

ARTICLE III

GENERAL PROVISIONS

Section 1. Use.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the use and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.

Section 2. One Main Building on Each Lot.

In all districts every main building hereafter erected or altered shall be located on a separate lot, as defined in this ordinance, and in no case shall there be more than one main building and permitted accessory buildings on the lot; provided that this requirement shall not apply to apartments, townhouses, condominiums, planned developments which do not exclusively use traditional building lots, nor to a bona fide rural farm use.

Section 3. Lot Coverage.

Land covered by impermeable surfaces shall not exceed 85% of the total lot area.

Section 4. Minimum Yards.

The minimum yards or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

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 in this ordinance. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5. Public Access to Property.

Every building or structure hereafter erected shall be located on a lot and said lot shall abut a public street, highway, road or other public way unless such structure is contained within a planned residential development or other comprehensively planned development in which private drives are expressly approved as required by the Zoning Ordinance or the Subdivision Ordinance.

Within the City's area of extraterritorial jurisdiction, residential structures may be erected on lots which abut a private road. However, no more than five residential structures may be erected along any such private road. The road may not exceed 1,500 feet in length and must be constructed with a 50 foot right-of-way such that upon future public dedication the road can be brought up to State of North Carolina or City of Reidsville construction standards. Expansion of the length of the road or addition to the number of residence, will require public dedication of the road and acceptance for maintenance by either the City of Reidsville or the State of North Carolina.

Section 6. Minimum Regulations.

Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall govern.

Section 7. Zoning Vested Right.

a. Purpose.

The purpose of this Section is to implement the provisions of N. C. Gen. Stat. Section 160A-385.1, pursuant to which a statutory zoning vested development and use right is established upon the approval of a site specific development plan.

b. Definitions.

As used in this Section, the following terms shall have the meaning indicated:

Approval authority - The City Council, Board of Adjustment, or other board or official designated by ordinance or this section as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Site specific development plan - A plan of land development submitted to the City of Reidsville for purposes of obtaining one of the following zoning or land use permits or approvals:

- (1) A planned residential development plan;
- (2) A subdivision plat;
- (3) A special use zoning district;

- (4) A special use permit;
- (5) A conditional use zoning district;
- (6) A conditional use permit;

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, shall constitute a site specific development plan. For purposes of this Section, "with reasonable certainty" shall mean a document that contains at a minimum the specifications set forth in the Site Plan Requirements in Article IV, Section 1 (e) et seq. of this Zoning Ordinance.

Zoning Vested Right - A right pursuant to N. C. Gen Stat. 160-A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved specific development plan.

c. Establishment of a Zoning Vested Right.

- (1) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the City Council or Board of Adjustment, as applicable, of a site specific development plan, following notice and public hearing.
- (2) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- (3) Notwithstanding Sections c.(1) and (2), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- (4) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
- (5) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulations by the City of Reidsville, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

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(6) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all approval of a site specific development plan, all successors in interest to the original landowner shall be entitled to exercise such right while applicable.

d. Approval Procedure and Approval Authority.

(1) Except as otherwise provided in this Section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

(2) Notwithstanding the provisions of subsection d.(1), if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee, or administrative official other than the City Council, Board of Adjustment, or other planning agency designated to perform any or all of the duties of the Board of Adjustment, in order to obtain a zoning vested right under this Section, the applicant must request in writing at the time of the application that the application be considered and acted on by the City Council or Board of Adjustment following notice and a public hearing as provided in N. C. Gen. Stat. Section 160-A-364.

(3) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of the application, on a form to be provided by the City of Reidsville Department of Community Development, that a zoning vested right is being sought.

(4) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under N. C. Gen Stat. Section 160-A385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

(5) Following approval or conditional approval of a site specific development plan, nothing in this Section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(6) Nothing in this Section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval of the City of Reidsville Zoning Ordinance.

e. Duration of Zoning Vested Right.

A right that has been vested as provided for in this Section shall remain vested for a period of two (2) years.

Section 8. Clear Cutting of Trees

A tree buffer zone shall be required for undeveloped properties of 50 feet along public roadways and property boundaries adjacent to developed properties and 25 feet along property boundaries adjacent to undeveloped properties. It shall be unlawful to remove trees from undeveloped properties within this required buffer zone prior to the approval of a site plan, subdivision plan, or other authorized development plans or permits for any property subject to the following provisions.

1. The required tree buffer zone shall not exceed twenty percent (20%) of the tract, net of public road rights-of-way, and any required conservation easements.
2. Perimeter buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.
3. Properties in which the total acreage, prior to the adoption of this ordinance, is two (2) acres or less are exempt from the requirements of this ordinance.
4. A survey of individual trees is not a requirement of this ordinance.
5. This ordinance will not deny reasonable access onto and within the subject property.
6. Forestry activities on property that is taxed on the basis of its present-use value as agricultural, horticultural, or forestland under Article 12 of Chapter 105 of the NC General Statutes and forestry activity that is conducted in accordance with a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the NC General Statutes are hereby excluded from the requirements of this Section.

Building Permits, Site Plans and Subdivision plans shall be denied the owner of any property for a period of three (3) years after the completion of the removal of trees from the required perimeter buffer zones if the removal of trees results in the removal of all or substantially all of the trees that were protected under this ordinance from the tract of land for which the permit or plan approval is sought.

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Section 9. Junk and Abandoned Vehicles

Removal and disposal of abandoned or junked vehicles shall be in the manner as prescribed in Section 17-103 and 17-114 of the City of Reidsville Code of Ordinances.