

## Article 1: General Provisions

### Section 1.01: Short Title

This Ordinance shall be known as and may be cited as the City of Rockingham Unified Development Ordinance.

### Section 1.02: Authority

- (A) This Ordinance is adopted pursuant to the authority contained in Chapter 160D of the North Carolina General Statutes.
- (B) Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### Section 1.03: Jurisdiction

- (A) This ordinance shall be effective throughout the City's planning jurisdiction. The City's planning jurisdiction comprises the area within the corporate boundaries of the City as well as the area described in the ordinance most recently adopted by the City Council re-establishing the boundaries of the extraterritorial planning and zoning jurisdiction, a copy of which is on file in the office of the City Clerk and recorded in the Richmond County Register of Deeds.
- (B) In addition to other locations required by law, a copy of a map showing the boundaries of the City's Planning Jurisdiction shall be available for public inspection in the Planning and Inspections Department.

### Section 1.04: Effective Date

The provisions in this ordinance were originally adopted and became effective on January 13, 2004.

### Section 1.05: Purpose of Ordinance

- (A) The regulations as herein set forth were made and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements for a quality urban environment.
- (B) It is the further purpose of this Ordinance to establish procedures and standards for the subdivision and development of land within the territorial jurisdiction of the City of Rockingham. It is further to provide for the orderly growth and development of the City for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights-of-way or easements for street, utility, and public facility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding, and will create conditions essential to public health, safety, and the general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playground; and also, to facilitate the further re-subdivision of large tracts into smaller parcels of land.

### Section 1.06: Relationship to Existing Unified Development Ordinance

To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in the City's Unified Development Ordinance, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. A situation that did not constitute a lawful, nonconforming situation under the previously adopted Unified Development

Ordinance shall not achieve lawful nonconforming status under this Ordinance merely by the repeal of the Unified Development Ordinance.

### **Section 1.07: Relationship to Comprehensive Plan**

- (A) The City Council shall adopt and reasonably maintain a comprehensive plan or a land-use plan. A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic, development of the jurisdiction. A land-use plan uses text and maps to designate the future land sue or reuse of land. The comprehensive plan or land-sue plan is intended to guide coordinated, efficient, and orderly development within the planning and zoning jurisdiction based on an analysis of present and future needs. Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.
- (B) It is the intention of the City Council that this Ordinance implements the planning policies adopted by the City Council for the City and its extraterritorial planning area, as reflected in the comprehensive plan or land-use plan and any related planning documents. While the City Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the City Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

### **Section 1.08: Effect of this Ordinance**

- (A) No building, structure or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (B) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, except as provided specifically by other provisions of this Ordinance.
- (C) No part of a yard or other open space required about or in connection with any building for the purpose of complying with this Ordinance shall be encroached upon or considered as meeting the yard or open space similarly required for any other building, except as specifically allowed by other provisions of this Ordinance.
- (D) No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards of lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- (E) Every building hereafter erected, moved, or structurally altered shall be located on an individual lot. In no case shall there be more than one (1) principal building and its customary accessory buildings on a lot, except as specifically authorized by other provisions of this Ordinance.
- (F) No building shall be erected on or moved to a lot which does not abut a public street or have access to a public street as defined in Article 15 of this Ordinance (Definitions), except as specifically authorized by other provisions of this Ordinance.
- (G) Subject to Article 6 of this Ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under this control except in accordance with all of the applicable provisions of this Ordinance.

- (H) For the purposes of this Ordinance, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**Section 1.09: Fees**

- (A) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, subdivision plat approval, zoning amendments, variances, and other administrative relief. The amount of the fees charged shall be as set forth in the City budget or as established by resolution of the City Council filed in the office of the City Clerk. The cost for copies of this Ordinance, in whole or in part, shall be determined by the City Administration to an amount sufficient to cover copying and administrative costs.
- (B) Fees established in accordance with subsection (A) shall be paid upon submission of a signed application or notice of appeal.

**Section 1.10: Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

**Section 1.11: Computation of Time**

- (A) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- (B) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

**Section 1.12: Development Approvals Run with the Land**

Unless provided otherwise by law, all rights, privileges, benefits, and obligations created by development approvals made pursuant to this Ordinance attach to and run with the land.