

## Article 5: Supplemental Regulations

### Section 5.01: Accessory Uses

- (A) The Use Table set forth in Section 3.05 classifies different principal uses according to their different impacts. Whenever an activity, which may or may not be separately listed as a principal use in this table, is conducted in conjunction with another principal use and the activity constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then such activity may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For purposes of interpretation, a use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use. To be "commonly associated" with a principal use, it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- (B) Without limiting the generality of subsection (A) above, the following activities, provided they satisfy the general criteria set forth above, shall be specifically regarded as accessory to residential principal uses:
- (1) Hobbies or recreational activities of a noncommercial nature;
  - (2) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling;
  - (3) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period.

### Section 5.02: Accessory Structures

- (A) Single-family detached dwellings, single-family semi-detached dwellings, and two family dwellings shall be permitted to construct and utilize structures which are accessory to the principle use of the property (including but not limited to detached private garages, storage sheds, children's playhouses, swimming pools, private kennels, non-commercial greenhouses, or similar structures provided the following requirements are met:
- (1) Accessory structures shall be located in the side or rear yard with the exception of gazebos, which may be located in any yard.
  - (2) Accessory structures shall be located a minimum of five (5) feet from any property line, another accessory structures, and principal structure, provided however, if the accessory structure exceeds fifteen (15) feet in height and or one thousand (1,000) square feet in area, then such accessory structure shall be located entirely in the buildable area of the lot.
- (B) All non-residential uses, multi-family uses, and single-family attached uses shall be permitted to construct and utilize structures which are accessory to the principal use of the property provided such accessory structures shall be located in the buildable area of the side or rear yard. Exceptions to these requirements are as follows:
- (1) Fuel pump canopies or similar canopies shall be permitted in all yards provided a minimum ten (10) setback is maintained from all property lines.

- (2) Guardhouses located at entrances to residential developments, industrial sites, or educational facilities or other uses that necessitate guardhouses shall be permitted provided such accessory structure shall be located a minimum of ten (10) feet from any property line and shall not exceed five hundred (500) square feet in gross floor area.
- (3) Covered outdoor eating shelters and play structures (ie. McDonald playlands) shall be permitted in any yard provided such structures shall be located entirely in the buildable area of the lot.
- (C) All public and private swimming pools and bathhouses located in any zoning district shall be completely enclosed by a security fence that is a minimum of four (4) feet in height.
- (D) No manufactured home shall be utilized as an accessory structure in any zoning district.
- (E) This section shall not be applicable to freestanding signs (See Article 11), fences, or dumpster enclosures.

**Section 5.03: Accessory Apartments**

Accessory apartments shall be permitted in all zoning districts where single-family detached dwellings are allowed provided the following requirements are met.

- (A) An accessory apartment shall be permitted as an accessory use for single-family detached dwellings only. Only one (1) accessory apartment shall be permitted per lot.
- (B) An accessory apartment may be attached to the principal residence or may be detached as an accessory building located in the rear yard of the principal residence.
- (C) If attached to the principal residence, then the structure shall be designed so that the appearance remains that of a single-family residence and lot. Entrances to the accessory apartment shall be located on the side or rear of the structure.
- (D) An accessory apartment may be constructed as a part of a detached garage located in the rear or side yard of the lot. If such detached garage is located in the side yard, then the front façade shall have the appearance of a garage.
- (E) The gross floor area of an accessory apartment shall not exceed forty (40) percent of the gross floor area of the principal residence or seven hundred fifty (750) square feet whichever is less.
- (F) No manufactured home or travel trailer shall be utilized as an accessory apartment nor shall an accessory apartment be allowed as an accessory use for a manufactured home or travel trailer.

**Section 5.04: Keeping of Non-household Animals**

- (A) The keeping of non-household animals including but not limited to horses, cows, hogs, and fowl shall be prohibited inside the corporate limits of the City of Rockingham except as provided in subsection (D) below.
- (B) The keeping of non-household animals including but not limited to horses, cows, hogs, and fowl shall be permitted on property zoned R-20 and R-7A in the City's extraterritorial jurisdiction provided the following requirements are met.
  - (1) Non-household animals shall be associated with a bona-fide farm operation or on property of a sufficient size to properly accommodate such animals.

- (2) Non-household animals shall be contained on the property by a fence or other acceptable means. Fences shall be of an appropriate height to protect the non-household animals and the neighboring properties.
  - (3) The property shall not be used as a breeding facility, except in the case of a bona-fide farm operation.
  - (4) The property shall not emit any obnoxious smells, odor, noises, or other conditions that constitute a nuisance.
  - (5) The property shall be maintained regularly for the safety and health of both the animals and the public.
  - (6) Upon receiving a written and signed complaint from any resident or property owner within two hundred (200) feet of the property on which the non-household animal is located, the Board of Adjustment and Appeals shall review the complaint and conduct a properly advertised public hearing to determine if the non-household animal is in violation of the above criteria. After the public hearing, the Board may dismiss the complaint; order the removal of the non-household animals; or place reasonable conditions in order to satisfy the above criteria.
- (C) The keeping of horses shall be permitted on property zoned R-12 in the City's extraterritorial jurisdiction provided such property is a minimum of ten (10) acres in size and subject to the requirements set forth in the above subsection (B)(1) through (6).
- (D) The keeping of chickens shall be permitted as an accessory use in conjunction with detached single-family residence uses in all zoning districts in the corporate limits and extraterritorial jurisdiction provided the following requirements are met.
- (1) The maximum number of female chickens (hens) allowed shall be six (6) per lot. No roosters shall be permitted.
  - (2) The chickens shall be for personal use only. Eggs, chicks, adult chickens, and processed chickens shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.
  - (3) A chicken coop and pen shall be provided, and such coops and enclosures shall not include residential structures or garages. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the chicken pen.
  - (4) Chicken coops (whether stationary or moveable) and pens shall only be located in rear yards and shall be located a minimum of ten (10) feet from any adjoining property line.
  - (5) The chicken coop and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the chickens.
  - (6) Chickens shall have adequate access to feed, clean water, and bedding at all times. The chicken coop, chicken pen, and surrounding areas shall be kept in a neat and sanitary condition at all times to preclude odors and aesthetic nuisances. Chicken feed shall be stored in a secure container.

- (7) Chicken manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container. Any compost using chicken manure shall be produced in an enclosed backyard composter.
- (8) The on-site slaughter of chickens shall be prohibited. If a chicken dies from causes other than slaughter, it shall be promptly placed into a plastic bag, which shall be closed securely and disposed of with household waste.

**Section 5.05: Outdoor Storage**

The term "outdoor storage" shall be defined as the placement of merchandise, equipment, machinery, or other miscellaneous materials outside the walls of an enclosed building for the purpose of storage and or stockpile. The following requirements shall apply to outdoor storage.

- (A) The storage of any vehicle that is unlicensed and inoperable outside of an enclosed structure shall be prohibited in all residential zoning districts.
- (B) The storage of household items (including but not limited to appliances, furnishings or fixtures) and motor vehicle parts outside of an enclosed structure shall be prohibited in all residential zoning districts.
- (C) Outdoor storage of items in non-residential districts shall be completely enclosed by a security fence a minimum of six (6) feet in height. Where such storage area is located within three hundred (300) feet of a residential zoning district or is visible from a public right-of-way, such storage area shall be screened from view by a solid fence, masonry wall, building or combination thereof. This provision shall not apply to the storage of operational vehicles used in conjunction with a principal use of property.

**Section 5.06: Outdoor Display**

The term "outdoor display" shall be defined as the placement of merchandise outside the walls of any enclosed building with the intent being to entice potential customers onto the premise or to promote the sale of such merchandise through the open display of such merchandise. The following requirements shall apply to outdoor displays.

- (A) Outdoor displays shall not be placed in any manner that impedes the safe and efficient movement of vehicular or pedestrian traffic.
- (B) Outdoor displays shall not encroach upon any public rights-of-way.
- (C) The term "open display" shall not be interpreted to include supply yards, salvage yards, or other items that are more appropriately characterized as outdoor storage as set forth in Section 5.05.

**Section 5.07: Containerized Storage and Shipping Units**

- (A) A containerized storage and shipping unit shall be defined as a metal container used for the storage and shipping of freight and merchandise that can be transported by placement on a truck chassis, trailer chassis, railroad car, ship or barge.
- (B) The use of containerized storage and shipping units in residential districts shall be prohibited except as a temporary use in conjunction with an approved construction project.
- (C) The use of containerized storage and shipping units in the B-1, B-2, B-3, and O-I districts shall be permitted, provided such units are not visible from any public right-of-way or are used in conjunction with an approved construction project.

- (D) The use of containerized storage and shipping units in the I-1 and I-2 districts shall not be regulated.
- (E) An inoperable or unlicensed vehicle shall not be considered a containerized storage and shipping unit.

**Section 5.08: Sight Visibility Triangles**

In order to ensure that structures, signs, and landscaping materials do not constitute a safety hazard for vehicular and pedestrian traffic, a "sight visibility triangle" shall be observed at all street intersections and all intersections of streets with railroad tracks. Within the sight visibility triangle, no obstruction of any kind shall be permitted between a height of two (2) feet and eight (8) feet above the mean elevation of the street. The B-2 (Central Business) district shall be exempt from these requirements. The sight visibility triangle shall consist of the following or other dimensions having a similar effect when intersections are not ninety (90) degrees.

- (A) Intersecting streets shall have a sight triangle with two sides being twenty-five (25) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.
- (B) A street intersecting a railroad track shall have a sight triangle with two sides being fifty (50) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the other two lines.
- (C) A street intersecting a driveway with one side being twenty-five (25) feet along the right-of-way, one side being ten (10) feet along the abutting driveway pavement, and the third side being a line connecting the other two lines. Driveways to single family homes shall be exempt from this requirement.

**Section 5.09: Satellite Dish Antennas**

- (A) Satellite dish antennas that are three (3) feet or less in diameter shall not be regulated by this ordinance.
- (B) In residential districts, satellite dish antennas that exceed three (3) feet in diameter shall be located in the rear yard; shall be a minimum of five (5) feet from any property line; and shall not exceed a height of twenty feet (20).
- (C) In nonresidential districts, satellite dish antennas that exceed three (3) feet in diameter shall comply with the following requirements.
  - (1) Satellite dish antennas shall be located in the rear yard or side yard a minimum of five (5) feet from any property line; or shall be attached to the roof of a building.
  - (2) Satellite dish antennas attached to rooftops shall not project higher than ten (10) feet above the maximum building height of the zoning district. Freestanding satellite dish antennas shall not exceed a height of twenty (20) feet.
- (D) Satellite dish antennas shall not be located in any public rights-of-way or utility easements.
- (E) Satellite dish antennas shall be the original color used by the manufacturer, off-white, pastel beige, pastel gray, or pastel gray-green. The paint shall have a non-glossy finish, and no patterns, lettering, numerals, or signage shall be permitted on the dish surface.

**Section 5.10: Major Home Occupations**

- (A) A major home occupation shall be defined as a commercial activity that is conducted by a person on the same lot where such person resides and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can likely be conducted without any significant adverse impact on the surrounding neighborhood.
- (B) A major home occupation shall be allowed as a special use in all zoning districts in conjunction with an existing single-family dwelling. A major home occupation shall be subject to the following requirements:
- (1) The principal practitioner of the home occupation shall reside in the residence used for such home occupation.
  - (2) No more than one (1) person other than those persons residing in the residence shall be engaged in the home occupation.
  - (3) The appearance of the structure shall not be altered in any manner, nor shall the occupation be conducted in any manner, which causes the premises to differ from its residential character. This shall include but not be limited to the use of color, material, construction, lighting, and signs; and the emission of noises, odors, vibrations, fumes, or electronic interference.
  - (4) A non-illuminated sign not exceeding four (4) square feet in area and attached flush to a wall of the residence shall be permitted. No other signs or advertising shall be permitted on the premises.
  - (5) The major home occupation shall not involve the routine use of commercial vehicles for delivery of materials or products to or from the premises. No commercial vehicle larger than a pickup truck or van shall be used in connection with the home occupation.
  - (6) A home occupation shall not include any type of retail or wholesale selling of merchandise or products, provided that incidental retail sales may be made in connection with a permitted home occupation.
  - (7) Outside storage and the use of accessory structures for storage shall not be permitted.
  - (8) No traffic shall be generated by a home occupation in a greater volume than would normally be expected in a residential area.
- (C) Types of businesses allowed as major home occupations may include but shall not be limited to the following:
- (1) Single chair beauty parlors or barber shops;
  - (2) Organized classes with a maximum of six (6) students at any one time;
  - (3) In-home daycare with between four (4) and six (6) children at any one time;
  - (4) Seamstress, dressmaking, or tailors;
  - (5) Office for lawyer, architect, engineer, or similar profession.

- (D) Upon receiving a written and signed complaint from any resident or property owner within four hundred (400) feet of an operating home occupation, the Board of Adjustment shall review the complaint and may conduct a properly advertised public hearing to determine if the home occupation is being conducted in accordance with this Section as well as with any conditions attached by the Board. The Board may then affirm, modify, or revoke the special use permit.

**Section 5.11: Minor Home Occupations**

- (A) A minor home occupation shall be defined as the use of a residential dwelling by the resident of such dwelling for use as a home office where the services rendered are provided off premises or involve no customer visitation to the residence.
- (B) A minor home occupation shall be allowed as a permitted use in all zoning districts in conjunction with an existing residential dwelling provided the following requirements are met:
- (1) The principal practitioner of the home occupation shall reside in the residence used for such home occupation.
  - (2) No more than one (1) person other than those persons residing in the residence shall be engaged in the home occupation.
  - (3) The appearance of the structure shall not be altered in any manner, nor shall the occupation be conducted in any manner, which causes the premises to differ from its residential character. This shall include but not be limited to the use of color, material, construction, lighting, and signs; and the emission of noises, odors, vibrations, fumes, or electronic interference.
  - (4) No stock or equipment shall be stored at the residence except in a vehicle used in conjunction with the business.
  - (5) No clients or customers of such home occupation shall be permitted to receive services at the business location.
  - (6) No accessory structure shall be used in conjunction with the business and only ten (10) percent or one (1) room of the residence shall be used in conjunction with the business.
  - (7) The minor home occupation shall not involve the routine use of commercial vehicles for delivery of materials or products to or from the premises. No commercial vehicle larger than a pickup truck or van shall be used in connection with the home occupation.
  - (8) No exterior signage shall be permitted.
- (C) Types of businesses allowed as minor home occupations may include but shall not be limited to the following:
- (1) Consulting services;
  - (2) Transcription services;
  - (3) Various types of contractor services;
  - (4) Various services provided through the internet;

- (D) For the purposes of this ordinance, an in-home child day care (three or less children) shall be allowed as a minor home occupation and shall be exempt from the provision of subsection 5.11 (B)(5) set forth above.

**Section 5.12: Manufactured Homes as Permanent Residences**

Manufactured homes utilized as permanent single-family detached dwelling units shall be allowed as a permitted use in the R-20 and R-7A zoning districts and provided the following requirements are met.

- (A) Manufactured homes shall be "Class A" as defined in Section 15.01. No "Class B" manufactured homes shall be permitted.
- (B) Manufactured homes shall be situated on a lot to meet all applicable dimensional requirements set forth in this Ordinance.
- (C) Manufactured homes shall be installed with their longest dimension parallel to the lot street frontage, provided however, when such parallel installation would violate applicable setback requirements, such manufactured home may be installed perpendicular to the lot street frontage.
- (D) The wheels, axles, and hitch shall be removed from all manufactured homes.
- (E) All grass, weeds, and other vegetation shall be removed from underneath the manufactured home site.
- (F) Manufactured homes shall be placed on a permanent masonry foundation in compliance with the North Carolina State Building Code.
- (G) The requirements set forth in subsection (F) above shall not apply to manufactured homes located in manufactured home parks. See Section 5.14 for the requirements for manufactured home parks.

**Section 5.13: Use of Manufactured Home for Non-residential Purposes**

The use of a manufactured home for any non-residential purpose including storage shall be prohibited.

**Section 5.14: Manufactured Home Parks**

Manufactured home parks shall be allowed as a special use in the R-7A zoning district provided the following requirements are met:

- (A) Manufactured homes parks shall meet the following dimensional and locational requirements:
- (1) The minimum tract size shall be three (3) acres.
  - (2) The minimum tract frontage shall be one hundred (100) feet along a public road.
  - (3) Manufactured home sites and park structures shall be set back at least fifty (50) feet from any abutting public street right-of-way lines; and at least thirty (30) feet from any other abutting property line.
  - (4) Each manufactured home space shall have an area of at least 5,250 square feet.
  - (5) Each manufactured home space shall have a minimum of fifty (50) linear feet of lot frontage.

- (6) A manufactured home park containing less than sixteen (16) manufactured home spaces shall have at least one access point no further than one-fourth (1/4) mile from a major arterial, as defined by the Rockingham-Hamlet Thoroughfare Plan.
- (7) A manufactured home park with sixteen (16) or more manufactured home spaces shall have at least one entrance/exit point directly accessible to a major arterial. There shall be at least two (2) separated entrance/exit points to a manufactured home park of sixteen 16 or more manufactured home spaces.
- (B) Roads: Private, paved roads shall be required within a manufactured home park. Each manufactured home space shall be directly accessible from an internal private road, with no direct access to public streets. The Rockingham Director of Public Works shall approve the layout and construction of private roads. Internal private roads with no on-street parking shall have a minimum pavement width of twenty-four (24) feet; and when on-street parking is provided, such private road shall have a minimum pavement width of thirty (30) feet. Roads of twenty-four (24) feet width must have signage indicating no on-street parking is allowed.
- (C) Utilities: Each manufactured home park created under this section shall be provided with an approved public water supply and sewage disposal systems. When water and/or sewer service is anticipated to be provided by the City or County system, a written statement from the appropriate authority regarding adequate capacity of the treatment plant and distribution lines shall be required. Water and sewer lines and appurtenances to them, which are to be dedicated upon completion, shall comply with the city's utility specifications. When a package treatment plant is allowed, the North Carolina Board of Health shall approve such sewage system. Where community septic tanks are allowed, approval of the system shall be given by the Richmond County Health Department. The Rockingham Fire Chief shall approve fire hydrant locations. Where proposed, written approval of proposed distribution systems and connections to other utilities, gas, electric, phone, and cablevision shall be given by the appropriate authorities.
- (D) Parking: Each manufactured home space shall be provided with two (2) off-street parking spaces, located conveniently to the manufactured home space. Where on-street parking is not allowed, provisions for guest parking are required at a ratio of two (2) guest spaces for each four (4) manufactured home spaces. These guest spaces shall be located conveniently to the manufactured home sites they are intended to serve.
- (E) Recreation: Not less than ten percent (10%) of the area of each manufactured home park shall be developed for active and passive recreation. Required setbacks shall not be considered recreation areas.
- (F) Pedestrian Access: All roads serving more than fifteen (15) manufactured home spaces shall have a four-foot (4) wide sidewalk on one side of the road. Walkways shall be smooth surfaced concrete, provide for safe and convenient pedestrian access, and shall be kept free from mud, dust, and standing water at all times. The walkway shall be separated from the driving area of the roadway by curb and gutter or a grassy median.
- (G) Individual manufactured home spaces shall meet the following requirements:
  - (1) Manufactured homes shall be separated from each other by not less than forty (40) feet side-to-side or end-to-end. Expandable rooms, doublewides, and additions to manufactured homes shall be considered integral parts of the structure for the purpose of spacing requirements.

- (2) Manufactured home stands shall be provided with anchorage and each manufactured home shall be anchored.
  - (3) Each manufactured home shall be curtained around its base with masonry or metal. Such curtain shall be completely enclosed to control rodent harborage.
  - (4) No storage shall be allowed on or around a manufactured home space other than in completely enclosed storage facilities.
- (H) Refuse and Debris: All refuse shall be stored in watertight, rodent-proof containers which shall be located within one hundred (100) feet of each manufactured home space and common structures. Manufactured home parks shall be maintained free of debris and undergrowth. Refuse shall be collected on a regular basis to assure a healthy and safe residential environment.

**Section 5.15: Large Scale Multi-family and Large Scale Single-family Attached Developments**

Large-scale multi-family developments and large-scale single-family attached developments shall be defined as multi-family or single-family attached developments that consist of more than one building or more than six (6) units. Large-scale multi-family developments and large-scale single-family attached developments shall be allowed as a special use in the R-7, R-7A, O-I, B-2, and B-3 zoning districts provided the following requirements are met.

- (A) Single-story dwelling structures shall be separated from other dwelling structures located on the same lot by a minimum of twenty (20) feet. Two or more story dwelling structures shall be separated from other dwelling structures located on the same lot by a minimum of forty (40) feet.
- (B) No dwelling structure shall exceed two hundred (200) feet in length.
- (C) A minimum type B buffer (as set forth in Article 9) shall be required along all property lines adjacent to single-family detached developments. A minimum type C buffer shall be required along all property lines adjacent to railroad rights-of-way, limited access highways, and industrial zoning districts.
- (D) Large-scale multi-family developments and large-scale single-family attached developments located in the O-I, B-2, and B-3 districts shall not exceed the density requirements set forth in Article 4 for the R-7 zoning district (5,250 square feet of lot area per unit).
- (E) All access ways and parking areas for large-scale multi-family developments and large-scale single-family attached developments shall be paved. Adequate space for the ingress and egress of emergency service vehicles shall be provided.
- (F) Any infrastructure located on private property that is to be maintained by the City of Rockingham shall be installed to comply with City specifications. Adequate easements shall be granted for the maintenance of such infrastructure.

**Section 5.16: Multiple Duplex Developments**

Multiple duplex developments shall be defined as the development of more than one duplex on one lot. Multiple duplex developments shall be allowed as a special use in the R-7, R-7A, R-8, O-I, B-2, and B-3 zoning districts provided the following requirements are met.

- (A) All dwelling structures shall be located a minimum of fifteen (15) feet from any other dwelling structure located on the same lot.

- (B) Multiple duplex developments located in the O-I, B-2, and B-3 districts shall not exceed the density requirements set forth in Article 4 for the R-7 zoning district (5,250 square feet of lot area per unit).
- (C) All access ways and parking areas for large-scale multiple duplex developments shall be paved. Adequate space for the ingress and egress of emergency service vehicles shall be provided.
- (D) Any infrastructure located on private property that is to be maintained by the City of Rockingham shall be installed to comply with City specifications. Adequate easements shall be granted for the maintenance of such infrastructure.

**Section 5.17: Single-family Semi-detached Dwellings**

Single-family semi-detached dwellings shall be allowed as a permitted use in the R-7, R-7A, and R-8 zoning districts provided the following requirements are met.

- (A) In the R-7 and R-7A zoning districts, the minimum lot area for each dwelling unit shall be 5,250 square feet. In the R-8 zoning district, the minimum lot area for each dwelling unit shall be 6,000 square feet.
- (B) In a situation where a single-family semi-detached development is proposed that would constitute a major subdivision, construction of the dwelling units may be completed prior to the approval of the final plat, provided all required infrastructure is completed prior to the construction of such dwelling units or a financial guarantee is posted for such infrastructure as set forth in this Ordinance.
- (C) Each lot shall have one side yard with a zero setback requirement (two units share a common vertical wall, the center of which is the property line); and one side yard that meets the setback requirements set forth in Article 4.

**Section 5.18: Single-family Detached Dwellings (more than one unit per lot)**

- (A) Only one (1) single-family detached dwelling shall be permitted per lot except as provided in subsections (B) and (C).
- (B) The provisions of this section shall not be applicable to manufactured home parks whether conforming or nonconforming.
- (C) Existing lots that contain more than one (1) single-family detached dwelling shall be allowed to replace an existing dwelling unit subject to the provisions set forth in Article 6: Nonconforming Situations and provided the total number of units is not increased.

**Section 5.19: Travel Trailers, Campers and Recreational Vehicles**

The use of a travel trailer, camper, or recreational vehicle as a temporary or permanent residence shall be prohibited.

**Section 5.20: Professional Offices and Financial Institutions**

Professional offices and financial institutions shall be allowed as a permitted use in the O-I, B-1, B-2, and B-3 zoning districts. Professional offices and financial institutions shall be allowed as a special use in the R-9 zoning district provided the following conditions are met.

- (A) The subject property where such use is proposed shall be a corner lot where both streets are major thoroughfares as designated in the *Thoroughfare Plan for the Cities of Rockingham - Hamlet* with an ADT in excess of 2,000.
- (B) Landscape buffers shall be installed along all property lines adjacent to residential lots that effectively screen the proposed use from such adjacent residential lots.

- (C) The architectural style of all structures shall be compatible and in harmony with the surrounding residential uses.
- (D) One wall sign and one freestanding sign in addition to those allowed under Article 11 shall be permitted provided the size requirements do not exceed those set forth in the applicable Section of Article 11.

**Section 5.21: Self-service Storage Facilities**

Self-service storage facilities (also know as mini-storage warehouses) shall be allowed as a permitted use in the B-3, I-1, and I-2 zoning districts provided the following requirements are met.

- (A) The interior drives between buildings shall be a minimum of twenty-two (22) feet in width. Such measurement shall be made from building wall to building wall.
- (B) All vehicular drives, access ways, and loading areas shall be paved with asphalt, concrete, or similar type material.
- (C) Self-service storage facilities shall be used for dead storage only.
- (D) With the exception of auctions of items from storage units with unpaid bills, auctions, garage sales, and similar activities shall be prohibited.
- (E) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn motors, appliances, or similar equipment shall be prohibited.
- (F) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, or similar equipment shall be prohibited.
- (G) The storage of any materials that are noxious or offensive because of odors, dust, noise, fumes, or vibrations shall be prohibited.
- (H) The storage of any hazardous, toxic, or other potentially harmful products or wastes shall be prohibited.
- (I) Individual storage units shall not exceed eight hundred (800) square feet in area.
- (J) An accessory apartment shall be permitted for a resident manager in conjunction with self-service storage facilities.
- (K) Any portion of a self-service storage facility (excluding offices) located adjacent to a major thoroughfare as designated in the *Thoroughfare Plan for the Cities of Rockingham – Hamlet* or adjacent to a residential zoning district shall require a minimum Type A buffer as set forth in Article 9.

**Section 5.22: Sexually Oriented Businesses**

Locational requirements, permitting requirements and licensing requirements for sexually oriented businesses are set forth in Chapter 114 of the *City of Rockingham, North Carolina Code of Ordinances*.

**Section 5.23: Planned Residential Development (PRD)**

- (A) Defined: A planned residential development shall be defined as a form of development characterized by a unified site design for a number of housing units that includes the clustering of buildings, the provision of common open space, and a mix of dwelling unit types. It permits the

planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

- (B) Districts Allowed: Planned residential developments shall be allowed as a special use in all residential districts on tracts of land a minimum of five (5) acres in area.
- (C) Types of Uses: Any type of residential dwelling unit may be allowed in a planned residential development except manufactured housing.
- (D) Dimensional Requirements: Minimum dimensional requirements in regards to setbacks, lot width, and lot area shall be established by the Board of Adjustment during the site plan review process. In all cases, the established minimum lot sizes shall be of sufficient area to accommodate the proposed use and provide reasonable visual and acoustical privacy for each dwelling unit.
- (E) Density Calculation: The maximum density shall be calculated by dividing the total square footage of the tract included in the PRD by the minimum lot area for the zoning district in which the PRD is proposed.
- (F) Open Space Reservation: A minimum of twenty (20) percent of the total tract included in a PRD shall be reserved as common open space. Common open space shall comply with the requirements set forth in Sections 7.52 and 7.53.
- (G) Perimeter Buffers: The Board of Adjustment may impose buffering requirements around the perimeter of a PRD to ensure that adjacent properties are not adversely affected by the PRD. Buffering may include but shall not be limited to the preservation of existing topographic features, preservation of vegetation, construction of berms, fences, or walls, and the installation of additional vegetation.
- (H) Streets: All streets proposed for public dedication shall be designed and constructed to comply with the minimum specifications set forth in this Ordinance. The Board of Adjustment may approve private paved streets when determined to be appropriate for the specific characteristics of a proposed development. Individual structures or land uses shall not be required to front on a public street, provided however, access to such structures or uses shall be sufficient to allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof will assume maintenance responsibilities for all private streets and access ways.
- (I) Utilities: Utilities including storm sewers, sanitary sewers, refuse disposal, and water systems shall be designed by a registered engineer and shall be approved by the Director of Public Works. As-built drawings of the facilities shall be required where the utilities will be dedicated to and accepted by the City. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof will assume maintenance responsibilities for all private utility systems.
- (J) Phased Development: When a planned residential development is to be developed in phases, the owner shall submit a preliminary site plan of the overall project and detailed plans of the phase to be developed. The preliminary plan shall show the entire project in general form, while the phase to be developed shall include all items required by this Section. No construction of other phases may begin before a special use permit is issued for those phases.
- (K) Changes: Major changes in the approved site plan shall require formal submission and approval of such changes. Major changes shall include: increasing the number of dwelling units, reducing the number of off-street parking and loading spaces; reducing the landscaping and buffer areas; and

other changes deemed significant by the Planning Director. The Planning Director and Director of Public Works may approve changes in the utilities and streets, and minor design changes, without the formal submission of a revised plan. Such changes shall not vary the requirements, general purpose, and/or intent of the original special use permit.

- (L) Subdivision Approval: The responsibility for approving preliminary plats in planned residential developments that include the subdivision of property shall be delegated to the Board of Adjustment. The preliminary plat review process shall run concurrent with the review of the application for the special use permit for a planned residential development.

#### **Section 5.24: Unified Developments**

A unified development shall be defined as a non-residential development of two or more buildings, or three or more distinct, individual establishments in a single building, which share common off-street parking areas, loading areas, vehicular access points, and/or utility services. A unified development that does not exceed five thousand (5,000) square feet in total gross floor area shall be allowed as a permitted use in the B-1, B-2, B-3, O-I, I-1, and I-2 zoning districts. All other unified developments shall be allowed as a special use in the B-1, B-2, B-3, O-I, I-1, and I-2 zoning districts provided the following requirements are met.

- (A) The types of uses allowed in a unified development shall be the same as those uses set forth in the Use Table in Section 3.05 for the zoning district in which the property is located.
- (B) Unified developments shall comply with all applicable dimensional requirements of the district in which the development is located. Dimensional requirements shall apply to the entire development proposal rather than to individual structures. In addition, unified developments located in a B-1 district shall comply with the dimensional requirements set forth in the following table.

<b>Additional Dimensional Requirements for Unified Developments in B-1</b>	
Maximum Lot Area	3 acres
Maximum Number of Establishments	5
Maximum Gross Floor Area	25,000 sq. ft.
Maximum Gross Floor Area of each Establishment	7,000 sq. ft.

- (C) Private paved drives shall be permitted in unified developments. Individual structures or land uses shall not be required to front on a public street, provided however, access to such structures or uses shall be sufficient to allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances acceptable to the permit-issuing authority, for the continued maintenance of private drives. In order to facilitate and ensure the safe and efficient movement of vehicular traffic in and around unified developments, the permit-issuing authority may require the channelization of egress and ingress points.
- (D) Storm sewer, sanitary sewers, and water systems for all unified developments shall be approved by the Rockingham Director of Public Works and shall be designed by a registered engineer if so required by the Director of Public Works. As-built drawings of the facilities shall be required where the utilities are to be dedicated to, and accepted by, the City. The developer shall provide assurances, acceptable to the City, for continued maintenance of private utility systems.
- (E) When a unified development is to be developed in phases, the developer may submit a preliminary site plan of the overall project and detailed plans of the phase to be developed. The preliminary plan shall illustrate the entire project in general form, while the phase to be developed shall

illustrate compliance with all applicable requirements set forth in this Ordinance. No construction or development of other phases may begin before a special use permit is issued for those phases.

- (F) Major changes in the approved site plan shall require formal submission and approval of such changes by the permit-issuing authority. Major changes shall include increasing the number of structures and or establishments; increasing the number of curb cuts; reducing the landscaping and buffer areas; and other such changes deemed significant by the Administrator. The Administrator may approve minor changes without the formal submission of a detailed plan. Such changes shall not vary the requirements, general purpose, and/or intent statement of the zoning district in which the proposed development is located.

#### **Section 5.25: Senior Cottage Residential Developments**

A senior cottage residential development shall be defined as a residential development generally designed to accommodate the elderly and retirees consisting of multiple single-family detached dwellings not exceeding 1,000 square feet in total heated floor area where a single entity retains ownership of the entire development and is responsible for the management and maintenance of all buildings and grounds. Senior cottage residential developments shall be allowed as special uses in all residential zoning districts (R-20, R-12, R-9, R-8, R-7, and R-7A) provided the following requirements are met.

- (A) The maximum density for a senior cottage residential development shall not exceed the gross maximum density allowed for single-family uses in the zoning district where such development is located. The maximum number of units allowed shall be calculated by dividing the total square footage of the tract on which the development is proposed by the minimum lot area for single-family detached uses in the zoning district where the development is proposed (as set forth in Section 4.01).
- (B) Private paved drives shall be permitted in senior cottage residential developments. Individual dwelling units shall not be required to front on a public street, provided however, access to such structures or uses shall be sufficient to allow for public safety vehicles to efficiently maneuver. The ownership entity shall be responsible for the continued maintenance of private drives.
- (C) Any infrastructure located on private property that is to be maintained by the City of Rockingham, shall be installed to comply with City specifications. Adequate easements shall be granted for the maintenance of such infrastructure.
- (D) All dwelling units shall be separated by a minimum distance of twenty (20) feet. The standard setbacks from property boundaries for single-family dwellings (as set forth in Section 4.01) in the zoning district where the development is proposed shall be applicable.
- (E) The subdivision of property within a senior cottage residential development to create separate lots for individual dwelling units shall be prohibited unless all lots created by such subdivision comply with all applicable dimensional requirements as set in Section 4.01 and have frontage on a dedicated public street.

#### **Section 5.26: Unattended Donation Containers**

An unattended donation container shall be defined as any box, bin, dumpster, trailer, or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations. Unattended donation containers shall be permitted in the Highway Business (B-3) zone as a permitted use subject to the following requirements.

- (A) The container shall be durable, waterproof, covered, and of uniform color. The name and phone number of the party responsible for maintenance shall be posted on the container.

- (B) The container shall be prohibited unless located at the operational site of a company or organization that collects used clothing or other household materials for resale or donation as a primary business function.
- (C) No containers shall be located within a public right-of-way or within twenty (20) feet of any public right-of-way.
- (D) No containers shall be located within any required parking spaces or within any required landscape area.
- (E) Prohibited donation containers that exist at the time this section is adopted shall be removed within sixty (60) days of adoption.