

Article 3: Use Regulations

Part 1: Zoning and Overlay Districts

Section 3.01: Zoning Districts Established

- (A) Rural Residential (R-20): There shall hereby be established a Rural Residential (R-20) zoning district, which is generally intended to be applied to sparsely developed areas outside the city limits where municipal services are not available and are not anticipated to be provided based on projected growth patterns. The regulations for such district are intended to maintain the rural character of the area; promote extremely low-density residential development; and provide areas for agriculture and related land uses.
- (B) Low Density Residential (R-12): There shall hereby be established a Low Density Residential (R-12) zoning district, which is generally intended to be applied to areas for the preservation and promotion of low density residential neighborhoods where municipal services are available or anticipated. The regulations for such district are intended to provide for the orderly growth of single-family detached development (excluding manufactured housing) with a relatively spacious character in order to create quiet, livable neighborhoods.
- (C) Moderate Density Residential (R-9): There shall hereby be established a Moderate Density Residential (R-9) zoning district, which is generally intended to be applied to areas for the preservation and promotion of moderate density residential neighborhoods where municipal services are available or anticipated. The regulations for such district are intended to provide for the orderly growth of single-family detached development (excluding manufactured housing) with a moderately spacious character in order to create quiet, livable neighborhoods.
- (D) Residential Duplex (R-8): There shall hereby be established a Residential Duplex (R-8) zoning district, which is generally intended to be applied to areas for the preservation and promotion of medium density residential neighborhoods where municipal services are available or anticipated. The regulations for such district are intended to provide for the orderly growth of single-family detached, semi-detached, and two-family development (excluding manufactured housing) with a moderately dense character in order to create quiet, livable neighborhoods.
- (E) High Density Residential (R-7): There shall hereby be established a High Density Residential (R-7) zoning district, which is generally intended to be applied to areas for the preservation and promotion of high density residential neighborhoods where municipal services are available or anticipated. The regulations for such district are intended to provide for the orderly growth of single-family detached, (excluding manufactured housing) single-family attached, single-family semi-detached, two-family and multi-family development with a dense character in order to create quiet, livable neighborhoods.
- (F) Residential Mill Village (R-7A): There shall hereby be established a Residential Mill Village (R-7A) zoning district, which is generally intended to be applied to the existing mill village areas. The regulations for such district are intended to accommodate the historic development patterns created in the mill village areas and thereby minimize the creation of nonconforming situations while still maintaining quiet, livable neighborhoods.
- (G) Office Institutional (O-I): There shall hereby be established an Office Institutional (O-I) zoning district, which is generally intended to accommodate and provide for the development of professional, medical and institutional uses in an office park or campus like environment and provide areas for high density residential developments.

- (H) Neighborhood Business (B-1): There shall hereby be established a Neighborhood Business (B-1) zoning district, which is generally intended to accommodate and provide for the development of small, neighborhood oriented commercial activities strategically located to offer goods and services to the surrounding residential areas. The regulations for such district are intended to provide for commercial and service-related uses that are typically considered non-offensive in nature and compatible with residential uses in close proximity.
- (I) Central Business (B-2): There shall hereby be established a Central Business (B-2) zoning district, which is generally intended to be applied to the core commercial area of Rockingham known as the downtown area. The regulations for such district are intended to provide for a mixture of commercial, service, residential, and governmental uses in an intensely developed, pedestrian friendly environment.
- (J) Highway Business (B-3): There shall hereby be established a Highway Business (B-3) zoning district, which is generally intended to accommodate and provide for the development of a variety of commercial activities where municipal services are available or anticipated. The regulations for such district are intended to provide for extensive commercial development with easy accessibility and adequate parking and landscaping along major thoroughfares and at major intersections.
- (K) Light Industrial (I-1): There shall hereby be established a Light Industrial (I-1) zoning district, which is generally intended to accommodate and provide areas for wholesale activities, industrial research, warehousing and light manufacturing operations. The regulations for such district are intended to promote sound, permanent, light industrial development and to protect abutting and surrounding areas from any undesirable impacts of such development.
- (L) Heavy Industrial (I-2): There shall hereby be established a Heavy Industrial (I-2) zoning district, which is generally intended to accommodate and provide for intensive industrial activities that create some level of nuisance. The regulations for such district are intended to protect the community from undesirable characteristics associated with heavy industrial uses, while still allowing for economic growth.
- (M) Open Space (OS): There shall hereby be established an Open Space (OS) zoning district, which is generally intended to be applied to undeveloped areas that are ecologically, economically, culturally, or historically significant to the community in their current undeveloped state. The regulations for such district are intended to maintain and preserve undeveloped areas that are environmentally sensitive, wildlife refuges, passive recreation areas, scenic areas, or have other significance in order to justify maintaining their undeveloped state.

Section 3.02: Overlay Districts Established

- (A) Historic Overlay District (HD): There shall hereby be established a Historic overlay district, which is intended to encourage and promote the restoration, preservation, and conservation of historically significant areas, structures, sites, and objects and their surroundings. The regulations for such district are intended to protect such areas from potentially adverse elements, which may cause the decline, decay, or destruction of important historical features, which are a part of the community's total heritage. (See Article 13).
- (B) Airport Hazard Overlay District (AH): There shall hereby be established an Airport Hazard overlay district, which is intended to regulate the development, growth, and construction of structures that may present hazards to air traffic utilizing the Rockingham-Hamlet Airport, other aircraft landing areas, and aircraft flight patterns in the vicinity. The regulations for such district are intended to protect the lives and property of aircraft users and occupants of land in the vicinity of low flying aircraft. To these ends, the Airport Hazard Zoning Regulations as adopted by the

Richmond County Board of Commissioners shall be incorporated into this Ordinance by reference. (See Appendix D).

- (C) Transitional Neighborhood Commercial Overlay District (TNCO) and Transitional Highway Commercial Overlay District (THCO): (See Part 3 of this Article).
- (D) Critical Area of Watershed (WS-III-CA) and Balance of Watershed (WS-III-BW): (See Part 2 of Article 8).
- (E) Floodway (FW) and Floodplain (FP): (See Part 1 of Article 8).

Section 3.03: Official Zoning Map

- (A) The locations and boundaries of the zoning districts and overlay districts shall be as shown on the map accompanying this ordinance and made a part hereof, entitled "City of Rockingham Official Zoning Map." Such map and the notations, references and amendments thereto, and other information shown thereon, shall be hereby made a part of this Ordinance. Such map, properly attested by the signatures of the Mayor and City Clerk with the seal of the municipality affixed, shall be kept on file in the Planning and Inspections Department and shall be available for inspection by the public.
- (B) The boundaries of such districts as are shown upon the aforesaid map are hereby adopted. The provisions of this Ordinance governing within each type of district the use of land and buildings, the height of buildings, and other matters as are hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district as shown upon said map.
- (C) In the creation of the respective districts by this Ordinance, reasonable consideration was given to the character of each 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 City of Rockingham and its extraterritorial jurisdiction.

Section 3.04 Lots Divided by District Boundaries

- (A) Whenever a single lot two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within the larger portion of the lot shall apply to the entire lot.
- (B) Whenever a single lot greater than two (2) acres in size is located within two (2) or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the districts in which it is located.

Part 2: Use Table

Section 3.05: Use Table

Within the zoning and overlay districts as indicated on the City of Rockingham Official Zoning Map, no land, building, or structure shall be used, and no building or structure shall be erected or altered, except in conformance with the provisions of this Ordinance. Where more than one use occupies a building or premises, the zoning requirements for each use shall be adhered to as set forth in this Ordinance. The following rules shall apply in the interpretation of the Use Table:

- (A) A "P" shall indicate that a use is allowed by right in the respective district with a zoning permit issued by the Administrator. Such uses shall be subject to all other applicable regulations of this Ordinance.

- (B) A "P*" shall indicate that a use is allowed with a zoning permit issued by the Administrator, provided that the use complies with the additional standards set forth in Article 5. Such use shall also be subject to all other applicable regulations of this Ordinance.
- (C) A "S" shall indicate that a use is allowed only if reviewed and approved as a special use by the Board of Adjustment as set forth in Article 2. Special uses shall be subject to all other applicable regulations of this Ordinance.
- (D) A blank cell in the Use Table shall indicate that a use or use category is not allowed in that respective district.
- (E) The presumption established in the Use Table is that all legitimate uses of land are permissible within at least one zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in the following Use Table cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- (F) Notwithstanding Subsection (E) above, all uses that are not listed in the Use Table, even given the liberal interpretation mandated by Subsection (E) shall be prohibited. The Use Table shall not be interpreted to allow a use in one district when the use in question is more closely related to another specified use that is permissible in other districts.

USE TABLE															
		P = permitted by right			P* = permitted subject to standards			S = special use permit required							
		Residential Districts						Nonresidential Districts							
USE CATEGORY	SPECIFIC USE	R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2	O-S	Notes
RESIDENTIAL															
Household Living	Single-family detached (Site Built)	P	P	P	P	P	P			S					
	Single-family detached (Modular)	P	P	P	P	P	P			S					
	Single-family detached (Manufactured – Class A)	P*					P*								5.12 5.13
	Single-family attached (one building with six or less units)				P	P	P			P					
	Large-scale single-family attached (more than one building or more than six units)					S	S	S		S	S				5.15
	Single-family semi-detached				P*	P*	P*								5.17
	Single family detached with accessory apartment	P*	P*	P*	P*	P*	P*			P*					5.03
	Duplex; two family dwelling				P	P	P			P					
	Multiple duplex (more than one duplex per lot)				S	S	S	S		S	S				5.16
	Multi-family (one building with six or less units)				P	P	P			P					

USE TABLE															
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USE CATEGORY	SPECIFIC USE	Residential Districts						Nonresidential Districts						Notes	
		R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2		O-S
Household Living (continued)	Large-scale multi-family (more than one building or more than six units)					S	S	S			S	S			5.15
	Manufactured home park						S								5.14
	Upper-story residence									P					
	Senior cottage residential development	S	S	S	S	S	S								5.25
	Security or caretaker quarters											P	P	P	
Group Living	Family care home	P	P	P	P	P	P	P	P	P	P				
	Intermediate care home	S					S	P							
	Halfway house	S					S	P							
	Handicapped or infirmed homes	S					S	P							
	Nursing care home	S					S	P							
	Child care home	S				S	S	P							
PUBLIC, CIVIC, AND INSTITUTIONAL															
Community Service	Community center	S				S	S	P	P	P	P				
	Library, museum, art gallery, art center						S	P	P	P	P				
	Civic and fraternal organizations	S	S	S	S	S	S	P	P	P	P	P	P		
	Religious institutions	P	P	P	P	P	P	P	P	P	P	P	P		
	Homeless Shelters and Soup Kitchens										S				
Day Care	Adult day care facility	S			S	S	S	P	P	P	P				
	In-home child day care (three or less children as minor home occupations)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	5.11
	Family child day care (four to six children as major home occupation)	S	S	S	S	S	S	S	S	S	S	S	S	S	5.10
	Child day care center	S	S	S	S	S	S	P	P	P	P				
Educational Facilities	Primary or secondary school (public or private)	S	S	S	S	S	S	P	P	P	P				
	College or university							P		P	P				
	Trade or vocational school							P		P	P	P	P		

USE TABLE															
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		Residential Districts						Nonresidential Districts							
USE CATEGORY	SPECIFIC USE	R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2	O-S	Notes
Government Facilities	Ambulance service, rescue squad, police or fire station	S	S	S	S	S	S	P	S	P	P	P	P		
	Utility facility (neighborhood)	P	P	P	P	P	P	P	P	P	P	P	P		
	Utility facility (community or regional)	S	S	S	S	S	S	S	S	S	S	S	S		
	Government office							P	P	P	P				
	Penal, correction, or detention facility											S	S		
	Armory									S	P	P	P		
	Post office									P	P				
Health Care	Hospice							P			P				
	Hospital							P			P				
	Medical research facility							P		P	P				
	Mental health facility							P		P	P				
Institutions	Congregate living facility	S			S	S	S	P	P		P				
	Assisted living facility	S			S	S	S	P	P		P				
	Nursing care institution	S			S	S	S	P	P		P				
	Intermediate care institution	S			S	S	S	P	P		P				
	Childcare institution	S			S	S	S	P	P		P				
	Handicapped institution	S			S	S	S	P	P		P				
Parks and Open Space	Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Public park, swimming pool, tennis court, golf course	S	S	S	S	S	S	S	S	S	S	S	S	S	
Transit Services	Bus passenger terminal									P	P				
	Taxicab or limousine service								P	P	P				
COMMERCIAL, OFFICE, RETAIL															
Entertainment	Bar, nightclub, tavern									S	P				
	Golf course or country club (private)	S	S	S	S	S	S				P			S	
	Gym, spa, indoor tennis court, pool, or fitness center							P	P	P	P				

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		Residential Districts						Nonresidential Districts							
USE CATEGORY	SPECIFIC USE	R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2	O-S	Notes
Entertainment (continued)	Horse stables and related facilities	S												S	
	Pool hall, game room, bingo parlor and similar uses									S	P				
	Automobile and motorcycle race track												S		
	Sexually oriented business										S				5.22
	Theater (in door)									P	P				
	Theater (drive-in)										S				
	Auditorium, assembly hall	S						P		P	P				
	Water slide, golf driving range, miniature golf, batting cage or similar use										P				
	Other indoor entertainment facilities									S	P				
	Other outdoor entertainment facilities	S									S				
Office	Bank, financial institution			S				P	P	P	P				5.20
	All types of office space			S				P	P	P	P				5.20
	All types of office space in existing commercial buildings			S			S	P	P	P	P				5.20
Overnight Accommodations	Hotel, motel									P	P				
	Bed and breakfast inn					P	P			P					
	Rooming house, boarding house					P	P			P					
	Extended stay facility									P	P				
Self-service Storage	All such uses										P*	P*	P*	5.21	
Restaurant	Restaurant with on premise consumption of alcoholic beverages or a drive-thru window								S	P	P				
	Restaurant without on premise consumption of alcoholic beverages and no drive-thru window								P	P	P				
Retail Sales and Personal Service	Convenience store with or without fuel sales								S	P	P	P	P		
	Produce market	S					S		P	P	P				
	Flea market or similar open air market										S				

USE TABLE															
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		Residential Districts						Nonresidential Districts							
USE CATEGORY	SPECIFIC USE	R-20	R-12	R-9	R-8	R-7	R-7A	O-I	B-1	B-2	B-3	I-1	I-2	O-S	Notes
Retail Sales and Personal Service (continued)	Repair oriented use with no outdoor operations								P	P	P	P	P		
	Pharmacy, florist, medical supply							P	P	P	P				
	Sales or service oriented use without outdoor operations not otherwise listed herein								P	P	P				
	Sales or service oriented use with outdoor operations not otherwise listed herein.								S	S	P				
	Manufactured home sales										P	P	P		
	Funeral home							P	P	P	P				
	Crematorium										S	S	S		
	Dry cleaners; laundromat								P	P	P	P	P		
	Tattoo parlor, body-piercing studio										P				
	Pawn shop								S	S	P				
	Barbershop, beauty shop								P	P	P				
	Veterinarian/kennel, indoor	S							P	S		P	P	P	
Veterinarian/kennel with outdoor operations	S									S	P	P			
Vehicle Sales and Service	Automobile detailing service								P	P	P	P	P		
	Automated or self-service car wash										P	P	P		
	Vehicle repair and body work										P	P	P		
	Vehicle sales and rental									S	P				
	Vehicle towing and storage										P	P	P		
	Automotive service station								S	S	P	P	P		
Truck stop										P	P	P			
Vehicle Parking and Storage	Vehicle parking lots not accessory to a principal use	S	S	S	S	S	S	P	P	P	P	P	P		
	Parking garages							S		S	S	S	S		
INDUSTRIAL															
Light Industrial	Light industrial service use (indoor)									S	P	P	P		

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USE CATEGORY	SPECIFIC USE	Residential Districts						Nonresidential Districts						Notes	
		R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2		O-S
Service	Light industrial service use (with outdoor operations)											S	P	P	
Manufacturing and Production	Indoor or Outdoor											S	P	P	
Warehouse and Freight Movement	Storage (indoor only)											P	P	P	
	Storage (including outdoor)											S	P	P	
	Truck terminal											P	P	P	
Waste Related Service	Recycling collection												S	S	
	Salvage yard													S	
	Sanitary landfill													S	
	Other waste related service													S	
Aviation Service	All such uses												S	S	
Resource Extraction	All such uses													S	
Wholesale sales	All such uses											P	P	P	
OTHER															
Agriculture	Agriculture or horticulture (excluding livestock)	P													
	Greenhouse, nursery (commercial)	P								S	S	P	P	P	
	Livestock operation	S													
Communication Towers and Antennas	Telecommunication and broadcast towers	S	S	S	S	S	S	S	S	S	S	S	S	S	Article 12
	Towers and antennas as an accessory use that do not exceed the maximum height for the zoning district	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupations	Major home occupation	S	S	S	S	S	S	S	S	S	S	S	S	S	5.10
	Minor home occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	5.11
Unified Development	Maximum total gross floor area is less than 5,000 square feet								P*	P*	P*	P*	P*	P*	5.24
	Maximum total gross floor area is less than 25,000 square feet and more than 5,000 square feet								S	S	S	S	S	S	5.24
	Maximum total gross floor area is 25,000 square feet or more								S		S	S	S	S	5.24

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		Residential Districts						Nonresidential Districts							
USE CATEGORY	SPECIFIC USE	R-20	R-12	R-9	R-8	R-7	R-7A	O-1	B-1	B-2	B-3	I-1	I-2	O-S	Notes
Planned Residential Development	All such uses	S	S	S	S	S	S								5.23
Temporary Uses	Temporary emergency, construction or repair residence	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Temporary structures used in connection with the construction of a permanent development or a non-reoccurring event	P	P	P	P	P	P	P	P	P	P	P	P	P	

Part 3: TNCO and THCO

Section 3.06: Transitional Neighborhood Commercial Overlay (TNCO)

There shall hereby be established a Transitional Neighborhood Commercial Overlay District (TNCO), which is intended to provide for the orderly and controlled transition of older, predominant residential areas to neighborhood commercial redevelopment areas. The Transitional Neighborhood Commercial Overlay District is intended to be applied to residentially zoned properties as an overlay district which, in addition to the uses permitted in the underlying zone, would also allow for certain types of commercial uses. The Transitional Neighborhood Commercial Overlay District is intended to encompass residentially zoned properties, which are becoming less desirable as residential properties. Indications that a specific residential area is in transition may include new and/or improved transportation facilities which increase traffic volumes; the presence of nonconforming commercial establishments and home occupations; improvements in water and sewer infrastructure which make commercial development feasible; and significant numbers of rezoning requests for commercial zoning classifications. The primary reason for implementing the Transitional Neighborhood Commercial Overlay district in a specific area rather than rezoning to a commercial zoning district is to provide adequate safeguards which ensure that existing residential uses are not infringed upon or adversely affected by new commercial developments.

Section 3.07: Designation of Specific Area as a TNCO

The designation of a specific area as a Transitional Neighborhood Commercial Overlay district shall follow the procedures set forth in Article 2, Part 9 of this Ordinance. In order for an area to be designated as a Transitional Neighborhood Commercial Overlay District each of the following criteria must be met:

- (A) Each property shall have direct access to a major thoroughfare or be located immediately adjacent to property with direct access to a major thoroughfare as defined by the Rockingham-Hamlet Thoroughfare Plan of 1996.
- (B) Evidence of commercial land use interest or potential shall exist (ie. property at or near intersections; high traffic counts; and/or significant commercial development activity in the immediate area).
- (C) A portion of the property or the combination of properties proposed to be included in the Transitional Neighborhood Commercial Overlay District shall be located adjacent to property, which is currently zoned B-1, B-2, B-3, I-1 or I-2.

Section 3.08: Permitted Uses in TNCO

In addition to the uses allowed in the underlying zoning district, uses allowed as permitted and special uses

in the B-1 and B-2 zoning districts shall be allowed as special uses in the Transitional Neighborhood Commercial Overlay District, provided however establishments which distribute gasoline, kerosene and other such fuel products shall be prohibited.

Section 3.09: Minimum Dimensional Requirements in TNCO

- (A) Special uses allowed in the Transitional Neighborhood Commercial Overlay District which are not normally allowed in the underlying zoning district shall conform to the minimum dimensional requirements set forth in Section 4.01 for the B-1 zoning district.
- (B) Uses allowed in the underlying zoning districts of the Transitional Neighborhood Commercial Overlay District shall conform to the minimum dimensional requirements set forth in Section 4.01 for the respective underlying zoning district.

Section 3.10: Additional Safeguards and Requirements in TNCO

The Board of Adjustment shall have the authority to impose any additional requirements that are deemed reasonable and necessary by the Board to protect the surrounding residential uses. Such additional requirements may include but shall not be limited to the following: landscape buffers; fences; walls; berms; limitations of the hours of operation; location of dumpsters; location of curb cuts and access ways; and site lighting.

Section 3.11: Signage in TNCO

- (A) Uses allowed as permitted and special uses in an underlying zoning district of a Transitional Neighborhood Commercial Overlay District shall adhere to the requirements for signage for such underlying zoning district as set forth in Article 11.
- (B) Uses allowed as special uses in the Transitional Neighborhood Commercial Overlay District which are not normally allowed in underlying zoning district shall adhere to the requirements for signage in the B-1 zoning district as set forth in Article 11.

Section 3.12: Permitting Procedures for Development Activities in the TNCO

- (A) Applications for permits for permitted and special uses, which are allowed in the underlying zoning districts of the Transitional Neighborhood Commercial Overlay District shall be processed in the normal manner for such permits as set forth in this Ordinance.
- (B) Applications for permits for permitted or special uses allowed in the Transitional Neighborhood Commercial Overlay District which are not normally allowed in the underlying zoning district shall adhere to the permitting requirements for special uses as set forth in this Ordinance and shall be subject to all terms, conditions, and requirements governing special uses as set forth in this Ordinance.

Section 3.13: Transitional Highway Commercial Overlay District (THCO)

There shall hereby be established a Transitional Highway Commercial Overlay District (THCO), which is intended to provide for the orderly and controlled transition of older, predominant residential areas or neighborhood business areas to highway commercial redevelopment areas. The Transitional Highway Commercial Overlay District is intended to be applied to residentially zoned properties or properties located in a B-1 zoning district as an overlay district which, in addition to the uses permitted in the underlying zone, would also allow for highway commercial type uses. The Transitional Highway Commercial Overlay District is intended to encompass residentially zoned properties or B-1 zoned properties that are becoming less desirable as residential properties or neighborhood business properties. Indications that a specific residential area or B-1 area is in transition may include new and/or improved transportation facilities which increase traffic volumes; the presence of nonconforming commercial establishments and home occupations; improvements in water and sewer infrastructure which make commercial re-development feasible; and significant numbers of rezoning requests for commercial zoning classifications. The primary reason for

implementing the Transitional Highway Commercial Overlay district in a specific area rather than rezoning to the highway business zoning district is to provide adequate safeguards which ensure that existing residential uses are not infringed upon or adversely affected by new commercial development.

Section 3.14: Designation of Specific Area as a THCO

The designation of a specific area as a Transitional Highway Commercial Overlay district shall follow the procedures set forth in Article 2, Part 9 of this Ordinance. In order for an area to be designated as a Transitional Highway Commercial Overlay District each of the following criteria must be met:

- (A) Each property shall have direct access to a major thoroughfare or be located immediately adjacent to property with direct access to a major thoroughfare as defined by the Rockingham-Hamlet Thoroughfare Plan of 1996.
- (B) Evidence of commercial land use interest or potential shall exist (ie. property at or near intersections; high traffic counts; and/or significant commercial development activity in the immediate area).
- (C) A portion of the property or the combination of properties proposed to be included in the Transitional Highway Commercial Overlay District shall be located adjacent to property, which is currently zoned B-1, B-2, B-3, I-1 or I-2.

Section 3.15: Permitted Uses in THCO

In addition to the uses allowed in the underlying zoning district, uses allowed as permitted and special uses in the B-3 zoning districts shall be allowed as special uses in the Transitional Highway Commercial Overlay District.

Section 3.16: Minimum Dimensional Requirements in THCO

- (A) Special uses allowed in the Transitional Highway Commercial Overlay District which are not normally allowed in the underlying zoning district shall conform to the minimum dimensional requirements set forth in Section 4.01 for the B-3 zoning district.
- (B) Uses allowed in the underlying zoning districts of the Transitional Highway Commercial Overlay District shall conform to the minimum dimensional requirements set forth in Section 4.01 for the respective underlying zoning district.

Section 3.17: Additional Safeguards and Requirements in the THCO

The Board of Adjustment shall have the authority to impose any additional requirements that are deemed reasonable and necessary by the Board to protect the surrounding residential uses. Such additional requirements may include but shall not be limited to the following: landscape buffers; fences; walls; berms; limitations of the hours of operation; location of dumpsters; location of curb cuts and access ways; and site lighting.

Section 3.18: Signage in the THCO

- (A) Uses allowed as permitted and special uses in an underlying zoning district of a Transitional Highway Commercial Overlay District shall adhere to the requirements for signage for such underlying zoning district as set forth in Article 11.
- (B) Uses allowed as special uses in the Transitional Highway Commercial Overlay District which are not normally allowed in underlying zoning district shall adhere to the requirements for signage in the B-3 zoning district as set forth in Article 11.

Section 3.19: Permitting Procedures for Development Activities in the THCO

- (A) Applications for permits for permitted and special uses, which are allowed in the underlying zoning districts of the Transitional Highway Commercial Overlay District shall be processed in the normal

manner for such permits as set forth in this Ordinance.

- (B) Applications for permits for permitted and special uses allowed in the Transitional Highway Commercial Overlay District which are not normally allowed in the underlying zoning district shall adhere to the permitting requirements for special uses as set forth in this Ordinance and shall be subject to all terms, conditions, and requirements governing special uses as set forth in this Ordinance.