed to review the application without said reports.



**C. Junkyard, Scrap Processor, and Auto Wrecking Establishments (Outdoor Storage)**

1. Wrecked vehicles or other junk or scrap shall be stored at a height no greater than 15 feet.
2. Screening shall be a durable wall or fence at least 8 feet high or an approved landscape buffer.
3. The applicant must supply evidence that indicates that he has an approved system for the storage and disposal of hazardous materials.
4. There shall be no accumulation of scrap tires on the premises. Tires which are not properly mounted on rims must be disposed of at the County Landfill or other approved disposal sites.
5. Operating hours shall not exceed the hours between 7:00 AM and 8:00 PM, except as required by the North Carolina State Highway Patrol for the purpose of emergency wrecker service.
6. Chain link fence requirements: When chain link fence is used alone as the buffer it must be a minimum of 8 feet in total height and must have vinyl strips woven between the links. If chain link fence is used in conjunction with natural or planted vegetation, then the Planning Department may approve other height requirements as are deemed necessary.
7. One ground sign, no larger than 50 square feet, is allowed per entrance to the facility. Indirect lighting (non-flashing illumination and motionless) is allowed.

**D. Mining, Extraction Operations and Quarries (including sand, gravel and clay pits)**

1. Area of operations shall be enclosed by a substantial wire or masonry fence at least five (5) feet in height. If a strand type wire fence is provided, it shall have at least four (4) strands of wire. The wire fence required by the "Rehabilitation" Section of this provision may be substituted for this requirement provided it is located at least twenty-five (25) feet from the edge of all pits. Where the property lines have been enclosed prior to the time of adoption of this Ordinance with a fence constructed as heretofore described, this section shall be deemed to have been complied with.
2. All operations involving blasting discernible beyond the external property line of a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m. Dust resulting from the operation of a quarry, which may be air borne to other properties, shall be reduced to a minimum by sprinkling or other means.
3. Interior roads shall be located no closer than fifteen (15) feet to an external property line other than a highway or railroad right-of-way line.

4. When quarrying operations at any pit are terminated and no further production is to be undertaken, all stock piles of overburden shall be backfilled into the pit within thirty (30) days after termination. All pits shall be backfilled to a slope of one (1) foot vertical or less, to one (1) foot horizontal from the bottom of the pit to the surface of the ground. A nonclimbable fence may be erected in lieu of such sloping around the edge of all pits with a depth of twenty (20) feet or more. Such fence shall be at least six (6) feet in height and constructed of wire mesh in rectangular shapes not exceeding two (2) inches. Locations abandoned at the time of adoption of this Ordinance, which have a fence of at least five (5) strands of barbed wire, erected in conformity with standards of the North Carolina Department of Labor, are deemed to have complied with this section.

**E. Motor Sports Activities**

1. Plans shall also specify the kinds of racing uses proposed for the property, expected numbers of participants and spectators for events.

**F. Bulk Storage Facility of Flammables - Propane, Gasoline, Fuel Oil and Natural Gas**

1. Site plan shall show proposed layout of pipelines. Description shall include storage capacity of all storage units.
2. Storage tanks protected by either an attached extinguishing system approved by the County Fire Marshal or an approved floating roof shall not be located any closer to an exterior property line than one hundred twenty (120) feet. Storage tanks, not equipped with extinguishing system or floating roof, shall not be located any closer to an exterior property line one hundred seventy-five (175) feet.
3. Tanks or groups of tanks containing flammable liquids, where deemed necessary by the Inspections Director due to proximity to waterways or drainage ways, the character of topography, or nearness to buildings or to dwellings or places of public assembly, shall be diked or the yard shall be provided with a curb or other suitable means taken to prevent the spread of liquid onto other property or waterways. A diked area shall not be less than the capacity of the largest tank within the diked area. Dike or retaining walls shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydraulic head and so constructed as to provide the required protection. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet wide. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not

more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank containing crude petroleum; dikes and walls enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave, provided, however, that a flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

Where a provision is made for draining rain water from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural water courses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

#### **G. Landfill, Regional Municipal Solid Waste-Privately Owned**

1. The following additional factors shall be considered in approving said facility
  - a. The Rockingham County Landfill Solid Waste Management Plan (as amended).
  - b. Environmental, noise, odor and traffic impacts of a MSWLF on the surrounding area; and
  - c. Types of waste to be disposed and methods of transport to the site.
2. An applicant for a privately owned MSW landfill must obtain a franchise (host) agreement from the Rockingham County Board of Commissioners prior to operation.
3. An application for development approval shall include all the site plans and information submitted to the Department of Environment and Natural Resources for the permitting of a solid waste management facility.
4. A landfill shall not be located:
  - a. within a protected or critical area of a watershed.
  - b. within the 100 year floodplain.
  - c. within five statute miles of the Rockingham County (Shiloh) Airport.
- a. The Truck entrance driveway shall be located on or within two thousand (2000) feet of a major arterial highway.
- b. There shall be a natural or planted opaque landscaping buffer at least fifty (50) feet wide between the landfill and any public roads and between the landfill and any residential structure.
- c. Permanent roads, defined as those to be used in excess of one (1) year, within the site shall be surfaced with dust-free material, such as soil cement, bituminous concrete, Portland concrete or asphalt.

- d. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the dust generated from road surfaces as a result of wind or vehicular traffic. Properly operated water wagons are an acceptable means of dust inhibition.
- e. Approach and departure traffic routes for a landfill facility shall not be permitted through streets primarily intended to provide access for a residential neighborhood.
- f. A security fence at least six (6) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling and disposal of solid waste.
- g. Equivalent sound levels at the boundaries of the site shall not exceed 68 dBa between 7:00 a.m. and 7:00 p.m. and 58 dBa between 7:00 p.m. and 7:00 a.m.
- h. The landfill shall comply with all federal, state and local regulations, including (but not limited to) the rules set forth by NCGS 13A Article 9; 130A-295.6 and 15A NCAC 13B.
- i. One identification sign, non-illuminated and not larger than 9 square feet, is allowed per entrance.

#### **H. Shooting Range (Outdoor)**

1. Design and Construction:
  - a. Plans, specifications and construction of a range shall consist of the professional evaluation, guidance and services of professional engineers and architects experienced in range planning and design. The most recent edition of the National Rifle Association Range Source Book: A Guide to Planning & Construction (the source book) may provide technical guidance. The source book may not be used to establish design standards or criteria for a range in lieu of an evaluation by engineers and/or architects.
  - b. Ranges used by North Carolina Department of Correction (DOC) personnel shall be approved, operated and inspected according to DOC Safety, Occupational and Environmental Health Policy and Procedure Manual, Section B-2, Firing Range Policy.
  - c. Parking areas and access roads shall be located outside of the range area.
2. Buffers (screening):  
Buffer areas shall consist primarily of evergreens between the shooting area and all adjacent property. Buffer may be existing or planted and must be maintained in a healthy manner including replacement of dead and/or diseased vegetation.
3. Setbacks:
  - a. Ranges are categorized by the type of construction, shooting activity, target, firearms and ammunition to be used on the range. These categories introduce factors which will influence the design,



dimensions and/or layout of the facility. A minimum setback is established for high impact uses in Section 7-4(B) *Setbacks Table*. This setback may be increased according to the type of firearm and ammunition to limit bullet containment to the confines of the range property boundary and recommendation of the engineer or architect designing the range.

- b. No set distance eliminates noise entirely. Studies conducted for the Environmental Protection Agency indicated noise complaints are likely when inhabited dwellings exist less than one half (1/2) mile from the facility. The architect and/or engineer shall take this into consideration when recommending the distance a range is setback from a property line that is greater than those listed in Section 7-4(B) *Setbacks Table*.
4. Shooting Range Complex (Accessory buildings and uses):  
Provided that the shooting range complex is designed and constructed under the guidance of a professional engineer and/or architect as listed in Condition #1, additional buildings and accessory uses may be approved for the areas adjacent to the shooting range as long as these uses are compatible with a shooting range and/or training facility and are developed in a manner consistent with maintaining a safe perimeter around the shooting range. Accessory uses may include sale of ammunition, equipment, classrooms for safety courses and training in firearm techniques.
5. Safety and Security Measures:
  - a. The shooting range shall meet all applicable Federal, State and local guidelines governing perimeter security for outdoor shooting ranges.
  - b. Security fencing is required to prevent an individual from crossing the property downrange. The perimeter of the firing range shall be posted with signs in highly visible colors at 100 foot intervals that indicate live fire. For example: "No Trespassing – Danger - Shooting Range."
  - c. Safety rules and regulations shall be adopted for each facility by the club, organization or agency responsible for the range
  - d. Access roads to the range shall be controlled to prevent unregulated entrance to the shooting area and shall be kept locked except when range is in use.
  - e. At least one qualified individual certified for shooting range supervision shall be on the premises when the range is in use.
  - f. Weapons and associated ammunition stored at the shooting range shall be stored in a manner that meets Federal, State and local laws.
6. Maintenance:
  - a. The operator of a shooting range shall use *Best Management Practices for Lead at Outdoor Shooting Ranges*, EPA-902-B-01-001, as amended, to implement an Environmental Stewardship Plan for management of lead shot/bullets.
  - b. Spent cartridge/shell casings shall be picked up before leaving the range.

## ARTICLE VIII TABLE OF PERMITTED USES

### 8-1 Table Description

Districts in which particular uses are permitted as a Use by Right are indicated by "X." Districts in which particular uses are prohibited are indicated by a blank. Districts in which particular uses are permitted as a Special Use upon approval by the Rockingham County Planning Board or Board of Commissioners are indicated by "S." See Article IX, "Special Uses," for further information. Uses permitted by right subject to meeting additional development standards are indicated with a "D".

### 8-2 Conflict between Table of Permitted Uses and Text

If there is a conflict between the Table of Permitted Uses and the descriptions of particular uses in Section 8-6 and Article IX, the descriptions of particular uses shall be applied.

### 8-3 Uses not Listed

When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. If the Zoning Administrator determines that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.

### 8-4 Table of Permitted Uses

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Accessory uses	X	X	X	X	X	X	X	X	X
Adult uses							S	S	S
Agricultural machinery and farm implement sales and repair					X				
Agricultural uses (not regulated) ( <b>Note 1</b> )	X	X	X	X	X	X	X	X	X
Agriculture related research and development					X				
Agritourism Activities	D	D	D	D	D	D	D	D	D
Airport									CZ
Airstrips	CZ						CZ	CZ	CZ
Amusements, indoor commercial (e.g. bowling alleys, skating rinks)						X	X		
Amusements, out-of-doors commercial (e.g. roller coasters, fairgrounds)						X	X		
Apparel and accessory sales						X	X		
Asphalt Plant									CZ
Athletic fields, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain) ( <b>Note 5</b> )	X	X	X						
Auction sales, yards, permanent								X	X

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Auction sales, temporary, one-time use	X	X	X	X		X	X	X	X
Automobile car-wash, drive through, requiring vehicle stacking						X	X	X	X
Automobile parts sales						X	X	X	X
Automobile sales						X	X	X	
Automobile service stations						X	X	X	X
Automobile storage (excluding wrecked & junked vehicles) ( <b>Note 2</b> )							X	X	X
Automobile, truck and trailer (hauling) rental						X	X	X	
Banks & Savings and Loans				X		X	X		
Barber and Beauty Service					X	X	X		
Bed & Breakfast Home	D	D	D						
Beneficial Fill	X	X	X	X	X	X	X	X	X
Boats, Recreational Vehicles Sales and Service							X	X	
Bottling Plants							X	X	X
Brick and Tile Manufacturing									CZ
Bulk Inflammables Storage Facility (propane, gasoline, fuel oil and natural gas)									CZ
Bus Station							X		
Cabinet Making						X	X	X	
Car Wash						X	X	X	
Cement Manufacturing									CZ
Cemetery	X		X						
Chemical Manufacturing and Storage Facility									CZ
Churches and their customary uses including child care on premises (Amended 7/10/2006)	X	X	X	X	X	X	X		
Clinics, medical, dental				X		X	X		
Club and lodges, private, non-profit (Amended 7/10/2006)	X	X	X	X	X	X	X		
Clubs and places of entertainment (commercial)						X	X		
Commercial Feeder Operation	S								
Commercial Incinerators									CZ
Commercial Livestock Sales and/or Auction									CZ
Community centers, public or private non-profit, for assembly and recreation	X	X	X			X	X		
Compartmentalized storage for individual storage of residential and commercial goods							X	X	
Concrete suppliers (ready-mix)									CZ
Condominiums - Residential			X						
Condominiums - Commercial				X		X	X		
Convenience food stores						X	X		

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Day care - 5 persons or less	X	X	X						
Day care - 6 or more persons	S		S	X		X	X		
Dairy products, wholesale and processing								X	
Drive-in window services (banks, laundries, fast-food, etc.) where use is permitted in district				X		X	X		
Dry Cleaning and laundry						X	X		
Electronic Gaming Operations							S		
Explosives Manufacturing, Storage and Wholesale									CZ
Exterminating services						X	X		
Family care home (Note 7)	X	X	X						
Farm machinery sales					X		X	X	X
Farm supplies sales (feed, seed, fertilizer etc.)	X						X		X
Farmers markets (may include sale of locally made craft items)					X				
Fire, sheriff and emergency services	X	S	X	X		X	X	X	X
Flea markets – indoors						X	X		
Flea markets - out-of-doors						X	X		
Florists				X		X	X		
Food freezer operations							X	X	
Foundries, metal									X
Funeral homes				X		X	X		
Furniture manufacturing								X	X
Gift Shops				X		X	X		
Golf, Miniature						X	X		
Golf Courses	X	X	X						
Governmental Offices				X		X	X		
Grain and Grist Mills					X				
Grocery stores						X	X		
Group homes	S		S	S					
Guest House	D								
Hardware, Paint & Garden Supplies						X	X		
Hazardous Waste, Toxic Waste, etc. Facilities									CZ
Home occupations	X	X	X	X		X	X	X	X
Hotels & Motels						X	X		
Home Furnishings & Appliance Sales						X	X		
Homeless Shelter				S					
Hospital or Sanatorium				S					
Health and Social Services Centers				X		X	X		
Industrial Equipment Sales & Service							X	X	X
Industrial and manufacturing uses not otherwise specified									CZ

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Scrap metal salvage yards, Junk yards (600 sq. ft. or more in size)									CZ
Kennel (8 or less domesticated animals)	D		D		X	X	X	X	
Kennel (more than 8 domesticated animals)	S		S		S	S	X	X	
Laboratory, Medical & Dental				X		X	X		
Laboratory, Research				X			X	X	X
Landfill, Land Clearing/Inert Debris, Minor (Off-Site)	D							D	D
Landfill, Land Clearing/Inert Debris, Major (Off-Site)	S							S	S
Landfill, Municipal Solid Waste									CZ
Laundry or Dry Cleaning, Self Service						X	X		
Library, Public				X		X	X		
Locksmith, Gunsmith						X	X		
Lumber yard ( <b>Note 2</b> )	X							X	X
Machine shop, welding shop							X	X	X
Manufacturing, machine tools, fertilizer, wood products									CZ
Manufacturing, apparel, soft goods, textiles								X	X
Manufacturing and wholesale trade processing agricultural products					X				
Manufactured Housing on lot during construction of new dwelling	D								
Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot						X	X	X	
Mobile home park			S						
Mobile home class A (Amended language conforms with 3/1/1999 amendments to manufactured home text)	X		X						
Mobile home class B (Amended language conforms with 3/1/1999 amendments to manufactured home text) ( <b>Note 8</b> )	X		X						
Mobile home class C (Amended 1/6/1997)									
Mobile home (Class AA, A or B), temporary use - for Custodial Care (Amended 9/16/91 and effective 9/17/91; amended 4/10/2006)	D	D	D						
Mobile home (Class AA, A or B), temporary use - for construction purposes				X		X	X	X	X
Mobile home, travel trailer, camper, marine, recreational vehicle sales							X	X	
Monument and Cut Stone Manufacture and Sales							X	X	X

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Motor Sports Activities									CZ
Nursery and plant cultivation and sales	X				X	X	X	X	X
Nursing and rest homes	S		S	X					
Office <i>Supplies</i> Sales						X	X		
Offices, Private and Public					X				
Outdoor Display Area (Non-residential)				D	D	D	D	D	D
Outdoor Storage Area (Non-residential)				D	D	D	D	D	D
Outdoor Storage Area (Residential)	D	D	D						
Paintball Facility (Outdoor)	S						S	S	S
Planned business development (Amended language conforms with special use permit text for Planned business development)				S		S	S	S	S
Planned unit development	S	S	S						
Pharmacy and drug store						X	X		
Post Office				X		X	X		
Pottery Crafting and Sales	X						X	X	X
Poultry Breeding Facility (See Design Guidelines)	D								
Printing and Reproduction						X	X	X	X
Professional and business offices				X		X	X		
Public utility substations (including public water/sewer plants)	S	S	S	S		S	S	S	S
Pulp and Paper Mills									CZ
Quarry/extraction operations (including sand, gravel and clay pits)									CZ
Radio or television studio						X	X	X	
Radio or television tower (Deleted 5/6/2002, replaced with Wireless Telecommunications Facilities)									
Reception/Banquet Facility	S				S	X	X		
Retail sales not listed elsewhere						X	X		
Rooming house	X		X						
Repair, rental and service of products sold at retail in same district						X	X		
Residence, apartments, condominiums, townhouses			X						
Residence, duplex	X		X						
Residence Class AA manufactured home (Amended 3/1/1999)	X	S	X						
Residence Class A manufactured home (Amended 3/1/1999)	X		X						
Residence Class B manufactured home (Amended 3/1/1999) ( <b>Note 8</b> )	X		X						

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
Residence, single family detached	X	X	X						
Restaurant						X	X		
Restaurant, excluding drive-in and fast food					X				
Retail shops not exceeding 3,000 square feet of gross floor area and whose primary sales are agriculture related items, antiques, artisan gallery or studio, locally made crafts, items related to rural tourism, outdoor recreation and sporting goods equipment					X				
Retail stores and shops (excluding vehicle sales) not otherwise listed herein						X	X		
Riding academy, commercial stables	X								
Rural family occupation of commercial/industrial nature	S								
Rural Guest Establishment	S								
Rural Tourism Activities	S				S				
Slaughtering and Processing Plants									CZ
Sawmills, planing mills - permanent									CZ
Sawmills, planing mills - temporary (no permanent structures erected) (Note 6)	X							X	X
Sawmills, portable					X				
Schools, academic	S	S	S	S		S	S	S	S
Schools, business/trade	S			S		S	S		
Service stations						X	X	X	
Service establishments including but not limited to barber and beauty shops, small item repair and rental						X	X		
Skeet, Trap, and Sporting Clay Ranges (Adopted 10/4/1999)	S								
Sheet metal fabrication								X	X
Sign, outdoor advertising (off - premises)							X	X	X
Sign, on premises	X	X	X	X		X	X	X	X
Shooting Range/Shooting Range Complex (Outdoor)								CZ	CZ
Solar Energy System, Large Scale	S							S	S
Special Events (See Design Guidelines) (Adopted 8/26/1996; Effective 9/9/1996)	D			D		D	D		
Studios for artists, designers, musicians, photographers, sculptors (not as a home occupation)	X			X	X	X	X		
Major subdivisions (Amended 1/4/1999; 7/13/2009) (Note 9)		X	X						
Minor subdivisions (Amended 1/4/1999;	X	X	X						

USE	RA	RP	RM	OI	RC	NC	HC	LI	HI
7/13/2009)									
Tailor shop						X	X		
Taxi stand						X	X		
Temporary buildings, incidental to development	X	X	X	X		X	X	X	X
Temporary carnivals, rides, ferris wheels							X	X	X
Temporary manufactured home for Custodial Care (Amended 9/16/1991 and effective 9/17/1991; amended 4/10/2006))	D	D	D						
Temporary Storage Unit	D	D	D						
Theatre, Drive-in							X	X	X
Tire recapping								X	X
Tobacco sales and warehousing								X	X
Townhouses commercial				X		X	X		
Townhouses residential			X						
Travel Trailer Parks	S		S						
Truck, freight, and rail transportation providing services for agricultural products					X				
Turkey shoots (associated with non-profit organizations)	D			D					
Turkey shoots (for profit, year round)	S				S		S	S	
Upholstering and furniture refinishing						X	X	X	
Veterinary clinics and services					X		X	X	X
Warehouses, sales or service							X	X	X
Wireless Telecommunications Facilities	S			S			S	S	S
Wholesale sales, not otherwise listed							X	X	

### 8-5 Notes to the Table of Permitted Uses

1. Bona fide farms and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article III, Jurisdiction.

Notes 2 and 3 were deleted by amendment on 5/7/2012.

4. Effective July 1, 1997, the Rockingham County Planning Department will not issue zoning permits for any Class C mobile homes within the County's zoning jurisdiction. (Amended 6/7/1993 and 1/6/1997).
5. Lighted outdoor parks and courts for athletic fields, recreation buildings, swim and racquet clubs, etc. are permitted only in the RA district.
6. Temporary sawmills are permitted for no more than 90 days. Operating equipment shall be 100 feet from any residence.



7. Family care homes are permitted in these districts but may be located no closer than one-half mile to each other.
8. Effective May 1, 1999, Class B manufactured homes are permitted in manufactured home parks and not on single family residential lots, except that any Class B home located and properly permitted (zoning and building) in Rockingham County before the effective date of this amendment may be moved to an individual lot in the RA or RM zoning districts; provided removable towing apparatus, wheels, axles, and transporting lights are removed after final placement on the site and before occupancy or non-removable towing apparatus is concealed by curtain wall or masonry foundation of same material as underpinning/skirting, or screened with shrubbery. Such shrubbery at time of planting shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness; and has either:
  - i) a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, and no visible exposed concrete block (Amended 3/1/1999); or,
  - ii) a continuous, concrete curtain wall or skirting that consists of solid segmented decorative concrete block measuring eight (8) inches in height by twenty four (24) inches in length by two and one half (2½) inches in thickness with interconnecting slots connected by a durable rigid I-beam that integrates the blocks into a stable concrete masonry skirting unpierced except for required ventilation with access installed under the perimeter (Amended 3/5/2001); or
  - iii) a replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special additives to enhance long-term performance; a weight of approximately 4.5 pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately 1/4 inch in brick area to 1/8 inch in mortar area; and will not support combustion.  
(Amended 3/1/1999; 4/10/2006)

9. Major subdivisions are a permitted use in the RP and RM zoning districts. However, when the owner or developer of land in the RA zoning district proposes a major subdivision, he/she shall apply for rezoning of the property to either RP-CD or RM-CD. The proposed subdivision shall only be permitted if the conditional district rezoning is granted. (Amended 1/4/1999; 7/13/2009)

## **8-6 Development Standards**

### **(a) Poultry Breeding Facilities (Dry Litter Operations)**

Zoning District Required: Residential Agricultural

Minimum Area: Minimum lot size shall be 20 acres

Setbacks: All structures, buildings, or enclosed areas, used for the housing of poultry and for composting facilities shall be a minimum of 100 feet from all property lines.

Use Separation: No poultry confinement operation will be constructed closer than 500 feet from any occupied residence, place of public business, or established place of public assembly without written consent of the affected residents and owners. This set-back provision shall not be applicable to a facility constructed within the minimum required distance to a residence, place of business or place of public assembly owned, possessed, or controlled by the owner of the poultry facility.

Operation: Any violation of County Health Department regulations concerning the operation of the facility shall be considered a violation of this ordinance.

Disposal of dead birds shall be handled with a composting facility. These shall be built according to specifications set out by the NC Department of Agriculture. In case of a catastrophic loss of birds, the disposal plan shall be approved by the Planning Department.

Operators must supply the Planning Department with documentation of an approved waste disposal plan.

(Amendment approved and adopted by the Rockingham County Board of Commissioners 4/11/1994; received and filed with clerk 4/13/1994)

**(b) Special Event Permits**  
(Amended 4/10/2006)

Zoning District Required: RA, OI, NC, and HC

Application: Application for an event permit shall be made at least 5 working days prior to the start of the event.

Permit Required: An event permit shall be obtained for non-permanent facilities and activities that will have a duration of one or more days, but not more than (7) days. Examples of this type of event are: a tent revival, special event fund raisers, a rodeo, an air show, or other similar activities conducted on a short term basis and not otherwise addressed by this ordinance.

Purpose of Permit: The purpose of this permit will be to authorize a specific use for a defined period of time; and to coordinate health, traffic, and other code specific inspections necessary to the safe and healthful operation of the event.

Permit Issuance: The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:

- A. Ample off-street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site.
- B. The owner of the property where the event is to be held, or his agent, shall provide to the Planning Department written authorization that the event may take place on the property.
- C. An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:30 PM.
- D. Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event.
- E. Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.

Maximum Number of Permits: No more than two (2) permits may be issued on the same property in any one calendar year in RA, NC, and HC districts.

(Amendment approved and adopted by the Rockingham County Board of Commissioners on 9/9/1996.)

**(c) Turkey Shoots**

**USE:** TURKEY SHOOTS

**ZONING:** RA or OI

**ACRES:** There is no minimum or maximum lot size. Lot shall be of sufficient size to accommodate the staging area, shooting range, parking lot, spectator areas, structures, setback/buffer areas and septic systems (if applicable).

**DURATION OF PERMIT:** 90 consecutive days within a 12 month period.  
Permit must be renewed annually.

**HOURS OF OPERATION:** Thursdays, Fridays, and Saturdays from 7:00 AM to 10:00 PM.

**PARKING:** 2 spaces for each backstop (target station).

**SIGNS:** 1 principal use identification sign not to exceed 16 square feet in area per sign face. The sign must be setback 10 feet from the front road right-of-way. The sign may be illuminated.

**SETBACKS:** No turkey shoot shall be allowed within a required setback.

All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The backstop or target area shall be located not less than 500 feet from the road right-of-way. All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop.

Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200 feet from and parallel to the road right-of-way.

**OTHER REQUIREMENTS:**

Back stops shall be constructed of material that will allow the shot to penetrate and not to pass through. Back stops shall be a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.

Lighting shall be pointed in a downward and inward direction, away from adjoining properties. Full cut-off or fully shielded light fixtures shall be used where feasible.

A site plan is required showing all structures within 750 feet and the parking area.

No alcoholic beverages shall be sold or allowed on the premises.

The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.

The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.

The operator of the turkey shoot must provide proof of the event's association with a non-profit organization (501(c)(3) status). If the operator is different from the land owner, a copy of the lease or written agreement to use the property for a turkey shoot must be provided at the time the permit is written.

This use may be a principal use or accessory use.

(Amendments approved and adopted by the Rockingham County Board of Commissioners on 4/3/1995. Amended 7/10/2012)

**(d) Administrative Approval for Co-locations on Existing Wireless Telecommunications Facilities and Other Structures.**

The Planning Director, or his designee, is authorized to review, analyze, evaluate, and make decisions with respect to granting or not granting, or revoking an Administrative Approval for Co-locations on Wireless Telecommunications Facilities and other structures.

Special Use Permits are required for new towers (see Chapter II, Article 9, Section 9).

**A. Co-locations:**

Co-locations qualify for Administrative Approval if the Applicant meets one of these three (3) criteria:

1. Installing an antenna on an existing non-residential structure, other than a tower (including, but not limited to a building, rooftop, sign, light pole, water tower, utility pole, or other free-standing, non-residential structure) that is less than 50 feet in height so long as such addition does not add more than 10 feet to the height of the existing structure;
2. Installing an antenna on an existing non-residential structure other than a tower (including, but not limited to a building, rooftop, sign, light pole, water tower, or other free-standing, non-residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure; or
3. Installing an antenna on an existing tower of any height, including a tower existing prior to this Ordinance, and further, including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of the existing tower.

**B. General Requirements:**

Administrative Approval for Co-locations on Wireless Telecommunications Facilities or any modification of such co-location shall comply with the requirements set forth below, the requirements of other sections of the UDO, and all other applicable state, federal, and local regulations.

1. The Applicant must obtain all required certifications from a licensed professional engineer. An application for an Administrative Approval shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. (See the fee schedule for application fee information.)

2. Antennae located on property owned, leased, or otherwise controlled by Rockingham County shall be exempt from the requirements of the Administrative Approval for the co-locations section of the UDO, provided a license or lease authorizing such antenna has been approved by the Rockingham County Commissioners.
3. All utilities at a Wireless Telecommunications Facilities site shall be in compliance with all laws, including specifically, but not limited to, the National Electrical Safety Code, the National Electrical Code, Electronic Industry Association/Telecommunications Industry Association (EIA/TIA), and (Building Occupancy Code or BOCO) where appropriate.

**C. Administrative Review Process:**

1. An Applicant shall submit 2 completed applications in 3-ring binders for Administrative Approval.
2. Any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the County.
3. No proposed antenna(e) shall be installed or constructed until the application has been approved by the County Planning and Building Inspections Department, the Administrative Approval has been granted, and all applicable permits have been issued.
4. A sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities is required. It shall contain the name(s) of the owner(s) and operator(s) of the antenna(e) as well as emergency phone number(s). The sign shall be placed on the equipment shelter or cabinet of the Applicant, be visible from the access point of the site, and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule, or regulation. No other signage, including advertising, shall be permitted, unless required by applicable law, rule, or regulation.

**D. The Applicant shall provide a site plan containing:**

1. The name, address, and phone number of the person responsible for preparing the application;



2. The name, address, and phone number of the owner of the lot containing the tower, service provider or operator, the tower operator, and the actual Applicant;
3. The postal address, latitude and longitude, zoning district designation, and tax map parcel number of the tower lot;
4. The location, size, and height of the tower, all proposed and existing antennae, and all appurtenant structures;
5. The number, type, and design of the antenna(e) proposed as well as the make, model, and manufacturer of the antenna(e);
6. The frequency, modulation, and class of service of radio or other transmitting equipment;
7. The actual intended transmission and the maximum effective radiated power of the antenna(e).

**E. The Applicant shall provide the following written documentation:**

1. A demonstration of the need for the proposed antenna(e) to provide service primarily within the County. Such documentation shall include, but may not be limited to, propagation studies of the proposed site and all existing and proposed sites.
2. A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, and color.
3. Certification that the Non-Ionizing Electromagnetic Radiation (NIER) levels at the proposed site are within the threshold levels adopted by the FCC. Calculations and measurements of NIER will not be required for any new source of NIER if it is determined by FCC definition to be categorically excluded from having to determine compliance with RF exposure standards unless the NIER emissions from the new source, when added to existing ambient NIER sources, will exceed the levels set forth in the above standard.
4. Certification that the proposed antenna(e) will not cause interference with other telecommunications devices.
5. A copy of the FCC license applicable for the intended use of the proposed antenna.

6. Proof of the intent of the existing tower owner to permit the Applicant's use as specified in the application.
7. Certification that the proposed antenna will be constructed to meet all laws and requirements for loads, such as wind and ice loads.
8. Certification that the proposed antenna will be effectively grounded so as to protect persons and property and will be installed with appropriate surge protectors.
9. If the antenna will add height to the existing tower or structure, as specified in Section A, the following shall be provided:
  - a) An FAA letter that states whether the additional height of the existing antennae requires lighting under FAA Regulation Part 77.
  - b) Justification of the total height of the structure, tower, and antenna.

**F. Variance:**

Applicants may request a waiver of provisions of this section of the Ordinance as a variance and be subject to requirements specified in Chapter II Article XIV.

(Amendment approved and adopted by the Rockingham County Board of Commissioners on 7/11/2005.)

**(e) Temporary Manufactured Housing on Lot with Existing Residential Unit for Custodial Care**

For purposes of this section Custodial Care is defined as assistance with activities of daily living, including help in walking, bathing, preparing meals and special diets, and supervising use of medications but not requiring constant attention of medical personnel.

**Zoning District Required:** All residential zoning districts

**Minimum Area:** Double the required lot size for the zoning district in which lot is located.

**Setbacks:** Same as zoning district in which it is located.

**Other Requirements:**

1. Temporary unit shall be a Class AA, Class A, or Class B. All temporary units must meet the appearance criteria for each type of home as listed in the definitions. Additionally, a Class B home must meet the standard of Chapter 2, Article XIII, Section 8-5, Note 8. If temporary unit is a Class AA, the foundation requirements must meet the standards established for a Class A manufactured home as listed in Chapter 1, Article II, Section 2-67 (c).
2. The placement of the manufactured home adjacent to the existing dwelling unit shall not create unhealthy or unreasonable living conditions.
3. Permit will be granted when the landowner or occupant, or a family member of the landowner or occupant, requires at-home custodial care.
4. A floor plan showing that the existing dwelling is insufficient to provide independent private living space for both the needy individual and the custodian.

**Permit Issuance:**

Permit will be not issued until the applicant complies with the following:

1. Environment Health Approval for well and septic system (if applicable)
2. A letter from the attending physician, on the physician's letterhead and dated within thirty (30) days of applying for the permit stating the person's name and verifying that:

- (a) the person or persons occupying the manufactured home are in need of custodial care and the person or persons occupying the existing principal dwelling will provide such care; or
  - (b) the person or persons occupying the existing principal dwelling are in need of custodial care and the person occupying the manufactured home will provide such care.
- 3. An affidavit signed by the applicant declaring and acknowledging that the applicant will remove the second dwelling within 60 days after the need for care ceases to exist or after the temporary permit expires, whichever occurs first.
  - 4. Payment of permit fee.

**Permit Renewal:**

- 1. Permit shall be granted for a period of two (2) years.
- 2. Permit may be renewed with a letter from the attending physician certifying the continued need for custodial care. Physician's letter must be dated within thirty (30) days of application for a renewal permit. Permit fee is due at time of application.

**Permit Revocation:**

- 1. The unit shall be removed from the lot within sixty (60) days of expiration of the initial permit or renewal permit or when the need for care no longer exists, whichever occurs first.
- 2. If during the time of a valid Permit (whether initial permit or renewal permit), it is determined by the County that the foregoing conditions cease to be complied with or the need for care no longer exists, the Permit shall automatically be revoked and the property owner shall remove the manufactured home within thirty (30) days.
- 3. At any time, upon request by the County, permit holders shall provide a letter from the attending physician, within 15 days of the request, stating need for custodial care still exists.  
(Amended 4/10/2006)

**(f) Agritourism Activities**

Purpose

Rockingham County's tourism industry is interconnected with agriculture. The purpose of allowing development of agritourism facilities and operations is to contribute to the preservation of the agricultural character of the county and to allow farming to remain a viable occupation by generating supplemental income from farm related activities.

Examples of agritourism activities include, but are not limited to:

Outdoor recreation (fishing, hunting, horseback riding, archery, hiking), wineries, guided farm tours, educational tours, corn mazes, harvest festivals or barn dances, agriculture food and craft shows, on-farm direct sales (U-pick operations or road side stands)

**Zoning:** RA

**Lot size and use:** 5 acres and verification from the Rockingham County Tax Department that the land where the activity is occurring is under Present-Use-Value taxation program. The facility or activity must be operated in association with an existing bona fide farm located on the same property, or an adjoining property under the same ownership. In cases where the agricultural use ends or the farm loses its bona fide status, the agritourism use shall be discontinued.

**Parking:** The number of parking spaces as listed in Chapter 2, Article XI for type of use. Paving is not required: however, dust control measures may be required. Off-site parking is not permitted.

**Access:** Point of ingress and egress to property shall consist of a minimum twelve (12) foot wide travel way and shall be located in such a way to minimize traffic hazards, inconvenience, and congestion.

**Site plans:** as may be required, shall show:

- Dimensions of property
- Location, use and ownership of all existing and proposed buildings, with dimensions of each
- Location, use, and dimensions of all outdoor activity areas
- Public and private roads accessing the property
- Parking areas and number of parking spaces
- Sanitary sewer facilities where applicable
- Location and heights of all fences, hedges and natural buffers that would serve as buffers to abutting property
- Location of all flood zones, watersheds, wetlands, and streams

**Signs:** Two identification signs not exceed sixteen (16) square feet each are allowed within the bounds of the property. Illumination is not permitted. Signs may be ground signs and/or wall signs.

**Other requirements:**

1. Agritourism activities should be designed to minimize their visual impact on nearby properties used or zoned for agricultural and/or residential uses.
2. All agritourism structures, permanent parking, (non-farm) storage area, and other uses related to the agritourism facility/activity must have a thirty (30) foot setback from side and rear property lines with Type I landscaping buffer and a thirty-five (35) feet setback from the road right-of-way. The front setback requirement may be reduced to twenty (20) feet for agritourism structures built before 1988. The landscaping requirement may be waived by the Planning Director or his designee if the activity is located at such a distance from the property line that the area or facility where the activity takes place cannot be seen from the property lines. Existing cropland that is not part of the agritourism activity shall be factored into the buffer requirement.
3. There shall be a separation of at least two hundred (200) feet between residences on adjoining tracts and any building used for the agritourism operation.
4. Special events may be held without a Special Event Permit and are limited as follows:
  - a. Only one type of special event may occur at any one time.
  - b. Festivals are allowed up to 4 times per year for three consecutive days each.
  - c. Horse shows are permitted up to 4 times per year.
  - d. Other events (ex. weddings, retreats, reunions) are permitted up to four times per month for two consecutive days each.
5. Special events lasting more than three (3) consecutive days shall comply with the Special Event Permit requirements in Chapter 2, Article XIII, Section 8-6 (b).

The Planning Director or his designee shall approve temporary parking for special events on a case-by-case basis.
6. A maximum of 750 square feet of area for retail sales is allowed, and items sold must be directly associated with the agricultural use of the land.
7. If agricultural use of the property ends, any retail use must also cease if property is not rezoned to a zoning district that allows the retail use.

8. Overnight camping is not permitted on grounds.
9. Stormwater drainage and sanitary sewerage shall be provided as approved by the Rockingham County Planning Department and Public Health Department.
10. All lighting shall be directed inward and downward (e.g. shoe box fixtures) in such a manner so as not to produce glare onto adjacent property and so that the primary cone of illumination does not extend beyond the property lines. Exterior lighting shall be mounted no higher than thirty-five feet above the adjacent ground level.
11. All applicable permits are applied for and secured as required by other local, state, and/or federal agencies.  
(Amended 4/10/2006)

### **Off-premise Signs**

Two (2) off-premise directional signs are allowed when business, attraction, or activity is not located on a US or NC numbered highway, subject to the following regulations:

1. Sign permit is required prior to erecting sign. Written permission of the property owner and copy of sign face is required prior to obtaining a permit.
2. Signs shall be setback at least 10 feet off the right-of-way.
3. There shall be a minimum of 1000 feet between each sign.
4. No sign may be larger than 16 square feet or greater than 6 feet in height.
5. Only non-illuminated freestanding ground signs are allowed.
6. Signs may be two-sided. The sign surface area shall be computed by including the total of all sides designed to communicate information that can be seen at any one time by a person from one vantage point.
7. Signs must be kept in good repair.
8. If business, accommodation, attraction or activity ceases to operate, directional sign(s) shall be removed within 30 days of cessation, by the sign owner or the owner of the property where the sign is located.

**(g) Manufactured Housing on Lot as Temporary Residence**

**Purpose:** To allow occupancy of a Manufactured Home as a temporary residence during active construction of a new dwelling.

**Zoning Districts:** RA

**Minimum Lot Size:** 2 acres

**Setbacks:** Same as zoning district in which lot is located.

**Location:** The manufactured home shall be located within the rear yard of the same lot for which the new dwelling building permit has been issued, unless site conditions cause this location to be impractical.

**Financial Guarantee:** A financial guarantee in the form of a bond or letter of credit, satisfactory to the County, shall be deposited with the County to assure and pay for removal of the manufactured home. The amount of the deposit will be based on an estimate of removal costs at the time of the application.

**Other Requirements:**

1. The Applicant shall submit a site plan drawn to scale showing the location of all structures, driveways and parking areas, easements, roads and rights-of-way, location of septic tank, drain field, and well (if applicable) and the proposed location of the manufactured home and its distance from all property lines.
2. The manufactured home used as a temporary residence shall be a Class A or AA and must be in habitable condition as defined by the North Carolina State Building Code.
3. The Applicant shall be the owner of the property and shall submit a copy of a recorded legal deed as proof of ownership.
4. The Applicant shall obtain a building permit for the new permanent single family dwelling prior to or at the same time as applying for the permit for the manufactured home as a temporary residence. A valid building permit for the permanent residence must be in force at all times.
5. The Applicant shall obtain Environmental Health Approval for well and septic system (if applicable).
6. The manufactured home installation shall comply with the North Carolina State Building Code and/or the manufacturers installation instructions.



7. A manufactured home placed on a lot as a temporary residence may not be rented or leased to a third party.
8. The Applicant shall obtain all required permits and pay all permit fees.
9. The temporary manufactured home must be inspected and comply with all requirements of the Unified Development Ordinance, except the underpinning requirements, before the manufactured home is occupied.

**Permit Approval:**

The Planning Director or his/her designee may approve a Temporary Use Permit upon finding that the project meets all standards established in this section for the permit, including but not limited to, compliance with applicable State regulations and local codes and ordinances. The Temporary Use Permit shall be valid for one year from date of issuance.

**Permit Renewal:**

One twelve month renewal may be permitted upon approval by the Board of Adjustment. A written request for permit renewal shall be submitted to the Planning Department no later than forty-five (45) days prior to the expiration of the initial permit. The Planning Department shall schedule the application to be heard by the Board of Adjustment and shall notify the Applicant of the date of the hearing. The Applicant is required to demonstrate to the Board of Adjustment that a valid building permit is in effect and that continual progress has been and is being made toward completion of the permanent dwelling. In addition to continual progress toward completion, the Board may consider:

1. Size of the tract;
2. Compatibility with and impact on the surrounding area;
3. If delay is due to weather conditions, delay in receiving order of special building material, or a licensed contractor delay; and
4. Approximate completion date.

**Permit Revocation:**

The manufactured home shall be removed from the lot within thirty (30) days of the expiration of the permit or renewal permit or upon issuance of a certificate of occupancy for the permanent residence, whichever occurs first.

If during the time of a valid permit (whether initial permit or renewal permit), it is determined by the County that the foregoing conditions cease to be complied with, the Permit shall automatically be revoked and the property owner shall remove the manufactured home within thirty (30) days.

(Amended 7/10/2006)

**(h) BED & BREAKFAST HOME**

A Bed & Breakfast Home in new and existing single-family dwellings shall be allowed subject to specific development and design standards.

**Zoning Districts.** A Bed & Breakfast Home is allowed in all residential zoning districts unless lot is part of a major subdivision.

**Site Plan.** A Bed & Breakfast Home is considered a commercial activity and requires site plan approval. Site plan shall show the location of all structures and their use, parking, landscaping, and may include other related items as required by Staff.

**Parking and Access.** Parking shall not be allowed in any front yard. Parking shall be provided at a minimum of one space per guest bedroom and one space for every two employees. A Bed & Breakfast Home shall be located on a state maintained road.

**Permit Approval.** All state and local fire, sanitation, food service provisions, and development and design standards shall be met and a zoning inspection completed prior to a zoning permit being issued to allow the Bed & Breakfast Home.

**Structures.**

1. The use shall be located in a structure which was originally constructed as a dwelling.
2. A residential structure used for a Bed & Breakfast Home shall not be structurally altered in any way that changes its general residential appearance except for modifications as required by the N.C. State Building Code (e.g. handicapped entrances, fire escapes).
3. Rooms shall not be equipped with cooking facilities.
4. Accessory buildings and structures shall not be used for guest or living quarters.

**Occupancy Restrictions.** The home shall be the permanent residence of the owner/operator.

**Food Service.** Breakfast shall be served on the premises only for guests and employees. No other meals shall be provided on the premises.

**Signs.** One non-illuminated sign, not more than eight (8) square feet in area and not more than five (5) feet in height, is allowed.

(i) **GUEST HOUSE**

**Zoning District Allowed.** Residential Agricultural (RA)

**Lot Size.** Two times the required lot size for the district in which the lot is located. Location in a water supply watershed or flood prone areas may affect minimum lot size, uses and built upon limits. Additional regulations may apply and other certificates and/or permits may be required.

**Occupancy.** One (1) of the dwelling units shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence. At no time shall the property owner(s) receive rent for the non-owner occupied unit.

**General Requirements.**

1. Only one guest house is permitted on each lot.
2. A guest house is not allowed on parcels which are part of an established Major Subdivision.
3. A guest house is not allowed on the same lot as two-family or multi-family dwelling units, lodging establishments, group care facilities, campgrounds or mobile home parks.
4. A property may not have a guest house and a home occupation and/or Rural Family Occupation as defined by this UDO.
5. The principal dwelling must be a stick built home, modular home built to N.C. Building Code, or a double-wide manufactured home.
6. A site plan drawn to scale showing the location of the guest house, the entrance and exits from the site (driveways), and areas to be designated for parking is required.

**Design Standards.**

1. The guest house shall be constructed according to all applicable state federal and local regulations including but not limited to dimensional standards, building height, floodplain elevation standards and North Carolina Building Code.
2. Approval by the County Health Department for the water supply and sewage disposal facilities shall be provided to the Planning Department prior to obtaining a zoning and building permit for the guest house.
3. The heated floor area of the guest house shall not be less than 400 square feet. The guest house shall not exceed 40% of the heated floor area of the

principal dwelling or 1000 square feet whichever is less. Examples of guest house square footage:

- a. A 1,000 square foot principal dwelling is needed for a 400 square foot guest house. (40% of 1,000 = 400 square feet)
  - b. A 2,500 square foot principal dwelling is needed for a 1000 square foot guest house. (40% of 2,500 = 1000 square feet)
  - c. A 4,000 square foot principal dwelling is limited to a 1000 square foot guest house.
4. A guest house may have up to 2 (two) bedrooms.
  5. Any additions to an existing accessory building for a guest house shall not exceed the allowable lot coverage, encroach into the existing setbacks, or exceed the maximum allowed heated floor area allowed.
  6. Two additional off-street parking spaces shall be provided for a guest house. Parking spaces may include garages, carports, or off-street areas reserved for vehicles. The additional parking spaces shall not be located in the front yards.
  7. A guest house shall be located in the side or rear yard of the principal dwelling.
  8. A guest house shall be separated by at least 30 feet from the principal dwelling and all other structures on the subject property.
  9. A guest house may not be sold as a separate unit unless the property is subdivided pursuant to all applicable subdivision regulations.
  10. If a property has a principal dwelling unit that is 1000 square feet or less, it may be converted to a guest house if the floor area of proposed structure and other standards of this section can be met.
  11. If the property is served by an individual wastewater system, a separate septic system and repair area is required for the guest house.

**(j) Outdoor Display and Storage Areas in Non-residential Districts**

**A. Outdoor Display Area Development Standards.**

An outdoor display area and sale of merchandise in non-residential zoning districts is allowed in conjunction with a legally permitted business provided the standards listed herein are met.

1. Outdoor Display areas shall:
  - a. not be located in fire lanes, drive aisles, loading zones, zoning setbacks, required parking spaces, site triangles, and landscaping, screening or buffer yards;
  - b. not be located more than twenty (20) linear feet from an external wall of the building;
  - c. be designed as an integral part of overall site development and shown on the site plan;
  - d. limited to 20 percent of the building floor area or 12,000 square feet, whichever is less except for vehicle sales lots and nursery product sales.
  - e. be located a distance equal to the setback for the zoning district in which the use is located. However, in all cases, minimum 10 foot setback is required from the side and rear property lines. A minimum 20 foot setback is required if a side or rear property line abuts a street.
2. No additional signage shall be permitted in association with Outdoor Display areas.
3. Outdoor Display Areas may include, but not be limited to, outdoor in-service vending machines; fresh produce; Christmas trees and other live plants; bagged ice in sales freezers; firewood pre-packaged and stacked or in sales bins; propane tanks in exchange racks; shopping carts for customer use; and newspaper racks.
4. Displayed merchandise other than plant materials for sale (e.g., Christmas trees, nursery trees, etc.) shall not exceed a height of six feet.

**B. Outdoor Storage Area Development Standards.**

An Outdoor Storage Area is allowed as an accessory use for a legally permitted business in non-residential zoning districts, provided the standards listed herein are met.

1. An Outdoor Storage Area in non-residential districts is limited to the following:
  - a. Outdoor Storage in association with a commercial or industrial business for the storage of goods that have a large size, mass, or

volume and are not easily moved or carried without the use of a mechanical lifting device. This includes, but is not limited to, items such as lumber, large stacks of outdoor furniture, mulch, fertilizer, equipment, and other similar uses;

- b. Any motor vehicle located on the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary to the operation of the enterprise (i.e. operators of fleets used for public or business transportation and delivery);
  - c. Outdoor Storage as a business enterprise being operated under a Special Use Permit for a "Junkyard" as defined by this ordinance and in NCGS 136-143;
  - d. Any motor vehicle located on the premises of a business enterprise being operated in a lawful place and manner primarily for the purpose of making repairs to motor vehicles;
  - e. Outdoor Storage in connection with an essential service or construction activity for which there exists a valid building permit; and
  - f. Any motor vehicle located in an appropriate storage place or depository maintained by the County.
2. Outdoor Storage Areas shall be:
- a. prohibited in fire lanes, drive aisles, loading zones, zoning setbacks, forward of the front building line, required parking spaces, site triangles, and buffer yards;
  - b. designed as an integral part of the overall site development, limited to the area shown on the site plan and approved as part of the site plan review.
  - c. located in the side or rear yard;
  - d. screened from view from public right-of-ways, parking areas, or adjacent residential development by a minimum eight (8) foot high, opaque visual barrier or screen. Such screening shall be high enough to completely conceal all Outdoor Storage from view. Chain-link fencing with slats inserted may be considered acceptable for screening except where abutting or across the road from a residential use or residentially zoned property.
3. The following are prohibited as a permanent outdoor storage unit or as an accessory building:
- a. Freight and/or shipping containers; and
  - b. Any apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle (i.e. tractor trailers)

**(k) Outdoor Storage in Residential Zoning Districts**

**A. Location.**

Only one area, no greater than 600 square feet, on a parcel in any residential zoning district may be designated for Outdoor Storage.

**B. General Standards.**

1. Outdoor Storage includes building materials and junked motor vehicles, solid waste and junk as defined in Chapter 1.
2. All Outdoor Storage in excess of 600 square feet is prohibited and shall be treated as equal to a junkyard as defined by this ordinance.
3. A site plan may be required. Site plan shall show the location, screening and size of the Outdoor Storage area, all structures on the parcel and any other site features requested by Code Enforcement or Planning Staff. The site plan must be approved as part of a zoning action or by the Planning Staff.
4. All Outdoor storage shall be screened from view as follows.
  - a. Materials stored within the Outdoor Storage area shall not be higher than the screening wall or fence. Fences or walls shall be a minimum of eight (8) feet in height and shall not exceed 15 feet in height.
  - b. Fencing or walls may be constructed of chain link fencing with slats or fabric, wood, vinyl, masonry, or stone.
  - c. In lieu of fences or walls, existing vegetation may be used to screen the Outdoor Storage area only if:
    - i. vegetation can provide a year round screen;
    - ii. stored materials are not visible from adjacent parcels, streets and roads; and
    - iii. the Code Enforcement Officer or Planning Staff approves in writing the use of existing vegetation for screening.

**C. Outdoor Storage of Motor Vehicles.**

1. Only motor vehicles intended for personal use shall be parked or stored on any property zoned for residential use.
2. No work vehicles may be stored on any residentially zoned property except as listed below in subsection 3. "Exceptions." (a.)(i.) below.
3. Exceptions.
  - a. This section shall not apply to:

- i. work vehicles customarily used for commuting to and from work ( i.e. light duty truck, car or van) may be parked overnight and on weekends on residentially zoned property; or a semi-cab used by over the road owner-operators;
    - ii. any motor vehicle located in an enclosed building;
    - iii. the parking and/or storage of personal recreational vehicles including, but not limited to, motor homes, vans, campers and travel trailers in residential districts; and
    - iv. one junked motor vehicle on a single parcel only if the junked motor vehicle is located in the rear yard.
  - b. The exceptions listed in 3.a. above shall apply only if the vehicle concerned is listed with the County Assessor for tax purposes (unless not required to be by law) and is kept and maintained in a manner that does not constitute a public health or safety hazard or a public nuisance as determined by a Code Enforcement Officer or by the County Health Department.
4. Outdoor Storage of Junked Motor Vehicles.
  - a. Up to three additional junked motor vehicles (for a total of 4) may be stored on a single parcel only if the vehicles are located in the rear yard and screened from view. Screening requirements shall be the same as listed in "General Standards" B.4. These three junked motor vehicles shall be counted toward the allowed 600 square feet of Outdoor Storage allowed. Each car or small pick-up shall be counted as 150 square feet of storage area.
  - b. All other junked motor vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles cannot be seen. Junked motor vehicles in this category will not be counted toward the 600 square foot limit.
  - c. A vehicle in the process of repair or restoration stored outdoors shall be treated as equal to a junked motor vehicle.
5. Outdoor Storage of Large Vehicles.

Large Vehicles: The parking and/or storage of motorized and non-motorized vehicles in excess of 10,000 pounds gross vehicle weight shall be prohibited in all residential and office and institutional zoning districts except for loading and unloading purposes; for emergency home service; or for use in the conduct of a legal non-conforming use.
6. Outdoor Storage of Manufactured Homes.

Manufactured homes shall not be parked, stored or used for storage in or on any lot in any zoning district.



#### **D. Outdoor Storage Units.**

Any permanent outdoor storage unit with any dimension greater than 12 feet must meet the requirements for an accessory building under the most current version of the North Carolina Residential Building Code.

1. The use of freight and/or shipping containers as a permanent Outdoor Storage facility or accessory building is prohibited.
2. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be allowed to be used as a permanent storage facility or accessory building in any zoning district.
3. Temporary Storage Units are allowed subject to development standards. See Chapter 2, Article VIII, Section 8-6 (I).

#### **E. Compliance.**

1. The Code Enforcement Officer has the authority to determine and enforce compliance with the development standards required by this section.
2. All vehicles, outdoor storage areas, or storage units made non-conforming as a result of any amendment to this section shall be removed or brought into compliance within one year (12 months) from the effective date of such amendment. Upon failure to comply with the requirements of this section, the Code Enforcement Officer may take corrective action as provided by Chapter 2, Article XVI of this ordinance.

**(I) Temporary Storage Units**

**A. Applicability.** These standards shall apply only to the placement of Temporary Storage Units as defined in Chapter 1 Definitions in the residential zoning districts. These standards do not apply to temporary construction trailers or dumpsters.

**B. Zoning approval.** Before placement of a Temporary Storage Unit on residentially zoned property, the property owner must apply for and receive a zoning permit. In the case of rental units, the property owner(s) or property manager shall obtain a zoning permit.

1. Applications for permits shall include, but not be limited to the following:
  - a. The names, addresses, and telephone numbers of the owner or manager of the property on or at which the temporary storage unit is to be placed; and
  - b. The name, address, and telephone number of the individual or company which owns the temporary storage unit; and
  - c. A site plan showing the proposed location of the unit on the site in relation to the street, driveway or parking area, dwelling, and other structures on the site; and
  - d. Such other information as may be required to determine full compliance with this and other applicable ordinances of Rockingham County.
2. In the case of a tenant or property owner using the same Temporary Storage Unit for the purposes of moving between properties within Rockingham County's jurisdiction, only one zoning permit will be required. Site plans shall be submitted for both locations as per B.1.c. above.
3. In the event of fire, tornado, natural disaster or other substantial damage to the dwelling and there is an immediate need to protect personal property, the property owner may place a temporary storage unit on the property. Within ten (10) calendar days of the event, the property owner shall secure the proper permit and meet all other conditions of approval. No late fee will be assessed.

**C. Duration.** A temporary storage unit may be placed on or at a property for a period not to exceed 90 calendar days, including the day of delivery and removal.

**D. Number of units.** Only one (1) Temporary Storage Unit shall be placed on a property at any one (1) time.

- E. Exception to Duration and Number of Units.** In the event of fire, tornado, natural disaster, other substantial damage to a dwelling or during remodelling projects, the property owner may apply to the Planning Director or designee for permission to extend the time that a temporary storage unit may be located as a temporary structure on the property use and/or to place additional units on the property. Application for such extended duration shall be made in writing and filed with the Planning Department and shall give sufficient information to determine whether such extended duration should be granted. The Planning Director shall determine whether or not to grant the request and establish the length of such extension. In the event of an adverse decision by the Planning Director, the applicant may appeal such decision to the Board of Adjustment. In the event of such appeal, the decision of the Board of Adjustment shall be final.
- F. Size.** Temporary storage units shall be no greater than 2,200 cubic feet in size and may not exceed eight feet six inches in height, 8 feet in width or 40 feet in length, whichever is greater.
- G. Location.** Placement of Temporary Storage Units shall meet all of the following provisions:
1. The unit shall be placed either in the driveway of the property at the furthest accessible point from the street or in an approved paved parking area.
  2. The unit shall not be placed within any public right-of-way including sidewalks and/ or streets or in the front yard of a property.
  3. In a multi-family residential complex, the unit shall be placed as close to the dwelling using the unit as possible.
  4. The unit may be placed in an alternative location, provided that the alternative location does not create an unsafe condition. The applicant must obtain preapproval of the alternative location from the Planning Department, in the following situations:
    - a. the property does not have a driveway.
    - b. the location of the unit in the driveway is in the front yard of the property.
    - c. the property is a corner lot.
    - d. the location is reasonable for construction activities.
- H. Signs.** Signage on temporary storage units may identify the owner or provider of the storage unit only and shall not include the advertisement of any other product or service.

- I. Limitation of Stored items.** No Temporary Storage Unit shall be used to store solid waste, construction debris, demolition debris, business inventory, commercial goods, storage and/or sale of goods intended for sale from other properties other than at the residential property where the Temporary Storage Unit is located or any other illegal or hazardous material. Upon reasonable notice to the Applicant, a Code Enforcement Officer may inspect the contents of any Temporary Storage Unit at any reasonable time to ensure that it is not being used to store said materials.
- J. Unit Condition.** The Applicant, as well as the company or vendor that supplies the storage unit, shall be responsible for ensuring that the Temporary Storage Unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.
- K. Safety.** It shall be the obligation of the owner or user of such Temporary Storage Unit to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate code enforcement officers may require the immediate removal of such temporary structure.

**(m) LANDFILL, LAND CLEARING/INERT DEBRIS (LCID), MINOR (Off-Site)**

The property owner is responsible for complying with all regulations found in 15A NCAC 13B .0563, .0564, .0566, and the following local requirements:

**Zoning Districts:** RA, LI, and HI

**Acres:** 2 acres maximum

**Location:** A Minor LCID Landfills and its functions shall be located:

1. A minimum of 100 feet from the landfill area to property lines, residential dwellings, commercial or public buildings, and wells. The landfill area shall include the fill area, structures, equipment storage, parking areas and any other landfill functions except the access drives and utilities that may cross this area,
2. A minimum of 100 feet from any perennial waters identified on the most recent versions of U.S.G.S 1:24,000 scale topographic maps or as determined by local government studies,
3. Outside of the critical area of any of Rockingham County's designated watersheds as defined by the Rockingham County Watershed Ordinance and official zoning watershed maps,
4. Outside of the 100-year floodplain, and
5. One-half (1/2) mile from any other type of landfill.

**Access:** A Minor LCID Landfill shall follow these access requirements:

1. Driveway access to the facility shall directly connect to a road that is maintained by the NCDOT;
2. A commercial driveway permit must be obtained from NCDOT and a copy shall be provided to the Rockingham County Planning Department.
3. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized dumping or access except when an operator is on duty.

<b>Signs:</b>	<u>Type of Sign:</u>	Principle Use Identification Ground Sign
	<u>Permitted Number:</u>	1 sign per entrance
	<u>Maximum area of sign:</u>	9 sq. ft.
	<u>Permitted Illumination:</u>	None

Required Content:

Sign shall list contact name and telephone number in case of an emergency, types of material accepted, and the hours of operation.

**Other Requirements:**

1. The property shall be screened with a Type I landscape buffer a minimum of 15 feet in width and 8 feet in height, either planted or existing, along all property lines.
2. Hours of operation shall be limited to 7:00am to 5:00pm Monday through Saturday in the Residential Agricultural zoning district.
3. All unpaved roadways and parking areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
4. A site plan shall be submitted showing the following:
  - a. location of the proposed facility including boundary and acreage of disposal site and all landfill areas;
  - b. names of adjacent property owners and zoning classifications of property;
  - c. structures and wells within 250 feet of the disposal areas;
  - d. parking areas, roadways, entrances, and exits;
  - e. any perennial and intermittent waters, flood plain, or wetlands on the facility property and any within 100 feet of the disposal area;
  - f. existing or proposed landscape buffers;
5. Construction and operations greater than 1 acre are required to obtain a sedimentation and erosion control permit from the NC Department of Environment and Natural Resources.

**(n) Kennel, 8 domesticated animals or less**

**Zoning Districts:** RA, RM

**Other Requirements for RA and RM zoning districts:**

1. The property shall be screened with a Type I landscape buffer a minimum of 15 feet in width and 8 feet in height, either planted or existing, along all sides of the kennel facility.
2. Two parking spaces shall be provided in addition to the standard parking required for a dwelling unit.
3. A site plan, drawn to scale, shall be submitted showing the following:
  - a. location of the proposed facility including boundary and acreage;
  - b. parking areas, roadways, entrances, and exits;
  - c. any perennial and intermittent waters, flood plain, or wetlands on the facility property and any within 100 feet of the kennel area;
  - d. existing and proposed landscape buffers;
  - e. a floor plan of the facility must be provided

## **ARTICLE IX SPECIAL USES**

### **9-1 Objectives and Purposes**

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in the chart preceding this section. Detailed descriptions of the procedures that must be followed in the issuance of each permit are contained in the following pages. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit. The Planning Board shall grant the permit.

### **9-2 Application Submission**

The owner or owners of all the property included in the petition for a Special Use Permit shall submit an application to the Planning Director at least 30 days before the meeting of the Planning Board at which it is to be heard. As allowed in the regulations for certain Special Uses, the application shall specify whether the request is for preliminary approval or for the Special Use Permit.

Such application shall include all of the requirements pertaining to it in this section and without such information cannot be processed for consideration by the Planning Board. Applications shall include site plans and shall be prepared to provide a full and accurate description of the proposed use including its location, appearance and operational characteristic.

At the time of submission, applicants shall pay a fee established by the Board of County Commissioners to partially defray the costs of processing the application.

### **9-3 Procedures for Obtaining Special Use Permit**

The regulations for Special Uses permit certain Special Uses to be reviewed in a two-phase process (preliminary approval followed by grant of Special Use Permit). Regardless of whether the developer chooses the two phase process or the direct Special Use request, the following procedures apply:

- (a) Public Hearing and Notice -- Upon receipt (at least 30 days before a Planning Board meeting) of a complete application for preliminary approval or for a Special Use Permit a public hearing shall be scheduled for a meeting of the Planning Board.



Notice of a public hearing at the Planning Board meeting shall be provided in the following manner:

- (1) The Planning Director shall notify all parties to the proceeding in writing at least 10 days before the hearing. Written notice shall also be sent to the owners of all parcels of land abutting the parcel for which the Special Use Permit is sought. Names and addresses of property owners shall be obtained from property tax listings. Written notice shall be mailed by first class mail at least 10 days before the date of the hearing at which the request is to be heard.
- (2) Notice shall also be provided by newspaper publication of the location and subject of the request. Such notice shall run once at least seven days before the Planning Board meeting at which the hearing is set for consideration of the request.
- (3) Notice shall also be posted by the county on the property subject to the request. Notice shall be posted at least 10 days before the scheduled hearing at which the request is to be heard.

#### **9-4 Action by Planning Board**

Upon receipt of a complete application at least 30 days prior to the relevant meeting of the Planning Board, and after a public hearing, the designated board shall act on the applicant's request.

When deciding special use permits, the Planning Board shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the Planning Board to issue such permits. For purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority.

#### **9-5 Preliminary Approval**

Where provided for in subsequent provisions of this Article and when requested by the owner, the designated board may grant preliminary approval for a Special Use Permit based upon submission of preliminary plans. The purpose of the preliminary approval phase is to allow the developer to submit plans which do not require the level of detail and expense as final plans. Where provided for, the preliminary approval phase will permit the public to comment on and the board to consider the appropriateness of locating the proposed development, as described, at a certain site. Preliminary approval of a Special Use Permit is binding upon the acting Board as long as the subsequent final plans comply with the approved proposal and the provisions of this Ordinance.

No preliminary approval shall be granted by the Planning Board unless each of the following findings is made concerning the proposed special use:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- (c) That the use or development is located, designated, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
- (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County Development Guide.

There shall be competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the above exist or the preliminary approval will be denied. In granting preliminary approval, conditions may be added which shall be complied with in preparing final plans for the Special Use Permit. Such conditions shall be for the purpose of assuring harmony with the proposed location, compliance with the spirit of this ordinance and shall be in keeping with the public welfare. They shall be entered into the minutes of the meeting at which preliminary approval is granted and transmitted in writing to the applicant.

If a request for preliminary approval is denied, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken.

If preliminary approval is granted, the developer shall prepare final plans as provided for in the Regulations of Special Use Permits. Such plans shall be approved by the staff and the technical review committee (which also performs the subdivision review function). Thereafter the final plans shall be presented to the designated board with testimony from staff, the technical review committee and the developer. Public comment from abutting property owners may be sought. The Planning Board or Board of Commissioners shall grant the Special Use Permit, if it finds that the final plans comply with the approved proposal and with the requirements of this Ordinance.

#### **9-6 Final Approval for Special Use Permit**

The Planning Board may grant or deny a Special Use Permit request based upon complete final plans as required in the Regulations for Special Uses. Such

action may occur either by an initial request for a Special Use Permit or after earlier action giving preliminary approval to the proposed project.

No Special Use Permit shall be granted by the Planning Board unless each of the following findings is made concerning the proposed special use:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity; and
- (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County Development Guide.

There shall be competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the above exist or the application will be denied.

In granting the Special Use Permit, the authorized board may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.

If the Planning Board denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken.

#### **9-7 Appeal of Decisions of Planning Board**

Every such decision of the Board of Commissioners or Planning Board shall be subject to review of the superior court in the nature of certiorari consistent with NCGS 153A-345.

### **9-8 Failure to Comply with Plans or Conditions**

In the event of failure to comply with the plans approved by the Planning Board or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this ordinance; provided, however, that the Board of Commissioners shall not be prevented from thereafter rezoning said property for its most appropriate use.

Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be authorized by the designated board and a public hearing may be held at the discretion of said Board.

### **9-9 Regulations for Special Use Permits**

Detailed regulations for the Special Uses subject to this section are set forth in the following Regulations for Special Uses and the notes related to those provisions.

### **9-10 Plat Approval Procedures for Subdivisions Requiring a Special Use Permit**

Preliminary Plat Approval. The special use permit procedure may be combined with the preliminary plat approval process. A developer may prepare all information and plans as required by the Special Use Permit along with any deed restrictions and present 21 copies of the information to the Planning Director at least 30 days before the planning board meeting at which the special use request is to be heard. If required, the developer shall also forward a copy of the plat to the following officials or offices for review before the special use hearing:

County Health Department;  
County Fire Marshal;  
N.C. Department of Transportation, District Engineer;  
North Carolina Department of Environment and Natural Resources; and  
Municipality or Private Utility Co. for water and/or sewer service

Final Plat Approval. When improvements have been completed in conformance with this section and the Special Use requirements, the developer shall submit 21 copies of the final plat and any deed restrictions to the Planning Board at least 14 days before the meeting at which it is to be reviewed. Thereafter the Planning Board shall have 10 days in which to approve or deny the final plat.

No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Chapter 3, Article VII, Section 7-2 of this

ordinance. The following approvals (if applicable) required by this ordinance and state law, shall be submitted by the subdivider:

<b>ITEMS (if applicable to project)</b>	<b>SUBMITTAL TIME</b>
Sedimentation and Erosion Control Plan and Permit from NCDENR	After approval of preliminary plat but before beginning grading
Road Construction Plans and Approval Letter from NCDOT	After approval of preliminary plat but before beginning grading
Letter from municipality, county, or private utility for extension and maintenance of utility lines	When requesting final plat approval
Restrictive Covenants or Deed Restrictions,	When requesting final plat approval

The following certificates, properly completed and signed by the appropriate agency, are required on the plat. Samples certifications are found in Appendix D.

<b>INFORMATION REQUIRED ON PBD and PUD FINAL PLATS</b>
Ownership & Dedication
Approval of Sewer Facilities from Environmental Health (if applicable)
Approval of Public Roads & Streets
Approval of Required Improvements or Guarantees
Survey & Accuracy
Disclosure Statement for Public Subdivision Roads
Disclosure Statement for Private Roads (if applicable)
Approval for Recording Major Subdivision
Review Officer

In any case of disagreement between the Planning Board and a developer and/or engineer or surveyor, with regard to the final plat, the aggrieved party may appeal to the Rockingham County Board of Commissioners for relief and/or a decision.

The approval of the final plat by the Planning Board shall be on condition that such plat be recorded in the office of Register of Deeds within 30 days after approval and shall be accompanied by a Certificate of Approval for Recording shown on the plat signed by the Planning Staff (Appendix D, Certificate 10).

## 9-11 Special Use Permits

Subsections (a), (b), (c) and (d) were deleted by amendment dated 3/13/2012.

### (e) Mobile Home Park

A plot of ground together with all contiguous or adjoining parcels of land that are owned or controlled by the same person, persons, family, partnership, corporation, company, or similar organization which has been planned or improved for the placement and RENTAL of either two or more mobile homes or two or more land sites for placement of mobile homes for dwelling or sleeping purposes. (Amended 09/16/1991; Effective Date 09/17/1991)

The following standards and procedures apply to new mobile home parks and expansion of existing parks.

(See Continuation of Existing Mobile Home Parks for requirements applicable to existing mobile home parks.)

<b>Special Use District:</b>	RM
<b>Approved By:</b>	Planning Board (Amended 5/18/2015)
<b>Minimum Park and Lot Sizes:</b>	5 acre minimum for park

Minimum sizes for individual lots:

- (a) 30,000 sq. ft. with individual well and ground absorption sewage system; 40,000 sq. ft. in watershed.
- (b) 15,000 sq. ft. with public/community water and individual ground absorption sewage system; 40,000 sq. ft. in watershed.
- (c) 7,500 sq. ft. with individual well and public/community sewer system; 12,500 sq. ft. in watershed.
- (d) 7,500 sq. ft. with public/community water and sewer; 12,500 sq. ft. in watershed.

Any and all lot sizes may be increased by the Board of Commissioners to protect public health safety and welfare.

### **Setbacks and Buffers:**

- (a) 25' minimum completely landscaped setback for those portions of park abutting public or private rights-of-way.
- (b) 15 ft. minimum completed landscaped setback from perimeter of park.
- (c) No mobile home sites or structures may be located in any setback perimeters and required setbacks cannot be used in calculating lot size.
- (d) A landscape plan approved by the Planning Department is required for the setback perimeter and shall provide for continuous screening which shall be planted with evergreens and other trees at least 11 plants per 100 linear feet planted at random, which eventually will grow to a height not less than 12 feet. It shall be the responsibility of the mobile home park owner to install and maintain the required landscaping.
- (e) Underground public service utilities are permitted in required setbacks and buffers.
- (f) 30 ft. minimum clearance between mobile homes or any extensions thereof such as additional rooms, carports, decks or porches which are physically attached to the mobile home (transporting hitches excluded)

### **Site Development and Parking:**

- (a) Paved off-street parking spaces shall be provided with each mobile home park at a ratio of at least two (2) spaces per lot, the minimum of which shall be at least nine (9) feet by eighteen (18) feet.
- (b) Mobile home parks shall be located on lots not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on premises.
- (c) Each mobile home park shall have located at its primary entrance a permanent sign, not to exceed sixteen (16) square feet per sign face, indicating the park name
- (d) Each proposed lot in a mobile home park shall be clearly marked by a permanent lot number sign or marker that identifies each mobile home lot. The lot number shall be such that the location is readily identifiable by emergency personnel and inspectors from the park road. The lot number sign or marker shall be located on each mobile home park lot or on each mobile home, but the method must be consistent throughout the park. Numbers shall be at least three (3) inches high and one-half (1/2) inch wide, with a reflective surface.

(e) Mobile home park lots shall be properly staked so as to identify the location and dimensions of each lot.

### **Roads and Street Systems:**

Streets in a mobile home park may be public or private. Final plans shall be prepared by a registered engineer or surveyor.

(a) Private streets within the mobile home park shall be designed and constructed to minimum standards as outlined in "Subdivision Roads - Minimum Construction Standards" published by NC DOT. All roads and streets constructed within mobile home parks must be a minimum of 20 feet in width and certified by a licensed engineer or land surveyor as having met the above minimum standards. (Amended 9/16/1991; Effective Date 9/17/1991)

The developer shall demonstrate to the reasonable satisfaction of the Planning Board that the private roads will be maintained.

(b) The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs being permissible.

(c) Traffic control signs (stop, yield, and speed signs) shall be placed throughout the mobile home park where necessary.

(d) Streets and parking areas shall be maintained by the operator/manager of the mobile home park.

(e) Street lighting shall be approved and provided throughout the mobile home park.

(f) When the proposed park has access onto a state highway system street or road, the developer shall submit an application and receive a commercial new driveway permit from the district office of the N. C. Department of Transportation.

(g) No mobile home space shall have direct vehicular access to a public street except one within the park.

(h) When application is made for a mobile home park or expansion with 25 or more mobile home spaces, whether immediate or in phases, the developer shall submit a valid traffic analysis conducted by a registered or certified engineer. The analysis shall address the impact the proposal may have upon traffic and transportation in the area, including traffic counts and road capacities.



### **Certifications Required at Final Approval:**

The final plat of the mobile home park shall include:

DOT approval of public streets (on plat); County health department approval of waste treatment for all lots (on plat); Fire Marshal approval; DENR approval (prior to grading) of sedimentation and soil erosion control plan; letter from municipality as to extension of services and maintenance of lines; and Planning Director approval of private streets (on plat).

### **Common Area/Open Space:**

A minimum of 5% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the mobile home lot areas, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.

### **Application Process/Plans Required:**

(a) The developer shall submit an Application for a Special Use Permit and sketch plan to the County Planning Director.

(b) Preliminary Approval Option - The developer may use the two-step approval process described in Sections 9-3 through 9-6 of this Article. If the developer elects to seek preliminary approval by the Board of Commissioners, he shall submit a sketch plan (maximum size 24" x 36"; prepared by engineer or surveyor not required). The preliminary plan shall show:

1. Names and addresses of owners and developers
2. General location map noting school/fire district, township and zoning district
3. North arrow
4. Drawings to scale
5. Proposed lots and common areas
6. Proposed utilities and description

7. Existing and proposed within 300 feet:

- (a) zoning districts
- (b) property lines
- (c) streets, right-of-ways, easements
- (d) community utilities
- (e) lakes, water courses
- (f) buildings

If the preliminary plan is approved, then the developer shall submit the final plan, prepared by an engineer or surveyor to the health department for a lot by lot check and approval.

(c) Final Approval - The developer shall have a survey plat prepared by a registered engineer or surveyor. The plat shall be drawn to scale on a map no larger than 24" x 36" and shall clearly set out the following:

1. The name of the proposed park, the names and addresses of the owner(s) and the name and address of the person preparing the plat.
2. The plat shall contain a smaller general location map that indicates the township, fire district and school district of the proposed park.
3. Date, graphic scale and approximate north arrow.
4. Boundaries of the tract shown with bearings and distances.
5. Site plan showing streets, driveways, open areas, parking spaces, service buildings, water courses, easements and all structures to be located on the park site and all existing structures, recreation and common areas, setbacks (to required minimums) and location of solid waste facilities.
6. Storm/surface water drainage plans prepared by a registered engineer or surveyor.
7. The number, size and location of all mobile home spaces.
8. The plat shall state the source of water and sewer supply and type of distribution system.
9. Location, extent and identification of floodplain, watershed or water critical areas or other restricted land. (Where required by Planning Director)
10. The plat shall indicate the names and addresses of all adjoining property owners or residents of adjoining occupied residences.

11. Topography at not less than 5 ft. intervals. (Where required by Planning Director.)

**Procedures after Permit is Granted:**

(a) Following the issuance of the Special Use Permit, the Health Department shall release improvement permits to the developer, who may then begin development.

(b) The owner or developer shall file with the Planning Department a statement indicating readiness to proceed with the proposed development. The agreement signed by the owner or owners of the proposed mobile home park shall state that construction will begin on one or more phases of the park within one (1) year from the date the special use permit was granted, and that it will be prosecuted to completion within a reasonable period of time.

If construction showing substantial progress is not begun within 1 year the special use permit shall expire. The Planning Board may grant an extension.

(c) When all improvements as required by this ordinance have been completed the park will be placed on the County's list of approved mobile home parks. This shall serve as certification that the park is in compliance with all State and local regulations. This shall apply to all mobile home parks in Rockingham County. Once a park has been placed on the approved list the developer can begin placing mobile homes in that park. If at any time, for any reason, the park fails to maintain the standards required by this ordinance or the ordinance adopted by the Rockingham County Board of Health, the park will be removed from the list of approved parks and no permits will be issued by the County to move mobile homes into the park. Each park shall be inspected annually by the Planning Department to insure compliance with these regulations. (Amended 9/16/1991; Effective 9/17/1991)

**Requirements of Mobile Home Park Owners**

(a) Mobile Home Park Ownership:

Mobile home park operators shall be required under this ordinance to specifically comply with G.S. 105-316(a)(1), which requires that each year mobile home park operators furnish the County Tax Supervisor with the name of the owner and a description of each mobile home located in the park.

(b) Sale of Park or Lots:

Mobile home parks may not be sold or transferred unless the existing water and sewer systems meet Health Department standards. Individual spaces in

a mobile home park may not be sold unless the individual lot size and road construction meet all county and state regulations.

(c) Garbage Disposal:

The collection of trash and garbage at least once each week and their lawful disposal shall be provided for the mobile home park owners in such a manner as to maintain a clean and orderly appearance. The owner-operator is responsible for insuring that all trash receptacles are enclosed and kept clean.

(d) Appearance Criteria:

Only Class A or Class B mobile homes shall be moved into mobile home parks. Existing Class C mobile homes are non-conforming uses.

Effective July 1, 1997, the Rockingham County Planning Department will not issue zoning permits for any Class C mobile homes within the County's zoning jurisdiction. (Amended 1/6/1997).

All units must have a permanent masonry (or other approved product), curtain wall or foundation, unpierced except for ventilation and access. There shall be no authorization for electrical hook-up until these conditions are met.

**General Requirements Applicable to All  
Mobile Home Owners in Rockingham County**

1. All mobile homes in Rockingham County must have a permanent masonry (or other approved product) curtain wall or foundation, unpierced except for ventilation and access. There shall be no authorization for electrical hook-up until these conditions are met.
2. The owner of each mobile home placed in Rockingham County is required to obtain all necessary inspection certificates and permits from the county. Fees may be charges for this service. Appropriate information as to owner, location, lot size, road frontage and other information may be required to process such permits.
3. Mobile homes must be set up by a contractor licensed by the N.C. Department of Insurance, except that set up may be done by the owner if the unit is to be owner-occupied.
4. Permits for moving mobile homes are required and shall be obtained from the county tax department. Moving permits shall be submitted to the county inspections department before electrical authorization.

5. Only duly licensed contractors, or the owner if the unit is to be owner-occupied, may perform required electrical, plumbing and other set-up work. Owners may consult the county planning and inspections department for specific requirements and procedures. Reference is also made to the N.C. Building Code and to N.C. Department of Insurance Regulations governing manufactured housing and modular homes.

### **Continuation of Existing Mobile Home Parks**

1. Mobile home parks in existence and in compliance with public health regulations as of September 23, 1986, the date of adoption of the Rockingham County Mobile Home Park Ordinance, shall be allowed to continue in operation, including the replacement of mobile homes on any existing lot that meets public health regulations. Existing lot sizes, road standards and existing mobile home setbacks (or placement on the lot) shall be allowed to continue. Mobile home parks existing prior to the adoption of the aforesaid ordinance may not be sold or transferred unless the existing water and sewer systems meet with Health Department standards. Individual lots in a mobile home park may not be sold unless the individual lot size and road construction meet all county and state regulations.
2. Existing mobile home parks shall be required to meet the following conditions within 180 days after September 23, 1986, the date of adoption of said ordinance:
  - a. The park owner shall submit to the Health Department a plot plan drawn to scale and fully complying with Section 2B of the Rockingham County Public Health Mobile Home Park Ordinance, of the park. County electrical inspectors shall be directed not authorize electrical hookups on mobile home parks not listed with the Health Department at the end of this 180 day period.
  - b. Each lot in the mobile home park shall be identified by a permanent lot number sign or marker. The sign or marker shall be located on the individual lot or on the individual mobile home so as to be clearly visible from the park street. Numbers shall be at least three (3) inches high and one-half (1/2) inch wide. The park owner may choose to have lot numbers posted on either on the lot or on the mobile home, but he must be consistent throughout the park in the system he chooses (verification of this requirement shall be done by the County Building Inspections Department).

- c. The park owner shall insure that the collection of trash and garbage at least once each week and its lawful disposal shall be provided for in such a manner as to maintain a clean and orderly appearance.
- d. The name of the park shall be identified by a sign not exceeding a maximum of 16 sq. ft. at each public entrance. Minimum sign size shall be 12 square feet. (Intent to include in text of 1988 ordinance.)

**Subsections (f), (g) and (h) were deleted by amendment dated 3/13/2012.**

**(i) Adult Uses - Stores, Massage Parlors, Topless Lounges, etc.**

(Reference N.C. G.S. 14-202.10 for definition of adult bookstore, adult motion picture theater or adult mini motion picture theater)

**Special Use Districts:** HC, LI, HI

**Approved By:** Planning Board

**Plans Required:** Site plan showing lot, buildings, property lines, zoning district lines and other buildings and uses within 500 feet.

**Other Requirements:**

All windows, doors, openings, entries, etc. must be located, covered, screened, or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street, or way.

No adult uses shall be established within 500' of any residential zoned land, or 500' of any church, park, playground, synagogue, convent, library, or areas where large numbers of minors regularly travel or congregate.

No adult use shall be located within 500' of another.

**(j) Commercial Feeder Operation**

(A concentrated animal feeding facility where animals are confined and fed or maintained for a total of 45 days or more in any 12 month period; and crops, vegetation, forage growth, and post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and the operation is not part of an integrated farming operation. Two or more animal feeding operations under common ownership are deemed to be a single unit if they are adjacent to each other or if they utilize a common area or system for waste disposal.)

**Special Use District:** RA

**Approved By:** Planning Board

**Minimum Lot Size:** 20 acres

**Other Requirements:**

All structures, buildings, or enclosed areas used for housing of poultry, hogs, cattle or other livestock, shall be a minimum of 750 feet from all property lines and from all public streets and highways.

No structures, buildings or enclosed areas housing poultry, hogs, cattle or other livestock shall be less than one hundred twenty (120) feet from any residence on the property.

A site plan shall be submitted showing proposed and existing structures within the property, property boundaries, zoning district boundaries as well as existing structures, lakes, ponds and water courses.

The applicant shall submit a plan indicating the procedures and process for litter and dead bird or animal disposal. Such plan may be used by the county to monitor compliance with the requirements of the Special Use permit, if approved.

The applicant shall receive from the Rockingham County Health Department a letter stating that the applicant has reviewed the Health Department's requirements for operation of a feeder-type facility and understands the health requirements that must be met. Any violation of a Health Department regulation shall be considered a violation of this Ordinance.



**(k) Fire, Sheriff and Emergency Services**

**Special Use District:** RP

**Approved By:** Planning Board  
(Amended 5/18/2015)

**Minimum Lot Size:** 1 acre

**Plans:**

A site plan shall be submitted showing the location of proposed use, ingress and egress, as well as existing structures, water courses and zoning district boundaries within the property and a surrounding 500 ft. area.

**Sign:**

Type of sign: Identification  
Permitted number: 1 ground sign per entrance  
Maximum area of sign: 9 sq. ft.

**(l) Group Home**

**Special Use Districts:**

RA, RM, OI

**Approved By:**

Planning Board

**Minimum Lot Area:**

In accordance with district where located.

**Parking and Loading:**

One space for every five (5) temporary residents or fraction thereof, plus one parking space for each employee on the premises.

**Other Requirements:**

One sign permitted, not to exceed three square feet in area per sign face.

All group homes shall be licensed and/or sponsored by the appropriate state or local agency.

The zoning lot on which one rehabilitation residence is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.

**(m) Hospitals**

<b>Special Use Districts:</b>	OI
<b>Approved By:</b>	Planning Board
<b>Minimum Lot Area:</b>	Minimum lot area of district in which located plus one thousand (1,000) square feet for each person to be accommodated
<b>Parking and Loading:</b>	Hospitals: One space per each 3 patient beds, plus 1 space for each staff or visiting doctor plus 1 space for each 2 employees on shift of average greatest employment.
<b>Plans Required, Must Show:</b>	<u>Structures</u> - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto  <u>Circulation</u> - Proposed points of access and egress and pattern of internal circulation  <u>Parking and Loading</u> - Layout of parking spaces
<b>Other Requirements:</b>	Must meet all requirements for licensing by the State of North Carolina. Where located adjacent to a residential district, there must be ample site area, adequate open space on all sides of the proposed 3 and other considerations, including landscaping, to the character of the neighborhood so that the nature of the residential district will be preserved.

- (n) Manufactured Housing, Class A  
(Removed as a special use by Amendment 3/1/1999)**

**(o) Manufactured Housing, Class AA  
(Added by Amendment 3/1/1999)**

**Special Use District:** RP

**Approved By:** Planning Board

**Minimum Lot Area:** In accordance with district where located

**Appearance Criteria:**

- (a) Is occupied as a single family dwelling;
- (b) Has a minimum width of 18 feet; (Amended 1/6/2003)
- (c) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part; and towing apparatus not included in length and width measurements; (Amended 4/3/2006)
- (d) has removable towing apparatus, wheels, axles, and transporting lights removed after final placement on the site and before occupancy; has non-removable towing apparatus concealed by curtain wall or masonry foundation of same material as underpinning/skirting, or screened with shrubbery. Such shrubbery at time of planting shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness; (Amended 4/3/2006)
- (e) Is set up in accordance with standards established by the N.C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, with no visible exposed concrete block;
- (f) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (g) Has a roof pitch minimum vertical rise of four feet (4) for each twelve (12) feet of horizontal run; (Amended 1/6/2003)

(h) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;

(i) Has an eave projection of no less than six inches which may include gutters and downspouts; (Amended 1/6/2003)

(j) Has stairs, porches, entrance platforms, ramps, decks, and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Wooden porches or entrance platforms must be covered with Class C roof. The use of wood stairs alone is prohibited at any entrance. A brick porch with a minimum of 24 square feet may be used in lieu of a wooden porch or entrance platform with a roof. (Amended 1/6/2003)

**(p) Nursing Homes, Rest Homes, Day Care Facility**  
(for 6 or more persons)

<b>Approved By:</b>	Planning Board
<b>Special Use Districts:</b>	RA, RM - Day Care Facility RA, RM - Nursing Homes, Rest Homes
<b>Minimum Lot Area:</b>	As prescribed by State regulations where applicable
<b>Parking and Loading:</b>	Day Care -- One space for each regular employee and one additional space for every 6 children or adult client or fraction thereof.  Nursing Homes -- 1 space for each 3 patient beds
<b>Screening and Fencing:</b>	Play space shall be enclosed by a fence at least four (4) feet high
<b>Plans Required, Must Show:</b>	<u>Structures</u> - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto  <u>Circulation</u> - Proposed points of access and egress and pattern of internal circulation  <u>Parking and Loading</u> - Layout of parking spaces  <u>Other Details</u> - Location and extent of open play area  All required state licenses and permits must be obtained.

**(q) Planned Business Development**  
(Amended 4/10/2006)

(An area of land under unified control developed for business commercial or industrial uses, consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets and lots).

**Special Use District:** OI, NC, HC, LI, HI

**Approved By:** Planning Board

**Minimum Area:** 1 acre (Lot sizes within a planned business development may be varied as permitted by the Planning Board as a part of the special use process)

**Site Considerations:**

Such developments shall abut a major highway or a collector street and shall have direct access thereto.

Minimum front yard depth of 50'. Yards shall be used only for driveways, landscaping, and screening.

Points of ingress and egress shall consist of a driveway or roadway at least twenty (20) feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.

The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked.

Required buffers when Planned Business Development adjoins a residential zone:

- a) Facing street - a greenbelt planting strip, not less than 20 feet in width shall be planted, prior to the opening of business, along the street side of the property. Such a greenbelt shall be planted at random with evergreens and other trees which eventually will grow to a height not less than twelve (12) feet and which will include a minimum of eleven (11) plants per one hundred (100) linear feet of greenbelt. Topographic or



other natural features offering screening shall be acceptable in lieu of foliage. The greenbelt, at the front of the property, shall be located so as to provide reasonable continuity in alignment with greenbelts of adjacent property.

b) Interior boundaries - Interior lots located along residential or boundaries shall be planted with evergreens and other trees and hedges which will grow to a height of 5 feet or more after one full year and which will normally grow to a height of 10 feet. The planting shall be done in such a manner as to form a solid visual barrier between the business and adjoining property.

No building shall be less than 20 feet from any side or back property line.

### **Preliminary Plans: (Preliminary Approval Phase)**

A preliminary site plan of the proposed development at a scale of not less than one (1) inch to one hundred (100) feet shall be presented for the preliminary approval phase. The site plan shall show location and approximate size of proposed structures within the site and all structures within 300 feet. Also all easements or rights-of-way adjoining or intersecting the property. Also, proposed points of access and egress, location and delineation of streets as public or private, proposed location and kind of buffers between the site and adjoining property. Topography of the site at certain intervals not greater than 5 feet. (When required by Planning Director.)

### **Statement of Readiness: (Preliminary Approval Phase)**

A statement indicating readiness to proceed with the proposed development by filing with the Planning Director an agreement signed by the owner or owners of the proposed development that construction will begin within one (1) year from the date the special use permit is granted, if such is the case, and that it will be prosecuted to completion within a reasonable period of time.

### **Final Development Plan:**

If the Planning Board grants preliminary approval for a special use permit for a Planned Business Development, the owner or developer shall submit a final development plan, at a scale of not less than one (1) inch to one hundred (100) feet, to the Planning Board within one (1) year after preliminary approval is granted. The Development Plan shall show the following:

- a. Dimensions of the property and adjacent lots and streets.
- b. Location and proposed use of all buildings, with dimensions and ground area thereof.
- c. Streets, traffic circulation and parking areas with spaces.
- d. Service areas, off-street loading facilities, service drives and dimensions thereon.
- e. All pedestrian ways.
- f. A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.
- g. Proposed landscaping, with property buffers between other uses.
- h. Storm drainage and sanitary sewer, approved by a registered engineer.
- i. Size and location of signs.
- j. Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- k. The location and heights of all fences, walls, and hedges shall be shown.
- l. Profiles of publicly maintained water and sewer lines.
- m. Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff.
- n. Erosion and sedimentation control plan.
- o. Lighting plan where applicable.
- p. Location and type of signage.

**Approvals and Certificates:**

The developer shall present the following certificates and approvals: DENR approval of sedimentation and erosion control plan, DOT approval (on plat) of road construction plans, County Health Department approval (on plat), approval from county fire marshal, letter from municipality as to service and maintenance if municipal services are to be extended.

**Building Permit:**

No building permit shall be issued for any building in a permitted Planned Business Development until a final Development Plan is approved by the Planning Board. Thereafter no building permit shall be issued for any building not shown on the approved Development Plan without resubmitting the development plan to the Planning Board for approval.

**Provisions to Rescind:**

In the event construction has not begun within one (1) year of issuance of the Special Use Permit, the Permit will automatically expire. Upon petition to the Planning Board by the applicant, the Special Use Permit may be extended for a specified time.

**Parking:**

Off-street parking and loading shall be provided in accordance with Article XI, Section 11-5.

**Streets:**

Traffic circulation may be via public streets or private drives. A private drive is a roadway clearly marked "PRIVATE" in the PUD map and statement of street dedication and ownership filed with the Register of Deeds. Private drives shall be included in the defined common area of the PUD and maintained by the homeowners association. The Planning Department shall approve all private streets/drives and indicate approval by signing on the face of the plat.

All public streets shall conform to state DOT requirements.

All private drives shall be designed and constructed, including paving, to standard acceptable engineering design and criteria and shall be certified that they are designed and built to such standards by a licensed engineer or surveyor. The developer shall demonstrate to the reasonable satisfaction of the Planning Board that the roads will be properly maintained.

**Solid Waste Collection:**

Plans shall show the location of solid waste collection points within the development, either at individual business sites or at dumpster locations. The name of the solid waste contractor shall be provided.

## **Signs:**

Signs on premises shall be regulated as follows:

Type of sign permitted: Identification

Permitted number of signs: One (1) ground sign per entrance to the development. No wall sign shall be larger than 15% of the exterior building wall upon which it is mounted.

Maximum area of ground sign: Sixteen (16) square feet, per sign face.

(See also Article XII, Signs, Section 12-12, Signs Where Zoning Lot Contains More Than One Principal Use or Establishment.)

Permitted illumination: Indirect lighting, non- flashing illumination, and motionless.

Permitted location: Within the bounds of the property.

**(r) Planned Unit Development**

An area of land under unified control to be developed as a single entity for a number and variety of dwelling units (both attached and detached housing), the plan for which may not correspond in lot size, type of dwelling or lot coverage to the regulations of the residential zoning district in which the PUD is located.

**Special Use Districts:** RA, RP, RM

**Approved By:** Planning Board

**Minimum Area:** 2 acres

**Lot Sizes and Density:**

The more restrictive lot size and density described below shall prevail. Minimum sizes for individual lots with detached housing: (all districts)

- (a) 30,000 sq. ft. with individual and ground absorption sewage system or minimum required by the Watershed Ordinance. (Amended by intent of Watershed Ordinance)
- (b) 15,000 sq. ft. with public/community water and individual ground absorption sewage system or minimum required by the Watershed Ordinance. (Amended by intent of Watershed Ordinance)
- (c) 7,500 sq. ft. with individual well and public/community sewer system or minimum required by the Watershed Ordinance. (Amended by intent of Watershed Ordinance)
- (d) 7,500 sq. ft. with public/community water and sewer or minimum required by the Watershed Ordinance. (Amended by intent of Watershed Ordinance)

Maximum density for attached housing (condominiums and townhouses):

- RA district 3.5 units per acre
- RP district 7 units per acre
- RM district 10 units per acre

The development itself shall have a minimum frontage of 100 feet in all permitted districts which shall be used only for driveways, landscaping, and screening.

**Site Considerations:**

Points of ingress and egress shall consist of a driveway or roadway with a minimum paved width of twenty (20) feet and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.

The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked.

A storm/surface water drainage plan shall be prepared by a registered engineer.

A greenbelt planting strip, not less than 20 feet in width shall be planted, prior to opening of the housing, along the street side of the property. Such greenbelt shall be planted with evergreens and other trees, at least eleven (11) plants per one hundred (100) linear feet planted at random, which eventually will grow to a height not less than twelve (12) feet. Topographic or other natural features offering screening shall be acceptable in lieu of foliage. The greenbelt at the front of the property shall be located so as to provide reasonable continuity in alignment with greenbelt of adjacent property.

Adequate screening, shall be provided by means of planting or fencing as needed to protect adjacent property.

**Homeowners' Association:**

The developer shall submit a draft of the Articles of Incorporation for the Homeowner's Association. The Articles of Incorporation shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including recreation areas, open space, private streets, etc.) The automatic membership rights and assessment obligations of all owners of property within the PUD shall be so covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before grant of a Special Use permit, the Articles of Incorporation shall be approved by the County Attorney.

**Preliminary Plans: (Preliminary Approval Phase)**

(Owner may request preliminary approval, followed later by Special Use Permit request; or developer may submit all required plans and request the Special Use Permit initially.) A preliminary site plan of the proposed PUD at a scale of not

less than 1 inch to 100 feet unless otherwise provided shall be presented for the preliminary approval phase. The preliminary plan shall be presented for the entire PUD. The site plan shall show location, approximate size, and type of ownership of all structures within the site. It shall also show proposed location of common areas and use of common areas, proposed parking areas and proposed traffic patterns and whether streets are proposed to be public or private. The preliminary site plan shall also show all easements or rights-of-way adjoining or intersecting the property, proposed points of access and egress and intended location of all utilities. General areas and types of landscaping and buffer shall be indicated as well as the location of existing structures within 100 feet of the proposed site. (Amended 6/7/2004)

The site plan shall also show the existence of any farmland preservation districts within one aerial mile of the boundaries of the proposed development. (The portion of the site plan showing the farmland preservation districts does not need to be drawn to scale but shall provide a reasonable illustration of the location of the farmland preservation district in relation to the proposed development.) (Amended 6/7/2004)

**Statement of Readiness: (Preliminary Approval Phase)**

The owner or developer shall file with the Planning Director a statement indicating readiness to proceed with the proposed development. The agreement signed by the owner or owners of the proposed PUD shall state that construction will begin on one or more phases of the development within one (1) year from the date the special use permit is granted, if such is the case, and that it will be prosecuted to completion within the period of time specified in the approval.

**Development Plan:**

If the Planning Board grants preliminary approval for a special use permit for a Planned Unit Development, the owner or developer shall submit a final development plan. The final development plan shall cover the entire development; or if it is to be built in phases, final plans shall be presented for each phase prior to construction of that phase.

When final plans are prepared for the one phase of a planned unit development, the developer may be required to present sufficiently detailed plans and data for streets and utilities which will extend beyond that phase but which are necessary for the provision of services in the proposed new phase. Prior to the submission of required final plans, the developer shall be advised by the planning staff as to the need for such information. Thereafter, the Planning Board may deny a Special Use Permit for this phase if detailed information necessary for construction of streets and utilities to adequately support the phase has not been provided.

Final plans (for at least one phase) shall be presented to the Planning Board within one year after preliminary approval is granted. Approval shall have been obtained from the planning staff. All drawings shall be at a scale of not less than one (1) inch to 100 feet unless otherwise provided. The final development plan shall show the following:

- a. Dimensions of the property and adjacent lots and streets
- b. Location, use and ownership of all buildings, with dimensions and ground area thereof
- c. Public and private streets, parking areas with spaces and channelization
- d. All pedestrian ways
- e. A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan
- f. Proposed landscaping, with property buffers between other uses
- g. Storm drainage and sanitary sewer approved by a registered engineer
- h. Size and location of signs
- i. Proposed water system and fire fighting facilities such as hydrants or sprinkler connections
- j. The location and heights of all fences, walls, and hedges shall be shown
- k. Profiles of publicly maintained water and sewer lines
- l. Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff
- m. Erosion and sedimentation control plan
- n. Lighting plan where applicable
- o. Location and amount of recreation area
- p. Solid waste disposal collection points collection plan and name of proposed waste contractor where applicable.



- q. The site plan shall also show the existence of any farmland preservation districts within one aerial mile of the boundaries of the proposed development. (The portion of the site plan showing the farmland preservation districts does not need to be drawn to scale but shall provide a reasonable illustration of the location of the farmland preservation district in relation to the proposed development.) (Amended 6/7/2004)

**Common Areas:**

Land not shown as lots or reserved for residential development shall be commonly owned land. A minimum of 5% of the total land area of the development shall be reserved for common areas and shall be improved and maintained accordingly. Such land shall be designated on the development plan as common area to be held in separate ownership for the use and benefit of residents of the PUD.

**Approvals and Certificates:**

The developer shall present the following certificates and approvals: NRCD approval of sedimentation and erosion control plan, DOT approval or Planning Director approval (if private road) (on plat) of road construction plans, County Health Department approval (on plat), approval from county Fire Marshal, letter from municipality as to service and maintenance if municipal services are to be extended.

**Placement of Buildings:**

1. Single family detached dwellings on conventional lots shall conform to the area, height and yard requirements of the district where the PUD is located.
2. Single family detached dwellings arranged in a cluster pattern shall conform to the following requirements for distances between principal buildings:
  - a. Front facing front. The minimum distance between the front wall of buildings oriented so as to face each other shall be that distance necessary to meet the zoning district, front yard setback requirements for units facing a public street. For units facing a private drive, the minimum distance between front walls shall be the distance necessary for a ten (10) foot setback from the private access easement (defined as that specified, measured area approved by the county for the private drive and any required drainage or utility easement). In all other cases, the minimum distance between front walls shall be at least thirty (30) feet.
  - b. Rear facing rear. The minimum distance between the rear walls of main dwellings oriented back to back shall be thirty (30) feet from one another; provided, however, that carports or garages of not more than one story and of a total dimension not greater than twenty-four (24) feet by

twenty-four (24) feet, whether attached to or detached from the dwelling, shall be permitted within the intervening space between buildings so oriented where the minimum distance between the rear walls of two (2) garages or carports back to back shall be six (6) feet and the rear wall of no carport or garage shall be less than thirty (30) feet from the rear wall of the house to which it is back to back. (For the purposes of this section, rear wall shall be that opposite the front wall of the house, whether or not it shall be the entrance wall of such garage or carport.)

c. Front facing side. The minimum distance between the front wall of the building and the side wall of another building shall be fourteen (14) feet.

d. Side facing side. The minimum distance between side walls of buildings shall be fourteen (14) feet.

e. Rear facing side. The minimum distance between the rear of a building and the side of another shall be fourteen (14) feet.

3. All dwelling units regardless of type, shall employ the same front yard setbacks required by the applicable zoning district when they face a public street.

4. The minimum size and the minimum standards of periphery lots that will be adjacent to property for single-family houses shall be the same as the minimum size and minimum standards required in the zoning district where that portion of the PUD is located.

**Streets:**

Traffic circulation may be via public streets or private drives. A private drive is a roadway clearly marked "PRIVATE" in the PUD map and statement of street dedication and ownership filed with the Register of Deeds. Private drives shall be included in the defined common area of the PUD and maintained by the homeowners association. Approval of the Planning Director shall be indicated on the face of the plat.

All public streets shall conform to state DOT requirements.

All private drives shall be designed and constructed, including paving, to standard acceptable engineering design and criteria and shall be certified that they are designed and built to such standards by a licensed engineer or surveyor. The developer shall demonstrate to the reasonable satisfaction of the Planning Board that the private roads will be maintained.

**Parking:**

Off-street parking and loading shall be provided at a ratio of two spaces per dwelling unit.

**Solid Waste Disposal:**

Individual garbage pick-up shall be provided for each dwelling unit.

**Registration:**

Upon completion of streets and other improvements and before the sale of any lot or dwelling unit the Planning Board shall approve a final plat and accept any public streets contained within the PUD. After Planning Board action, the plan and the required covenants shall be recorded with the Rockingham County Register of Deeds along with a statement of ownership and dedication of streets (private streets shall be clearly marked, "PRIVATE STREET") and a grant of right-of-entry to common areas by rescue officers, firefighting personnel, law enforcement officers and service personnel while performing their duties.

**Signs:**

Signs on premises shall be regulated as follows:

Type of sign permitted: Identification

Permitted number of signs: Two (2) ground signs per entrance to the development.

Maximum area of ground sign: Sixteen (16) square feet, per sign face.

Permitted illuminations: Indirect lighting, non-flashing illumination, and motionless.

Permitted location: Within the bounds of the property.

**(s) Public Utilities and Public Works Facilities, (Substations, Transformers, Water or Sewage Treatment Plants, etc.)**

Amendment adopted 11/10/1999 established a separate Special Use Permit for "Tower, Communication, Radio, TV, Microwave or other Telecommunication Tower."

**Special Use Districts:** Any District

**Approved By:** Planning Board

**Screening and Fencing:**

Substations and transformer stations shall be enclosed by a fence not less than six (6) feet in height which shall be approved by the Planning Department and shall have an approved landscaped buffer around the perimeter of the use.

**Site Plans Required, Must Show:**

Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet.

Circulation - Proposed points of access and egress

Parking and Loading - Location and arrangement of all proposed off-street parking

Other Details -

- (a) Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.
- (b) The anticipated service area of the facility to be constructed.

**(t) Rural Family Occupations of Nonagricultural/Commercial Nature**

**Special Use District:** RA

**Approved By:** Planning Board

**Minimum Lot Size:** 3 acres

**Other Requirements:**

Owner must reside on property on which business is located

(Note: Unlike home occupations, Rural Family Occupations of Nonagricultural/Commercial Nature may be conducted within an accessory building)

Business use must be set back at least 100 ft. from road right-of-ways

Business use shall not create any noxious fumes, odors, traffic congestion or other nuisance factors

Restrictions as to fencing, indoor storage and other appearance criteria may be added as necessary

**Signs:**

Type Sign: Identification Permitted Number: 1 ground sign per road frontage or 1 wall sign affixed to front of business use structure

Permitted Sign Area: 9 sq. ft. for ground sign; 12 sq. ft. for wall sign.

Permitted Illumination: None.

**(u) Subsection (u) was deleted by amendment dated 3/13/2012.**

**(v) Schools, Academic and Building/Trade**  
(Amended 4/10/2006)

**Special Use Districts:** Academic schools - All districts  
where permitted by special use  
  
Business/Trade - RA, OI, NC, HC

**Approved By:** Planning Board  
(Amended 5/18/2015)

**Parking and Loading:** Two spaces for each regular employee  
for nonacademic schools. See Article  
XI, Off-Street Parking, for academic  
school parking requirements.

**Plans Required, Must Show:**

A site plan shall be submitted which demonstrates that the proposed site meets criteria for minimum site characteristics adopted by the N. C. Department of Public Instruction/N.C. Department of Community Colleges. The site plan shall include the following elements in addition to such others as necessary to meet Department of Public Instruction/Community Colleges requirements:

Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto

Circulation - Proposed points of access and egress and pattern of internal circulation

Parking and Loading - Layout of parking spaces

Other Details -

(a) Location and extent of open recreation or training area

(b) Estimated number of students

(c) Subjects to be taught outside of regular classroom facilities (for example, in laboratories, gyms, etc.)

Noise, vibration, glare or any emissions generated by the proposed use shall not be discernible at the lot lines of the lot containing the use.

**(w) Skeet, Trap, and Sporting Clay Range**

**Special Use District:** RA

**Approved By:** Planning Board

**Minimum Lot Area:** 20 Acres

**Plans and Requirements:**

The owner or operator shall submit plans and documentation that show the following:

- a) Names of adjacent property owners and zoning classifications of property,
- b) All structures, existing and proposed, on site and all structures within 500 feet of property lines,
- c) Parking and observation areas,
- d) Existing or proposed buffers,
- e) All roadways, existing and proposed,
- f) Firing points and direction of fire,  
\*\* The distance from firing point in the direction of fire shall be at least 300 yards. A 100 foot natural buffer shall be required along the rear of the site and along both sides. Firing points shall not be less than 500 feet to the nearest residence or a public right of way.
- g) Hours of operation  
\*\* The use of firearms shall be prohibited between the hours of 10:00 PM and 7:00 AM.
- h) An approved Environmental Stewardship Plan shall be submitted with the application,
- i) Range boundaries should be properly identified with appropriate warning signs.

(Adopted 10/4/1999.)

**(x) Travel Trailer Parks or Recreational, Nonpermanent Vehicles  
(including tenting and other forms of weather protected, covered  
camping)**

**Approved By:** Planning Board

**Special Use Districts:** RA, RM

**Minimum Area:** Five (5) acres with a front yard depth  
of fifty (50) feet.

**Site Considerations:**

Trailers shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structure such as attached awnings, carports, or storage facilities shall be considered to be part of the trailer.

Minimum size of space shall be as required by the Rockingham County Health Department.

There shall be at least one (1) recreation area that shall be accessible from all trailer spaces. The size of such recreation area shall not be less than eight percent (8%) of the gross site area.

Roadways shall be 4" stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic and in any case, shall meet the following minimum requirements:

One-way, no parking - twelve (12) feet.

Two-way, no parking - twenty (20) feet. (Amended 9/16/1991; Effective 9/17/1991)

No roadway parking shall be permitted.

The water supply, the sewerage system, service buildings, sanitation requirements and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate State and County regulatory agency.

A 25-foot wide natural foliage greenbelt shall be planted along the street side(s) of the property and along interior lot lines adjacent to a residential district. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.



**Parking:**

Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on the site. For this purpose, there shall be 1 1/2 automobile parking spaces per trailer space.

**Signs:**

Signs on premises shall be regulated as follows:

Type of sign: Identification.

Permitted number of signs: One (1) ground sign per entrance to park.

Maximum area of ground sign: Ten (10) square feet.

Permitted illumination: Indirect lighting, non-flashing illumination, motionless.

Permitted location: Within the bounds of the property.

**Required Plans:**

Topography of the site, at contour interval no greater than five (5) feet.

Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet adjacent thereto.

Proposed points of ingress and egress together with the proposed pattern of internal circulation.

Proposed parking areas.

Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

**Space Rental:** Trailer spaces shall be rented by the day.

**(y) Wireless Telecommunications Facilities**  
(Amended 7/11/2005)

**Special Use Districts:** Heavy Industrial (HI), Light Industrial (LI), Highway Commercial (HC), Office and Institutional (OI), Residential Agricultural (RA).

**Approved By:** Planning Board

**Minimum Lot Size or Leased Area:** Fall zone (See definition in Chapter 1, Article II)

**Section I. Exceptions.**

The following are exempt from the Special Use Permit requirements:

**A.** Wireless Telecommunications Facilities used exclusively for the County's fire and police operations.

**B.** Towers located on property owned, leased, or otherwise controlled by Rockingham County provided the Wireless Telecommunications Facility and license or lease, if applicable, authorizing such Wireless Telecommunications Facility has been approved by the Rockingham County Commissioners after a public hearing and adjoining owner's notification.

**C.** Installation of antenna (co-locations) meeting Administrative Approval Criteria. The regulations for co-locations are found in Chapter 2, Article 8, Section 6(d).

**D.** Wireless Telecommunications Facilities existing on or before the effective date of this amendment to the UDO shall be allowed to continue as they presently exist. **(NOTE:** Any modification of an existing Wireless Telecommunications Facility must comply with the current standards, including obtaining a Special Use Permit and payment of any applicable fees for such modification.) (See Section V and the fee schedule.)

**E.** A tower, antenna, or other communication structure used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio, and other similar non-commercial telecommunications facilities 90 feet or lower in height are exempt from the Special Use Permit requirements, except for meeting setback requirements. Towers and support structures shall meet the setback requirements for the zoning district in which the proposed facility shall be located, or 110% of the tower height, whichever is greater.

## **Section II. Special Use Permit Application Requirements.**

### **A. Pre-Application Meeting:**

There shall be a pre-application meeting attended by the applicant, consultant, and/or County staff prior to the submittal of any application. The purpose of this meeting shall be to address issues which will help expedite the review and permitting process and address any concerns regarding the site or the facility and the treatment of such. A site visit may also be required.

### **B. Policy and Requirements:**

All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth herein and only complete applications will be accepted by the County for review.

1. The Planning Board may, at its discretion, delegate or designate other official agencies of the County and/or seek outside assistance to accept, review, analyze, evaluate and make recommendations to the Planning Board with respect to the granting or not granting, or revoking special use permits for Wireless Telecommunications Facilities. The Applicant shall pay any extra fees necessary for outside assistance.
2. All Wireless Telecommunications Facilities must conform to local, state, and federal environmental laws, standards, and codes. All utilities at a Wireless Telecommunications Facilities site shall be in compliance with all laws, including but not limited to the National Electrical Safety Code, the National Electrical Code, Electronic Industry Association/Telecommunications Industry Association (EIA/TIA) and Building Occupancy Code (BOCO) where appropriate.
3. Applicants shall agree to lease space at commercially reasonable rates and shall also make towers available for use by County Emergency Service agencies at no charge to the County.
4. Placement of antennae on existing towers or other structures shall be preferred by the County, as opposed to the construction of a new tower.
5. Applicants shall submit 2 (or the number designated at the pre-application meeting) completed applications for a Special Use Permit in 3-ring binders. Seventeen copies of the following information must also be submitted: boundary survey, site plan, compound plan, tower profile, visual impact assessments, propagation studies, justification for why a co-location is not practical, and an explanation why a higher priority site was not selected.

6. No Wireless Telecommunications Facility shall be installed or constructed until the application has been reviewed and approved by the Planning Board, and the Special Use Permit, together with all applicable permits, has been issued.
7. The Applicant must begin construction on the new Wireless Telecommunications Facility within one (1) year of the granting of a Special Use Permit or the Special Use permit shall become invalid (See Chapter II Article XVIII – Vested Rights pursuant to N.C.G.S. 153A-344.1).
8. An application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The Applicant must obtain all required certifications from a licensed professional engineer. The landowner, if different from the Applicant, shall also sign the application. Any false or misleading statement in the application may subject the Applicant to denial of the application without further consideration or opportunity for correction. (See Section V for application fee information.)

**C. Site Plan Requirements:**

The Applicant shall provide a site plan containing:

1. The name, address, and phone number of the person responsible for preparing the application;
2. The name, address, and phone number of the property owner, service provider or operator, and the actual Applicant;
3. The postal address, zoning district designation, latitude and longitude, and tax parcel identification number of the property;
4. A vicinity sketch, north arrow, date of plan, scale, name(s) and seal(s) of all persons preparing the plan;
5. The size of the property stated in square feet (or acreage) with lot line dimensions, the location of all lot lines and setback distances and all natural features such as streams, ponds, wetlands, etc.;
6. The location of all structures (including residential structures) on the property (which is the subject of the application);

7. Access to the site, with location and width of existing and proposed driveways;
8. The location, size, and height of all proposed and existing antennae and all appurtenant structures;
9. The type, locations, and dimensions of all proposed and existing landscaping, and fencing [See Section III E(1) and E(5)].

**D. Written Documentation Required:**

The Applicant shall provide the following written documentation:

1. A copy of the lease agreement (or lease option) signed by the property owners if part or all of the property for the Wireless Telecommunications Facility is to be leased. The lease agreement (or lease option) must include liability insurance in accordance with the requirements specified in Section IX.
2. A copy of the property deed.
3. A demonstration of the need for the Wireless Telecommunications Facility to provide service primarily within the County. Such documentation shall include, but may not be limited to, propagation studies of the proposed site and all existing, adjoining, and proposed sites.
4. An explanation as to why a higher priority site was not selected (See Section III A).
5. Justification for why a co-location that meets Administrative Approval criteria is impractical and includes:
  - a) Demonstrations of the Applicant's meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the County.
  - b) An inventory of existing towers and other functionally suitable structures within four (4) miles of the location of any proposed new tower and a report that demonstrates conclusively why an existing tower or other suitable structure cannot be used.
6. Justification of the total height of any tower, facility and/or antenna, and the basis therefore.

7. Documentation showing that the tower owner has a signed agreement committing a commercial service provider to occupy space on the tower at the time of completion of construction on the new Wireless Telecommunications Facility.
8. The number, type, and design of the tower(s) and antenna(e) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users.
9. The make(s), model(s), and manufacturer(s) of the tower and antenna(e).
10. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color, and lighting.
11. The frequency, modulation, and class of service of radio or other transmitting equipment.
12. The actual intended transmission and the maximum effective radiated power of the antenna(e).
13. The direction of maximum lobes and associated radiation of the antenna(e).
14. Certification that the Non-Ionizing Electromagnetic Radiation (NIER) levels at the proposed site are within the threshold levels adopted by the FCC. Calculations and measurements of NIER will not be required for any new source of NIER if it is determined by FCC definition to be categorically excluded from having to determine compliance with RF exposure standards. If the NIER emissions from the new source, when added to existing ambient NIER sources, would exceed the levels set forth in the above standard, then calculations and measurements will be required.
15. Certification that the proposed antenna(e) will not cause interference with other telecommunications devices.
16. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility.
17. Certification that a topographic and geomorphologic study and analysis has been conducted, and by taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to

assure the stability of the proposed Wireless Telecommunications Facility on the proposed site.

18. A copy of each of the policies or certificates representing insurance in the required amounts.
19. Certification that the Wireless Telecommunication Facility, foundation, and attachments are designed and will be constructed to meet all laws and requirements for loads, including wind and ice loads.
20. Certification that the Wireless Telecommunications Facility will be effectively grounded so as to protect persons and property and installed with appropriate surge protectors.
21. Certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

**E. Visual Impact Assessment Requirements:**

The need for and nature of a visual impact assessment shall be determined at the pre-application meeting. The assessment may include:

1. A "Zone of Visibility Map" which may be provided in order to determine locations from which the tower may be seen.
2. Pictorial representations (which may include visual simulations) of "before and after" views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to, state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers, or residents. Guidance may be provided, concerning the appropriate key viewpoints at the pre-application meeting.
3. An assessment of the visual impact of the tower base, guy wires, and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
4. The Applicant may, prior to the public hearing on the application, be required to hold a "balloon test" as part of the required materials constituting a completed application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a six (6) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised by

the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County. The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen (14) days in advance. Notice of the balloon test shall be posted in a prominent place on the property (determined at the pre-application meeting) at least ten (10) days prior to the balloon test. The balloon test shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but to prevent delays in the processing of the application, in case of poor weather on the initial date, the secondary date may be on a weekday.

### **Section III. Location of Wireless Telecommunications Facilities.**

Wireless Telecommunications Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wireless Telecommunications Facility on such lot. Wireless Telecommunications Facilities that are constructed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

#### **A. Location Priority:**

Wireless Telecommunications Facilities shall be located, sited, and erected in accordance with the following priorities, one (1) being the highest priority and five (5) being the lowest priority :

- 1) On existing towers or other structures meeting the criteria for Administrative Approval;
- 2) On County-owned properties;
- 3) On properties in areas zoned for Light or Heavy Industrial use (Zoned HI and LI);
- 4) On properties in areas zoned for Commercial use (Zoned HC and OI); or
- 5) On properties in areas zoned for Residential Agricultural use (Zoned RA).

#### **B. Shared Use:**

The application shall contain a commitment to construct the tower to accommodate at least five (5) additional commercial applications or service providers, assuming antenna arrays equivalent to those of the Applicant, and located as close to the Applicant's antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in



writing, demonstrates that the provisions of future shared use of the tower is not technologically feasible, based upon:

1. The foreseeable number of FCC licenses available for the area;
2. The type of Wireless Telecommunications Facility site and structure proposed;
3. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
4. Available space on existing and approved towers.

**C. Minimum Lot Size or Leased Area:**

If the applicant is the owner of the property, the minimum lot size or leased area must equal the Fall Zone or the minimum lot size of the underlying zoning district, whichever is greater.

**D. Setbacks:**

1. Towers must be set back a distance equal to the Fall Zone of the tower from any residential structure; public and/or private road right-of-ways (excluding the tower access road); property lines; and/or recorded easements or right-of-ways. Guys and accessory facility support structures must satisfy the underlying zoning district setback requirements.
2. Monopole towers may have a 20% reduction in the required setbacks. In no case shall the setbacks be less than those required for the underlying zoning district.

**E. Site Design Requirements:**

1. Landscaping: Wireless Telecommunications Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Wireless Telecommunications Facility from adjacent property. The buffer shall consist of a Type I landscape buffer, either existing or planted, outside the perimeter of the compound as described in Chapter II Article XVII, unless the visual impact of the facility would be minimal as determined by the Planning Department. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
2. Access: An adequate turnaround and parking space(s) shall be included within the area leased or owned by the applicant upon which the Wireless Telecommunication Facility is sited. The applicant shall provide for and maintain emergency and service access in accordance with private road

standards set forth in Chapter 3, Article 6, Section 5 of the UDO. Road construction shall, at all times, minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. Maximum use of existing roads, whether public or private, shall be made to the extent possible.

3. Lighting: Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by law. The applicant shall provide an FAA letter or TOWAIR report to determine whether the tower or existing structure intended to support Wireless Facilities requires lighting under FAA Regulation Part 77. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting having as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
4. Appearance: Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the County. As appropriate, towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance and any conditions of the Special Use Permit.
5. Fencing: The Wireless Telecommunications Tower base, guy wires, and all accessory facility support structures shall be located behind eight (8) foot fence(s) and secured to prevent unauthorized access.

**F. Modification of Site:**

The holder of a Special Use Permit shall notify the Planning Department of any proposed modification of a Wireless Telecommunication Facility. The holder shall apply for a new Special Use Permit or a Site Plan Amendment, if applicable, to modify, relocate, or rebuild a Wireless Telecommunications Facility prior to such action. Failure to do so will constitute grounds for revoking the Special Use Permit. In the case of modification and/or rebuilding, a Special Use site plan amendment may be required. Relocation will require a Special Use Permit for a new Wireless Telecommunications Facility.

**Section IV. Signage.**

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet, to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall:

contain the name(s) of the owner(s) and operator(s) of the antenna(e) and emergency phone number(s); be placed on the equipment shelter or cabinet of the Applicant; be visible from the access point of the site; and identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule, or regulation. No other signage, including advertising, shall be permitted, unless required by applicable law, rule, or regulation.

**Section V. Application Fee.**

The application fees for new towers and Special Use Permits may be found on the fee schedule for the County. Modifications to the Wireless Telecommunications Facility, except as listed in Section I A-C, will require payment of Special Use Permit and new tower fees.

**Section VI. Public Hearing Requirements.**

All completed applications for Special Use Permits for Wireless Telecommunications Facilities will be subject to a public hearing held before the Planning Board. The County, at any stage prior to issuing a Special Use Permit, may require such additional information as is deemed reasonable and necessary.

**Section VII. Performance and Tower Removal Security.**

The Applicant and the owner of record of any proposed Wireless Telecommunications Facility's property site shall, at its cost and expense, be required, jointly if appropriate, to execute and file with the County a bond or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$30,000. The bond shall have such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Special Use Permit. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit, and if the Special Use Permit is revoked, the bond or security shall remain in full force and effect until the tower has been removed and the site restored to the satisfaction of the Planning Department. In any event the security shall remain in effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit. If the Tower Owner defaults on payment or abandonment on County owned or controlled property, the County, at its option, can take control and ownership of the facility.

**Section VIII. Annual NIER Certification.**

The holder of the Special Use Permit shall, annually from the date of Planning Board approval, certify by letter and a copy of the report from the carrier or government agency to the County that NIER levels at the site are within the threshold levels adopted by the FCC.

**Section IX. Liability Insurance.**

1. A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit, and, if the Special Use Permit is revoked, the holder of the Special Use Permit shall maintain the stated coverage until the tower has been removed and the site restored to the satisfaction of the Planning Department in amounts as set forth below:
  - a) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - b) Automobile Coverage: \$100,000 per occurrence/ \$300,000 aggregate;
  - c) Workers Compensation and Disability: Statutory amounts.
2. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
3. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

**Section X. Removal of Wireless Telecommunications Facilities.**

**A. Notice required when taking facility out of service:**

Notice shall be provided to the Planning Director, or his designee, within thirty days when any Wireless Telecommunications tower is no longer used for transmission or relay purposes.

**B. Abandonment or Disrepair:**

The County shall require the removal of Wireless Telecommunications Facilities when:

1. Wireless Telecommunications Facilities with a Special Use Permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a three hundred-sixty five (365) day period, except for periods caused by Acts of God, in which case, repair, or removal shall commence within 90 days and be completed within a reasonable time.
2. A permitted Wireless Telecommunications Facility falls into such a state of disrepair that it creates a health or safety hazard.

**C. Failure to Remove:**

If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the holder of the Special Use Permit has received notice, then the County may order officials or representatives of the County (or hired persons) to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.

**Section XI. Variance Requests.**

Applicants may request a waiver of provisions of this Special Use Permit as a variance which will be subject to requirements specified in Chapter II Article XIV.

**(aa) Rural tourism activities**

The purpose of this Special Use Permit is to allow rural tourism activities without overnight accommodations and/or public restaurant (food service) facilities.

Examples of Rural Tourism activities include, but are not limited to:

- Ecological Centers
- Cycling Tours/Rentals
- Canoe/Kayak rentals
- Guide or outfitter tours
- Archery
- Boating
- Kids day camps
- Artisan studios
- Rock climbing
- Meeting and conference facilities

**Zoning:** RA, RC

**Approved By:** Planning Board

**Parking:** The number of parking spaces as listed in Chapter 2, Article XI for type of use. Paving is not required: however, dust control measures may be required. Off-site parking is not permitted.

**Access:** Point of ingress and egress to property shall consist of a minimum width eighteen (18) foot wide travelway and shall be located in such a way to minimize traffic hazards, inconvenience, and congestion.

**Site plan:** Required and shall show:  
Dimensions of property  
Location, use, and dimensions of all existing and proposed buildings and all outdoor activity areas  
Public and private roads accessing the property  
Parking areas and number of parking spaces  
Sanitary sewer facilities where applicable  
Location and heights of all fences, hedges and natural buffers that would serve as buffers to abutting property  
Location of all flood zones, watersheds, wetlands, and streams

**Other requirements:**

1. Where the property adjoins a residential use or residential district, the boundary shall be planted with Type I, II, or III landscaping as determined

- by the Planning staff. The type of landscaping will be dependent on the intensity and location of use on property and the acreage and configuration of the lot.
2. Overnight camping is not permitted on grounds.
  3. Establishments should be designed to minimize their impact on the agricultural use and nearby uses.
  4. All lighting shall be directed inward and downward (e.g. shoe box fixtures) in such a manner so as not to produce glare onto adjacent property and so that the primary cone of illumination does not extend beyond the property lines. Exterior lighting shall be mounted no higher than thirty-five feet above the adjacent ground level.
  5. All structures, parking, storage areas, and other uses related to the tourism facility must have a fifty (50) foot buffer from all side property lines or a thirty (30) foot Type I landscaping buffer and must be setback thirty-five (35) feet from the road right-of-way.
  6. There shall be a separation of at least two hundred (200) feet between residences on adjoining tracts and any building used for the tourism operation.
  7. All on premise signs shall meet the requirements of Chapter 2 Article XII *Signs of the UDO*.
  8. Special events may be held six (6) times per year for three consecutive days each without obtaining a Special Event permit. Special events may include but are not limited to, music festivals, shows displaying items for sale such as art or art objects, jewelry, specialized recreation equipment, horse shows, and fishing rodeos.
  9. Special events lasting more than three (3) consecutive days shall comply with the Special Event Permit requirements in Chapter 2, Article XIII, Section 8-6 (b).
- (Adopted 4/10/2006)

**Off-premise Signs:**

Two (2) off-premise directional signs are allowed when business, attraction, or activity is not located on a US or NC numbered highway, subject to the following regulations:

1. Sign permit is required prior to erecting sign. Written permission of the property owner and copy of sign face is required prior to obtaining a permit.
2. Signs shall be setback at least 10 feet off the right-of-way.
3. There shall be a minimum of 1000 feet between each sign.
4. No sign may be larger than 16 square feet or greater than 6 feet in height.
5. Only non-illuminated freestanding ground signs are allowed.

6. Signs may be two-sided. The sign surface area shall be computed by including the total of all sides designed to communicate information that can be seen at any one time by a person from one vantage point.
7. Signs must be kept in good repair.
8. If business, accommodation, attraction or activity ceases to operate, directional sign(s) shall be removed within 30 days of cessation, by the sign owner or the owner of the property where the sign is located.



**(bb) Paintball Facility (Outdoor)**

This Special Use Permit is applicable to outdoor commercial and non-commercial paintball facilities and courses.

**Special Use Districts:** RA, HC, LI and HI

**Approved By:** Planning Board

**Lot Size:** There is no minimum or maximum lot size. Lot shall be of sufficient size to accommodate the staging, field and play areas, parking, spectator areas, structures, setback/buffer areas and septic systems (if applicable).

**Setbacks:** For areas where paintballs may be discharged including staging, fields and play areas:  
300 feet from property lines.

For parking, spectator areas, and all structures:  
100 feet from property lines and 150 feet from any residence.

**Buffer Required:**

A minimum one-hundred (100) foot vegetative buffer along all property lines shall be provided. The buffer shall be of sufficient height and density to screen from view the facility and to attenuate (lessen) noise levels.

No activities shall take place within the required buffer.

**Note:** Location in a watershed or flood prone area may affect uses, density, lot size, and built-upon limits. Additional regulations, certificates and permitting requirements may be imposed.

**Site Plans Required:** Site Plans drawn to scale shall be submitted at the time of application for the special use permit and shall include:

- Dimensions of property and lot size;
- Location (including setbacks), use and dimensions of all existing and proposed buildings;
- Location (including setbacks), use and dimensions of all outdoor activity areas and the types of field play (i.e. woods, speedball, etc.);
- Public and private roads accessing the property;
- Parking areas and number of parking spaces;
- Sanitary sewer facilities where applicable;
- Location and heights of all fences, vegetative buffers and screening;
- Location of all flood zones, watersheds, wetlands, and streams;

Location of posted safety rules; and  
Other site specific information as requested by staff

**Operations Plan Required:** A plan of operations shall be submitted at the time of application for the special use permit and shall include:

Days and hours of operation;  
Number of participants and employees on site at any one time;  
Ratio of players to referees;  
Types of equipment to be utilized by users of the site;  
Safety plan and list of safety rules and procedures;  
Type of compressed air fuel to be utilized on the site;  
Storage and maintenance procedures for the compressed air fuel; and  
Indicate if tournaments will be held at the facility and include  
information on frequency, duration, number of participants, parking  
accommodations, sponsorship, league affiliation, etc. regarding  
tournaments to be held on site;

**Insurance Required:**

All operations shall be properly insured by a company or organization licensed to operate in the State of North Carolina. Insurance policy must specifically state that it includes paintball activities. Proof of such insurance shall be provided to County.

**Parking:** 1 space for each employee on the shift of greatest employment and 1 space for every 2 participants on site at any one time, to be based on information provided in the operations plan. Paving is not required except for required handicapped spaces.

**Lighting:** Lighting shall be pointed in a downward and inward direction, away from adjoining properties. Full cut-off or fully shielded light fixtures shall be used where feasible.

**Other Requirements:**

1. Field/Play areas shall be enclosed by 20' high mesh netting. Netting shall be properly maintained and replaced as needed.
2. No outdoor storage is allowed.
3. Public restroom facility shall be provided on site as approved by the Environmental Health Division of the Rockingham County Department of Health and the Building Inspectors. If the approved restroom facility is portable, it shall be maintained by a sanitation disposal service.

4. Retail sales conducted on the property shall be accessory and incidental to the paintball facility and limited to paintball related supplies for participants of the site.
5. Food and beverage sales must meet Environmental Health regulations.
6. No alcoholic beverages shall be sold or allowed on the premises.
7. PA Systems and/or amplified sounds are not permitted.
8. The entrance to the facility shall be permitted by the North Carolina Department of Transportation. A copy of the driveway permit shall be provided to the County.
9. Paintballs used at the facility shall be non-toxic, water soluble, and environmentally safe.
10. Any requirement of this Special Use Permit may be amended by the Planning Board upon determination that the change or changes in combination with other elements of the site design shall provide adequate protection to adjoining properties.

**(cc) Homeless Shelter (Temporary Occupancy)**

This Special Use Permit is applicable emergency shelters which provide *temporary* (overnight) housing to homeless individuals. Agencies and organizations may have permanent (year round) office facilities within the building.

**Special Use District:** OI

**Approved By:** Planning Board

**Minimum Lot Area:** In accordance with the district where located.

**Other Requirements:**

1. The development must adhere to all applicable district requirements including, but not limited to, lot size, minimum yard requirements (setbacks), height limitation, and development standards, except as specifically stated elsewhere in this UDO.
2. No such facility shall be located within one-half (1/2) mile of an existing homeless shelter or any other group care facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the Shelter is to be located to the nearest point of the lot line of another Shelter or group care facility use.
3. The facility shall be operated by a government agency or tax exempt organization under Internal Revenue Service regulations and Section 501(3)(c) of the Internal Revenue Code. Proof of status shall be required as a part of the application.
4. A site plan drawn to scale and an interior sleeping arrangement drawing shall be provided with the application.
5. An operations and security plan shall be submitted with the application. Plan should include, but not limited to: list of safety rules and procedures for occupants and how rules are transmitted to occupants, hygiene and control of infectious diseases, storage and access to medication, shelter staffing and staff training (i.e. CPR), phone access for staff and occupants, and may address other items such as visitor protocol, intake process (i.e. log of shelter occupants, ID requirements, warrant and sex offender status check etc.), incident reporting, alcohol and drug use policies, curfews, loitering, and age restrictions.

6. The facility must conform to all applicable environmental health, building code, fire code, licensing laws and regulations.
7. The facility operator(s) shall provide continuous on-site supervision by employee(s) and/or volunteer(s) who are at least 21 years of age during all hours of operation.
8. All parking shall be on site. Off-street Parking shall be provided at 1 space per resident staff member plus 2 spaces per every 3 employees/volunteers on largest shift plus 1 space per each vehicle owned by the shelter and used for transportation.
9. A Type I landscaping buffer which complies with Article XII shall be provided along all property lines abutting residentially zoned property.
10. Non-operational and unregistered vehicles shall not be kept on-site. Facility grounds shall be adequately posted regarding unauthorized parking. Towing of unauthorized or abandoned vehicles on shelter property shall be the responsibility of the shelter operator. Shelter parking shall not impact existing businesses or residential neighborhoods.
11. Community and Neighborhood Contact: The operator shall post information on the exterior of the building about how to contact the operator with complaints, questions, or concerns regarding shelter operations.
12. The facility shall be well maintained at all times including existing and installed landscaping, fencing, lighting, and kept free of trash and debris.
13. No open fires or outdoor cooking by residents is allowed.
14. Exterior lighting shall be pointed in a downward and inward direction, away from adjoining properties and shall not impact surrounding properties.
15. The Special Use Permit will be valid for one year and will allow occupancy for a maximum of 120 consecutive days within that year period. The Special Use Permit may be administratively renewed each year upon proof that the shelter has been inspected by the building code and fire code officials and a new certificate of occupancy has been issued by the building code official. If the Special Use Permit is not renewed within six months of its expiration date, then the Special Use Permit cannot be administratively renewed and a new public hearing shall be required. This does not apply to administrative and office areas which may be occupied for the entire year.

16. If at any time, the County receives complaints regarding any aspect of the operation of the shelter, or if the County determines that there has been a potential violation of the Conditions of Approval of this permit, the Planning Director may revoke the special use permit in accordance with the UDO Chapter 2, Article XVI.
17. In approving the Special Use Permit, the Planning Board may impose other appropriate or more stringent conditions deemed necessary to protect the public health, safety, and general welfare, and the character of the area.

## **(dd) Reception/Banquet Facility**

**Zoning District:** RA, RC (Note: Allowed by right in NC and HC)

**Approved By:** Planning Board

### **Application Requirements:**

1. A complete description of the facility including but not limited to:
  - types of events, days and hours of operation;
  - site plan showing layout of all buildings, parking areas, landscaping, buffers, etc.
  - projected number of users per weekday and weekend days, with the maximum number expected at any one event
  - total number of seats
  - types of accessory uses, if any, planned on the site (includes any accessory structures---ex. gazebo, barn, playground)
  - total number of employees, both full-time and part-time
  - any and all other relevant information that will help describe the facility
  - building elevations may be required
2. Proposed roadway improvements serving the site should also be detailed.
3. Other information may be required as determined by location and proposed use. (e.g. traffic study)

### **Standards:**

1. Site Size. The site shall contain a minimum of five acres.
2. Access. The parcel must have frontage on a publically maintained road. There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only. Proposed access points must be approved by NCDOT.
3. Structure. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction shall meet non-residential design standards. No overnight accommodations are allowed.
4. Setbacks. All structures and outdoor viewing and seating areas shall be set back at least one hundred (100) feet from any street or property line.

5. Lighting. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to discourage vandalism.
6. Noise Control. Depending on the plans presented, the special use permit may also specify the noise reduction measures, including but not limited to muting, special landscape treatment and berms.
7. Buffer. If a facility abuts residential property, landscaping and buffers shall meet non-residential design standards.
8. Parking. The facility must provide two parking spaces for the owner or operator; one space for every 2 employees on the shift of greatest employment, including service providers (i. e. caterers, band); and one for every four persons in attendance. A maximum of 20 parking spaces may be gravel surface. The remainder of the parking area must be grassed (no impervious surface). Handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code. No on street parking is permitted.
9. Meals. Other than as part of the reception events, no meals shall be served to the general public on the site.
10. Accessory uses. The accessory uses (e.g. playground, bathroom facilities, gazebo, barn) may be permitted as incidental to and limited to the patrons of the principal use:
11. Signage. Reception/Banquet Facilities are allowed:
  - One ground sign, located ten feet from street right-of-way and outside the site distance triangle. Maximum sign area is limited to sixteen square feet with a maximum sign height of five feet; and
  - One wall sign per building. Maximum sign area is limited to four square feet.
12. Alcohol consumption or sale. There shall be no consumption or sale of alcohol unless a liquor license is approved.



**(ee) Rural Guest Establishment**

*Intent.* The intent of the rural guest establishment is to provide opportunities for tourist facilities in the rural sections of the county so long as the traditional character of neighborhood is maintained.

- A. Zoning district allowed.** RA
- B. Approved By:** Planning Board
- C. Minimum Lot Size.** 20 acres
- D. Number of Guest Rooms.** 4 -12 rooms. Occupancy shall not exceed 23 guests.
- E. Setbacks.** 100 feet from all property lines

Except for any existing renovated historic structures, a detached guest unit shall be setback at least 100 feet from all property lines and 60 feet from the main lodge, other cabins and any on-site recreational area. Staff may approve up to a 15 foot variance from the 60 foot internal setback due to topographic issues and/or environmental health septic and well regulations.

**F. Other Standards.** A site plan approval is required. The following development standards shall also apply:

1. Access and Roads. Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads.
  - a. Any establishment that is not located on a state maintained road shall provide a copy of the deed to the Planning Department that establishes the ingress/egress easement. The deed shall demonstrate that the easement may be used to support the establishment. Documentation may also include copies of any road maintenance agreement.
  - b. A dedicated easement or strip of land that is a minimum of 30 feet wide shall be provided to the site from a public road that has a minimum 18 foot wide travel way.
  - c. There shall be no more than two points of public access to a facility. This requirement shall not preclude an additional access for emergency vehicles only if requested by the Fire Marshall, Emergency Management or other government agency.

- d. Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
2. Guest rooms. A “cabin” may contain up to 3 guest rooms. Guest rooms in a “cabin” may contain full kitchen facilities or “limited kitchen facilities” (i.e. microwave, coffee maker and small refrigerator).
    - a. For historic structures, no changes may be made to the exterior appearance except normal upkeep.
    - b. For new structures, exterior materials not commonly found in use on residential buildings in Rockingham County and highly reflective materials shall not be permitted.
  3. Uses Limited. Guest units are limited to rentals of thirty (30) days or less.
    - a. On-site facilities shall be used only by guests and employees.
    - b. Outdoor events (e.g. weddings, receptions, parties) or similar activities shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.
    - c. No manufactured housing, RVs, tents, or temporary shelters are allowed on the property.
    - d. Location in a critical or protected area of a watershed may limit the uses.
  4. Open space and recreation uses. A minimum of 75% of the site shall remain in an agricultural, forestry and or open space use. Recreational uses customarily incidental and subordinate to rural guest establishments are permitted in the open space area and may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, children's play equipment and passive recreation facilities. Outdoor recreational areas shall exclude uses employing motorized vehicles and/or firearms and any other use which generates excessive light and or noise. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
  5. Outdoor storage. No outdoor storage shall be permitted. This shall include materials, equipment, parts, supplies, waste (except in approved waste containers), and similar items. Approved waste containers shall be located in the rear of the buildings and be completely screened from public view.

6. Screening/landscaping. Landscaping and buffers shall meet the requirements of UDO Chapter 2, Article XVII.
  - a. If existing topography and natural vegetation does not provide an adequate visual barrier, selective screening may be required.
  - b. All parking shall be screened from adjoining properties used or zoned for residential or agricultural purposes.
  - c. Property recognized by the state or the county as a historic site or as containing a significant historic structure, may apply for a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside. A request for a full or partial waiver of the buffer shall submit evidence that the property is listed or eligible to be listed on the National Register of Historic Places or recognized by the state or the county as a place of historic interest.
7. Parking. One parking space per guest room or unit is required for the overnight accommodations. Additional parking spaces as needed to accommodate all accessory uses as per UDO Chapter 2, Article XI.
8. Exterior lighting standards. Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.
  - a. The maximum height of pole-mounted exterior lighting shall be 25 feet.
  - b. All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.
  - c. No lighting shall be directed onto adjacent property. Floodlights or other high-intensity lighting shall be prohibited.
9. Signs. One sign is permitted at the main access to the public road. If there are two access points (not including the emergency vehicle access, if required), a sign may be placed at each entrance. Maximum sign area is limited to sixteen square feet with a maximum height of five feet. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
10. Permitting. The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies including but not limited to environmental health and NCDOT driveway permits.
11. Historic structures. The proposed use and structural alterations of historic structures listed or eligible to be listed on the National Register of Historic Places shall be of such a nature so as to preserve the historic character of

the site and the buildings. The applicant shall demonstrate that the proposed development of the site would have no adverse impact beyond the building except for appropriate parking facilities.

**(ff) LANDFILL, LAND CLEARING/INERT DEBRIS (LCID), MAJOR (Off-Site)**

The property owner is responsible for complying with all regulations found in 15A NCAC 13B .0563, .0564, .0566, and the following local requirements:

**Zoning District:** RA, LI, HI

**Approved By:** Planning Board

**Acres:** 2.01 acres or greater  
In the Residential Agricultural Zoning District – limited to a maximum of 5 acres.

**Location:** A Major LCID Landfills and its functions shall be located:

1. A minimum of 100 feet from the landfill area to property lines, residential dwellings, commercial or public buildings, and wells. The landfill area shall include the fill area, structures, equipment storage, parking areas and any other landfill functions except the access drives and utilities that may cross this area,
2. A minimum of 100 feet from any perennial waters identified on the most recent versions of U.S.G.S 1:24,000 scale topographic maps or as determined by local government studies,
3. Outside of any of Rockingham County's designated watersheds as defined by the Rockingham County Watershed Ordinance and official zoning watershed maps,
4. Outside of the 100-year floodplain, and
5. One mile from any other type of landfill.

**Access:** A Major LCID Landfill shall follow these access requirements:

1. Driveway access to the facility shall directly connect to a road that is maintained by the NCDOT;
2. A commercial driveway permit must be obtained from NCDOT and a copy shall be provided to the Rockingham County Planning Department.
3. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized dumping or access except when an operator is on duty.

<b>Signs:</b>	<u>Type of Sign:</u>	Principle Use Identification Ground Sign
	<u>Permitted Number:</u>	1 sign per entrance
	<u>Maximum area of sign:</u>	25 sq. ft.
	<u>Permitted Illumination:</u>	None
	<u>Required Content:</u>	Sign shall list contact name and telephone number in case of an emergency, types of material accepted, the hours of operation, and the permit number issued by the State of NC.

**Other Requirements:**

1. The property shall be screened with a Type I landscape buffer a minimum of 15 feet in width and 8 feet in height, either planted or existing, along all property lines.
2. Hours of operation shall be limited to 7:00am to 5:00pm Monday through Saturday.
3. All unpaved roadways and parking areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
4. A site plan prepared by a licensed surveyor or engineer shall be submitted showing the following:
  - a. location of the proposed facility including boundary and acreage of disposal site and all landfill areas;
  - b. names of adjacent property owners and zoning classifications of property;
  - c. structures and wells within 250 feet of the disposal areas;
  - d. parking areas, roadways, entrances, and exits;
  - e. any perennial and intermittent waters, flood plain, or wetlands on the facility property and any within 100 feet of the disposal area;
  - f. existing and proposed landscape buffers;
5. Construction and operations greater than 1 acre are required to obtain a sedimentation and erosion control permit from the NC Department of Environment and Natural Resources.
6. No permits for a Major LCID landfill shall be approved until all plans, including rehabilitation plans of sites, have been reviewed and approved by the North Carolina Department of Environment and Natural Resources (NCDENR), the State of North Carolina, and any other applicable entity. All approved plans shall be submitted to the Rockingham County Planning Department.

**Rehabilitation:** In the act of closure of the LCID landfill facility, the following requirements shall be followed:

1. A site plan must be submitted before the special use permit is issued showing the rehabilitation plans for the entire landfill property including the fill operational plan regarding the closure of the facility.
2. Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other means approved by the Planning Staff.
3. The applicant shall notify the Rockingham County Planning Department upon closure of the facility.

**(gg) Use: Solar Energy System, Large Scale**

**Special Use District:** Residential Agricultural, Light Industrial and Heavy Industrial

**Approved By:** Planning Board

**Minimum Lot Size:** 10 acres

**Purpose:**

The purpose of this Special Use Permit is to allow larger-scale ground mounted solar systems as a principal use.

**Setbacks:**

Large scale solar energy systems shall be setback a minimum of 100 feet from any property line.

**Height Requirements:**

Large scale solar energy systems shall be a maximum of 15 feet in height as measured from the grade at the base of the structure to the apex of the structure. The Planning Board may approve a waiver of up to 25 feet.

**Required Parking:**

The minimum number of parking spaces shall be 1 (one) space for every 2 (two) employees on shift of greatest employment plus 1 (one) space for every vehicle used in conduct of such use.

**Site Plan:**

A site plan shall be submitted showing the following:

- 1) The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements;
- 2) Any preexisting structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;
- 3) Parking and access areas;
- 4) Location of any proposed solar access easements;
- 5) Location where wiring is brought together for inter-connection to system components and/or the local utility power grid;
- 5) Any proposed new structures; and
- 6) Any other relevant elements as requested by the Planning Staff.



### **Other Requirements:**

1. Development of a large scale solar energy system will be subject to other overlay district regulations including watershed impervious surface limits.
2. Any system shall be fully screened from adjoining properties and adjacent roads by a buffer yard. The location of this buffer yard must take shading into account so it does not affect the system's efficiency.
3. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard. Glare resistant solar panels shall be used if the system is adjacent to an airport.
4. All outdoor lighting shall be shielded to direct light and glare onto the system's premises and may be of sufficient intensity to ensure security.
5. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
6. Solar panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
7. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
8. No ground-mounted large solar energy systems shall be affixed to a block wall or fence.
9. The large solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
10. All signs, other than the manufacturer's, or installer's identification, appropriate warning signs, or owner identification on a large solar energy system shall be prohibited. Not more than one (1) manufacturer label bonded to or painted upon the solar energy system shall be permitted.

11. It is the responsibility of the owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever possible.
12. The Planning Administrator shall be provided copies of any lease agreement, solar access easement, and plan for removal of system/equipment. If the system is to be interconnected to the local utility power grid, a copy of the conditional approval from the local utility must also be provided.
13. All active large scale solar energy systems shall meet all requirements of the North Carolina State Building Code.
14. All large scale solar energy systems shall comply with the National Electrical Code, current edition.
15. The owner or future owner of a property onto which a large scale solar energy system is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping s constructed or installed.
16. Other conditions, including, but not limited to, buffering and noise controls that provide adequate protection for adjacent residential properties as may be deemed reasonable and appropriate for the type of system, may be added by the Planning Board.

## **(hh) Turkey Shoot**

This Special Use Permit is applicable to turkey shoots that are “for profit” operations or turkey shoots in use year round.

**Special Use Districts:** RA – May be principal use or accessory use to residence

RC, HC and LI – Principal use only

**Approved By:** Planning Board

**Lot Size:** There is no minimum or maximum lot size. Lot shall be of sufficient size to accommodate the staging area, shooting range, parking lot, spectator areas, structures, setback/buffer areas and septic systems (if applicable).

**Setbacks:** No turkey shoot shall be allowed within a required setback.

All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The backstop or target area shall be located not less than 500 feet from the road right-of-way. All backstops shall be constructed a minimum of 500 feet from any residence located to the rear and/or side of the backstop.

Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200 feet from and parallel to the road right-of-way.

**Operations:** Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of 2 feet and maintained at a height of 4 feet above the target.

The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.

Hours of operation shall be between the hours of 7:00 a.m. and 10:00 p.m.

Provisions for sanitation and refuse disposal must be made in accordance with health standards.

**Buffer Required:**

A type I landscape buffer along all property lines shall be provided. The buffer shall be of sufficient height and density to screen from view the facility.

**Site Plans Required:** Site Plans drawn to scale shall be submitted at the time of application for the special use permit and shall include:

- Dimensions of property and lot size;
- Location (including setbacks), use and dimensions of all existing and proposed buildings;
- Location (including setbacks), use and dimensions of all shooting stations, spectator areas and the location of all backstops (i.e. location and number of all targets, etc.);
- Public and private roads accessing the property;
- All required parking spaces;
- Sanitary sewer facilities where applicable;
- Location and heights of all fences, vegetative buffers and screening;
- Location of all flood zones, watersheds, wetlands, and streams;
- Location of posted safety rules; and
- Other site specific information as requested by staff

**Parking:** 2 spaces for each backstop (target station).

**Signs:** 1 principal use identification sign not to exceed 25 square feet in area per sign face. The sign must be setback 10 feet from the front road right-of-way. The sign may be illuminated.

**Other Requirements:**

1. The property where the turkey shoot is located shall be fenced, posted or otherwise controlled to insure the safety of contestants, spectators and the public at large.
2. No outdoor storage is allowed.
3. Public restroom facility shall be provided on site as approved by the Environmental Health Division of the Rockingham County Department of Health and the Building Inspectors. If the approved restroom facility is portable, it shall be maintained by a sanitation disposal service.

4. Retail sales conducted on the property shall be accessory and incidental to the turkey shoot and limited to event related supplies for participants of the turkey shoot.
5. Food and beverage sales must meet Environmental Health regulations.
6. No alcoholic beverages shall be sold or allowed on the premises.
7. Lighting shall be pointed in a downward and inward direction, away from adjoining properties. Full cut-off or fully shielded light fixtures shall be used where feasible.
8. PA Systems and/or amplified sounds are not permitted.
9. The entrance to the facility shall be permitted by the North Carolina Department of Transportation. A copy of the driveway permit shall be provided to the County.
10. Noise levels measured at the property line where the facility is maintained or, in the case of leased land at the property line of any leased parcel, shall not exceed the limits as provided in the county noise ordinance.
11. Any requirement of this Special Use Permit may be amended by the Planning Board upon determination that the change or changes in combination with other elements of the site design shall provide adequate protection to adjoining properties.

**Note:** A property's location within a watershed or flood prone area may affect the allowed uses, density, lot size, and built-upon limits. Additional regulations, certificates and permitting requirements may also be imposed.

(ii) **Electronic Gaming Operations**

**This Special Use Permit is applicable to Electronic Gaming Operations as a principal use. Electronic Gaming Operations, machines, or devices are not permitted as an accessory use.**

- A. Zoning District Allowed:** HC
- B. Approved By:** Planning Board
- C. Maximum # of Machines:** 25
- D. Setbacks:** 1500 feet from any protected facility

For the purposes of this Special Use Permit, a protected facility shall include a dwelling unit (single family or multifamily), an educational facility to include their outdoor play yards, a licensed child care facility, assisted living facility, nursing home, hospital, medical center, and church or place of worship.

**E. Other Requirements:** The following development standards shall also apply:

1. Plans Required.

- a. A Site Plan drawn to scale shall be submitted at the time of application for the special use permit.
- b. A Floor Plan shall also be submitted at the time of application for the special use permit showing the use of all floor space, detailing the number of machines and their location in the facility.

2. Screening/landscaping. Landscaping and buffers shall meet the requirements of UDO Chapter 2, Article XVII.

- a. If existing topography and natural vegetation does not provide an adequate visual barrier, selective screening may be required.
- b. All parking shall be screened from adjoining properties used or zoned for residential or agricultural purposes.

3. Parking. Parking spaces shall be calculated as 1 space per each 2 machines.

4. Exterior lighting standards. Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.

- a. The maximum height of pole-mounted exterior lighting shall be 25 feet.
  - b. No lighting shall be directed onto adjacent property. Floodlights or other high-intensity lighting shall be prohibited.
5. Signs. One principal use identification sign not to exceed 25 square feet in area per sign face is allowed. The sign must be setback 10 feet from the front road right-of-way. The sign may be illuminated.
6. Permitting. The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies including but not limited to the Rockingham County Environmental Health Department, Building Inspections, Tax Department, and NC Department of Transportation.
7. Yearly Inspection. All Electronic Gaming Operations permitted after the adoption of this ordinance shall be subject to an annual review and inspection to ensure compliance with these regulations.

**(jj) Kennel, more than 8 domesticated animals**

**Zoning District:** RA, RM, RC, NC

**Approved By:** Planning Board

**Acres:** 2 acres are required for up to 16 animals.  
For every incremental increase of 8 animals, the acreage requirement shall increase by 1 acre.

**Setbacks:** All areas of the kennel facility shall maintain a minimum setback of 50 feet from the front property line, 25 feet from the side and rear property lines unless abutting a side street in which a minimum side setback of 40 feet shall be maintained.

**Access:** A Kennel of more than 8 domesticated animals shall follow these access requirements:  
1. Driveway access to the facility shall directly connect to a road that is maintained by the NCDOT;  
2. A commercial driveway permit must be obtained from NCDOT and a copy shall be provided to the Rockingham County Planning Department.

<b>Signs:</b>	<u>Type of Sign:</u>	Principle Use Identification Ground Sign
	<u>Permitted Number:</u>	1 sign per entrance
	<u>Maximum area of sign:</u>	25 sq. ft.
	<u>Permitted Illumination:</u>	None

**Other Requirements:**

1. The property shall be screened with a Type I landscape buffer a minimum of 15 feet in width and 8 feet in height, either planted or existing, along all sides of the kennel facility.
2. Parking shall be calculated at 1 space per each 400 square feet of gross floor area.
3. A site plan, drawn to scale, shall be submitted showing the following:
  - a. location of the proposed facility including boundary and acreage;
  - b. parking areas, roadways, entrances, and exits;



- c. any perennial and intermittent waters, flood plain, or wetlands on the facility property and any within 50 feet of the kennel area;
- d. existing and proposed landscape buffers;
- e. a floor plan of the facility must be provided