

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, OCTOBER 10, 2019, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mayor Smith will present a *Key to the City* to the Clyde and Betty Foust Family.
4. Mayor Smith will recognize Finance Officer Deborah P. Reaves for her vital role in the city's receipt from the Government Finance Officers Association of a Certificate of Achievement for Excellence in Financial Reporting.
5. Neal Griffin, III will present a gift to the City of Asheboro from the Sunset Property Owner's Group.
6. Water Resources Director Michael Rhoney, PE will present the North Carolina Waterworks Operators Association Laboratory Analyst of the Year Award to Water Quality Manager Bernadine Wardlaw.
7. Senior Adults and Special Populations Program Coordinator Kelli King and Kathy Vuncannon, who is a member of the Randolph County Advisory Council for Disability Awareness, will update the city council on the formation of the advisory council and its upcoming events.
8. Finance Officer Deborah Reaves will make the final Sunset Theatre Capital Campaign Report.
9. Public comment period.
10. Consent Agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on September 12, 2019.
 - (b) Approval of the final decision document for Land Use Case No. CUP-19-09.
 - (c) Approval of the dates, along with the associated rules, for the 2019-2020 dark geese (Canada & white-fronted geese) and duck hunting season at Lake Reese.

- (d) Approval of the temporary closure on October 31, 2019, from 6:30 pm to 8:30 pm, of the streets indicated on the parade permit application and map for the “Trick or Treat in the Park” event sponsored by the City of Asheboro Cultural and Recreation Services Departments.
 - (e) Approval of the temporary closure on November 3, 2019, from 3:00 pm to 4:00 pm, of the streets indicated on the parade permit application for a horse parade.
 - (f) Approval of the temporary closure on November 11, 2019, from 4:00 pm to 5:00 pm, of the streets indicated on the parade permit application and map for the Veterans Day Parade.
 - (g) Approval of budget amendments to the general fund and airport fund.
 - (h) Approval of a resolution authorizing the execution of agreements to acquire land needed for The David and Pauline Jarrell Center City Garden.
 - (i) Approval of a resolution authorizing the conveyance of a surplus vehicle to the Town of Liberty.
11. Community Development Director Trevor Nuttall will introduce the following community development items
- (a) Case No. RZ-19-11: Legislative hearing on an application to rezone property located at 853 East Salisbury Street (Randolph County Parcel Identification Number 7761227703) from R7.5 (Medium-Density Residential) to OA6 (Office Apartment).
 - (b) Case No. RZ-19-12: Legislative hearing on an application filed by the City of Asheboro for zoning ordinance text amendments that include the creation of an airport zoning district; issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, and recreation and amusement services; provisions for uses not listed in the Table of Uses (Table 200-2); and amendments to miscellaneous definitions as well as procedural and clerical items.
 - (c) Case No. SUB-17-04: Consideration of the final subdivision plat for right-of-way extension of Leo Lane in the Jacksons Run Phase 2 subdivision.
 - (d) Case No. SUB-19-02: Consideration of a sketch design plat for Hillcrest Subdivision (Breeze Hill and Fermer Roads).

(e) Consideration of applications received for service on the Land Development Plan Steering Committee.

12. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
13. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 12, 2019
7:00 p.m.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith	) – Mayor Presiding
Clark R. Bell	)
Edward J. Burks	)
Walker B. Moffitt	) – Council Members Present
Katie L. Snuggs	)
Charles A. Swiers	)
Linda H. Carter	)
	) – Council Members Absent
Jane H. Redding	)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Resumption of the quasi-judicial hearing for Case No. RZ/CUP-19-09, which was continued from the July and August meetings, in order to obtain more evidence concerning an application to place property on the north side of Vision Drive and along Nottingham Street in a CU-I2 zoning district and to obtain a conditional use permit authorizing an industrial development with multiple uses and/or structures, including a special intensity watershed allocation.

At approximately 7:05 p.m., Mayor Smith called back to order the quasi-judicial hearing that was continued from the council's regular meetings on July 11, 2019, and on August 8, 2019. When the hearing was initially opened on July 11, 2019, the following individuals affirmed that the information they were going to provide to the council in this matter would be truthful:

1. Trevor Nuttall
2. John Thompson
3. Mack Summey, PE
4. Doris Osborne
5. Lucy King

As a continuation of the same hearing, the above-listed individuals remained under oath. On September 12, 2019, Lee Roberts, Ben Morgan, Esq., and Tom Terrell, Esq. affirmed that the information they were going to provide to the council in this matter would be truthful. Ben Morgan is serving as legal counsel for the applicant seeking the Conditional Use Permit and Tom Terrell is serving as legal counsel for an adjoining property owner, the Lucy King Living Trust.

City of Asheboro Community Development Director Trevor Nuttall was the first witness to offer testimony during this reconvened session of the quasi-judicial hearing on Land Use Case No. RZ/CUP-19-09. In addition to summarizing the procedural history of the case, including who was still under oath, Mr. Nuttall submitted, without objection, the following items for consideration by the council members and inclusion in the record of these proceedings:

1. The sections of the city council's meeting minutes for the July 11, 2019, regular meeting and the August 8, 2019, regular meeting pertaining to this Conditional Use Permit case;
2. The "Statement of Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest" proposed by the city planning staff for the city council's consideration;
3. Copies of the slide show presentation prepared by the city's planning staff for the September 12, 2019, session of this hearing;
4. The updated staff report with the city planning staff's analysis of the application; and
5. Excerpts from the City of Asheboro Zoning Ordinance describing the CU-I2 zoning district.
6. The revised site plan for the applicant's proposed land use.

During his presentation, Mr. Nuttall utilized the above-referenced slide show to summarize the application by OSOTT, LLC (the "Applicant") for a Conditional Use Permit authorizing an Industrial Development with Multiple Uses and/or Structures as well as a Special Non-Residential Intensity Watershed Allocation (SNIA). Subsequent to the original hearing date on July 11, 2019, the Applicant revised its site plan and submitted the modified plan for review by the council. Some of the highlighted amendments include the following:

- (a) An increase in the buffer/screen from 15 feet to 50 feet on the northern boundary of the Zoning Lot, adjacent to the residentially zoned property and including natural vegetation along with a planted evergreen buffer;
- (b) The southward movement of the entrance to the proposed industrial development, away from the residential property on the northern boundary of the Applicant's property, by means of relocating part of Nottingham Street and constructing a new railroad crossing south of the existing crossing;
- (c) A reduction of the proposed built-upon area so as to reduce the amount of special watershed allocation sought by the Applicant; and
- (d) Offering two potential locations for the proposed rail spur even though Norfolk Southern has apparently rejected one of the alternatives as not complying with the railroad's design requirements for rail spurs.

As part of his testimony, Mr. Nuttall also corrected an ambiguity about the zoning for the King property located to the immediate north of the Applicant's property. During the hearing on July the 11th, city staff had indicated that a portion of the King property may be subject to industrial zoning. This representation was erroneous. City planning staff has researched the issue and corrected the city records to reflect that the entirety of the King property is in an R15 zoning district.

On behalf of the Applicant, Ben Morgan offered testimony in support of the request for CU-I2 zoning and a Conditional Use Permit. Mr. Morgan started by explicitly resubmitting the evidence offered during the earlier sessions of this public hearing, most specifically the council's meeting minutes for July 11, 2019. He also testified as

to the need for warehousing space that is targeted by the industrial development for which the Applicant is seeking the requisite approvals.

Mr. Morgan's representation of the Applicant was focused on addressing the standards for issuance of a Conditional Use Permit, especially the need for additional evidence that triggered the first continuance on July the 11th.

While discussing the need for warehousing space, Ben Morgan did not assert that the Applicant's proposed land use is a public necessity. Instead, Mr. Morgan called Lee Roberts to provide expert testimony as to the impact of the proposed industrial development on the value of property adjoining or abutting the Zoning Lot.

Lee Roberts testified that he is a North Carolina licensed real estate appraiser who has been conducting residential real estate appraisals for approximately thirty years. His office is engaged in residential site development work and conducts approximately 1,200 appraisals per year in an 8-county area in the piedmont of North Carolina.

Mr. Roberts did not submit a written report such as a market impact study. Instead, he testified about his experience and the factors that he used to form his expert opinion about the impact of the proposed land use on adjoining or abutting property.

Lee Roberts cited as an essential component of his analysis the rezoning in May 1986 of a large portion of the Applicant's property on the west side of the Norfolk Southern railroad tracks to industrial zoning, specifically CU-I3 zoning. The presence of the interstate highway on one side of the property and the railroad on the other side establishes the area for industrial use.

As part of his testimony, Mr. Roberts provided specific information about the King property identified by Randolph County Parcel Identification Number 7752556741. He stated that this parcel is approximately 9.3 acres in size with a site built home, which was constructed in 1929, containing approximately 980 square feet of living space. A second dwelling on the same parcel of land is a 1959 single-wide manufactured home with multiple additions over the years.

On the basis of the stated facts and his extensive experience with this market and with other residential real estate in similar situations, Mr. Roberts testified as to his expert opinion that the proposed land use will not substantially injure the value of adjoining or abutting property.

Tom Terrell cross-examined the real estate appraiser with special emphasis on the absence of a market impact study or a listing of comparables.

Mr. Terrell also cross-examined John Thompson who is licensed as a general contractor in North Carolina and is authorized to speak on behalf of the Applicant. This cross-examination focused on the issues surrounding the relocation of the railroad crossing and the impact this relocation will have on the ability of the Kings to access their home's existing driveway. If the railroad crossing and a section of Nottingham Street is relocated as currently proposed, the Kings will lose their current means of ingress and egress and will have to access their driveway crossing part of the Applicant's property.

In addition to discussing the impact of the proposed street and railroad crossing relocation, Mr. Terrell cross-examined Mr. Thompson about the types of materials to be stored at the proposed development and inquired about any traffic studies that had been performed. The Applicant has not advanced the land development process to the point that a definitive answer could be given as to the materials to be brought onto the Applicant's property.

Similarly, the permitting process with the North Carolina Department of Transportation ("NCDOT") has not advanced to the point of conducting traffic related studies. As part of his questioning about traffic impacts, Mr. Terrell introduced a document identified as "King Exhibit A" that listed calculations of the square footage in the proposed industrial development that might be used to determine the amount

of traffic to be anticipated from the development. John Thompson said future traffic studies had been preliminarily discussed with NCDOT, but the permitting process with NCDOT had not yet reached that stage.

During this questioning, Mr. Thompson listed no planned restrictions on business operating hours and listed no additional sound dampening measures that had been undertaken beyond the buffering/screening measures and street/railroad crossing relocation measures indicated on the current site plan. Later in the hearing, Mack Summey, PE was called upon to provide greater specificity as to how much further south the railroad crossing would be moved. Depending on whether measurements are made in relation to the railroad crossing points or along the property line, the proposed relocation would move the railroad crossing and entrance to the Zoning Lot between approximately two hundred feet and two hundred forty feet south from the current location.

Due to safety concerns, limitations on truck backup alarms are not contemplated as a possibility.

Subsequently, Mr. Morgan inquired of Mr. Thompson as to whether he knew of any sound protections utilized in connection with trains operating on the existing railroad tracks next to the King property and next to the Applicant's property. Mr. Thompson is not aware of any such measures.

Tom Terrell conducted a direct examination of Lucy King. During this examination, Ms. King discussed medical issues that she experiences with her lungs and discussed her concerns about the impact of an industrial development on her ability to enjoy her home. During the cross-examination, Mr. Morgan inquired about the impact of the adjoining interstate and train traffic over the years.

Additional exhibits were entered into the record as the hearing progressed. Through John Thompson and without objection, Ben Morgan introduced into the record an email dated August 29, 2019, from a Norfolk Southern official discussing the fact that mainline turnouts have to be located in tangent (straight) track. Consequently, the railroad had not agreed with the Applicant's effort to create an alternative that would move the proposed rail spur line further south away from the King residence.

In response to a question posed by Tom Terrell, Trevor Nuttall provided a copy of the regulations found in the Asheboro Zoning Ordinance pertaining to maximum light levels at property lines.

As part of the summation, Mr. Terrell also introduced into the record the *Sun Suites Holdings, LLC* opinion from the North Carolina Court of Appeals and a legal brief titled "Brief of Lucy King Living Trust."

All of the documents entered into the record for this land use case are on file in the city clerk's office and are available for inspection.

The final decision document for this case will contain an Order listing the city planning staff's suggested conditions for attachment to the requested Conditional Use Permit. Ben Morgan consented to these conditions on behalf of his client (the Applicant).

In addition to these staff suggested conditions, there will be an additional condition listed in the referenced Order. After Mayor Smith transitioned the hearing to the deliberative phase of the proceedings and the requested rezoning was approved along with the consistency statement, the city council transitioned back to obtaining sworn testimony from the parties.

This sworn testimony was sought in order to clarify whether the parties were in agreement about access across the Applicant's property to reach the existing driveway on the King property. With the benefit of this additional testimony, it became clear, through their respective attorneys, that the parties were in agreement about a permanent access easement and maintenance agreement providing a full right of

access across the Applicant's land to the existing driveway on the King property that is identified by Randolph County Parcel Identification Number 7752556741. The maintenance of this connector to the current location of the driveway on the King property shall be the responsibility of the Applicant.

This additional agreed upon condition will be stated in the final decision document that will be entered by the city council on October 10, 2019.

In terms of the action taken on RZ/CUP-19-09 after the deliberative phase of the hearing began, the first issue to be addressed was the request to place the Applicant's property in a CU-I2 zoning district. The city council concurred with the staff and planning board analysis of the general consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Bell seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. The Land Development Plan designates the majority of this property as an Employment Center, due to its location on a major transportation corridor. In addition to the property's location adjacent to an Interstate interchange, the property also adjoins the Norfolk Southern Railroad. The Northeast Small Area plan also cites having an employment center at the interchange of I-73/I-74 and Vision Drive as a key issue.

As described by the LDP, industrial uses are an integral component of an Employment Center, along with other non-residential uses. The subject property is situated among commercial and office/institutional land uses and zoning that exist in this area along Vision Drive. Additionally, the majority of the property currently has an industrial zoning designation.

Although the property is adjacent to residential uses, close to two public schools, and has some environmental challenges, including portions being located within watershed and flood hazard areas, the Conditional Use permitting process supplements general zoning ordinance requirements and offers an opportunity for closer review and public input concerning specific uses, site design, and access.

Considering the totality of these factors, the city council has concluded that the proposed zoning map amendment is consistent with the Asheboro Land Development Plan, is reasonable, and is in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in a CU-I2 Conditional Use General Industrial zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After the approval of the requested zoning map amendment, the Council Members sought, as noted above, clarifying testimony about a potential condition for attachment to the requested CUP and ultimately concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Moffitt and seconded by Council Member Bell, the Council voted unanimously to approve the requested Conditional Use Permit, with conditions, authorizing an Industrial Development with Multiple Uses and/or Structures land use and authorizing a Special Non-Residential Intensity Watershed Allocation (SNIA). Council

Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

The final decision document authorizing the requested Conditional Use Permit and specifying the conditions attached to the permit will be entered by the Council during regular session on October 10, 2019.

4. Consent agenda.

Upon motion by Council Member Bell and seconded by Council Member Burks, the Council voted unanimously to approve/adopt, as presented, the following consent agenda items. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

(a) The meeting minutes for the city council's regular meeting held on August 8, 2019.

The approved meeting minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(b) The meeting minutes for the city council's special meeting held on August 20, 2019.

The approved meeting minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for July 1, 2019, and August 5, 2019.

The minutes of the meetings held by the Asheboro ABC Board on July 1, 2019, and August 5, 2019, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

(d) The final decision document for Land Use Case No. SUP-19-03.

**Case No. SUP-19-03
Final Decision Document
City Council of the City of Asheboro, North Carolina**

**IN THE MATTER OF THE APPLICATION BY CUSTOM EXTRUSION, INC. FOR A
SPECIAL USE PERMIT AUTHORIZING A SPECIAL
NON-RESIDENTIAL INTENSITY ALLOCATION
WITHIN A WATERSHED**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH
CONDITIONS, THE REQUESTED SPECIAL USE PERMIT**

THIS MATTER was brought before the Asheboro City Council (the "Council") for a quasi-judicial hearing conducted during a regular meeting of the Council on August 8, 2019. After receiving sworn testimony and considering all of the evidence, the Council, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. By and through J. Gralen Cranford, who is the corporation's registered agent, Custom Extrusion, Inc. (the "Applicant") properly submitted an application for a special use

permit (“SUP”) authorizing a special non-residential intensity allocation (“SNIA”) within a watershed.

2. The requested SUP is needed because the proposed expansion of the Applicant’s operations on its approximately 11.38-acre parcel of land at 2971 Taylor Drive, Asheboro, North Carolina 27203 (the “Zoning Lot”) will increase the lot’s built-upon area to approximately 16%. In the absence of the SNIA sought by the Applicant, the maximum built-upon area permitted on the Zoning Lot is 12%.

3. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7754702203.

4. The Zoning Lot is inside Asheboro’s corporate limits.

5. There are currently two entrances from Taylor Drive, which is a city-maintained street serving industrial uses.

6. The Norfolk Southern railroad is across Taylor Drive from the Zoning Lot.

7. The existing land use on the Zoning Lot and the expansion proposed for the lot is a manufacturing, processing, and assembly land use.

8. With a limited exception, the Zoning Lot is surrounded entirely by industrially zoned parcels of land. The exception pertains to small portions of adjoining properties to the north and west with residential zoning. The residentially zoned portions of these parcels of land are more than 1,000 feet from the Zoning Lot.

9. The Zoning Lot is located in an I2 zoning district, and the manufacturing, processing, and assembly land use is permitted in the I2 zoning district.

10. The Growth Strategy Map indicates that the Zoning Lot is in a primary growth area, and the Proposed LDP Map designates the area as an employment center.

11. The City of Asheboro Zoning Ordinance (the “Ordinance”), in section 210 of the Ordinance, describes the intent for an I2 zoning district as follows:

The intent of the I2 Industrial Development District is to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

12. A site plan for the proposed land use has been submitted in compliance with Section 1005 of the Ordinance.

13. The Zoning Lot is located within the Back Creek Lake watershed and, consequently, is subject to the regulations found in Article 300B (Watershed Protection Regulations) of the Ordinance.

14. Watershed areas are divided into two tiers of control, critical and balance areas. Critical areas, which are the areas nearest to the water supply, are subject to the most stringent regulations because proximity to the intake creates a higher risk of contamination. The remaining part of the watershed, or the balance of the watershed, is subject to less restrictions because the greater distance from the point of intake lowers the risk of contamination. The Zoning Lot is in the balance of the Back Creek Lake watershed.

15. In the Ordinance, Article 300B, Section 310B.3, Subsection B.2. provides as follows:

All other residential and non-residential development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for nonresidential uses to seventy percent (70%) built-upon area on a project by

project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

16. For a project to exceed the 12% built-upon limitation, the Council must issue a SNIA. Pursuant to Article 300B of the Ordinance, the Council is authorized to consider a SUP granting a SNIA so long as the issuance of the SUP is consistent with the provisions of Article 600, Section 647 of the Ordinance.

17. Article 600, Section 647 of the Ordinance provides as follows:

All applications for a SNIA shall include the following:

- a. Projects must minimize built-upon surface area.*
- b. Projects must direct stormwater away from surface waters.*
- c. Projects must incorporate Best Management Practices to minimize quality impacts.*
- d. Projects must be connected to City of Asheboro water and sewer.*
- e. Projects must provide a positive economic benefit to the community.*

18. Within the balance of the Back Creek Lake watershed, 193.48 acres of land are available for the special allocation referred to as a SNIA.

19. The submitted site plan indicates a proposed new built-upon area of approximately 16% of the Zoning Lot's land area.

20. Impervious surfaces on the Zoning Lot that were constructed prior to July 1, 1993, are not required to be included in the requested allocation. The available records indicate that the existing facility has been in place on the Zoning Lot since 1992.

21. If the requested SNIA is granted, the Applicant's proposed project would use approximately 0.45 of an acre of the allocation area. Thus, if the current request is granted, approximately 193.03 acres of land would remain available for use as a special allocation with other projects.

22. The granting of the requested SNIA by means of the issuance of a SUP does not impact general watershed development regulations that are designed to protect water quality.

23. Mr. H.R. Gallimore, who is an experienced commercial real estate agent, testified that he had conducted a review for comparable industrial sites in the area, and he offered his professional opinion that the proposed land use will not have a negative impact on the value of adjoining properties.

24. Subject to the attachment to the requested SUP of conditions suggested by the planning staff to ensure on-going compliance with the Ordinance, Community Development Director Trevor Nuttall provided uncontroverted testimony as to the general compliance of the site plan submitted for review and approval. The conditions offered by Mr. Nuttall on behalf of the city planning staff are as follows:

- 1. If the number of parking spaces required to serve the proposed development is determined to be less than the amount of parking shown on the site plan, a decrease in the amount of parking shall not be considered to be a modification of the project requiring Council approval. The Applicant shall submit a revised site plan for review by city staff for compliance with the Ordinance and for inclusion in the file.*
- 2. Prior to the storage of any hazardous material, a spill prevention, containment, and control plan ("SPCC") must be prepared by a design professional competent in SPCC and submitted to the city staff for inclusion in the file. Any SPCC-required spill containment structures*

must be designed by a North Carolina registered professional engineer or architect.

3. *Prior to the issuance of a zoning compliance permit, the Applicant shall provide the following:*

(a) *A North Carolina Department of Environmental Quality erosion control permit when required.*

(b) *Additional detail concerning proposed grade separation between the parking area adjacent to the site's northern entrance against the building. If the paved area in this location abutting the building is used for a loading dock or loading space, such use shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised plan for review by city staff for compliance with the Ordinance and for inclusion in the file.*

4. *A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the Zoning Lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be responsibility of the property owner.*

25. Mr. Barron Thompson, Esq. appeared on behalf of the Applicant and testified that the Applicant is in agreement with the conditions proposed by city staff for attachment to the requested SUP.

26. Mr. Thompson also testified that the Applicant currently has 12 employees and the proposed expansion of the industrial land use on the Zoning Lot has the potential to add 38 employees to the Applicant's industrial operation.

27. No testimony was offered in opposition to the requested SUP.

28. Pursuant to Section 602.1 of the Ordinance, the Council must find that the Applicant has met four general standards before the SUP application can be approved. The four general standards are as follows:

- a. *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- b. *That the use meets all required conditions and specifications.*
- c. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.*
- d. *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a SUP, prima facie the applicant is entitled to the permit. A

denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant has properly submitted an application for a SUP authorizing a SNIA that will allow a built-upon area of approximately 16% within the Zoning Lot.

3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the city's planning staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the Ordinance.

4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four general standards for issuing the requested SUP. More specifically, the proposed use will not materially endanger the public health or safety; meets all required conditions and specifications of the Ordinance, specifically including Section 647 of the Ordinance; will not substantially injure the value of adjoining or abutting property; and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Applicant is hereby issued a SUP authorizing the requested SNIA to allow the proposed expansion project on the Zoning Lot. This SUP shall be valid so long as, and only so long as, the Applicant and its heirs, successors, and assigns develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the approved site plan, and remain in compliance with the following conditions:

- A. If the number of parking spaces required to serve the proposed development is determined to be less than the amount of parking shown on the site plan, a decrease in the amount of parking shall not be considered to be a modification of the project requiring Council approval. The Applicant shall submit a revised site plan for review by city staff for compliance with the Ordinance and for inclusion in the file.
- B. Prior to the storage of any hazardous material, a spill prevention, containment, and control plan ("SPCC") must be prepared by a design professional competent in SPCC and submitted to the city staff for inclusion in the file. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.
- C. Prior to the issuance of a zoning compliance permit, the Applicant shall provide the following:
 - (1) A North Carolina Department of Environmental Quality erosion control permit when required.
 - (2) Additional detail concerning proposed grade separation between the parking area adjacent to the site's northern entrance against the building. If the paved area in this location abutting the building is used for a loading dock or loading space, such use shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised plan for review by city staff for compliance with the Ordinance and for inclusion in the file.
- D. A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the Zoning Lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for

mosquito control. The continued maintenance of all runoff control measures shall be responsibility of the property owner.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(e) Request for approval to schedule for October 10, 2019, and to advertise a public hearing pertaining to the following land use cases:

- (i) Legislative Hearing: Request to rezone property located at 853 East Salisbury Street (Randolph County Parcel Identification Number 7761227703) from R7.7 Medium-Density Residential) to OA6 (Office Apartment).**
- (ii) Legislative Hearing: An application filed by the City of Asheboro for text amendments throughout the zoning ordinance including, but not limited to, the creation of an airport zoning district; issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, and recreation and amusement services; provisions for uses not listed in the Table of Uses 200-2; and amendments to miscellaneous definitions as well as procedural and clerical items.**

The hearings concerning the applications for the above-described land use approvals will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Council during its regular meeting on October 10, 2019.

(f) A request to extend the time allowed between Preliminary and Final Plat review for the Robins Nest Phase 2 subdivision.

The written request by William Atkinson, PE for an additional one year period between preliminary plat and final plat approval for the Robins Nest Phase 2 Subdivision was received by the city planning department, distributed to the Mayor and Council Members, and approved. A copy of the written request is on file in the city clerk's office.

(g) A request to extend the time allowed between Preliminary and Final Plat review for the Zoocrest Townhomes subdivision.

The written request by H. Mack Summey, Jr., PE for an additional one year period between preliminary plat and final plat approval for the Zoocrest Townhomes Subdivision was received by the city planning department, distributed to the Mayor and Council Members, and approved. A copy of the written request is on file in the city clerk's office.

(h) A resolution supporting and authorizing an application for a State Grant/Loan for the Sanitary Sewer Lift Station No. 3 Improvements.

RESOLUTION NUMBER 33 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR A
STATE GRANT/LOAN FOR THE SANITARY SEWER LIFT STATION NO. 3
IMPROVEMENTS PROJECT**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the “City” and the “Applicant”) needs and intends to construct wastewater collection system improvements described as the Sanitary Sewer Lift Station No. 3 Improvements Project (hereafter referred to as the “Project”); and

WHEREAS, the City intends to request state loan or grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter referred to as the “Council”) that the City, if approved for a State loan or grant award, will arrange financing for all remaining costs of the Project; and

BE IT FURTHER RESOLVED by the Council that the City will adopt and place into effect on or before completion of the Project a schedule of fees and charges, in addition to other available funds, that will provide adequate funding for the proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt; and

BE IT FURTHER RESOLVED by the Council that a provision will be included in the loan agreement authorizing the State Treasurer, upon failure of the City to make scheduled repayment(s) of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

BE IT FURTHER RESOLVED by the Council that the City will provide for the efficient operation and maintenance of the Project infrastructure upon completion of the construction thereof; and

BE IT FURTHER RESOLVED by the Council that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the “Authorized Official”), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

- (i) **A resolution supporting and authorizing an application for an Asset Inventory and Assessment State grant.**

RESOLUTION NUMBER 34 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR AN ASSET INVENTORY AND ASSESSMENT STATE GRANT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the “City” and the “Applicant”) needs and intends to develop asset inventories, condition assessment of critical assets, and other components of asset management programs for the water and sanitary sewer systems (hereafter referred to as the “Project”); and

WHEREAS, the City intends to request state grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter the “Council”) that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the “Authorized Official”), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the performance of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

- (j) **An ordinance to amend the Asheboro Housing Development Fund (#62) and three ordinances amending the budget ordinance for FY 2019-2020 to address the following General Fund items:**

22 ORD 9-19

**ORDINANCE TO AMEND
THE ASHEBORO HOUSING DEVELOPMENT FUND (#62)
FY 2019-2020**

WHEREAS, Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods, and;

WHEREAS, the North Carolina Housing Finance Agency approved a \$50,000 grant for 2018 Urgent Repair Program, and;

WHEREAS, the City Match for this grant is \$8000, and;

WHEREAS, the City of Asheboro did not have any approved projects to spend these funds on at the time of its distribution in August 2018 but does now, and;

WHEREAS, revenues and expenses in the Asheboro Housing Development Fund have changed over time in relation to the current budget, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-300-0000	General Fund Contribution	8,000
62-320-0000	Urgent Repair Grant	<u>50,000</u>
		58,000

Section 2: Expenses

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-600-0002	Construction	58,000

Adopted this the 12th day of September 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(i) **Sunset Theatre Programming and Grant Funding for the
Urgent Repair Program**
23 ORD 9-19

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2019-2020**

WHEREAS, RhinoLeap Productions has presented a proposal to the City of Asheboro for use of the City of Asheboro Sunset Theatre for five theatrical productions to be held at the Sunset Theater and has requested sponsorship from the City of Asheboro in the amount of \$20,000 for each of these performances, and;

WHEREAS, three of these performances are incorporated into the adopted budget for 2019-2020, and;

WHEREAS, the total additional requested sponsorship of these performances is \$40,000, and;

WHEREAS, Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods, and;

WHEREAS, the North Carolina Housing Finance Agency approved a \$50,000 grant for 2018 Urgent Repair Program, and;

WHEREAS, the City of Asheboro is ready to use the grant proceeds from the 2018 North Carolina Housing Finance Agency grant allocation and the City match for this grant is \$8000, and;

WHEREAS, revenues and expenses in the General Fund have changed in relation to the current budget, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	48,000

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-3200	Grant	8,000
10-615-1201	Programs- Sunset Theatre	<u>40,000</u>
	Total	48,000

Adopted this 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(ii) The Acquisition of Street Right-of-Way for the Proposed Extension of Commerce Place

24 ORD 9-19

WHEREAS, The City Council of the City of Asheboro desires to secure a right –of-way for the proposed extension of Commerce Place as a connector road to Pineview Street, and in order to construct these improvements, the City of Asheboro must first obtain a permanent right-or-way on a parcel of land currently owned by Schwarz Enterprises Inc. and;

WHEREAS, the property is 0.16 acres located at 460 Commerce Place and is identified as PIN 7753791468, and;

WHEREAS, an independent third party appraisal of the property establishes the property value at \$5,600, and;

WHEREAS, Schwarz Enterprises Inc. has agreed to sell this property to the City of Asheboro at the appraised value of \$5,600.00, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-399-0000	Fund Balance Appropriation	5,600

Section 2: That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-565-7100	Capital Outlay- Land	5,600

Adopted this 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

**(iii) Funding for Procuring Redevelopment Assistance from the
UNC School of Government Development Finance Initiative**

25 ORD 9-19

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2019-2020**

WHEREAS, The University of North Carolina School of Government established the Development Finance Initiative (DFI) to assist North Carolina communities with achieving their community economic development goals, and;

WHEREAS, the City of Asheboro would like to engage DFI for technical assistance to advise the City on the feasibility of a proposal made by a private developer to redevelop portions of the Acme-McCrary Mill, and;

WHEREAS, the initial proposal fee for advising and financial modeling work is \$16,100 and additional advising services will be available at an hourly cost, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased / (decreased):

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	20,000

Section 1: That the following Revenue line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-0400	Professional Services	20,000

Adopted this 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (k) A resolution awarding to Chief of Police Jody P. Williams, upon his retirement, his service side arm.

RESOLUTION NUMBER 35 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO JODY P. WILLIAMS
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, Chief of Police Jody P. Williams will begin his retirement from employment with the city effective October 1, 2019; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Chief Williams for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective October 1, 2019, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Jody P. Williams is to be awarded ownership of his city-issued service side arm (a Glock 23, Generation 4 with serial no. SFS 910 and three magazines) upon a determination by the police department command staff that Mr. Williams is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (l) A resolution awarding to Master Police Officer Joe R. Hunt, upon his retirement, his service side arm.

RESOLUTION NUMBER 36 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO JOE R. HUNT, JR.
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, Master Police Officer Joe R. Hunt, Jr. will begin his retirement from employment with the city effective October 1, 2019; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Officer Hunt for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective October 1, 2019, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Joe R. Hunt, Jr. is to be awarded ownership of his city-issued service side arm (a Glock 23, Generation 4 with serial no. SFS 992 and three magazines) upon a determination by the police department command staff that Mr. Hunt is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (m) A resolution approving an involuntary commitment transportation agreement for the custody and transportation of respondents subject to involuntary commitment proceedings.

RESOLUTION NUMBER 37 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPROVAL OF AN INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

WHEREAS, in accordance with Session Law 2018-33, Section 122C-251(g) of the North Carolina General Statutes now requires the governing bodies of cities and counties to adopt an “involuntary commitment transportation agreement” or “transportation agreement” for the custody and transportation of respondents subject to involuntary commitment proceedings under Chapter 122C, Article 5 of the North Carolina General Statutes; and

WHEREAS, since 2014, the Asheboro Police Department and the Office of the Randolph County Sheriff have utilized a memorandum of understanding (the “MOU”) to generate operational efficiencies and enhance the performance of the agencies’ respective duties under the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes; and

WHEREAS, the MOU has now been updated to reflect amendments to Chapter 122C of the North Carolina General Statutes that were made by the North Carolina General Assembly with the enactment of Session Law 2018-33; and

WHEREAS, the interim chief of police and the city manager have recommended the adoption of the updated MOU to function as the City of Asheboro Involuntary Commitment Transportation Agreement; and

WHEREAS, the updated MOU is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the above-stated recommendation by the interim chief of police and the city manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective immediately, the MOU attached to this Resolution as EXHIBIT 1 is hereby approved as the City of Asheboro Involuntary Commitment Transportation Agreement; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the interim chief of police is hereby authorized and directed to execute, without unnecessary delay, the MOU on behalf of the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this approval is a continuing approval that shall not lapse unless and until another Resolution providing otherwise is adopted by the Asheboro City Council; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that this transportation agreement shall be submitted to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the city's judicial district, (b) the LME/MCO that serves the city and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that if this transportation agreement is subsequently modified, the modified agreement shall be submitted, at least 10 days prior to the effective date of the new plan, to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

CITY OF ASHEBORO INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

(MOU WITH THE OFFICE OF THE RANDOLPH COUNTY SHERIFF)

MEMORANDUM OF UNDERSTANDING

This **Memorandum of Understanding** (the "MOU") is an agreement between the **CITY OF ASHEBORO** (the "City"), a North Carolina municipal corporation acting for purposes of this MOU by and through the **Asheboro Police Department** (the "APD"), and the **RANDOLPH COUNTY SHERIFF'S OFFICE** (the "RCSO"). This MOU is designed to clarify the functions performed by APD officers in conjunction with RCSO deputies so as to achieve operational efficiencies that enhance the service provided by both agencies in support of the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes.

SECTION I. PURPOSE

A central purpose of this MOU is to resolve in a definitive and mutually agreed upon manner certain ambiguities that arise when APD officers receive involuntary commitment orders instructing the officers to transport a respondent directly to a facility designated as a 24-hour facility pursuant to G.S. 122C-252 and 10A NCAC 26C.0100. At the present time, there is no such facility within Randolph County.

Thus, when an APD officer receives for service an order to transport a respondent directly to a 24-hour facility, the officer has been asked to serve an order to transport a respondent to

another county. One of the objectives of this MOU is to clarify the APD officer's authority and responsibilities in such a situation.

This MOU does not change in any manner the long-standing practice of APD officers and RCSO deputies in situations where a petitioner personally appears before a magistrate who issues a custody order directing a law enforcement officer to take a respondent into custody and transport the respondent to his or her first examination (the form currently utilized for this type of case is Form AOC-SP-302A, New 11/12). Similarly, no ambiguities have arisen with regard to the service of transport orders issued in conjunction with outpatient treatment for respondents, and this MOU does not change the long-standing practices applicable to these types of transport orders.

Notwithstanding any term or condition of this MOU, nothing herein shall be construed or otherwise interpreted to limit the jurisdiction, powers, or rights possessed by APD officers and RCSO deputies, specifically including by way of illustration and not limitation the ability of the agencies to provide mutual aid to each other in accordance with the applicable laws and the directives of the chief executives for the respective agencies.

SECTION II. SELECT STATUTORY PROVISIONS GUIDING THE TRANSPORTATION OF RESPONDENTS

- (A) Transportation within a County [G.S. 122C-251(a)]:** In general, the transportation of a respondent within a county as part of the involuntary commitment proceedings, including admission and discharge, is provided by the county or the cities located within the county. A city is responsible for transporting a respondent who is either a resident of that city or has been physically taken into custody within that city's corporate limits. The county is responsible for transporting respondents who either reside within the county, but outside the city limits of a municipality, or have been physically taken into custody within the county and outside of the city limits of a municipality.
- (B) Transportation between Counties [G.S. 122C-251(b)]:** Transportation between counties under the involuntary commitment proceedings established in Chapter 122C, Article 5 of the North Carolina General Statutes for a first examination as described in G.S. 122C-263(a) and G.S. 122C-283(a) and for admission to a 24-hour facility shall be provided by the county where the respondent is taken into custody. Transportation between counties under the involuntary commitment proceedings established in the above-cited Article for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated. Transportation between counties under the involuntary commitment proceedings established in the above-cited Article for discharge of a respondent from a 24-hour facility shall be provided by the respondent's county of residence. However, a respondent being discharged from a facility may use his or her own transportation at his or her own expense.
- (C) Method of Transportation [G.S. 122C-251(c), (d), and (e)]:** Transportation of a respondent may be (i) by city- or county-owned vehicles, (ii) by private vehicle by contract with the city or county, or (iii) as provided in an agreement developed and adopted under G.S. 122C-251(g) and G.S. 122C-202.2. Under this MOU, transportation provided by the City will be provided by and through APD officers utilizing city-owned vehicles.

To the extent feasible, law enforcement officers transporting respondents shall dress in plain clothes and shall travel in unmarked vehicles. Further, law enforcement officers, to the extent possible, shall advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.

To the extent feasible, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the

same sex as the respondent.

In taking custody and providing transportation as required by G.S. 122C-251, the law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect the law enforcement officer, the respondent, or others. Any use of restraints shall be as reasonably determined by the officer to be necessary under the circumstances for the safety of the respondent, the law enforcement officer, and other persons. Every effort to avoid restraint of a child under the age of 10 shall be made by the transporting officer unless the child's behavior or other circumstances dictate that restraint is necessary.

The law enforcement officer shall respond to all inquiries from the facility concerning the respondent's behavior and the use of any restraints related to the custody and transportation of the respondent, except in circumstances where the information is confidential or providing the information would otherwise compromise a law enforcement investigation.

- (D) **Cost and Expense of Transporting a Respondent [G.S. 122C-251(h)]:** The cost and expenses of custody and transportation of a respondent as required by the involuntary commitment procedures of Chapter 122C, Article 5 of the North Carolina General Statutes, to the extent they are not reimbursed by a third-party insurer, are the responsibility of the respondent's county of residence. The State (when providing transportation under G.S. 122C-408(b)), a city, or a county is entitled to recover the reasonable cost of transportation from the county of residence of the respondent. The county of residence of the respondent shall reimburse the State, another county, or a city the reasonable transportation costs incurred as authorized by G.S. 122C-251(h).

The county of residence of the respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a city, or county. Provided that the county of residence provides the respondent or other individual liable for the respondent's support a reasonable notice and opportunity to object to the reimbursement, the county of residence of the respondent may recover that cost from (1) the respondent, if the respondent is not indigent; (2) Any person or entity that is legally liable for the respondent's support and maintenance provided there is sufficient property to pay the cost; (3) Any person or entity that is contractually responsible for the cost; or (4) Any person or entity that otherwise is liable under federal, State, or local law for the cost.

- (E) **Involuntary Commitment Transportation Agreement [G.S. 122C-251(g)]:** G.S. 122C-251(a) authorizes cities and counties to contract with each other to provide transportation. Furthermore, G.S. 122C-251(g) provides that the governing body of a county or city shall adopt a plan known as an "involuntary commitment transportation agreement" or "transportation agreement" for the custody and transportation of respondents in involuntary commitment proceedings under Chapter 122C, Article 5 of the North Carolina General Statutes. This MOU has been adopted by the Asheboro City Council as an integral part of the City's compliance with G.S. 122C-251(g).

- (F) **Chapter 122C, Article 5, Part 7 of the North Carolina General Statutes (Involuntary Commitment of the Mentally Ill);**

Law Enforcement Officer's Duty upon Receipt of Custody Order:

- (1) **G.S. 122C-261(e):** Anyone who has knowledge of an individual who is mentally ill and either (i) dangerous to self, as defined in G.S. 122C- 3(11)a., or dangerous to others, as defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for the issuance of an order to take the respondent into custody for examination by a commitment examiner. Upon receipt of such a custody order, a law enforcement officer, a person designated under G.S. 122C-251(g), or other person identified in the order shall take the respondent into custody within 24 hours after the order is signed and proceed

according to G.S. 122C-263. The custody order is valid throughout the State.

- (2) **G.S. 122C-263(a):** After assuming custody of the respondent and without unnecessary delay, the law enforcement officer shall transport the respondent to a facility or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and the capability to perform a first examination in conjunction with a health screening at the same location, unless exigent circumstances require the transport of the respondent to an emergency department. If a commitment examiner is not available, whether on-site, on-call, or via telemedicine, at any such facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location.

In the absence of a non-hospital provider or facility-based crisis center to perform a first examination in conjunction with a health screening at the same location, the person designated to provide transportation shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill.

If a commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.

For the purposes of this section, the term "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.

- (3) **G.S. 122C-263(a1):** A facility or other location to which a respondent is transported under G.S. 122C-263(a) shall provide a health screening of the respondent. The health screening shall be conducted by a commitment examiner or other individual who is determined by the area facility, contracted facility, or other location to be qualified to perform the health screening. The respondent may either be in the physical face-to-face presence of the person conducting the screen or may be examined utilizing telemedicine equipment and procedures.

Documentation of this required health screening that is completed prior to transporting the patient to any general hospital, acute care hospital, or designated facility shall accompany the patient or otherwise be made available at the time of transportation to the receiving facility.

- (4) **G.S. 122C-263(b):** The examination set forth in G.S. 122C-263(a) is not required when (i) the affiant who obtained the custody order is a commitment examiner who recommends inpatient commitment, or (ii) when the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and the respondent was found incapable of proceeding. In any of the cases stated in the immediately preceding sentence, the law enforcement officer or person designated under G.S. 122C-251(g) shall take the respondent directly to a 24-hour facility described in G.S. 122C -252.
- (5) **G.S. 122C-263(c):** The commitment examiner described in G.S. 122C-263(a) shall examine the respondent as soon as possible, and in any event within 24 hours after the respondent is presented for examination. When a commitment examiner performs this examination, the respondent may either be in the physical face-to-face presence of the commitment examiner or may be examined utilizing telemedicine equipment and procedures.

A commitment examiner who examines a respondent by means of telemedicine must be satisfied to a reasonable medical certainty that the determinations made in accordance with G.S. 122C-263(d) would not be different if the examination had been done in the commitment examiner's physical presence. If not so satisfied, the commitment examiner must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a person authorized to perform examinations under G.S. 122C-263.

As used in G.S. 122C-263, "telemedicine" is the use of two-way real-time interactive audio and video between places of lesser and greater medical capability or expertise to provide and support health care when distance separates participants who are in different geographical locations. A recipient is referred by one provider to receive the services of another provider via telemedicine.

- (6) **G.S. 122C-263(d)(1):** At the conclusion of the examination, if the commitment examiner recommends outpatient commitment, the person designated in the order to provide transportation shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county, and the respondent shall be released from custody.
- (7) **G.S. 122C-263(d)(2):** If a commitment examiner finds that the respondent is mentally ill and is dangerous to self, as defined in G.S. 122C-3(11)a., or others, as defined in G.S. 122C-3(11)b., the commitment examiner shall recommend inpatient commitment, and shall so show on the examination report. Upon notification, the law enforcement officer or other designated person shall take the respondent to a 24-hour facility described in G.S. 122C-252 pending a district court hearing.

To the extent feasible, in providing the transportation of the respondent, the law enforcement officer shall act within six hours of notification. The other designated person shall take the respondent to a 24-hour facility described in G.S. 122C-252 pending a district court hearing within six hours of notification.

If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision at the site of the first examination. Upon the commitment examiner's determination that a 24-hour facility is available and medically appropriate, the law enforcement officer or other designated person shall transport the respondent after receiving a request for transportation from the facility of the commitment examiner.

To the extent feasible, in providing the transportation of the respondent, the law enforcement officer shall act within six hours of notification. The other designated person shall transport the respondent without delay and within six hours after receiving a request for transportation from the facility of the commitment examiner.

At any time during the respondent's temporary detention under appropriate supervision, if a commitment examiner determines that the respondent is no longer in need of inpatient commitment, the proceedings shall be terminated and the respondent transported and released by the person designated in the order to provide transportation. In such a case, the respondent shall be returned to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county where the respondent shall be released from custody.

Additionally, during the respondent's temporary detention under appropriate supervision, if the commitment examiner determines that the respondent meets the criteria specified in G.S. 122C-263(d)(1) for outpatient commitment, the commitment examiner may recommend outpatient commitment for the

respondent. In such a case, the person designated in the order to provide transportation shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county, and the respondent shall be released from custody.

Any decision to terminate the proceedings or to recommend outpatient commitment after an initial recommendation of inpatient commitment shall be documented and reported to the clerk of superior court in accordance with G.S. 122C-263(e).

If the respondent is temporarily detained and a 24-hour facility is not available or medically appropriate seven days after the issuance of the custody order, a commitment examiner shall report this fact to the clerk of superior court and the proceedings shall be terminated. The termination of the proceedings pursuant to G.S. 122C-263(d)(2) shall not prohibit or prevent the initiation of new involuntary commitment proceedings when appropriate.

A commitment examiner may initiate a new involuntary commitment proceeding prior to the expiration of this seven-day period as long as the respondent continues to meet the applicable criteria. Affidavits filed in support of proceedings terminated pursuant to G.S. 122C-263(d)(2) may not be submitted to support subsequent involuntary commitment petitions. If the affiant initiating new commitment proceedings is a commitment examiner, the affiant shall conduct a new examination and may not rely upon examinations conducted as part of the proceedings terminated pursuant to the above-cited statutory provision.

(8) G.S. 122C-262 [Special Emergency Procedure for Individuals Needing Immediate Hospitalization]:

Anyone, including a law enforcement officer, with knowledge of an individual who is subject to inpatient commitment according to the criteria of G.S. 122C-263(d)(2) and who requires immediate hospitalization to prevent harm to self or others may transport the individual directly to an area facility or other place, including a State facility for the mentally ill, for examination by a commitment examiner in accordance with G.S. 122C-263(c).

Upon examination by the commitment examiner, if the individual meets the inpatient commitment criteria specified in G.S. 122C-263(d)(2) and requires immediate hospitalization to prevent harm to self or others, the commitment examiner shall so certify in writing before any official authorized to administer oaths. If the commitment examiner executes the oath, appearance before a magistrate shall be waived. The commitment examiner shall send a copy of the certificate to the clerk of superior court by the most reliable and expeditious means.

Anyone, including a law enforcement officer if necessary, may transport the individual to a 24-hour facility described in G.S. 122C-252 for examination and treatment pending a district court hearing. The commitment examiner's certificate shall serve as the custody order and the law enforcement officer or other designated person shall provide transportation in accordance with the provisions of G.S. 122C-251.

If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision in accordance with G.S. 122C-263(d)(2) and released in accordance with G.S. 122C-263(d)(2).

If, upon examination of a respondent presented in accordance with G.S. 122C-262(a), the commitment examiner finds that the individual meets the criteria for inpatient commitment specified in G.S. 122C-263(d)(2) but does not require

immediate hospitalization to prevent harm to self or others, the commitment examiner may petition the clerk or magistrate in accordance with G.S. 122C-261(d) for an order to take the individual into custody for transport to a 24-hour facility described in G.S. 122C-252.

If the commitment examiner recommends inpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, the clerk or magistrate shall issue an order for transport to or custody at a 24-hour facility described in G.S. 122C-252. However, if a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision in accordance with G.S. 122C-263(d)(2) and released in accordance with G.S. 122C-263(d)(2).

(G) Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes (Involuntary Commitment of Substance Abusers);

Law Enforcement Officer's Duty upon Receipt of Custody Order:

- (1) G.S. 122C-281(e):** Anyone who has knowledge of a substance abuser who is dangerous to self or others may appear before a clerk or assistant or deputy clerk of superior court or a magistrate, execute an affidavit to this effect, and petition the clerk or magistrate for the issuance of an order to take the respondent into custody for examination by a commitment examiner. Upon receipt of such a custody order, a law enforcement officer or other designated person identified in the order shall take the respondent into custody within 24 hours after the order is signed. The custody order is valid throughout the State.
- (2) G.S. 122C-283(a):** After assuming custody of the respondent and without unnecessary delay, the law enforcement officer or the individual designated or required to provide transportation under G.S. 122C-251(g) shall transport the respondent to a facility or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and the capability to perform a first examination in conjunction with a health screening at the same location, unless exigent circumstances require the transport of the respondent to an emergency department. If a commitment examiner is not available, whether on-site, on-call, or via telemedicine, at any such facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location.

In the absence of a non-hospital provider or facility-based crisis center to perform a first examination in conjunction with a health screening at the same location, the person designated to provide transportation shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill.

If a commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.

For the purposes of this section, the term "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.

- (3) G.S. 122C-283(a1):** A facility or other location to which a respondent is transported under G.S. 122C-283(a) shall provide a health screening of the

respondent. The health screening shall be conducted by a physician or other individual who is determined by the area facility, contracted facility, or other location to be qualified to perform the health screening. The respondent may either be in the physical face-to-face presence of the health screening examiner or may be examined utilizing telemedicine equipment and procedures. Documentation of this required health screening that is completed prior to transporting the patient to any general or acute care hospital shall accompany the patient or otherwise be made available at the time of transportation to the receiving facility.

- (4) **G.S. 122C-283(b):** The examination set forth in G.S. 122C-283(a) is not required when (i) the affiant who obtained the custody order is a commitment examiner, or (ii) the respondent is in custody under the special emergency procedure described in G.S. 122C-282. In these cases when it is recommended that the respondent be detained in a 24-hour facility, the law enforcement officer shall take the respondent directly to a 24-hour facility described in G.S. 122C -252.
- (5) **G.S. 122C-283(c):** The commitment examiner described in G.S. 122C-283(a) shall examine the respondent as soon as possible, and in any event within 24 hours after the respondent is presented for examination. The examination shall include but is not limited to an assessment of the respondent's (i) current and previous substance abuse including, if available, previous treatment history; and (ii) dangerousness to himself or others as defined in G.S. 122C-3(11).
- (6) **G.S. 122C-283(d)(1):** At the conclusion of the examination, if the commitment examiner finds that the respondent is a substance abuser and is dangerous to self or others, the commitment examiner shall recommend commitment and whether the respondent should be released or be held at a 24-hour facility pending hearing and shall so show on the examination report. Based on the commitment examiner's recommendation, the law enforcement officer or other designated individual shall take the respondent to a 24-hour facility described in G.S. 122C-252 or release the respondent. If a 24-hour facility is not immediately available or medically appropriate, the respondent may be temporarily detained under appropriate supervision and the procedures described in G.S. 122C-263(d)(2) shall apply.
- (7) **G.S. 122C-283(d)(2):** At the conclusion of the examination, if the commitment examiner finds that the condition described in G.S. 122C-283(d)(1) does not exist, the respondent shall be released and the proceedings terminated.
- (8) **G.S. 122C-282 [Special Emergency Procedure for Individuals Needing Immediate Hospitalization]:**

When an individual subject to commitment under the provisions of Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes is also violent and requires restraint and when delay in taking the individual to a commitment examiner for examination would likely endanger life or property, a law enforcement officer may take the person into custody and take him or her immediately before a magistrate or clerk. The law enforcement officer shall execute the affidavit required by G.S. 122C-281 and in addition shall swear that the respondent is violent and requires restraint and that delay in taking the respondent to a commitment examiner for an examination would endanger life or property.

If the clerk or magistrate finds by clear, cogent, and convincing evidence that the facts stated in the affidavit are true, that the respondent is in fact violent and requires restraint, and that delay in taking the respondent to a commitment examiner for an examination would endanger life or property, the clerk or magistrate shall order the law enforcement officer to take the respondent directly to a 24-hour facility described in G.S. 122C-252.

Respondents received at a 24-hour facility under the provisions of G.S. 122C-

282 shall be examined and processed thereafter in the same way as other respondents under Chapter 122C, Article 5, Part 8 of the North Carolina General Statutes.

**SECTION III. DISCUSSION OF APD AND RCSO
TRANSPORT RESPONSIBILITIES**

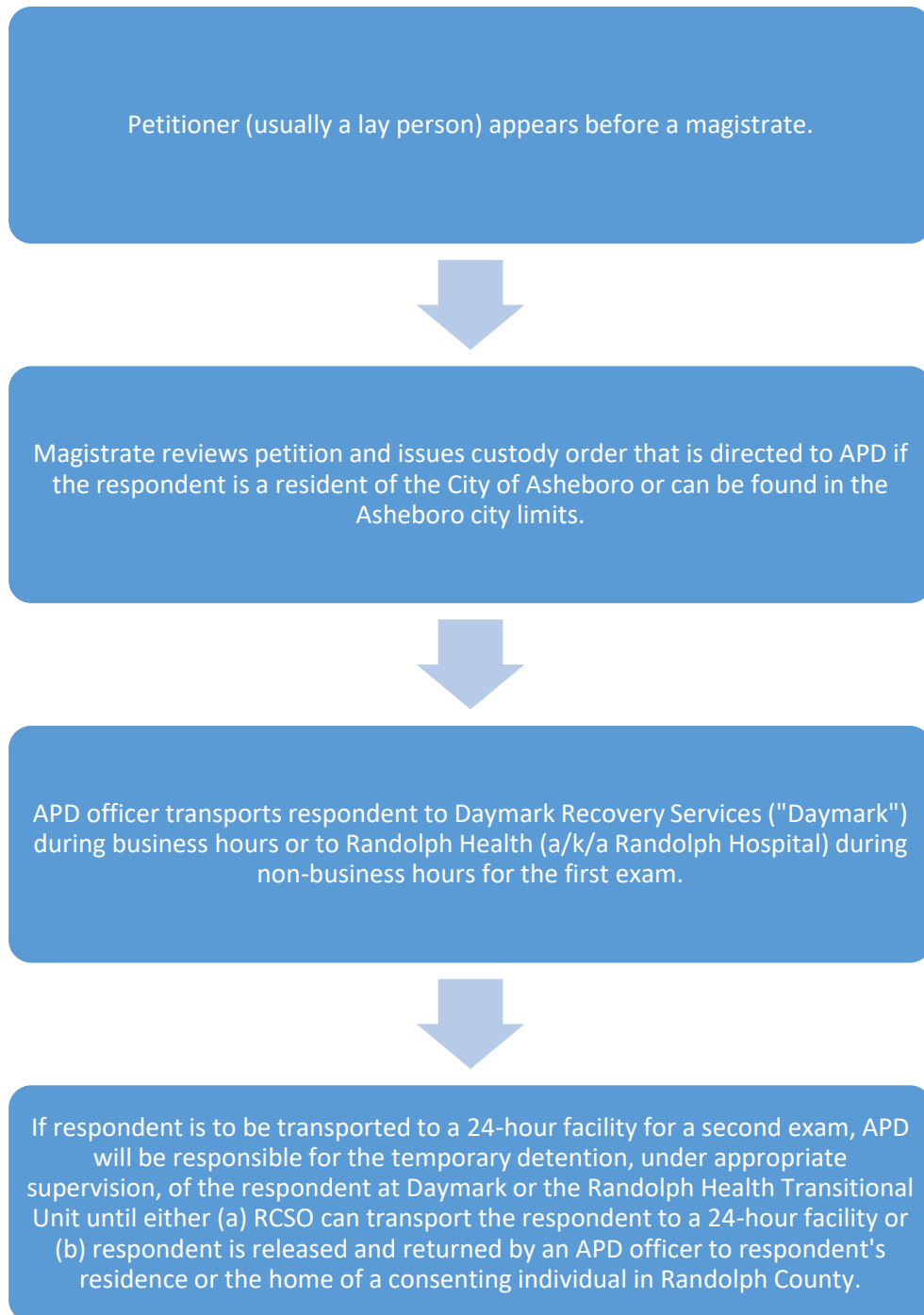
The statutory mandates that guide APD officers in discharging their responsibilities during involuntary commitment proceedings are outlined in Section II of this MOU. However, the following subsections of the MOU are designed to address certain operational ambiguities that have arisen with the implementation of the APD's role in the involuntary commitment process.

**A. Petitioner Appears before Magistrate or Clerk
[Form AOC-SP-302A]**

This MOU does not alter in any manner the long-standing procedure that has been followed by the APD and the RCSO when serving custody and transportation orders issued in response to a petitioner (typically, a layperson) appearing before a magistrate or clerk, usually a magistrate. The flow chart for the standard service by the APD of Form AOC-SP-302A is as follows:

**[The remainder of this page has been intentionally left blank.
The flow chart for this subsection of the MOU is on the next page.]**

APD Service of Form AOC-SP-302A



**B. Petitioner Is a Certified Commitment Examiner ("Certified Examiner") Who Has Examined the Respondent
[Form AOC-SP-302B]**

An AOC-SP-302B order directs the law enforcement officer to transport the respondent directly to a 24-hour facility. This subsection of the MOU addresses some of the challenges that arise when a 24-hour facility is not available or the direct transport of the respondent to a 24-hour facility is not medically appropriate.

When a clerk or magistrate directs an order to a law enforcement officer with Form AOC-SP-302A, the officer is to take the respondent into custody for examination by a certified examiner that is located in Randolph County. In contrast, when a clerk or magistrate directs an order to a law enforcement officer with Form AOC-SP-302B, the officer is to transport the respondent to a 24-hour facility. Currently, there is no such facility in Randolph County.

Pursuant to G.S. 122C-251(b), for purposes of involuntary commitment proceedings, transportation between counties is to be provided by the county where the respondent is taken into custody. However, G.S. 122C-251 enables and directs cities and counties to agree on a plan for the transportation of respondents. Under the agreement adopted by the

Asheboro City Council and implemented by means of this MOU, APD officers play a prescribed role in serving certain AOC-SP-302B orders.

The Asheboro City Council is supportive of the APD playing a role in the service of certain Form AOC-SP-302B orders because the City's governing board recognizes the tremendous logistical burden placed on the RCSO to transport all of the respondents taken into custody in Randolph County to 24-hour facilities located across the state. The willingness of the RCSO to partner with the City to facilitate APD officers providing certain services for respondents who are residents of Asheboro or who were physically taken into custody by law enforcement officers within the Asheboro city limits is deemed by the Asheboro City Council to be sufficient consideration to support the City undertaking the following support functions.

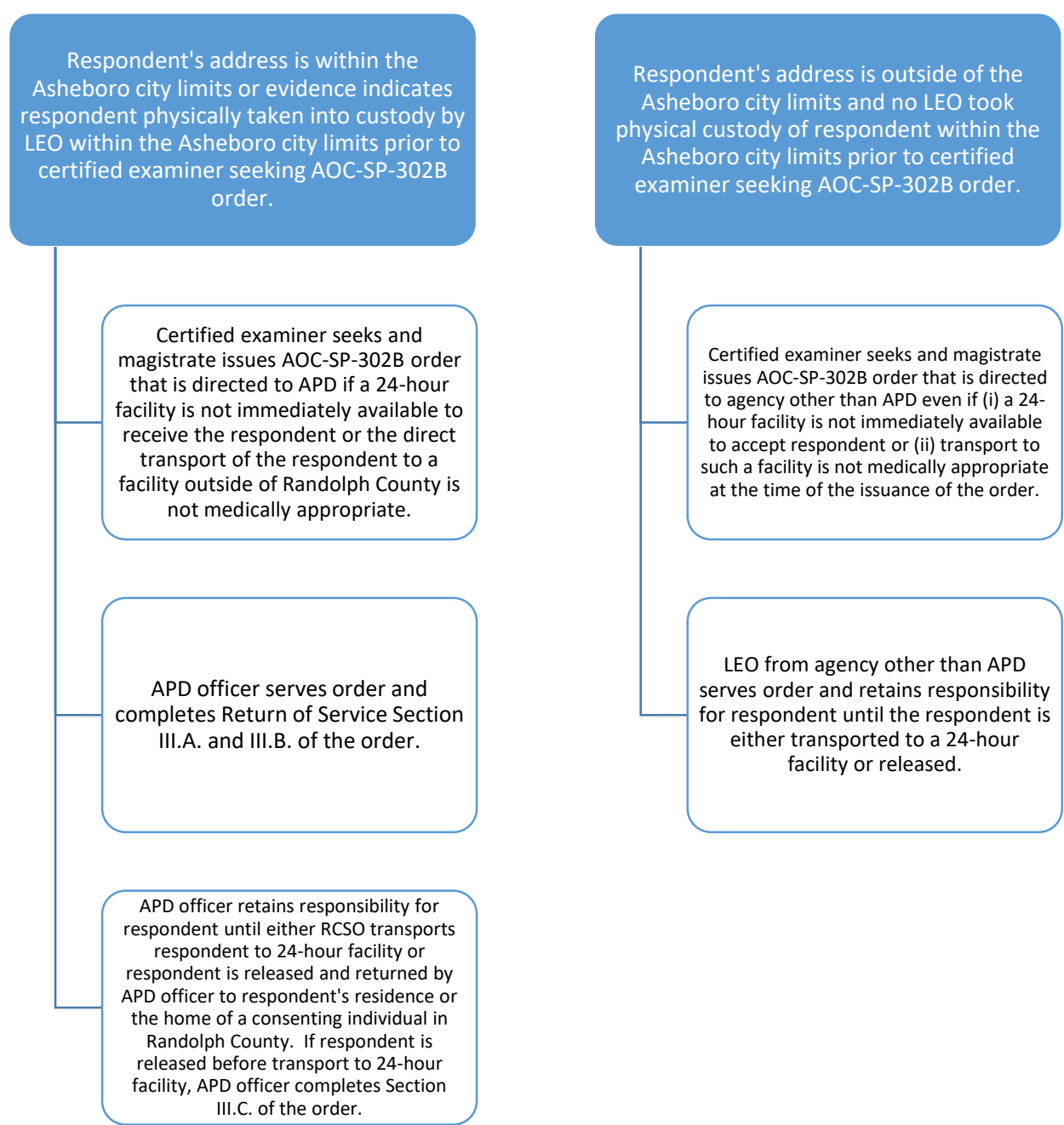
The flow chart for the provision by the APD of these support functions is as follows:

[The remainder of this page has been intentionally left blank. The flow chart for this subsection of the MOU is on the next page.]

APD Service of Form AOC-SP-302B

Order Directed to APD in the Following Situations:

Order Not Directed to APD in the Following Situation:



C. Special Emergency Procedure for Individuals Needing Immediate Hospitalization [Form DMH 5-72-01-A]

When an individual is brought to a certified examiner because of the perceived need for immediate hospitalization, the certified examiner completes the required examination form and an emergency certificate. This documentation will be forwarded to the clerk of superior court for review by the district court.

While a district court hearing is pending, the emergency certificate, as a supplement to the standard form for the examination and recommendation for involuntary commitment, serves as a custody order that directs a law enforcement officer to transport the respondent to a 24-hour facility. This emergency certificate is not a form generated by the Administrative Office of the Courts. Instead, the form, which is identified as Form DMH 5-72-01-A, is produced by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

This division is a component of the North Carolina Department of Health and Human Services.

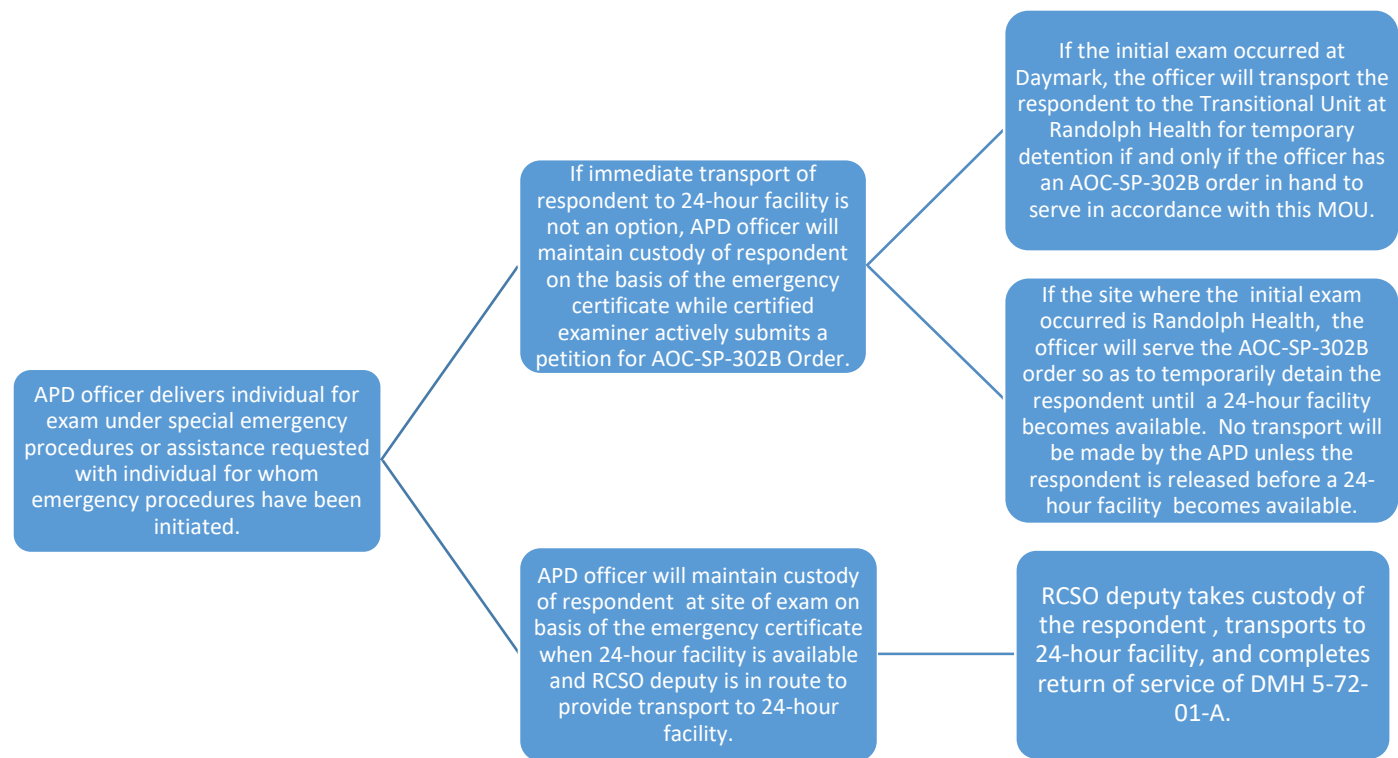
Due to the absence of a 24-hour facility within Randolph County, the APD does not perform the transport duties contemplated by the emergency certificate. The statutorily authorized emergency procedure provides authority for an APD officer to transport a respondent found within the Asheboro city limits to a certified examiner for an examination and, with the completion of the examination and the emergency certificate, to assist the staffs at Daymark and Randolph Health with the temporary detention of a respondent under appropriate supervision until a RCSO deputy can transport the respondent to a 24-hour facility. The RCSO deputy would complete the return of service for the DMH 5-72-01-A once the transport has been completed.

If a 24-hour facility is not immediately available, or transport to such a facility is not medically appropriate for a respondent who has been examined under the emergency procedure and found to be in need of immediate hospitalization, the emergency procedure should be terminated and a petition from a certified examiner should be submitted to a magistrate for the purpose of seeking the issuance of an order in the form of AOC-SP-302B. An AOC-SP-302B order issued as a consequence of the termination of a special emergency procedure with an Asheboro resident as the respondent or that originated in the Asheboro city limits shall be directed to the APD for service.

The following flow chart summarizes the role of APD officers when they initiate or are summoned to assist with a respondent subject to the special emergency procedures for individuals needing immediate hospitalization:

**[The remainder of this page has been intentionally left blank.
The flow chart for this subsection of the MOU is on the next page.]**

APD Officers and Special Emergency Procedures



Notes:

1. APD officers do not transport respondents pursuant to Form DMH 5-72-01-A, and they do not complete, under any circumstances, the return of service for a Form DMH 5-72-01-A.
2. Regardless of whether an APD officer is involved in initiating the special emergency procedures or otherwise assisting with a respondent during the clinician's examination of the individual pursuant to the special emergency procedures, the APD will assume responsibility for receiving and serving an AOC-SP-302B order that is obtained for any respondent with an address located within the Asheboro city limits.

IV. MODIFICATION OF THIS MOU

Any modifications to this MOU must be proposed in writing and approved by the signatories. In order to be valid, the approval on behalf of the City must include the concurrence of the Asheboro City Council.

However, the modification or amendment of any statute, regulation, AOC form, or any other legal authority cited herein shall be deemed to be automatically incorporated into this Agreement by reference.

Due to the fact that this MOU functions for the City of Asheboro as the involuntary commitment transportation agreement mandated by G.S. 122C-251(g), if this MOU is modified by the parties to the agreement, the modified agreement shall be submitted to the following officials and entities at least 10 days prior to the effective date of the new plan: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

V. DURATION AND TERMINATION OF THIS MOU

This MOU will be in effect from the date of signing by both parties until terminated by any party hereto. Any party to this MOU, upon thirty 30 days prior written notice to the other party, may terminate the Agreement at any time. Such notice shall be delivered personally or by certified or registered mail.

VI. NO THIRD PARTY RIGHTS AND DISTRIBUTION OF MOU

This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or in equity in any civil or criminal action by any third party to this agreement.

As noted above, this MOU functions for the City of Asheboro as the involuntary commitment transportation agreement mandated by G.S. 122C-251(g). Consequently, upon execution of the agreement by the signatories listed on the next page, this MOU shall be submitted to the following officials and entities: (a) the Clerk of Superior Court and the magistrates in the City's judicial district, (b) the LME/MCO that serves the City and Randolph County, and (c) the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

With specific regard to the entry of the Asheboro Police Department into this MOU, the execution of the Agreement by the Interim Chief of Police was authorized pursuant to the adoption of a resolution (Resolution No. _____) by the City Council of the City of Asheboro, North Carolina in open session during a regular meeting held on the 12th day of September, 2019.

Mark T. Lineberry,
Interim Chief of Police
City of Asheboro, North Carolina

Gregory J. Seabolt, Sheriff
Randolph County, North Carolina

Date: _____

Date: _____

- (n) A resolution stating the intent of the Asheboro City Council to lease hangar space at the Asheboro Regional Airport to the Civil Air Patrol.

RESOLUTION NUMBER 38 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION STATING THE INTENT OF THE ASHEBORO CITY COUNCIL TO LEASE HANGAR SPACE AT THE ASHEBORO REGIONAL AIRPORT TO THE CIVIL AIR PATROL

WHEREAS, the Civil Air Patrol was incorporated under a Special Act of Congress that was approved on July 1, 1946 (Public Law 476, 79th Congress); and

WHEREAS, in preparation for the expiration of the existing hangar lease agreement at the end of the current calendar year, the Civil Air Patrol has requested the continuation of its lease of hangar space at the Asheboro Regional Airport for another 3-year term at the current rental rate of One Dollar (\$1.00) per year; and

WHEREAS, the hangar space currently leased to the Civil Air Patrol has been continuously used by its Randolph Composite Squadron for a significant number of years; and

WHEREAS, this hangar space will not be needed by the city during the requested term of the lease.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it intends to approve a lease agreement allowing the continued use of the existing Civil Air Patrol hangar space at the Asheboro Regional Airport for a new 3-year lease term at a rental rate of One Dollar (\$1.00) per year; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to publish in *The Courier Tribune* the statutorily mandated 30-

day legal notice of the city council's intent to authorize a new hangar lease agreement with the Civil Air Patrol during the governing board's regular meeting on November 7, 2019.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

5. Public comment period.

Mayor Smith opened the floor for public comments, and none were offered.

Mayor Smith closed the public comment period.

6. Items pertaining to the David and Pauline Jarrell Center City Garden:

(a) A resolution adopting the official name of the project.

Mayor Smith presented a resolution adopting and naming the David and Pauline Jarrell Center City Garden.

Upon motion by Council Member Bell and seconded by Council Member Burks, the Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

RESOLUTION NUMBER 39 RES 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION ADOPTING AND NAMING THE
DAVID AND PAULINE JARRELL CENTER CITY GARDEN

WHEREAS, the City Council of the City of Asheboro desires to officially adopt and name the David and Pauline Jarrell Center City Garden to preserve and enhance a historically significant 3-acre downtown green space of property owned by former Governor Jonathan Worth and desires it to become a public city garden for current and future generations; and

WHEREAS, it is the desire of the City Council of the City of Asheboro for this garden to serve as a restorative and tranquil refuge for visitors and a protected habitat for plants and wildlife; and

WHEREAS, the Garden's use of indigenous plants, including trees, shrubs and groundcover will serve as an example of the best practices in natural landscape design and horticulture methods; and

WHEREAS, the City Council recognizes the benefit that residents, visitors and students can receive from the opportunity to learn about native plants and local history via a center city garden; and

WHEREAS, while serving as Asheboro's Mayor from 2001- 2009, David Jarrell diligently strived to protect and enhance green space and the city's tree canopy; and

WHEREAS, David and Pauline Jarrell, who wished to continue to enhance and preserve our natural beauty, donated a portion of this land to the City of Asheboro in December 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro that the property located at 179 South Cox Street is to be named as follows:

THE DAVID AND PAULINE JARRELL CENTER CITY GARDEN

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (b) A budget amendment to purchase additional properties necessary to fully develop the David and Pauline Jarrell Center City Garden.

Mr. Ogburn presented an ordinance to amend the general fund for fiscal year 2019-2020 for the purchase of additional properties necessary to fully develop the David and Pauline Jarrell Center City Garden.

Upon motion by Council Member Burks and seconded by Council Member Swiers, the Council voted unanimously to adopt the following ordinance by reference. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

26 ORD 9-19

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2019-2020**

WHEREAS, The City Council of the City of Asheboro desires to purchase two parcels of land to become part of the proposed arboretum, and;

WHEREAS, The City of Asheboro has already received \$76,500 in private donations toward the negotiated purchase price of \$165,000 for the property owned by David H. and Pauline Jarrell located at 179 South Cox Street, identified by PIN 7751920210, and;

WHEREAS, The City of Asheboro desires to purchase an adjacent parcel of land, located at 205 South Cox Street, identified by PIN 7751829013, for the negotiated price of \$204,000, from Sharon M. Farkas, and;

WHEREAS, the estimated closing costs and 2 months prorated taxes for both parcels is estimated to not exceed \$3,150, and;

WHEREAS, The City of Asheboro has renegotiated the contract with Waste Management to reduce our garbage disposal cost of residential waste by \$10 per ton per ton which, based on 8,802 tonnage from September 2018-June 2019, the City will save \$8,802 in tipping fees in 2019-2020, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-399-0000	Fund Balance Appropriation	363,348

Section 2: That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-580-8300	Tipping Fee	(8,802)
10-620-7100	Capital Outlay- Land	<u>372,150</u>
	Increase	363,348

Adopted this 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

7. Community Development Items:

(a) Presentation of the recently adopted State Transportation Improvement Program (STIP) schedule concerning local highway projects.

Mr. Nuttall utilized a slide show in order to give an overview of the recently adopted State Transportation Improvement Program (STIP) that was adopted earlier in September by the North Carolina Department of Transportation (NCDOT). The NCDOT Board made revisions to several projects, including but not limited to certain improvement projects within the vicinity of the City of Asheboro, due to funding constraints faced by NCDOT. Some projects within Asheboro that are included in the recently adopted improvement program include, but are not limited to the following:

1. The ongoing pavement rehabilitation for I-73/74; and
2. The widening of U.S. Highway 64, East of I-85 Business from Lexington to Asheboro; and
3. The improvement of N.C. Highway 42 from Martin Luther King, Jr., Drive/North Randolph Avenue to East Salisbury Street; and
4. The improvement of the intersection of Zoo Parkway and Ridge Street; and
5. The widening of U.S. 220 Business from Vision Drive to Caudle Road.

City staff will update the Council regarding the transportation improvement program as more information becomes available. A copy of the slide show utilized by Mr. Nuttall is on file in the city clerk's office.

No formal action was taken by the Council during this portion of the meeting.

(b) Presentation of applications of those interested in serving on the LDP Steering Committee.

Mr. Nuttall presented a summary of applicants who have expressed an interest in serving on the Land Development Plan Steering Committee. Final applications will be presented to the Council for consideration at the Council's regular meeting on October 10, 2019. A copy of the summary is on file in the city clerk's office.

No formal action was taken by the Council during this portion of the meeting.

(c) Status report of projects on the properties list of the 2018-2023 Central Business District Redevelopment Plan:

**(i) Randolph County Parcel Identification Number 7751738346:
Acme McCrary Corporation: 170 North Church Street**

Mr. Nuttall reported that Landmark was not awarded the tax credits for the senior housing project located at 170 North Church Street (which is the Acme McCrary Corporation's building beside the Asheboro Municipal Building). Additionally, Mr. Nuttall reminded the council members how the city initiated pursuit of this project by approaching Landmark to assess their interest in the project due to their well-documented and successful history in historic rehabilitation development.

Based on a recommendation from the city's Redevelopment Commission and with no objection from the city council, the city's planning staff will reinitiate pursuit of the project and reaffirm commitment to the project by way of reference to its inclusion in the adopted 2018-2023 Central Business Redevelopment Plan.

No formal action was taken by the city council during this portion of the meeting.

**(ii) Randolph County Parcel Identification Number 7751738346:
Acme McCrary Corporation: 159 North Street**

The planning staff has had several conversations with the developers and there is a potential for affordable residential units within the facility located at 159 North Street. City staff recommended that an independent analysis be performed in order to proceed with this particular project. The UNC School of Government's Development Finance Initiative will assist city planning staff with proposals.

No formal action was taken by the city council during this portion of the meeting.

**(iii) Randolph County Parcel Identification Number 7751831174:
City of Asheboro: 148 North Street.**

Mr. Ogburn updated the council members on the progress of the city's recreation facility. Completion for this project is slated for December 2019.

No formal action was taken by the city council during this portion of the meeting.

8. Engineering Items:

(a) Consideration of a petition received from Mr. Leonard Latham requesting the contiguous annexation of a parcel of land at 1126 Oakland Avenue:

Mayor Smith opened a public hearing on the question of the annexation petition submitted by Mr. Leonard Latham. The petition requested the contiguous annexation of a parcel of land located at 1126 Oakland Avenue.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. No citizen wished to be heard during the public hearing.

Once the city council entered the deliberative phase of the hearing, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

ORDINANCE NO. 27 ORD 9-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY ANNEXING A
PARCEL OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AT
1126 OAKLAND AVENUE**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Leonard Latham petitioned the City of Asheboro to annex into the primary city limits his approximately 35,422.877-square foot (0.813 of an acre) parcel of land at 1126 Oakland Avenue, Asheboro, North Carolina 27203; and

WHEREAS, the territory proposed for annexation is a single parcel of land identified by Randolph County Parcel Identification Number 7751660777 and more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on August 8, 2019, by means of a duly adopted resolution (Resolution Number 30 RES 8-19), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. Latham, and the city clerk has in fact certified the sufficiency of this annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 31 RES 8-19, a legal notice was published on August 16, 2019, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Asheboro City Council's next regular meeting, which was scheduled to begin at 7:00 o'clock p.m. on the 12th day of September, 2019, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on the 12th day of September, 2019; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described territory is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1" existing iron pipe that is flush with the ground at the northwest corner of the Leonard Latham property described in Deed Book 2357, Page 1609, Randolph County Registry (this property is a single parcel of land identified by Randolph County Parcel Identification Number 7751660777 that

consists of Lots 64-65 of the Forest Hills Subdivision, Addition 6, as shown on a plat of survey recorded in Plat Book 6, Page 55, Randolph County Registry; the Leonard Latham property described herein is the sole parcel of land for which annexation is requested and will be referred to as the "Annexation Parcel"; the beginning point is a control corner located by means of the North Carolina Coordinate System at the coordinates of North 716,976.26 feet and East 1,756,107.29 feet (NAD 83 (2011)); thence from the beginning point and departing from the existing City of Asheboro primary city limits line by following the proposed City of Asheboro primary city limits line along the Annexation Parcel's northern boundary line, which runs with the southern margin of the 50-foot public right-of-way for Oakland Avenue (North Carolina Secondary Road 1483), South 89 degrees 51 minutes 37 seconds East 120.02 feet to a 5/8" existing iron rod that is 1" above ground at the northeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the southern margin of the public right-of-way for Oakland Avenue and following the Annexation Parcel's eastern boundary line along the Kenneth Thomas property described in Deed Book 1038, Page 178, Randolph County Registry South 00 degrees 25 minutes 40 seconds West 296.28 feet to a 1-1/4" existing iron pipe that is 3" above ground at the southeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the Annexation Parcel's eastern boundary line and proceeding the following courses and distances along the Annexation Parcel's southern boundary line that is shared with the Peter Carignan property described in Deed Book 2069, Page 2147, Randolph County Registry: North 89 degrees 17 minutes 35 seconds West 59.77 feet to a 3/4" existing iron pipe that is 6" above ground; thence North 89 degrees 18 minutes 40 seconds West 59.81 feet to a 1" existing iron pipe in concrete and 3" above ground at the Annexation Parcel's southwest corner that is on the existing City of Asheboro primary city limits line, this corner is a control corner located by means of the North Carolina Coordinate System at the coordinates of North 716,681.15 feet and East 1,756,105.53 feet (NAD 83 (2011)); thence departing from the Annexation Parcel's southern boundary line and following the existing City of Asheboro primary city limits line along the Annexation Parcel's western boundary line North 00 degrees 20 minutes 32 seconds East 295.12 feet to the point and place of BEGINNING, and containing a total of 35,422.877 square feet (0.813 of an acre) of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of William C. Burrow, Professional Land Surveyor with License Number L-2497. The plat of survey is titled "ANNEXATION SURVEY FOR CITY OF ASHEBORO(:) LEONARD LATHAM" and is identified as Project No. 5438.

Section 2. Upon and after September 12, 2019, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163A-1594 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after the 12th day of September, 2019.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of September, 2019.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

Approved as to form:

Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

(b) Approval of Work Authorization #3 between the City of Asheboro and WK Dickson for the Design/Bid Phase of the New Airfield Lighting System.

City Engineer Michael Leonard presented Work Authorization #3 between the City of Asheboro and WK Dickson for the design/bid phase of the new airfield lighting system for Asheboro Regional Airport. The existing lighting system is approximately 20 years old. The new system will include LED fixtures to improve efficiency and reduce maintenance requirements. The project will also include a new electrical vault building and power supply equipment. The existing power supply equipment is located in one of the airport hangar buildings.

All proposed costs of the project are grant eligible and reimbursable to the City of Asheboro at a ratio of 90% State/Federal and 10% Local Match. The total proposed cost for the project is \$157,878.00

Council Member Burks moved, and Council Member Snuggs seconded the motion, to approve Work Authorization #3 between the City of Asheboro and WK Dickson for the design/bid phase of the new airfield lighting system at the Asheboro Regional Airport. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

A copy of the work authorization presented by Mr. Leonard is on file in the city clerk's office.

(c) Update on the request to close a portion of West Pritchard Street.

Mr. Leonard presented a map illustrating the potential closure of a portion of West Pritchard Street. Once the parties involved agree on the design, work will begin in the coming weeks.

No action was taken by the council during this portion of the meeting.

(d) Update on the request by Mr. Harrell Hamilton for assistance with traffic issues at Lindley Park School.

Mr. Leonard reported that Mr. Harrell Hamilton has requested the city's assistance regarding traffic issues near Lindley Park Elementary School during the morning and afternoon hours while the school is in operation. The city's engineering department will collaborate with the Asheboro Police Department in order to address citizen concerns regarding the high volume of traffic within the vicinity of Lindley Park Elementary School. City staff will update the council members as more information becomes available.

No action was taken by the council during this portion of the meeting.

(e) City of Asheboro Recreation Facility Bleachers Bid Tabulation.

Mr. Leonard presented to the council a summary of the bids received for the installation of bleachers at the City of Asheboro Recreation Facility. The following bids were opened at 10:00 a.m. on September 5, 2019:

1.	Learning Environments, Inc.	\$76,510.00
2.	The Sports Flooring Group	\$85,389.84

Mr. Leonard recommended that the council award the installation of the bleachers to the lowest responsive bidder which was Learning Environments, Inc. with a bid of \$76,510.00. Council Member Bell moved to award the bleachers installation contract to the said lowest responsive bidder, and this motion was seconded by Council Member Swiers. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted unanimously in favor of the motion and awarded the bleacher installation contract to Learning Environments, Inc.

9. Upcoming events.

Mayor Smith led a brief discussion of upcoming events occurring within the city government and the community in general. No action was by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:17 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Case No. CUP-19-09
Final Decision Document
City Council of the City of Asheboro, North Carolina

**IN THE MATTER OF THE APPLICATION BY OSOTT, LLC FOR A
CONDITIONAL USE PERMIT AUTHORIZING BOTH AN INDUSTRIAL
DEVELOPMENT WITH MULTIPLE USES AND/OR STRUCTURES
AND A SPECIAL NON-RESIDENTIAL INTENSITY
WATERSHED ALLOCATION**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING,
WITH CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT**

THIS MATTER came before the Asheboro City Council (the “Council”) for a properly advertised quasi-judicial hearing that was initially opened on July 11, 2019, and due to the granting of hearing continuances during the July and August meetings, was conducted over the course of three regular Council meetings held on the following dates: July 11, 2019; August 8, 2019; and September 12, 2019. During the hearing, sworn witnesses provided testimony and documentary evidence pertaining to the application submitted by OSOTT, LLC for a Conditional Use Permit (“CUP”). Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. OSOTT, LLC (the “Applicant”) applied, by and through John Thompson, JB Davis, and Jerry Holder, for a CUP that is needed for the Applicant to proceed with a proposed land development project. Along with building elevations, the Applicant has submitted the site plan required by Section 1005 of the Asheboro Zoning Ordinance (the “Ordinance”).

2. The CUP is needed for two reasons: (a) Without a CUP, the Applicant cannot develop its proposed industrial development with multiple uses and/or structures on land that is located within a conditional use zoning district, and (b) Due to the fact that the proposed site for the industrial development is in the balance area of a watershed, the CUP is needed to obtain a special non-residential intensity watershed allocation.

3. The proposed site for the Applicant’s industrial development is approximately 62.34 acres in size and is composed of three parcels of land located on the north side of Vision Drive and along Nottingham Street (south of 1595 Nottingham Street).

4. These three parcels of land, which were submitted by the property owners (OSOTT, LLC and JB Davis & Sons Ventures, LLC) for consideration as a single zoning lot under the CUP application process, are identified by the following Randolph County Parcel Identification Numbers: 7752655565, 7752547146, and 7752640158. The three combined parcels of land will be hereinafter collectively referred to as the “Zoning Lot.”

5. During his testimony, City of Asheboro Community Development Director Trevor Nuttall offered uncontroverted testimony that the required notices of the combined hearing on the application for a rezoning to place the Zoning Lot in a CU-I2 zoning district and for the issuance of a CUP were mailed and published in accordance with the applicable legal requirements.

6. In a legislative act, the Council found the zoning district requested by the Applicant to be consistent with the city’s adopted comprehensive plan of development and placed the entirety of the Zoning Lot in a CU-I2 (Conditional Use General Industrial) zoning district before acting on the requested CUP. Prior to this legislative act, the Zoning Lot was divided between an R15 low-density single-family residential district, an RA6 high-density residential district, and a CU-I3 conditional use limited industrial district which covered the largest portion of the Zoning Lot.

7. Section 102 of the Ordinance describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

8. Section 102 of the Ordinance also provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized

by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

9. Section 1013.2 of the Ordinance establishes the following general standards for the issuance by the Council of a CUP:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

- 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- 2. That the use meets all required conditions and specifications.*

3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.*
4. *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

10. Section 210 of the Ordinance contains a statement of intent for the I2 Industrial Development District, and this statement of intent provides as follows:

The intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.

11. According to Table 200-2 of the Ordinance, industrial developments with multiple uses and/or structures, which is the type of land use proposed by the Applicant for the Zoning Lot, are permitted as a principal use in the underlying I2 zoning district.

12. Article 1100 of the Ordinance defines the land use proposed for the Zoning Lot by the Applicant as an “industrial development with more than one principal structure and/or use on one zoning lot that will not be developed into building lots.”

13. The Ordinance’s supplemental regulations for industrial developments with multiple uses and/or structure, which are found as Note 45 in the notes to Table 200-2, provide as follows:

This type of development generally includes more than (sic) one principal structure and use with associated accessory structures and uses on one zoning lot which will not be subdivided into customary building lots. The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR as specified in Table 200-2 (sic). All yard, height, setback, parking, buffer and screening etc. requirements of this ordinance shall be met for the development as a whole.

14. With regard to the Zoning Lot, the surrounding land uses are as follows:

North:	Single-Family/Schools/ Undeveloped Land	East:	Railroad/ Single-Family
South:	Undeveloped Land	West:	I-73/I-74/ Single-Family

15. A portion of the Zoning Lot is inside the city limits (this section of land is identified by Randolph County Parcel Identification Number 7752655565 and is located to the east of the Norfolk Southern railroad tracks). The balance of the Zoning Lot is beyond the city limits but within the city's extraterritorial planning jurisdiction.

16. Vision Drive is a state-maintained boulevard with fully controlled access in this location. Access to the Zoning Lot will not be permitted from Vision Drive. The Zoning Lot also has frontage along another fully controlled access highway, the interstate highway (I-73/I-74). The public street proposed as the Zoning Lot's sole point of ingress/egress is Nottingham Street which is a state-maintained street.

17. The North Carolina Department of Transportation ("NCDOT") will be responsible for driveway permitting on Nottingham Street.

18. The Zoning Lot is approximately 62.34 acres in size. Out of these 62.34 acres, approximately 49.2 acres of land are located west of the Norfolk Southern railroad tracks. Prior to the placement of the Zoning Lot into a CU-I2 zoning district during the combined hearing on the Applicant's rezoning and CUP request, the approximately 49.2 acres of land on the west side of the railroad tracks were in a CU-I3 zoning district and designated as an Employment Center by the city's Land Development Plan (the "LDP").

19. This approximately 49.2 acres of land on the west side of the Norfolk Southern railroad tracks was first placed in a conditional use industrial zoning district in May 1986. However, no specific use had been approved for this property prior to the consideration of the current Applicant's request.

20. The LDP designation of a majority of the acreage within the Zoning Lot as an Employment Center is attributable to the location of this land along a major transportation corridor (I-73/I-74), near an interstate interchange. In addition to this proximity to an interstate interchange, the Zoning Lot adjoins the Norfolk Southern railroad tracks.

21. The Zoning Lot is subject to the Northeast Small Area plan. This plan identifies the presence of an Employment Center at the interchange of I-73/I-74 and

Vision Drive as a key issue. The city's LDP deems industrial uses to be an integral component of an Employment Center along with other non-residential uses.

22. Although there are adjacent residential uses and two public schools in the Zoning Lot's general area, there are also commercial, office, and institutional land uses and zoning along Vision Drive.

23. The city's LDP Growth Strategy Map designates the majority of the Zoning Lot, which is west of the railroad tracks, as an Economic Development Area, and the balance of the Zoning Lot located to the east of the railroad tracks is designated as a Primary Growth Area.

24. The Applicant's proposal includes a potential rail spur to serve the industrial development. Norfolk Southern has the final review and approval authority for the alignment of the rail spur and any improvements within the railroad right-of-way.

25. A portion of the Zoning Lot is located within the Back Creek Lake watershed and, consequently, is subject to the regulations found in Article 300B (Watershed Protection Regulations) of the Ordinance.

26. Watershed areas are divided into two tiers of control, critical and balance areas. Critical areas, which are the areas nearest to the water supply, are subject to the most stringent regulations because proximity to the intake creates a higher risk of contamination. The remaining part of the watershed, or the balance of the watershed, is subject to less restrictions because the greater distance from the point of intake lowers the risk of contamination. The northern two-thirds of the Zoning Lot, more or less, is in the balance of the Back Creek Lake watershed.

27. In the Ordinance, Article 300B, Section 310B.3, Subsection B.2. provides as follows:

All other residential and non-residential development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for nonresidential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

28. For a project to exceed the 12% built-upon limitation, the Council must issue a special non-residential intensity allocation ("SNIA"). Pursuant to Article 300B of the Ordinance, the Council is authorized to issue a Special Use Permit

(“SUP”) granting a SNIA so long as the issuance of the SUP is consistent with the provisions of Article 600, Section 647 of the Ordinance.

29. Article 600, Section 647.1 of the Ordinance provides as follows:

All applications for a SNIA shall include the following:

- a. Projects must minimize built-upon surface area.*
- b. Projects must direct stormwater away from surface waters.*
- c. Projects must incorporate Best Management Practices to minimize quality impacts.*
- d. Projects must be connected to City of Asheboro water and sewer.*
- e. Projects must provide a positive economic benefit to the community.*

30. Within the balance of the Back Creek Lake watershed, 193.48 acres of land are available for the special allocation referred to as a SNIA. If the requested SNIA is granted, the Applicant’s project would use 11.32 acres of the special allocation area, reducing the available allocation area to 182.16 acres.

31. In comparison to the earlier drafts of the site plan, the Applicant’s current proposed use of 11.32 acres of the special allocation area is an improvement that reflects a reduction in the amount of built-upon area within the Zoning Lot. Prior to this improvement, the Applicant had requested the maximum allocation of 70% or 13.76 acres.

32. The Council’s approval of the SNIA will have no effect on general watershed development regulations designed to protect water quality.

33. In pertinent part, Section 102 of the Ordinance provides as follows:

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

34. John Thompson, who is licensed in North Carolina as a general contractor and is authorized to act on behalf of the Applicant, provided uncontroverted testimony that best management practices (“BMP”) will be utilized for the project. The site plan notes that the BMP will be sized to treat 70% built-upon

area even though the site plan does not utilize the entirety of the allowable 70% built-upon area for the proposed project.

35. H. Mack Summey, PE is the engineer who sealed the plans reviewed by the Council, and he testified that, due to runoff controls such as the ditching incorporated into the plans, stormwater from the proposed development will not impact the King property located to the immediate north of the Zoning Lot, specifically including the pond located on the King property.

36. A small portion of the Zoning Lot near Vision Drive is located in a special hazard flood area. The site plan indicates that no building activity will occur in this flood area, and John Thompson's uncontroverted testimony confirmed this fact.

37. John Thompson and Ben Morgan, Esq. testified on behalf of the Applicant that the proposed industrial development will provide an economic benefit that will support the ability of the local economy to produce jobs and tax revenue by filling a need for industrial warehousing space. This testimony was not challenged by any other witnesses.

38. While he testified as to the need for warehousing space that will be addressed by the Applicant's proposal, Ben Morgan did not assert that the Applicant's proposed land use is a public necessity. Instead, Mr. Morgan called Lee Roberts to provide expert testimony as to the impact of the proposed industrial development on the value of property adjoining or abutting the Zoning Lot.

39. Lee Roberts testified that he is a licensed real estate appraiser in North Carolina and that he has been conducting residential real estate appraisals for approximately thirty years. In addition to residential site development work, his office conducts approximately 1,200 appraisals per year in an 8-county area in the piedmont of North Carolina. While Tom Terrell, Esq., who is legal counsel for Lucy and Paul King, vigorously challenged the adequacy of the data supporting the opinion offered by Mr. Roberts, no challenge was made to Mr. Roberts' professional qualifications as a licensed residential real estate appraiser.

40. Lee Roberts cited the May 1986 rezoning of the large portion of the Zoning Lot located on the west side of the Norfolk Southern railroad tracks to CU-I3 industrial zoning as an essential component of his analysis. This rezoning in combination with the presence of the major travel corridor (an interstate highway with the Vision Drive interchange) on one side and the railroad on the other side establishes the area for industrial use.

41. Mr. Roberts then focused his attention specifically on the King property identified on the site plan by Randolph County Parcel Identification Number 7752556741. The appraiser testified that this parcel is approximately 9.3 acres in

size with two dwellings located on it. One structure, which was originally built in 1929, is a site built home with approximately 980 square feet of living space. The second structure is a 1959 single-wide manufactured home with multiple additions over the years. Lee Roberts testified as to his professional opinion that, on the basis of these factors and his extensive experience with this market and with other residential real estate in similar situations, the land use proposed by the Applicant will not substantially injure the value of adjoining or abutting property.

42. No other expert witnesses offered testimony as to the impact of the proposed development on the value of adjoining or abutting property.

43. In addition to increasing the buffer area to fifty feet on the northern boundary between the Zoning Lot and the King property, one of the changes made to the Applicant's site plan since the July 2019 Council meeting is the proposed relocation of a section of Nottingham Street along with the associated railroad crossing further south, away from the King property. Depending on whether measurements are made in relation to the railroad crossing points or along the property line, the proposed relocation would move the railroad crossing and entrance to the Zoning Lot between approximately two hundred feet and two hundred forty feet south from the current location.

44. The relocated section of Nottingham Street will provide public street access directly to the proposed industrial development, and this relocated section of street is to be built to NCDOT standards since the relocated section of Nottingham Street will continue to be state-maintained roadway. Likewise, the relocated railroad crossing is to be built to NCDOT and Norfolk Southern standards.

45. Due to the impact of this relocation of the railroad crossing and section of Nottingham Street on the ability of the Kings to access their property, legal counsel for the Applicant and the Kings jointly agreed to a proposed CUP condition requiring a permanent access easement and maintenance agreement providing a full right of access across the Zoning Lot (the Applicant's land) to the existing driveway on the King property that is identified by Randolph County Parcel Identification Number 7752556741. The maintenance of this connector to the current location of the driveway on the King property shall be the responsibility of the Applicant.

46. In addition to the above-stated condition regarding a permanent access easement and maintenance agreement, Ben Morgan, on behalf of his client (the Applicant), agreed to the following conditions for attachment to the requested CUP:

(A) The approved land use shall be an "Industrial Development with Multiple Uses and/or Structures," excluding the uses listed below:

(1) Any type of Adult Establishment;

- (2) Amusement Parks;
 - (3) Brew Pubs;
 - (4) Bus Terminal;
 - (5) Cemetery (Human or Pet);
 - (6) Child Care Center;
 - (7) Circus, Fair, or Carnival;
 - (8) Correctional Facilities;
 - (9) Farmer's Market;
 - (10) Flea Market;
 - (11) Government Land Reserve;
 - (12) Junkyards;
 - (13) Kennels;
 - (14) Landfills;
 - (15) Liquor Store;
 - (16) Lumberyard;
 - (17) Mini Warehouse;
 - (18) Mobile Home Sales;
 - (19) Sludge Applications;
 - (20) Storage of Hazardous Wastes;
 - (21) Vehicle Towing Operation and/or Storage Facility; and
 - (22) Any Use Prohibited by the Watershed Protection Regulations in Article 300B of the Ordinance.
- (B) As allowed by the Ordinance, existing vegetation may be preserved and used to count towards the buffer and landscaping shown on the site plan.
- (C) If the number of parking spaces required to serve the proposed development is determined to be more or less than the amount of parking shown on the site plan, a change to the amount of parking that is compliant with the Ordinance specifications shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised site plan for a compliance review by city staff and for inclusion in the file.
- (D) Actions identified in Article 1000, Section 1013.5.B (1) and (2) of the Ordinance related to the size of the proposed structure(s) shall be considered minor changes and not permit modifications requiring Council review.
- (E) Subject to the applicable zoning and subdivision ordinance requirements and processes, and consistent with Section 1013.5 of the Ordinance, the proposed conversion of any privately maintained drive within the Zoning Lot to a publicly maintained street shall not be deemed to be a modification of the CUP. This condition is equally applicable to a previously privately maintained connector between the Zoning Lot and public street infrastructure that is converted to a publicly maintained street.

- (F) Prior to the storage of any hazardous material, a spill prevention, containment, and control plan (“SPCC”) shall be prepared by a professional competent in SPCC procedures and submitted to city staff for review and inclusion in the file. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.
- (G) A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the zoning lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
- (H) All land uses shall continually remain in good standing with the North Carolina Department of Environmental Quality (“NCDEQ”) and/or other regulatory entities charged with enforcing air quality requirements. As a point of illustration and not limitation, this condition shall be deemed to mean that the land use remains free of any notice of violation and/or of non-compliance from NCDEQ.
- (I) Prior to the issuance of a zoning compliance permit for the construction of any phase of the development, the Applicant shall:
 - (1) Provide evidence of required NCDOT approval(s);
 - (2) Provide evidence of approval by Norfolk Southern Railroad for all proposed improvements to be located within area controlled by the railroad;
 - (3) Provide evidence of compliance with the city code and policies for water and sewer extensions and connections, including annexation and the surveying of necessary easements for any lines required to be publicly maintained;
 - (4) Submit a revised site plan to city staff to accurately reflect the zoning classification of Tract 3 (Parcel Identification Number 7752655565);
 - (5) Provide NCDEQ erosion control permit when required; and
 - (6) Properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

(J) Prior to issuance of a zoning compliance permit for future phases of the development, the following information shall be provided:

- (1) Additional lighting detail showing compliance with the Performance Standards for Industrial District provisions found in Section 316A of the Ordinance;
- (2) Information showing compliance with the Ordinance Section 307A (Central Solid Waste Storage Area) provisions, as needed, for future phases of the development; and
- (3) Building elevation details compliant with Article 300A, Section 316A in the Ordinance.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a CUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a CUP authorizing an industrial development with multiple uses and/or structures on the Zoning Lot.

3. The Zoning Lot is located in a CU-I2 zoning district. An industrial development with multiple uses and/or structures is permitted in the underlying I2 zoning district, and the status of this district as a conditional use district allows for closer review of the proposed land use and the imposition of individualized conditions that further the legitimate objectives of the Ordinance.

4. On the basis of competent, material, and substantial evidence in the record, and due to the acceptance by the Applicant of the conditions listed hereinbelow for attachment to the CUP, the Applicant's proposed land use meets the four general standards for granting the requested CUP, to wit:

- (A) A design professional, who is a North Carolina licensed professional engineer, has sealed the site plan for the proposed land use and has specifically included within the site plan the required elements for safely conducting the proposed land use within the balance of the watershed. In light of the Applicant's site plan and the Applicant's commitment to comply with the watershed regulations and the additional conditions attached to this CUP, no abnormal hazards that are different in kind

from the materials that are already transported on either side of the Zoning Lot by means of the interstate highway and the railroad tracks will be posed by the Applicant's proposed land use. There will definitely be increased traffic on a state-maintained road with a railroad crossing that the Applicant will construct/improve in accordance with NCDOT and Norfolk Southern standards. However, in this case, an increase in traffic does not mean that undue or unsafe congestion will occur. Accordingly, the Council has concluded that the proposed land use will not materially endanger the public health or safety if located where proposed and developed according to the approved plan.

- (B) The Applicant's proposed land use meets all of the Ordinance's required conditions and specifications.
- (C) The only expert testimony offered on the subject of whether the proposed land use will substantially injure the value of adjoining or abutting property was provided by Lee Roberts, the licensed real estate appraiser called to testify by the Applicant. Mr. Roberts testified as to his professional opinion, but he did not submit a written report such as a market impact study with market data or tax data. However, Mr. Roberts' testimony did establish that (a) he had researched zoning history pertaining to the Zoning Lot; (b) he factored surrounding land uses/activities into his analysis, specifically the interstate highway and railroad on either side of the Zoning Lot and the adjoining property; (c) he described the structures on the adjoining parcel of land for which a specific concern had been raised; and (d) he testified as to his familiarity with this real estate market and that he has experience with other homes in similar situations. Mr. Roberts asserted that he had sufficient information to form the professional opinion that the Applicant's proposed land use will not substantially injure the value of adjoining or abutting property. The Council has determined that Lee Roberts is an expert in the field of residential real estate appraisal and that his expert opinion was supported with sufficient facts and background information to conclude that the proposed land use will not substantially injure the value of adjoining or abutting property.
- (D) Based on the combination of the legislative zoning and plan consistency determinations made by the Council in this area from 1986 to the present, the existing land uses in the vicinity of the Zoning Lot and Vision Drive, and the Employment Center designation for a majority of the acreage within the Zoning Lot that is bordered by an interstate highway and a rail line, the Council has concluded that the location and character of the industrial development with multiple uses and/or structures, if developed according to the plan as submitted and

approved, will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

5. Due to the presence of a significant portion of the Zoning Lot within the balance of the Back Creek Lake watershed, the Applicant has properly submitted an application for a SNIA that will allow the Applicant to use approximately 11.32 acres of the special allocation area. In addition to meeting the above-described general standards for the issuance of a CUP authorizing an industrial development with multiple uses and/or structures, the same analysis of the Applicant's compliance with these four general standards applies to the request for the SNIA. Furthermore, the Applicant has also provided competent, material, and substantial evidence in the record to establish compliance with the five specific standards prescribed by Section 647.1 of the Ordinance for the issuance of the requested SNIA.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Subject to the following conditions, a Conditional Use Permit authorizing the proposed industrial development with multiple uses and/or structures on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. Furthermore, this Conditional Use Permit includes approval of the requested SNIA so as to allow the Applicant to develop the proposed land use in accordance with the approved site plan, the Asheboro Zoning Ordinance, and the supplementary conditions attached to this Conditional Use Permit.

The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) The approved land use shall be an "Industrial Development with Multiple Uses and/or Structures," excluding the uses listed below:
- (1) Any type of Adult Establishment;
 - (2) Amusement Parks;
 - (3) Brew Pubs;
 - (4) Bus Terminal;
 - (5) Cemetery (Human or Pet);
 - (6) Child Care Center;
 - (7) Circus, Fair, or Carnival;
 - (8) Correctional Facilities;
 - (9) Farmer's Market;

- (10) Flea Market;
 - (11) Government Land Reserve;
 - (12) Junkyards;
 - (13) Kennels;
 - (14) Landfills;
 - (15) Liquor Store;
 - (16) Lumberyard;
 - (17) Mini Warehouse;
 - (18) Mobile Home Sales;
 - (19) Sludge Applications;
 - (20) Storage of Hazardous Wastes;
 - (21) Vehicle Towing Operation and/or Storage Facility; and
 - (22) Any Use Prohibited by the Watershed Protection Regulations in Article 300B of the Ordinance.
- (B) As allowed by the Ordinance, existing vegetation may be preserved and used to count towards the buffer and landscaping shown on the site plan.
- (C) If the number of parking spaces required to serve the proposed development is determined to be more or less than the amount of parking shown on the site plan, a change to the amount of parking that is compliant with the Ordinance specifications shall not be considered a modification of the project requiring Council approval. The Applicant shall submit a revised site plan for a compliance review by city staff and for inclusion in the file.
- (D) Actions identified in Article 1000, Section 1013.5.B (1) and (2) of the Ordinance related to the size of the proposed structure(s) shall be considered minor changes and not permit modifications requiring Council review.
- (E) Subject to the applicable zoning and subdivision ordinance requirements and processes, and consistent with Section 1013.5 of the Ordinance, the proposed conversion of any privately maintained drive within the Zoning Lot to a publicly maintained street shall not be deemed to be a modification of the CUP. This condition is equally applicable to a previously privately maintained connector between the Zoning Lot and public street infrastructure that is converted to a publicly maintained street.
- (F) Prior to the storage of any hazardous material, a spill prevention, containment, and control plan ("SPCC") shall be prepared by a professional competent in SPCC procedures and submitted to city staff for review and inclusion in the file. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.

- (G) A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the zoning lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
- (H) All land uses shall continually remain in good standing with the North Carolina Department of Environmental Quality ("NCDEQ") and/or other regulatory entities charged with enforcing air quality requirements. As a point of illustration and not limitation, this condition shall be deemed to mean that the land use remains free of any notice of violation and/or of non-compliance from NCDEQ.
- (I) Prior to the issuance of a zoning compliance permit for the construction of any phase of the development, the Applicant shall:
- (1) Provide evidence of required NCDOT approval(s);
 - (2) Provide evidence of approval by Norfolk Southern Railroad for all proposed improvements to be located within area controlled by the railroad;
 - (3) Provide evidence of compliance with the city code and policies for water and sewer extensions and connections, including annexation and the surveying of necessary easements for any lines required to be publicly maintained;
 - (4) Submit a revised site plan to city staff to accurately reflect the zoning classification of Tract 3 (Parcel Identification Number 7752655565);
 - (5) Provide NCDEQ erosion control permit when required; and
 - (6) Properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.
- (J) Prior to issuance of a zoning compliance permit for future phases of the development, the following information shall be provided:
- (1) Additional lighting detail showing compliance with the Performance Standards for Industrial District provisions found in Section 316A of the Ordinance;

- (2) Information showing compliance with the Ordinance Section 307A (Central Solid Waste Storage Area) provisions, as needed, for future phases of the development; and
 - (3) Building elevation details compliant with Article 300A, Section 316A in the Ordinance.
- (K) Prior to the issuance of a zoning compliance permit for the construction of any phase of the development, the Applicant must properly record a permanent access easement and maintenance agreement providing a full right of access across the Zoning Lot (the Applicant's land) to the existing driveway on the King property that is identified by Randolph County Parcel Identification Number 7752556741. The maintenance of this connector to the current location of the driveway on the King property shall be the responsibility of the Applicant.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 10th day of October, 2019.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



TO: John Ogburn, *City Manager*

FROM: Jonathan Sermon, *Recreation Services Director*

DATE: October 1, 2019

SUBJECT: **Canada Geese** (also includes White-Fronted Geese) & **Duck Hunting Season Dates**

The Cultural & Recreation Services Department is requesting to be placed on the consent agenda for the October 10th City Council meeting. The request is for the annual approval of the Canada Geese (also includes White-Fronted Geese) & Duck hunting dates at Lake Reese.

The Recreation Services Department has offered Geese/Duck Hunting at Lake Reese for the last eleven years after a short hiatus due to low interest. After a successful past eleven years, the department would like to offer this activity at Lake Reese again in 2019.

Listed below are the proposed dates for the **2019 - 2020 Canada Geese** (also includes White-Fronted Geese) & **Duck** hunting season at Lake Reese.

NOVEMBER 16th, 18th, 21st
DECEMBER 14th, 16th, 19th
JANUARY 11th, 13th, 16th

Hunting hours are ½ hour before sunrise to sunset. The Lake will be closed to other activities while hunting takes place. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the Lake will operate on its regular winter schedule.

gave to PD & PW's 9-9-2019



APPLICATION FOR PARADE PERMIT

In accordance with Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Kelli King (City of Asheboro Cultural & Recreation Services)

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 5 **E-mail:** kking@ci.asheboro.nc.us

Organization: City of Asheboro (Randolph County Advisory Council for Disability Awareness)

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 4

Date of Parade: October 18, 2019 **Start Time:** 10:00am **End Time:** 2:00 pm

Number of Persons: 800+ **Number of Vehicles:** 0

Streets Involved: Sunset Ave They will be crossing over Park St, Davis St and Church St.

Special Officials and/or guest: _____

Insurance Company & Policy Number: _____

Any Additional Information: Set up time will start at 7:00am. The parade will be leaving from the Courier

Tribune parking lot going straight up Sunset Ave into Bicentennial Park.

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her (?) sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Kelli King

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: _____ **Date:** 9/9/2019



APPLICATION FOR PARADE PERMIT

In accordance with Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Jennifer R. Staley (City of Asheboro Cultural & Recreation Services)

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 4 **E-mail:** jstaley@ci.asheboro.nc.us

Organization: City of Asheboro Cultural & Recreation Services

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 4

Date of Parade: October 31, 2019 **Start Time:** 6:30 pm **End Time:** 8:30 pm

Number of Persons: 6000 **Number of Vehicles:** 0

Streets Involved: Sunset Ave. from Church St. to Fayetteville St. & North St. from Sunset Ave. to E. Salisbury

Special Officials and/or guest: _____

Insurance Company & Policy Number: _____

Any Additional Information: Request for road closure will be in the October Council Meeting. Setup and street closure will begin at 5:00pm. We will need police assistance to clear the streets (like Christmas Parade). In 2015 several cars were allowed to stay inside the perimeter causing a safety issue when they left during the event.

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her (?) sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Jennifer Staley

Digitally signed by Jennifer Staley
DN: cn=Jennifer Staley, o=Asheboro Cultural & Recreation, ou,
email=jstaley@ci.asheboro.nc.us, c=US
Date: 2017.09.19 15:33:04 -04'00'

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: _____ **Date:** _____

gave to PD & PWD
Aug 28, 2019

CITY OF
ASHEBORO
NORTH CAROLINA

APPLICATION FOR PARADE PERMIT

In accordance with the Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Shelia Robbins Scott
Address: 3282 Robbins Scott Rd, Randleman, NC 27317
Phone: 336-953-2884 E-mail: sheliarscott@aol.com
cel

Organization: none

Address: above

Phone: _____

Date of Parade: Sunday, Nov 3 Start Time: 3:00 End Time: 4:00

Number of Persons: 100 approx Number of Vehicles: -0-

Streets Involved: Park, 1st, Church, Sunset

Special officials and/or guests: -0-

Insurance Company & Policy Number: Farm Bureau apply 30 days prior to event

Any additional Information: _____

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Shelia Robbins Scott

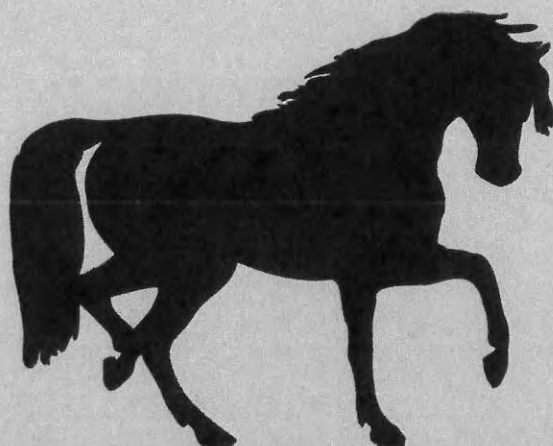
Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: _____

Date: 8/26/2019

ASHEBORO FALL ROUNDUP HORSE PARADE



SUNDAY, NOVEMBER 3, 2019

3:00 PM

19th Annual

Parade begins corner of Park St and Sunset Ave

The parade route is South on Park St., turns left at Taft St at Post Office, than left on Church St., to Sunset Ave., turn left on Sunset Ave. back to Park St. and Courier Tribune parking lot.

Trailer parking Courier Tribune and Hoover St

Prizes awarded for:

Best Horse, Best Pony, Best Mule, Best Man, Best Woman, Best Boy,
Best Girl, Best Costume, Best Team, Best Wagon, Oddest Entry and
3 Judges' Choice

NO RAIN DATE

More information contact Shelia R. Scott-336-498-3398 or 336-953-2884

Facebook @Shelia Robbins Scott

gone to PD & PW's
9-25-19

CITY OF
ASHEBORO
NORTH CAROLINA

APPLICATION FOR PARADE PERMIT

In accordance with the Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: EDWARD W. LUCKADO
Address: 4799 OLD GREENSBORO RD. RANDLEMAN, NC 27317
Phone: 336-498-7146 E-mail: eluckado@triad.rr.com

Organization: RANDOLPH COUNTY VETERANS COUNCIL
Address: SAME
Phone: SAME

Date of Parade: NOV. 11, 2019 Start Time: 3:30 PM End Time: 5:00 PM

Number of Persons: _____

Number of Vehicles: _____

Streets Involved: _____

Special officials and/or guests: _____

START CHURCH ST. - TURN RIGHT ON SUSSEX - TURN LEFT ON FAYE
close Hill ST - heading ST - Freedom Dr. - Waiman Ave
at 3:00 PM

Insurance Company & Policy Number: _____

Any additional information: _____

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: _____

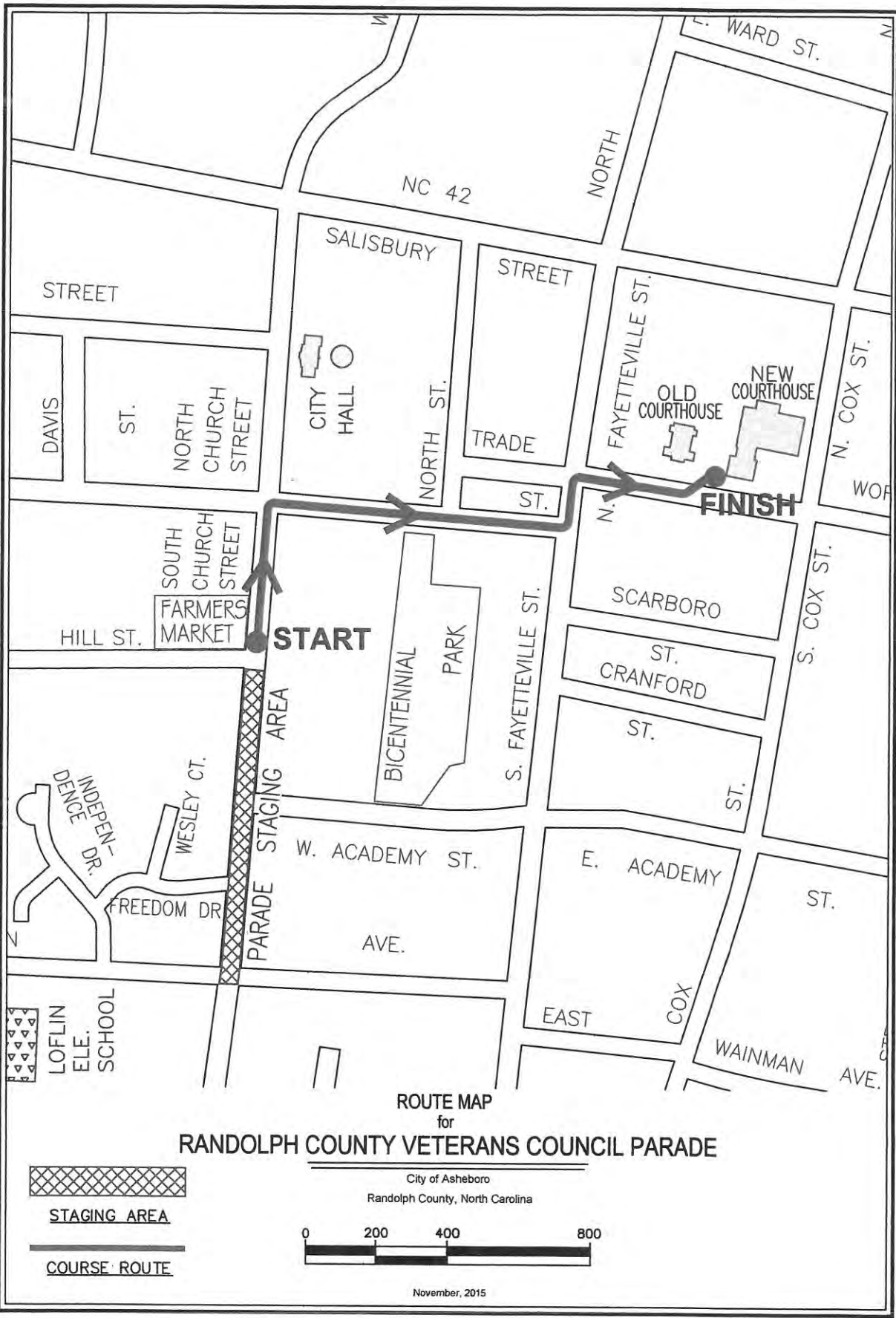
Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: _____

Date: _____

9/25/19





**2019 Randolph County
Veterans Day Parade Registration Form
Asheboro, North Carolina
November 11th 2019---4 pm**

Theme of Parade: United States Navy

In Memory Of: Aaron Wayne Strider- United States Navy

Grand Marshall: Howard Franklin Sides- United States Navy

Name of Person/ Organization _____

Address: _____ City/State/Zip _____

Phone Number _____ Email _____

Contact Person (must be present at parade line-up): _____

Each Entry Must Have a Separate Application (Circle) JROTC Band Car

Truck Motorcycle Float w/tow vehicle Walking Unit (approx # _____)

**No
Entry Fee**

Are you a Veteran? If so what branch of service. _____ Date _____

Candy or other material may be handed out (not thrown from the entry).

**Prizes
1st 2nd 3rd**

Entries selected to participate in the parade will receive an official entry number and additional information Nov 8, 2019—Nov 10, 2019. Any entries received after November 8 will be placed at the rear of the parade. (Line up on Church Street.)

All entries should arrive at the staging area in ample time to locate your assigned space. Entries must be in their designated space **NO LATER THAN 3:30pm** to secure your space well before the start time of 4:00pm.

All parade participants agree to hold the Randolph County Veterans Council, The City of Asheboro and/or any agency or individual acting on its behalf, harmless for any loss of property or injury as a result of their participation in this parade.

As the authorized representative of the above identified organization/individual, I, the undersigned have read the requirements for participation in the Randolph County Veterans Day Parade, agree to abide by these requirements and other requests made by the Randolph County Veterans Day Parade Committee

Signature of Authorized Representative _____

Parade Sponsor---Randolph County Veterans Council

Return this form by November 8, 2019 to: Lucky Luckado 4799 Old Greensboro Rd. Randleman, NC 27317 (336) 498-7146-----email: eluckado@triad.rr.com

*****Rain Date***Saturday, November 16---4 pm**

REMEMBER: THIS IS A PARADE TO HONOR ALL VETERANS::: ALL ENTRIES SHOULD HAVE BANNERS AND/OR SIGNAGE TO REFLECT THAT THEME.

ORDINANCE TO AMEND THE GENERAL FUND
FY 2019-2020

WHEREAS, the City of Asheboro would like to appropriate funding for professional lobbying services to assist us in finding funding for the Asheboro Regional Airport New Terminal, and;

WHEREAS, the City of Asheboro desires amend the 2019-2020 budget to incorporate this expense and to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$13,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-650-0400	Professional Services	\$13,000

Adopted this the 10th day of October 2019.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2019-2020

WHEREAS, the City of Asheboro has received additional federal funding for the Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro would like to appropriate these funds toward the design of new airfield lighting, and;

WHEREAS, the City Council of the City of Asheboro desires amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget, and;

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-369-2400	Grant proceeds	150,000
66-367-1032	GF Contribution 18-19	16,700
66-367-1033	GF Contribution 19-20	16,700
	Total Increase	183,400

Section 2: That the following expense line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-982-0502	Airfield Lighting	183,400

Adopted this the 10th day of October 2019.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, City Clerk



**RZ-19-11: Request to rezone from R7.5 (Medium-Density Residential) to
OA6 (Office-Apartment)**
853 E. Salisbury St

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-19**
 -11

Date 9/9/2019

Applicant Stephen "Bo" Davidson

Legal Description

The property of Davidson Builders and Properties, Inc., located at 853 E Salisbury St., totaling approximately 0.89 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7761227703.

Requested Action Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R7.5 Medium-Density Residential

Land Development Plan See Rezoning staff report

Planning Board Recommendation

Approve.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-19-11

Date 9/9/2019 Planning Board

General Information

Applicant Stephen "Bo" Davidson

Address 333 W. Ward St.

City Asheboro NC 27203

Phone 336-382-1391

Location 853 E. Salisbury Street

Requested Action Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R7.5

Existing Land Use Formerly single-family dwelling

Size 0.89 acres +/-

Pin # 7761227703

Applicant's Reasons as stated on application

Change is consistent with surrounding zoning & land uses. Will remain consistent with proposed land use designated by LDP. Corridor has seen transition to commercial & office uses. OA6 complies with urban residential and city services are available.

Surrounding Land Use

North Single-family residential

East Undeveloped (Office/Residential)

South Place of worship/Single-family residential

West Single-family residential

Zoning History N/A

Legal Description

The property of Davidson Builders and Properties, Inc., located at 853 E Salisbury St., totaling approximately 0.89 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7761227703.

Analysis

1. The property is inside the City limits.
2. The most recent 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/ NC Hwy. 42 (a state-maintained major throughfare) as over capacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,000 AADT 2012 volume).
3. In order to relieve the congestion that currently exists on NC Hwy. 42 North, the current NCDOT Transportation Improvement Program has proposed road improvements (Project No. U-5743) along NC Hwy. 42 extending between the E. Salisbury St. intersection and US Hwy. 64 (E. Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing and guttering. The project's timetable is uncertain at this time due to NCDOT funding constraints.
4. The requested zoning district allows residential (single-family, two-family, multiple-family), office & institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning ordinance as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.
5. The property immediately to the east was recently rezoned from R7.5 to OA6 (Case No. RZ-19-06, Approved May, 2019)

Rezoning Staff Report

RZ Case # RZ-19-11

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Office & Institutional

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items 12-13: 12.) Property is located outside of watershed 13.) Property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-19-11

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 6: Existing infrastructure is not adequate to support the desired zone. (water, sewer, roads, schools, etc.)

Checklist Items 14: Property is located on steep slopes of greater than 20%.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Staff's analysis considers the appropriateness of both residential and non-residential uses permitted in the requested OA6 district.

The non-residential component of the district is supported by the LDP's designation of the property for "office & institutional" uses. The property may also be used for residential purposes, which allows property to continue to be used for residential uses, as it was previously used for.

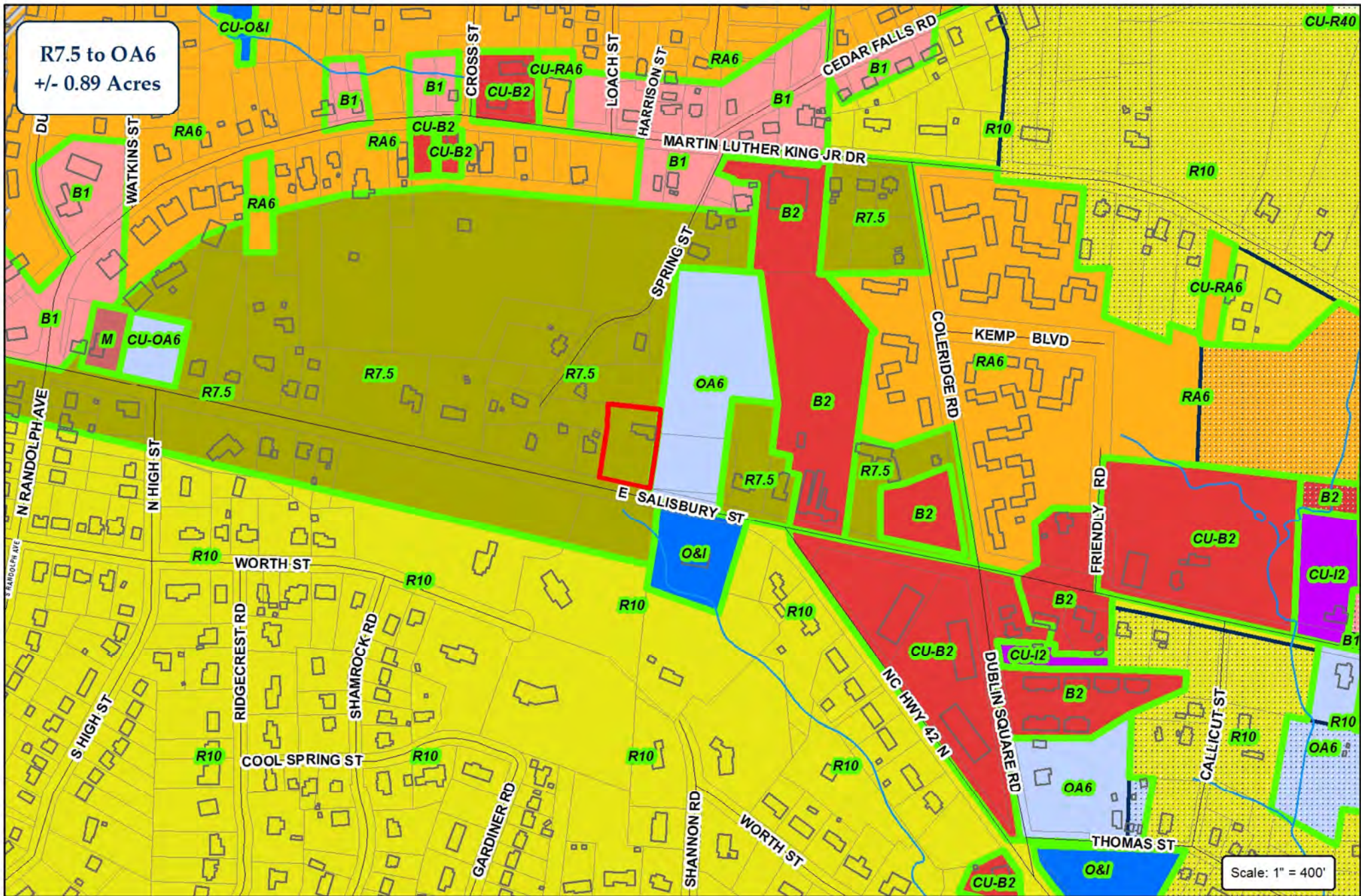
Zoning and uses of properties for commercial or institutional purposes to the north, east, and south, and the recent rezoning of the adjoining property to OA6 help make the OA6 district an appropriate transitional district at this location. Limitations on the types of commercial uses and development standards for non-residential uses also help protect adjoining residential properties from adverse impacts.

Additionally, planned road improvements for both motorists and pedestrians help alleviate concern over the current capacity issues of East Salisbury Street.

Considering these factors, staff believes the requested OA6 district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the OA6 district request.

R7.5 to OA6
+/- 0.89 Acres



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-11

Parcel: 7761227703



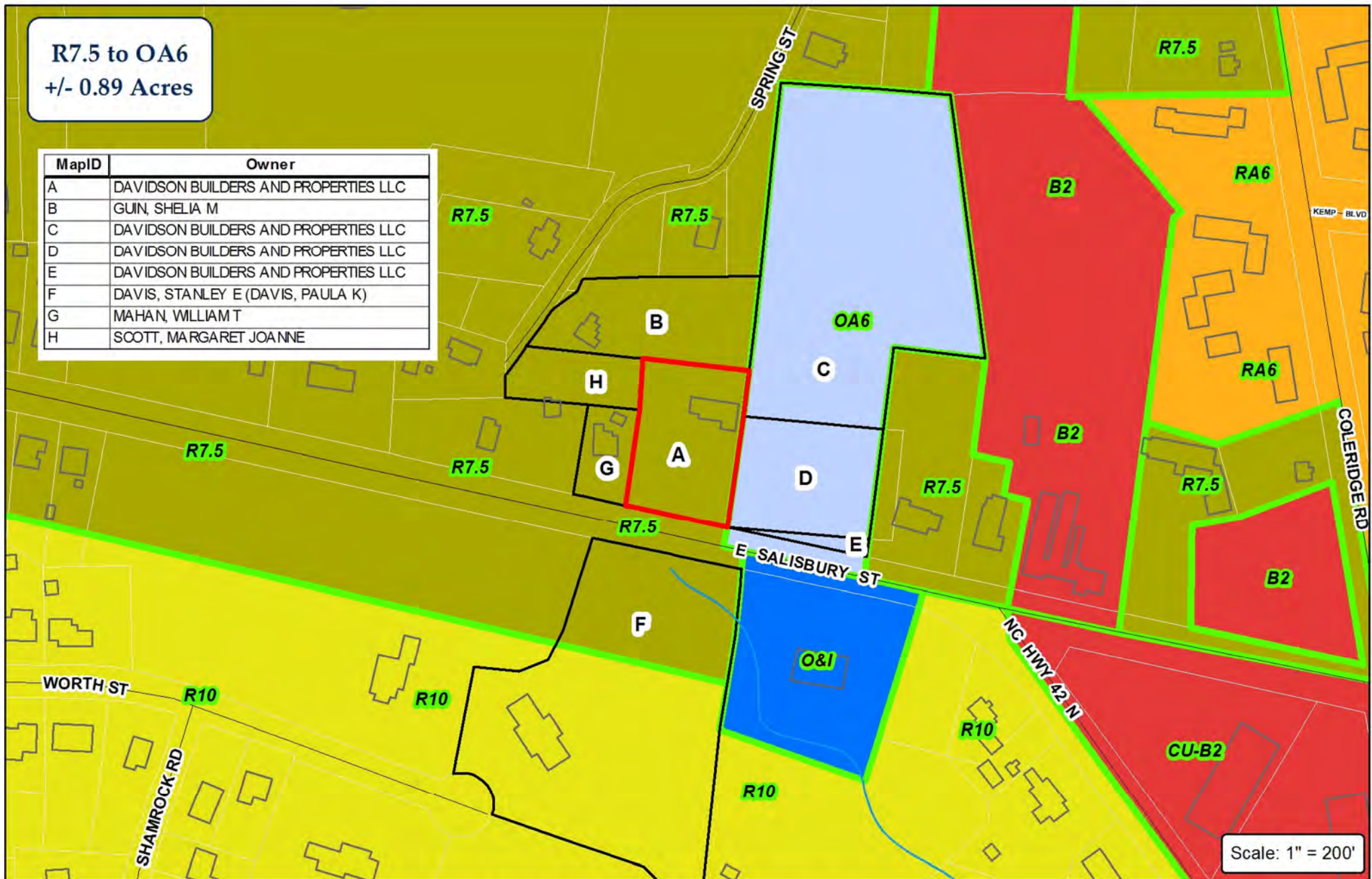
ETJ

Subject Property
Zoning



R7.5 to OA6
+/- 0.89 Acres

MapID	Owner
A	DAVIDSON BUILDERS AND PROPERTIES LLC
B	GUIN, SHELIA M
C	DAVIDSON BUILDERS AND PROPERTIES LLC
D	DAVIDSON BUILDERS AND PROPERTIES LLC
E	DAVIDSON BUILDERS AND PROPERTIES LLC
F	DAVIS, STANLEY E (DAVIS, PAULA K)
G	MAHAN, WILLIAM T
H	SCOTT, MARGARET JOANNE



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-11

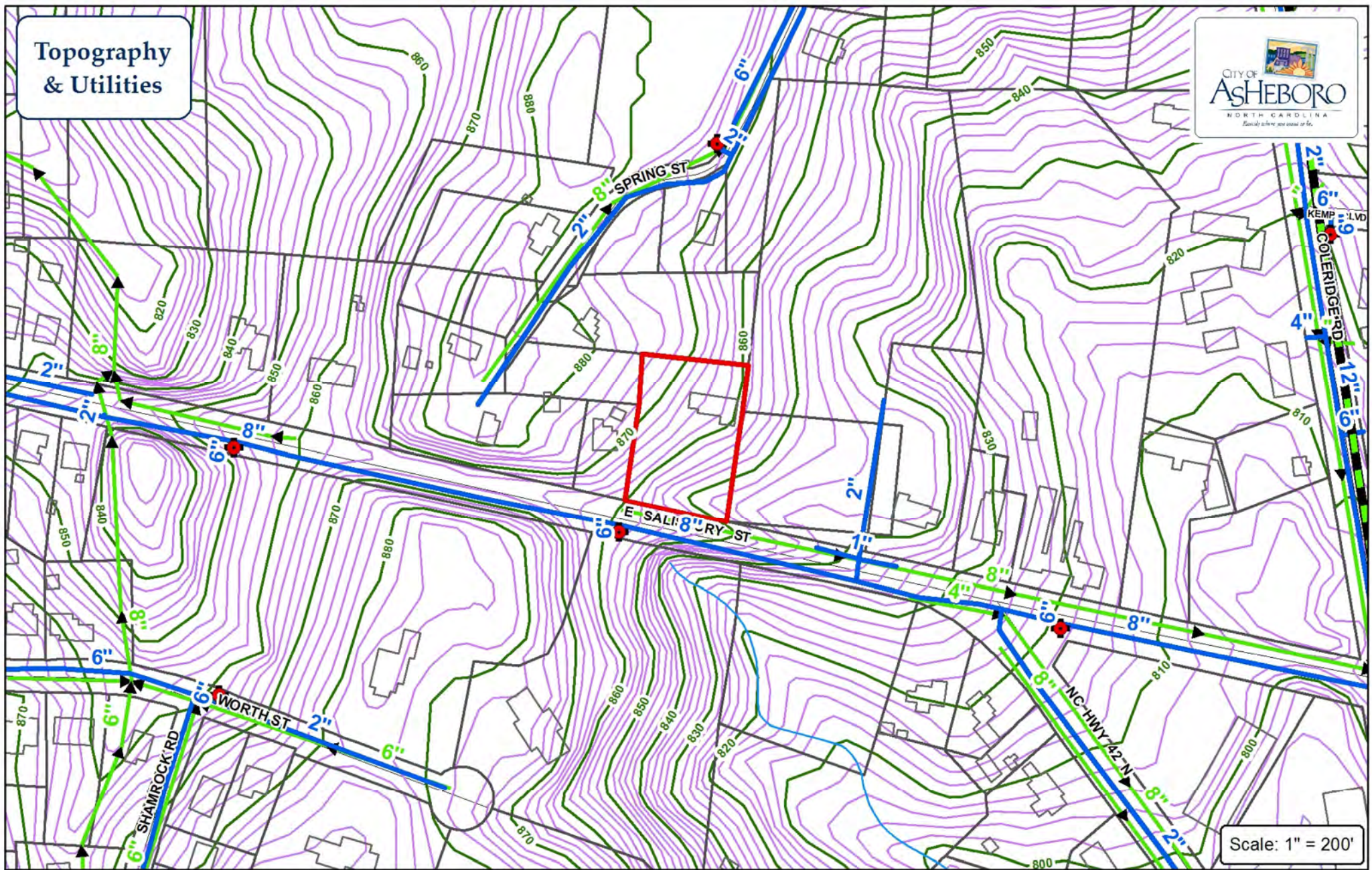
Parcel: 7761227703



- Subject Property
- Adjoining Properties
- Zoning



Topography & Utilities



-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

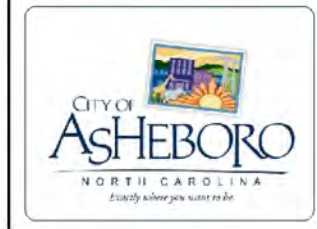
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-19-11
Parcel: 7761227703

 Subject Property



[illegible]

An aerial photograph overlaid with a zoning map. The map shows various land parcels outlined in yellow. Most parcels are labeled with green text indicating their zoning type: R7.5, B2, RA6, OA6, R10, O&I, and CU-B2. A central parcel, located east of Spring St and north of E Salisbury St, is highlighted with a thick red border and also labeled R7.5. Major roads shown include Spring St, E Salisbury St, Worth St, Shamrock Rd, NC Hwy 42 N, Kemp Blvd, and Coleridge Rd. A blue line representing a water feature or utility runs through the lower right portion of the map. In the top left corner, there is a white box with the word "Aerial". In the bottom right corner, there is a scale bar indicating "Scale: 1\" = 200'".





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NORTH CAROLINA
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Rezoning Case: RZ-19-11

Parcel: 7761227703

Subject Property

Zoning





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Rezoning Case: RZ-19-11

Parcel: 7761227703

Subject Property

 Zoning





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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-11

Parcel: 7761227703

Subject Property

 Zoning



- Subject Property
- Zoning





RZ-19-12: Request for text amendments to the zoning ordinance
(City of Asheboro)

Text amendments to the zoning ordinance including, but not limited to, the creation of an airport zoning district, issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, recreation and amusement services, provisions for uses not listed in the Table of Uses 200-2, and amendments to miscellaneous definitions, procedural, and clerical items.

Planning Board Recommendation, Staff Report, & Proposed Text

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-19**
 -12

Date 9/9/2019

Applicant City of Asheboro

Legal Description

Request by City of Asheboro for general text amendments to the zoning ordinance including but not limited to the creation of an airport zoning district, issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, recreation and amusement services, provisions for uses not listed in the Table of Uses 200-2, and amendments to miscellaneous definitions, procedural, and clerical items. Sections of the zoning ordinance that are proposed to be amended include General Regulations (Article 100), Schedule of District Regulations (Article 200), Table of Area, Height, Bulk, & Placement Regulations (Table 200-1), Table of Uses 200-2, Supplemental Regulations (Article 300A), Off-Street Parking & Loading (Article 400, including minimum off-street parking requirements in Table 400-1), Article 600 (Special Uses), Article 1000 (Administrative Provisions); and Article 1100 (Definitions).

Requested Action Zoning Ordinance text amendments including creation of an airport district, issues related to motor vehicles and repair, unlisted uses, and amendments to definitions, procedural, and clerical items.

Existing Zone N/A

Land Development Plan See Rezoning staff report

Planning Board Recommendation

Approve.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-19-12

Date 9/9/2019 Planning Board

General Information

Applicant City of Asheboro

Address 146 North Church St.

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Zoning Ordinance text amendments including creation of an airport district, issues related to motor vehicles and repair, unlisted uses, and amendments to definitions, procedural, and clerical items.

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See staff's analysis below.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History Case No. RZ-18-17: The zoning ordinance was last updated on November 8, 2018.

Legal Description

A final legal description will be available prior to the legal advertisement of this case being published.

Analysis

1. Staff proposes text amendments to address various ongoing issues that city staff has encountered. Highlights of the proposed amendments include:
 - (a) The creation of an airport zoning district to accommodate the Asheboro Regional Airport and related/complementary uses occurring on airport property.
 - (b) Issues related to motor vehicles, including standards for repair, permissible vehicle weight when located in residential districts, and outdoor sales and displays occurring on commercial and industrial properties related to motor vehicle repair.
 - (c) Provisions for approving uses that are not listed in the Table of Uses (200-2) of the zoning ordinance.
 - (d) Other miscellaneous definitions, clerical items, and minor procedural items are being addressed with the proposed amendments.
2. These proposed amendments do not include amendments to the city's sign ordinance, which are currently under review and will be presented as a separate text amendment case at a later date.

Rezoning Staff Report

RZ Case # RZ-19-12

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

Goal 2.1: Development that enhances our city's character and sense of community

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Goal 3.2: Quality design demanding appropriate scale and context

Goal 5.3: Interconnected and multi-modal transportation networks

Rezoning Staff Report

RZ Case # RZ-19-12

Page 3

LDP Goals/Policies Which Do Not Support Request

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The proposed text amendments are designed to address various zoning issues encountered by staff.

The proposed amendments are supported by the Land Development Plan and support economic development by accommodating existing and future growth of the Asheboro Regional Airport.

The proposal also adds clarity to the review process for land uses that are not regularly encountered, when there is not a clear-cut designation of a proposed use by the zoning ordinance.

Finally, the proposed amendments address miscellaneous provisions and definitions that best reflect current practices, replaces or removes duplicative or unclear language, and adds clarity in the interpretation of various administrative issues.

Considering these factors, staff believes the proposed text amendments are consistent with the Land Development Plan and therefore are generally in the public interest and support a reasonable use of property.

Recommendation

In light of the above analysis, staff's recommendation is to approve the zoning text amendment request.

RZ-19-12 Legal Description: Request by City of Asheboro for general text amendments to the zoning ordinance including but not limited to the creation of an airport zoning district, issues related to motor vehicles (domestic and commercial) and vehicle repair, places of assembly, recreation and amusement services, provisions for uses not listed in the Table of Uses 200-2, and amendments to miscellaneous definitions, procedural, and clerical items. Sections of the zoning ordinance that are proposed to be amended include General Regulations (Article 100), Schedule of District Regulations (Article 200), Table of Area, Height, Bulk, & Placement Regulations (Table 200-1), Table of Uses 200-2, Supplemental Regulations (Article 300A), Off-Street Parking & Loading (Article 400, including minimum off-street parking requirements in Table 400-1), Article 600 (Special Uses), Article 1000 (Administrative Provisions); and Article 1100 (Definitions).

ARTICLE 100
GENERAL REGULATIONS

101 **Affected Territory** (Amended 12-6-2012)

This ordinance shall apply to all territory within the corporate limits of the City of Asheboro and to such extraterritorial area as is shown on the map entitled "2012 Revised Extra-Territorial Planning Jurisdiction Area, City of Asheboro", said map bearing the date of September 12, 2012.

102 **Classes of Districts**

For the purpose of this Ordinance, the affected territory as described in Section 101 is divided into the following classes of districts:

R40	Low Density Residential Districts
R15	Low Density Single Family Residential Districts
R10	Medium Density Residential Districts
R7.5	Medium Density Residential Districts
RA6	High Density Residential Districts
OA6	Office-Apartment High Density Districts
O&I	Office and Institutional District
B1	Neighborhood Commercial Districts
M	Mercantile Limited General Commercial District
B2	General Commercial Districts
B3	Central Commercial District
TH	Tourism-Hospitality District
I1	Light Industrial Districts
I2	General Industrial Districts
I3	Limited Industrial Districts
<u>A</u>	<u>Airport District</u>
CUR40	Conditional Use Low Density Residential Districts
CUR15	Conditional Use Low Density Single Family Residential Districts
CUR10	Conditional Use Medium Density Residential Districts
CUR7.5	Conditional Use Medium Density Residential Districts
CURA6	Conditional Use High Density Residential Districts
CUOA6	Conditional Use Office-Apartment High Density Districts
CUO&I	Conditional Use Office and Institutional Districts
CUB1	Conditional Use Neighborhood Business Districts

CUM	Conditional Use Mercantile Districts
CUB2	Conditional Use General Business Districts
CUB3	Conditional Use Central Business District
CUTH	Conditional Use Tourism-Hospitality Districts
CUI1	Conditional Use Light Industrial Districts
CUI2	Conditional Use General Industrial Districts
CUI3	Conditional Use Limited Industrial Districts
<u>CUA</u>	<u>Conditional Use Airport District</u>

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

The CU District classification will be considered only upon written request of the rezoning applicant. If for any reason any condition imposed pursuant to this section is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non- CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional

ARTICLE 200

SCHEDULES OF DISTRICT REGULATIONS

201: Adoption of Schedules of District Regulations

A substantial part of the regulations applying in many of the districts established by this Ordinance has been set out in tabular form in a series of sheets identified as the Official Schedules of District Regulations which, together with all lawfully adopted explanatory material shown therein, is hereby adopted and declared to be part of this Ordinance.

202: Reserved (amended 2-4-2016)

203: Location

The Official Schedules of District Regulations shall be located in the office of the Department of Planning and Community Development.

204: Amendment

The Official Schedules of District Regulations are subject to amendment by ordinance as set out in Article 1000 of this Ordinance. Any proposed amendment shall be identified by the sheet number, district, column, and (if applicable) paragraph or subparagraph numbers or letters.

205: Recording of Nature and Dates of Amendments; Authentication

Amendments shall be authenticated by entries on schedule sheets affected and a record of the nature and date thereof maintained. Such entries shall indicate the date the amendment was made, the date the change became effective (if other than the date of the actual approval), the number of the amending ordinance, and an indication of the nature of the change sufficient to facilitate specific identification.

206: Updating Required

Amendments to Official Schedules of District Regulations shall be updated by the Zoning Administrator or his designee within ten working days of the effective date of the amendatory ordinance.

207: Unauthorized Changes Prohibited

No changes of any nature shall be made in the Official Schedules of District Regulations, or any matter shown thereon, except in conformity with the requirements and procedures set forth in this Ordinance. Any unauthorized changes, of whatever kind, by any person or persons, shall be considered a violation of this Ordinance and punishable as provided by law; provided, this provision shall not be held to foreclose action under other applicable criminal statutes of the State

of North Carolina against any person or persons alleged to have made unauthorized changes in this Ordinance.

208: Official Schedule of District Regulations; Final Authority

Regardless of the existence of purported copies of all or part of the Official Schedules of District Regulations which may from time to time be made, published or reproduced, the Official Schedules of District Regulations and amendments thereto in the office of the Department of Planning and Community Development shall be the final authority as to regulations set forth therein as applying to such districts.

209: Retention of Earlier Schedules of District Regulations

At least one copy of all schedules of district regulations, or remaining portions thereof, which have had the force and effect of official schedules for the City prior to the effective date of adoption or amendment of this Ordinance shall be retained by the City Clerk and preserved as a public record and as a guide to the zoning status of lands and waters prior to such dates.

210: Schedule of Statements of Intent (Amended 8-6-2015)

The following array presents for the several districts the Schedule of Statements of Intent applicable to each district.

(A) A- R40 Residential District:

The R40 Residential District is intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living.

(B) B- R15 Residential District:

The R15 Residential District is intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.

(C) C- R10 Residential District:

The R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

(D) D- R-7.5 Residential District:

The R-7.5 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in

character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

(E) ~~E~~-RA6 Residential District:

The RA6 Residential District is intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

(F) ~~F~~-OA6 District:

The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

(G) ~~G~~-O & I office and Institutional District:

The Office and Institutional district is intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

(H) ~~H~~-B1 Neighborhood Commercial District:

The B-1 Neighborhood Commercial District is intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets.

(I) ~~I~~-M (Mercantile) Limited General Commercial District:

The Mercantile (M) District is intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification streets.

(J) ~~J~~-B2 General Commercial District:

The B2 General Commercial District is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district

should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.

(K) ~~K~~-Tourism-Hospitality (TH) District:

The TH Tourism-Hospitality District is intended to serve the lodging, tourism, convenience goods, shoppers goods retail and service needs of the traveling public, with emphasis on promoting compatible tourism development and complementing existing tourism venues. This district shall be located with access directly to freeways and minor thoroughfares or higher classification streets, but never local residential streets. The use of commercial service roads to access properties in this district shall be strongly encouraged.

(L) ~~L~~-B3 Central Commercial District:

The B3 Central Commercial District is intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the Central Business District.

(M) ~~M~~-I-1 Industrial Development District:

The intent of the I1 Industrial Development District is to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

(N) ~~N~~-I2 Industrial Development District:

The intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.

(O) ~~O~~-I3 Industrial Development District:

The intent of the I3 Industrial Development District is to produce areas which are protected from undesirable commercial and incompatible residential uses, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

(P) ~~A~~ (Airport) District:

The Airport (A) district is intended to be applied to areas utilized in conjunction with the Asheboro Regional Airport.

211: Schedule of Permitted and Permissible Special Uses by District

Except as specifically provided in this Ordinance, regulations governing the use of land, water and structures within the various districts within the zoning jurisdiction of the City of Asheboro shall be as shown in the Schedule of Permitted and Permissible Uses by District.

Uses of land or structures ~~which are not expressly listed in this Schedule as Permitted Principal Uses, Permitted Accessory Uses or Permissible Special Uses~~ are “unlisted uses” that shall only be permitted if approved by the Zoning Administrator pursuant to Section 214 of this Ordinance ~~are prohibited uses and shall not be established in that district.~~ Uses listed as Permissible Special Uses may be established in that district only after approval of an application for a Special Use Permit in accord with the procedures and requirements in Article 600.

Table 200-2 indicates the permitted and permissible uses for the regular zoning districts. For each regular zoning district a corresponding Conditional Use district exist. Within a C. U. District, only those uses specifically permitted in the zoning district to which the C. U. District corresponds (i.e., R40 and CUR40) may be permitted (see Article 100 and 1000 for specific regulations governing Conditional Use districts).

212: Schedule of Area, Height, Bulk and Placement Regulations.

Except as specifically provided in this Ordinance, regulations governing the minimum lot width and area; required front, side and rear yards; maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, and related matters shall be for the several regular districts as shown in Table 200-1, Schedule of Area, Height, Bulk and Placement Regulations.

213: Permitted Area and Number of Signs.

The area and number of signs permitted for the several districts shall be as regulated in Article 500 Sign Regulations.

214: Unlisted Uses

(A) Procedure for Approving Unlisted Uses

Where a particular use category or use type is not specifically allowed under this Ordinance and is also not prohibited or restricted by this Ordinance, the Zoning Administrator may permit the use category or type if the criteria of subsection (B) below are met. The Zoning Administrator shall give due consideration to the intent of this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

(B) Criteria for Approving Unlisted Uses

In order to determine that the proposed use(s) has an impact that is similar in nature and function to the other uses allowed in a specific zoning district, the Zoning Administrator shall

assess all relevant characteristics of the proposed use, including but not limited to the following:

- (1) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- (2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
- (4) The type, size and nature of buildings and structures; and
- (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- (7) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- (8) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, light, radiation, and fumes; and
- (9) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

(C) Determination by the Zoning Administrator; Effects

All determinations by the Zoning Administrator made pursuant to subsection (B) above shall be in writing. In making the determination described in subsection (B) above, the Zoning Administrator shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion

and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Zoning Administrator shall be binding. If no amendment is initiated, the Zoning Administrator's determination shall thereafter be binding without further action or amendment of this Ordinance.

(D) Appeal of Determination of the Zoning Administrator

The determination of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Article 900 of this Ordinance.

Table 200-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%		
R15	15,000	100	30	15	25	35	22%		
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
RA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653 Non-residential 6,000	60 60 60 60 60 60	25 25 25 25 25 25	10 10 10 10 10 10	20 20 20 20 20 20	35 35 35 35 35 35	22% 17% 17% 22% 43% 22%	30% 52% 52% 40%	3.3% 3.3% 6.6%
OA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653 Non-residential 6,000 Multi Use: Minimum 45,000 for 5 or more units	60 60 60 60 60 60 60	25 25 25 25 25 25 25	10 10 10 10 10 10 10	20 20 20 20 20 20 20	35 35 35 35 35 35 35	22% 17% 17% 22% 43% 30% 30%	30% 52% 52% 40%	3.3% 3.3% 6.6%
O&I	6,000 Multi Use: Minimum 45,000 for 5 or more units	60	25	10	20	35	30% 30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		
A	N/A	N/A	0	0	0	N/A	N/A		

*Except as specifically modified by this Ordinance

Revised 10/2019

Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Accessory Apartment	SF	A	A	A	A	A	A											Section 303
Adult Day Care Facility (for 29 or less)	2										P	P	P					
Adult Day Care Facility (for 30 or more)	2										S		S					Section 614
Adult Day Care Home for less than 6 persons		P	P	P	P	P	P											
Adult Establishment with Live Entertainment and On Premises Consumption of Alcoholic Beverages	*													S	S	S		Section 636
Adult Establishment General	*													P	P	P		Section 325A
Agricultural Roadside Stand		A		A														
Agricultural Tourism Facility	3	S	S	S	S	S	S	S	S	S	S	S						Section 650

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Agricultural Uses Genuine		P	P	P	P	P	P	P	P	P	P	P						Note 41
Airport/ Heliport Heliport														S	S	S	P	Section 615
Amusement Parks	3													P	P			
Animal Hospital / Vet Clinic General	2										P			P	P			Note 2
Bakery - On and Off premises sale permitted Wholesale & Retail	3													P	P			
Bakery - On premises sale only	2								P	P	P	P	P					
Bakery Distribution Center-- with Retail Sales Permitted NO BAKING PERMITTED	3										P			P	P			
Bank - Automatic Teller	2						P	P	P	P	P	P	P	P				

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Bank	2						P	P	P	P	P	P	P	P				
Banquet/Reception Facility	2									P	P	P	P	A	A	A		
Banquet/Reception Facility (Large)	3										P	P	P	A	A	A		
Bar	2										P	P	P					
Bed & Breakfast	1	P		P	P	P	P		P	P	P	P						Note 3
Boarding / Rooming Houses	1	P		P	P	P	P											Section 323A
Brew Pub	2									P	P	P	P	P	P			
Brewery	3													P	P			

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Bus Terminal	3										P	P	P	P	P			
Business Services	1						P	P		P	P	P	P	P	P			
Car Wash	2									A	P		P	P	P	P		
Cemetery, Human	1	A	A	A	A	A	A	P			P			P	P			
Cemetery, Pet	1										P			P	P			
Child Care Center - Medium (30 - 79 children)	2								S		S		S	A	A	A		Note 4; Section 616
Child Care Center - Large (80+ children)	2										S		S	A	A	A		Note 4; Section 616
Child Day Care Center - Small (13 - 29 children)	1						S	S		S	P		P	A	A	A		Note 4; Section 616

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Circus, Carnival, Fair, Concerts Limited Duration											P	P	P	P	P			Section 327A
College / University	2	S	S	S	S	S	S	S	P		P		P					Note 5; Section 617
Columbarium	1	A	A	A	A	A	A	A		P	P		P	P	P			
Combustible & Flammable Liquid Storage >100,000 gallons aggregate	3														S			Section 619
Combustible & Flammable Liquid Storage above ground < 2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 6
Combustible & Flammable Liquid Storage above ground >2,000 gallons<100,000 gallons	3													S	S	S		Section 618
Combustible & Flammable Liquid Storage below ground<2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 7
Combustible & Flammable Liquid Storage below ground>2,000 gallons									A	A	A	A	A	P	P	P		Note 8

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Commercial Developments with multi use and or structures	3									P	P	P	P					Note 9
Communication Facilities - Non Commercial		A	A	A	A	A	A	A	A	P	P	A	P	P	P	P		Note 11
Communication Facilities - Commercial	2										P		P	P	P	P		Note 10
Communication Towers		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		Section 302; 320A; 646
Congregate Living Facility	1	S		S	S	S	S	S	P		P		P					Section 620
Congregate Living Facility - for 6 or less persons (FAMILY CARE HOME)		P	P	P	P	P	P											Note 12
Contractors Office	1						P	P		P	P		P	P	P	P		Note 13
Correctional Facilities	3										P			P	P			

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Country, Racquet, Tennis & Swim Clubs	2	S	S	S	S	S	S			S	P	P	P					Note 43; Section 644
Crematorium	2										A		A	P	P			
Cultural Facility	1	S	S	S	S	S	P	P		P	P	P	P					Section 621
Dormitories	2	A		A	A	A	A	A			A		A					
Drive-In Theater	3										P	P		P				Note 14
Dry Cleaners - Small	2								P	P	P	P	P	P	P			
Dry Cleaning Plant	2										P			P	P	P		
Dwelling for Caretaker /Security Guard											A	A	A	A	A	A		

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Dwelling Multiple Family Units up to .17 FAR	MF					P	P											Note 15
Dwelling Multiple Family Units up to .22 FAR	MF					S	S											Note 15
Dwelling Single Family Units	SF	P	P	P	P	P	P											
Dwelling Two Family Units	SF	P		P	P	P	P											
Dwelling within Mixed Use Structure							P						P					Note 16
Eating Establishments - Drivein	2										P	P						
Eating Establishments - Walkin / Carry-out	2								P	P	P	P	P					
Eating Establishments - Sit Down	2								P	P	P	P	P	A	A	A		

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Electronic & Electrical Repair - Small	1										P		P	P	P			
Electronic & Electrical Repair - Large	2										P			P	P	P		
Exterminator	2									P	P		P	P	P			Note 17
Extraction of Earth Products	3	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Section 623
Family Child Care Large Home (9 - 12 children)	1	S		S	S	S	P											Note 4; Section 616
Family Child Care Home (8 or less children)		P	P	P	P	P	P											Note 4
Farmers Market	1										P	P	P	P	P			Note 47
Flea Markets, Open Air Sales	2										P		P	P	P			Note 48

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Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Fraternity & Sorority Houses	2					S	S				S	S						Note 18
Funeral Parlor	2						P	P		P	P		P	P				
Furniture Refinishing and Repair	2										P		P	P	P			
Gamerooms	3										S	S	S		S			Section 641
Gas Station	2										P	P	P	P	P	P		
Golf Course	1	S	S	S	S	S						P						Note 41; Section 624
Government Land Reserves		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Health Practitioners Offices	1						P	P		P	P		P					

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Health Services	2						P	P		P	P		P					
Health/Fitness Center	2								P	P	P	P	P					
Heliport Heliport Emergency Medical							A	A			A		A	A	A	A	P	Note 19
Helistop Helistop	2										P		P	P	P	P	P	
Home Occupation	SF	A	A	A	A	A	A											Note 20; Section 625
Hospital							P	P	P		P		P					
Hotels / Motels	2										P	P	P					
Industrial Developments with multi use and or structures	3													P	P			Note 45

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Table 200-2
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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Interior Cleaning Services	2										P		P	P				
Junkyards	3													S	S			Section 626
Kennel	2	P									P			P	P			Note 21
Landfills - Clean Material	3													P	P			Note 37
Landfills - Sanitary	3													S	S			Note 36; Section 627
Limited Duration Circus, Carnival, Fair, Concerts											P	P	P	P	P			Section 327A
Liquor Store	2									P	P	P	P					
Lumber & Building Material Sales	2										P			P	P			Note 22

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Lumberyard	3													P	P			
Mail Order Distribution Center	2										P		P	P	P			
Mail Order Office	1						P	P		P	P		P	P	P			
Manufactured Home / Mobile Homes - Class A Double wide	SF	P																Section 326A
Manufactured Home / Mobile Home Park Class A & B	2	S		S	S	S												Section 326A; 629
Manufactured Home / Mobile Homes - Class A Single wide	SF	P																Section 326A
Manufacturing, Processing & Assembly- Light	2										S			P	P	P		Section 628
Manufacturing, Processing & Assembly - Heavy	3													P	P	P		

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Massagists, Therapeutic Health	1						P	P		P	P	A	P					Note 38
Meat Packing /Slaughterhouse	3													P	P			
Medical & Dental Labs	2						A	A		A	P		P	P	P	P		
Membership Organizations	2						P	P		P	P		P					
Mental Institutions /Sanitariums	3								S		S		S					Section 638
Microbrewery	2										P	P	P	P	P			Section 329A
Mini-lube	2										P		P	P	P	P		
Mini-warehouse	2										P			P	P			Note 24

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Mobile Home Sales Lots	2										P			P	P	A		
Motor Vehicle Repair -Major	2										A			P	P			Note 25; Section 330A
Motor Vehicle Repair - Minor	2										P			P	P			Section 330A
Nightclub/Cabaret	3										P	P	P	P				Note 52
Non-Conforming Buildings and Uses		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Note 26; Section 637; Article 800
Nursing, Convalescent & Extended Care Facilities	2						P	P		P	P		P					
Office Development with Multi- Use and/or Structures	2						P	P										
Open Air Sales, accessory									A	A	A	A	A	A	A	A		Section 327A

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Table 200-2
Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Open Storage	3										P			P	P	P		27; Section 305A
Package Store	2									P	P	P	P					
Package Store- Drive- Through	3										P							
Parking Lots as principal use of Zoning Lot	2										P		P					
Personal Services	1						P	P	P	P	P	P	P	P				
Photographic Lab Facility - Commercial	2													P	P	P		
Photographic Mini- Lab Facility	2									P	P	P	P	P				
Photography Studio - with Lab for inhouse use only	1						P	P		P	P		P	P				

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Table of Permitted Uses (Amended 10-10-2019)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Place of Assembly, Commercial	3										P	P	P	P	P			Note 39
Place of Assembly, Non-Commercial	1	S	S	S	S	S	P	P	P	P	P	P	P	P	P			Section 640
Place of Worship	1	S	S	S	S	S	P	P	P	P	P	P	P	P	P			Section 640
Place of Worship Assembly, Non- Commercial Child Care Center	2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 44
Planned Unit Development (PUD)		S	S	S	S	S	S	S		S	S	S	S	S	S	S		Section 630
Printing & Publishing	2										P		P	P	P	P		
Produce Sales - Temporary	1										P		P	P	P			Section 327A
Professional Recovery Facility	2										S			P	P			Section 639

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Professional Services	1						P	P		P	P		P	P	P			
Public Use Facility-	2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Section 602.2
Radio & TV Receiving Antenna & Dish, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 28
Railroad Classification Yard	3														P			
Recreation & Amusement Services COMMERCIAL	2										P	P	P		P			Note 40
Recreation, Commercial Indoor	2										P	P	P		P			Note 40
Recreation, Commercial Outdoor	2										P	P	P		P			Note 40
Recreational Vehicle / Travel Park/Camp	3	S									P	P						Section 633

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Recreational Vehicle Resort		S										S						Section 649
Recycling Plant	3														P	P		
Recycling Center	2										P			P	P			
Recycling Collection Point	2								P		P		P	P	P	P		
Rehabilitation Center	1						P	P		P	P	P	P					
Rental/Sales of Commercial Vehicles & Heavy Equipment	3													P	P			
Rental/Sales of Domestic Vehicles	2										P	A		P	P	A		Note 29
Repair Services	2									P	P		P	P	P			

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Research Activities	2													P	P	P		
Residential Townhouse Development in the B3 District	MF												S					Section 648
Retail Convenience Goods	2	A	A	A	A	A	A	A	P	P	P	P	P	P	P			Note 30
Retail Shoppers Goods	2									P	P	P	P	P	P			
School - Business	2										P		P	P				
School - Technical /Vocational	2										P		P	P	P			
Schools Public, Private, Charter High	2	S	S	S	S	S	S	S			P		P					Note 32; Section 634
Schools Public, Private, Charter Elementary and Middle	2	S	S	S	S	S	S	S			P		P					Note 32; Section 634

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Schools, Nursery/ Pre Schools etc.	2	S	S	S	S	S	P	P			P		P					Note 31
Seasonal Sales, Temporary											P		P	P	P			Section 327A
Service Station	2										P	P	P	P	P	P		
Shelter, Emergency		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Section 324A
Sign Painting	2										P			P	P			
Signs, Off premise Billboard & Poster Panel,etc.														S	S	S		Section 635
Sludge Application		P	P	P	P	P	A	A	A	A	A			P	P	P		
Solar Farm	*	S												P	P	P		Section 328A; 652

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Stable Commercial	2	S									P							
Structure, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 33; Section 303
Taxi Stand	1										P	P	P	P	P	P		
Temporary Portable Building, Construction Related		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Note 34; Section 310A
Transfer Station	3													S	S	S		Section 343
Truck Terminal	3													A	P	P		
Uses, Customary Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Vehicle Storage Facility	3													P	P			Section 309A

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Vehicle Towing Operation and Storage Facility	3													P	P			Section 309A
Vehicle Towing Operation	1										P			P	P			Section 309A
Warehouse	3													P	P	P		
Watershed Overlay District--Storage of Hazardous Waste											S			S	S	S		
Wholesale Distribution	3													P	P	P		
Yard Sales		A	A	A	A	A	A											Note 35; Section 313A

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A - Permitted as Accessory Use Only

Article 300A
Supplemental Regulations

301A: Introduction: The regulations in this Article shall apply generally or in groups of districts as indicated, with the exception of the A (Airport) District, or unless district regulations or regulations for particular uses specifically ~~provide~~provide to the contrary. They qualify or supplement other regulations appearing in this Ordinance.

302A: I-73/I-74 Overlay Zone Provisions (Amended 8-6-2015):

302A.1: Purpose: The purpose of this zone is to ensure that a high standard of development is achieved along I-73/I-74.

302A.2: Administration of the Requirements of this Article:

A. The City of Asheboro's Zoning Administrator shall enforce the provisions of this Article.

302A.3: General Provisions:

- A. Lands to which this Article Applies: This Article shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that are located within 500 feet of the center line of the right-of-way of I-73/I-74. Such area shall be depicted on the Official Zoning Map. The I-73/I-74 district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Article.
- B. Interpretation of District Boundaries: The Zoning Administrator shall make the necessary interpretation as to the location of specific properties within this district. The decision of the Zoning Administrator shall be subject to appeal to the Board of Adjustment in accordance with Article 900 of this Ordinance.
- C. Compliance: No structure shall be erected, reconstructed, or altered, nor shall any building or land be used without full compliance with the terms of this Article and other applicable regulations except for the agricultural use of land and the construction or alteration of single family residential structures on single lots recorded prior to the adoption of this article or lots approved through the current Subdivision process. Approval of a site plan under these provisions is for the plan submitted. All proposed aspects of the plan shall be installed, provided and maintained or the approval becomes void. Any modification to the approved plan shall require additional review and approval.

- D. Not more than 6 six domestic vehicles may be parked or stored on any single family residential lot for any period exceeding 48 hours. Vehicles stored within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district shall not be counted when determination of the number of vehicles is made.

303A.2: Commercial Vehicles: The parking of commercial vehicles ~~over 7,500 GVW or 25 feet in length~~ on any residentially zoned private property is prohibited except as stated below. Parking of such vehicles is permitted if they are of an emergency service nature or school buses or located within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district. This requirement shall not be interpreted to prohibit loading and unloading in any residential district.

304A: Buffers and Screening

304A.1: Purpose and Intent

The City of Asheboro encourages high quality design in developments, structures, and the use of land. High quality design includes proper siting of structures and uses and proper landscaping. The City desires to allow developers maximum flexibility in achieving these high standards of development. However, minimum requirements for buffering or screening between certain uses and/or districts are hereby established to reduce the impact of a use of land on adjacent uses which are of a significantly different character, density or intensity. Buffers and screens separate different uses from each other in order to reduce adverse impacts such as dirt, litter, traffic, noise, odor, glare of lights, signs, buildings and parking areas. These regulations benefit both the developer and the adjoining landowner(s) because it allows options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved. Before the issuance of Certificate of Occupancy, buffers and/or screening shall be installed or their installation guaranteed as per Section 1006. Buffers or screens shall be required in accord with the following:

304A. 2: Definitions

A buffer is a strip of land together with plantings required thereon. Buffers consists of a horizontal distance from a lot line which may only be occupied by the required landscaping materials, underground utilities, retention areas, screening materials and driveway /sidewalk access.

A screen is a strip of land together with plantings and or walls or fences required thereon. Screens consist of a minimum of horizontal distance from a lot line which may only be occupied by the required screening materials, additional landscaping materials, underground utilities, and driveway/sidewalk access.

6. No such use shall be located within 1000 feet of another such use, as measured from the zoning lot line.

324A Supplemental Regulation for Emergency Shelter

1. The facility shall provide on-site supervision by employee(s) or volunteers at all times the shelter is in operation.

2. The facility shall only operate for the duration of the emergency event(s) for which the shelter was initially opened. When the facility is no longer addressing the needs arising out of an identifiable emergency, the status of the facility's compliance with the zoning ordinance shall be evaluated on the basis of the land use classification applicable to the zoning lot when the facility is not utilized to respond to emergency events.

3. The facility shall meet all ~~all~~ applicable building and fire codes.

325A Adult Establishments General

A. Distance Requirements

1. No Adult Establishment General shall be located within 500 feet of any residentially zoned property. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the residentially zoned lot line or property, whether such district or use is located within the City of Asheboro jurisdiction or not.

2. No Adult Establishment General shall be located within 500 feet of any church, synagogue, mosque, and/or any other place of worship. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the church, synagogue, mosque, and/or any other place of worship, whether such use is located within the City of Asheboro jurisdiction or not.

3. No Adult Establishment General shall be located within 500 feet of any school (public or private), park, or child daycare use. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the school (public or private), park, or child daycare use, whether such use is located within the City of Asheboro jurisdiction or not.

4. No Adult Establishment General shall be located within 1,000 feet of any other such use or any Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the existing Adult Establishment General or an Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages.

A microbrewery shall meet the following requirements:

- (1) Areas for demonstration, education, retail sales or tasting shall be included in the B3 District.
- (2) Excluding areas for demonstration, education, retail sales or tasting, a microbrewery shall not exceed 7,000 square feet in area in B3 district.
- (3) Open storage of materials shall not be permitted in non-industrial districts.
- (4) No drive through is permitted.
- (5) A microbrewery shall have an off-street or alley loading space in accordance with Article 400 in every zoning district where permitted including the B3 district.

330A Motor Vehicle Repair – Minor & Major

The intent of this Section is to provide for the appropriate location and design of accessory outdoor sales and display areas to mitigate adverse impacts that such uses may have on adjacent properties and rights-of-way.

- (1) Outdoor sales and display shall only be permitted within an area not greater than five hundred (500) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater.
- (2) Outdoor sales and display shall not occur within twenty-five (25) feet of a public right-of-way
- (3) Outdoor sales and display shall be located at least thirty (30) feet from any residentially zoned property.
- (4) Item(s) shall not exceed five (5) feet in height, either individually or stacked.
- (5) Outdoor sales and display of items shall be located on an impervious surface.
- (6) Outdoor sales and display items shall be removed daily at the close of business and placed within an enclosed structure or Open Storage area meeting the requirements of 305A.
- (7) Outdoor sales and display of items shall not occupy required parking, loading, buffer/screen, or landscaping areas.

ARTICLE 400 OFF-STREET PARKING AND LOADING

401. Purpose and Intent.

It is the intent of these regulations to encourage the appropriate location of offstreet parking and offstreet loading to provide the needed levels of service to the citizens of and visitors to the City of Asheboro and its environs, to avoid undue congestion on the streets, to protect the capacity of the street system, to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to preserve and enhance the designated pedestrian activity areas within the City and to facilitate access from streets to offstreet parking lots and structures and offstreet loading spaces.

402. Offstreet Parking Required.

In all districts, except the B-3 ~~and A~~ districts, in connection with every industrial, commercial, institutional, residential or any other use, at the time any new structure is erected or any existing structure enlarged or use of land is increased in density or intensity, or uses of structures or land change, offstreet parking shall be provided for vehicles in accordance with requirements contained in this Article. Conformance with the parking requirements herein shall be for any new use or portion of enlarged use or structures only and not the existing use or structure.

403. Compliance with Regulations.

The requirements for offstreet parking space and offstreet loading space shall be a continuing obligation of the owner of the real estate upon which any such structure is located, so long as the structure is in existence and its use requiring parking or loading, or both, continues. It shall be unlawful for an owner of any structure affected by this Ordinance to discontinue, change or dispense with, or cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance of such structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this Ordinance.

404. Methods of Providing Required Parking.

All required parking areas (including parking access, spaces, and maneuvering areas) shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.

A. In lieu of actual construction of required on-site parking area (including spaces, ingress/egress and maneuvering areas), all or any portion of the offstreet parking required in this Article may be provided as follows:

1. Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Zoning Administrator that the following requirements have been met:

- B. No part of an offstreet parking area or offstreet loading area required for any structure or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of an offstreet parking area or offstreet loading area similarly required for another structure or use, unless the Zoning Administrator determines that the period(s) of demands for offstreet parking for such structures or uses will not be simultaneous with or overlap each other.

An agreement, with the City of Asheboro as one of the parties with a right of enforcement, for such joint use, in the form of a reciprocal easement acceptable to the Office of the City Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

The Zoning Compliance Permit covering such approval shall include the requirements that the permit is valid only so long as the conditions described in the application for the permit exist.

406. Number of Required Offstreet Parking Spaces.

A. Required Offstreet Parking Spaces.

The number of required offstreet parking spaces for all districts except for the B-3 and A Districts shall be as set forth in Table 400-1.

B. Calculation of Certain Parking Requirements.

Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches, or the like, twenty lineal inches shall be construed to be equal to one seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, ten square feet of net floor area shall be construed to be equal to one seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

407. Determinations for Unlisted Uses.

The Zoning Administrator shall make a determination, in the cases of uses not listed in Table 400-1, of the minimum required offstreet parking spaces.

In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed uses and studies of the parking requirements of such uses in other jurisdictions.

408. Offstreet Parking Space Design Standards (Amended 8/6/2015).

All required parking areas shall meet the following minimum design requirements. All non required parking and loading areas shall be designed, built and maintained to prevent problems due to erosion, runoff and dust:

- A. The minimum dimensions for required offstreet parking spaces and aisles shall be in accordance with Diagram 400-1.

Table 400-1

Use	# of Spaces
Accessory Apartment - (amended 11-6-2014)	2.0 per dwelling unit
Adult Day Care Facility (for less than 30)	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 clients
Adult Day Care Facility (for more than 30)	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 clients
Adult Day Care Home - for less than 6 persons	1.0 per employee plus 1.0 per facility vehicle, plus 1 per client
Adult Establishment General	As determined by underlying equivalent non-adult use; if no equivalent exists, 5.0 per 1,000 sq. feet
Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages	3.0 per 5 occupants as established by the current NC Building Code as amended for occupancy load.
Agricultural Roadside Stand - produce produced on site	3.0 per 1,000 sq ft GFA
Agricultural Tourism Facility	4 spaces per 1,000 square feet of GFA retail/demonstration space plus 1 space per employee of largest shift plus one per facility vehicle. Areas in which seating is provided require 2 spaces per 5 seats.
Airport/ Helaport Heliport	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees of largest shift

Table 400-1

Use	# of Spaces
Amusement Parks - Permanent	1 space per 3 persons in designed capacity, plus 2 spaces per 3 employees on the largest shift
Animal Hospital / Vet Clinic General	5.0 per 1,000 sq ft GFA
Automated Teller	2 per machine
Bakery - On and Off premises sale permitted Wholesale & Retail	1 per 400 sq ft of floor area, plus 1.0 per facility vehicle
Bakery - On premises sale only	1 per 350 sq ft of floor area
Bakery Distribution Center-- with Retail Sales Permitted NO BAKING PERMITTED	1 per 350 sq ft of retail floor area; plus 1 per employee per largest shift; and 1 per facility vehicle
Banks	1 per 300 GFA plus a waiting lane for each drive up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way
Banquet Facility (Function Hall, Rental Hall, Reception/Meeting Hall)	1 per 4 occupants as established by the current NC State Building Code as amended for "Occupant Load"
Bar	2.0 per 5 seats and/or barstools

Table 400-1

Use	# of Spaces
Bed & Breakfast	2 for owners, 1 per facility vehicle, 1.5 per guest room
Boarding / Rooming Houses	2 for resident manager plus 2 per roomer
Brewery	4 spaces per 1,000 sq ft GFA of retail space plus 1 per employee of largest shift; and 1 per facility vehicle
Brewpub	2 per 5.0 seats and/or barstools plus 3 spaces per 1,000 sq. ft. GFA brewing area.
Bus Terminal	8.0 per 1,000 sq ft GFA waiting area
Business Services	3.5 per 1,000 sq ft GFA
Carwash/Mini Lube	A waiting lane for each drive thru station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way and outside required parking area; 1.0 per employee plus 1.0 per facility vehicle
Child Day Care Large Home	1.0 per employee plus 1.0 per facility vehicle, plus 4 additional
Child Day Care Center - Large	1.0 per employee plus 1.0 per facility vehicle, plus 2.0 per 15 children

Table 400-1

Use	# of Spaces
Child Day Care Center - Medium	1.0 per employee plus 1.0 per facility vehicle, plus 2.0 per 15 children
Child Day Care Center- Small	1.0 per employee plus 1.0 per facility vehicle, plus 2.0 per 15 children
Child Day Care Home	1.0 per employee plus 1.0 per facility vehicle, plus 2 additional
College / University Seminary	0.5 per student
Commercial Developments with multi use and or structures	5.0 per 1,000 sq ft GFA
Commercial Flex Space	5 per thousand GFA
Communication Facilities - Commercial	1.0 per 1,000 sq ft GFA
Community Center	1 per 4 occupants as established by the current NC State Building Code as amended for "Occupant Load"
Congregate Living Facility-DOES NOT INCLUDE STRUCTURED ENVIRONMENT	1.0 per employee of largest shift, plus 1.0 per facility vehicle plus 0.2 per resident

Table 400-1

Use	# of Spaces
Congregate Living Facility - for 6 or less persons FAMILY CARE HOME	1.0 per employee of largest shift, plus 1.0 per facility vehicle plus 0.2 per resident
Contractors Office	1 per 400 sq ft of floor area
Correctional Facilities	1.0 per employee plus per 1.0 per 2.5 inmates
Crematorium	0.25 per seat of chapel capacity plus 0.33 per employee
Cultural Facility	3.3 per 1,000 sq ft GFA
Dormitories	3.3 per 1,000 sq ft GFA
Drinking Establishments - Bar, Cocktail Lounge, Tavern, Coffeehouse	2.0 per 5 seats and/or barstools
Drive Up Window/Station/Drive throughs where permitted as part of a principal use	A waiting lane for each drive up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way
Drive-In Theater	Car standing space for patrons awaiting admission shall be provided on the site in an amount equal to not less than 30% of the vehicular capacity of the theatre.

Table 400-1

Use	# of Spaces
Dry Cleaners - Small	1 per 350 sq ft GFA
Dry Cleaning Plant	1.0 per employee on largest shift plus 1.0 per facility vehicle
Dwelling for Caretaker/Security Guard on premise where employed	1 per employee per shift
Dwelling Multiple Family for Elderly	1.0 per dwelling unit
Dwelling Multiple Family Units up to .17 FAR -- One Bedroom Two or more Bedrooms	1.5 per unit 2.0 per unit
Dwelling Multiple Family Units up to .22 FAR by CUP/SUP -- One Bedroom Two or more Bedrooms	1.5 per unit 2.0 per unit except as modified by Article 200A
Dwelling Single Family Units	2.0 per dwelling unit
Dwelling Two Family Units	2.0 per dwelling unit
Dwelling within Mixed Use Structure	2.0 per dwelling unit except as modified by Article 200A

Table 400-1

Use	# of Spaces
Eating Establishments - Walkin / Drivein	2 .0 per 5 seats plus a waiting lane for each drive up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way
Eating Establishments - Sit Down	2 .0 per 5 seats
Electronic & Electrical Repair - Large	4.0 per 1,000 sq ft GFA plus 1 per facility vehicle
Electronic & Electrical Repair - Small	4.0 per 1,000 sq ft GFA
Exterminator	4.0 per 1,000 sq ft GFA plus 1 per facility vehicle
Extraction of Earth Products	1 .0 per each two employees on shift of average greatest employment, plus 1.0 for each vehicle used directly in the conduct of such use.
Farmers Market	1 per each 350 sq ft of display area
Flea Markets, Open Air Sales	3.0 per 1,000 sq ft GFA or outdoor area devoted to sales
Fraternity & Sorority Houses	3.3 per 1,000 sq ft GFA

Table 400-1

Use	# of Spaces
Funeral Parlor	.25 per seat of chapel capacity space
Furniture Refinishing and Repair	1.0 per each two employees on shift of average greatest employment, plus 1.0 for each vehicle used directly in the conduct of such use.
Gamerooms	1.0 per 150 sq ft of GFA devoted to such use
Gas Station	5 per 1,000 GFA Building Only
Golf Course NOT including Par 3 or miniature courses	3.3 per 1,000 sq ft GFA or 1.0 per 30% of the maximum capacity for open uses
Health Practitioners Offices	5.0 per 1,000 sq ft GFA
Health Services	1.0 per employee of largest shift plus 1.0 per facility vehicle, plus 2 per bed.
Helastop Helistop	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees of largest shift, plus 1 per facility vehicle
Home Occupation	2 per residence, plus 2

Table 400-1

Use	# of Spaces
Hospital	1 space per 2 beds, plus 1 space per doctor, plus 1 space per facility vehicle, plus 0.8 space per employee of largest shift.
Hotels / Motels	1 per lodging unit plus 1 per each 2 employees plus accessory use parking. Incidental and accessory uses open to non guests and located in the same structure as the hotel/motel (i.e. including but not limited to eating establishment, bar, retail, personal services, etc.) shall provide 50 percent of the parking spaces normally required for the respective use. Uses located on outparcel(s), or in separate structure(s), shall provide the number of parking spaces required for the respective use(s).
Industrial Developments with multi use and or structures	5.0 per 1,000 sq ft GFA except designated warehouse and or Manufacturing, Processing & Assembly sq ft plus 1.0 per 1,000 sq ft GFA of designated warehouse space and or 0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of Manufacturing, Processing & Assembly
Industrial Flex Space	3 spaces plus 3 spaces per thousand GFA when no more than 25% of building being used as office space
Interior Cleaning Services	1 .0 per each two employees on shift of average greatest employment, plus 1.0 for each vehicle used directly in the conduct of such use.
Junkyards	0.5 per employee plus 1.0 per 5,000 sq ft of lot area
Kennel	5.0 per 1,000 sq ft GFA
Landfills - Clean Material	1.0 per employee of largest shift

Table 400-1

Use	# of Spaces
Landfills - Sanitary	1.0 per employee of largest shift
Limited Duration-Circus, Carnival & Fair Tent Revivals (exempt from paving requirement)	.3 per seat for activities where seating provided or 1 per 3 persons expected as average attendance. Previous attendance records shall be provided as required for documentation. Plus 2 spaces per 3 employees.
Liquor Store/Package Store	4 spaces per 1,000 sq. ft. GFA. Drive through package stores shall provide a waiting lane for each drive up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way
Lumber & Building Material Sales	2.0 per 1,000 sq ft GFA
Lumberyard	2.0 per 1,000 sq ft GFA
Mail Order Distribution Center	1 .0 per each two employees on shift of average greatest employment, plus 1.0 for each vehicle used directly in the conduct of such use.
Mail Order Office	1 .0 per each two employees on shift of average greatest employment, plus 1.0 for each vehicle used directly in the conduct of such use.
Manufactured Home / Mobile Home Park	2 per dwelling unit
Manufactured Home / Mobile Home Sales Lot	3.00 per 1,000 sq ft GFA

Table 400-1

Use	# of Spaces
Manufactured Home / Mobile Homes - Class A Double wide	2 per dwelling unit
Manufactured Home / Mobile Homes - Class A Single wide	2 per dwelling unit
Manufacturing, Processing & Assembly- Light	0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of such use
Manufacturing, Processing & Assembly - Heavy	0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of such use
Massagists, Therapeutic Health	5.0 per 1,000 sq ft GFA
Meat Packing/Slaughterhouse	1.0 per 1,000 sq ft GFA
Medical & Dental Labs	4.0 per 1,000 sq ft GFA
Membership Organizations - not for commercial gain	3.3 per 1,000 sq ft GFA
Mental Institutions/Sanitariums	2 per bed

Table 400-1

Use	# of Spaces
Microbrewery	4 spaces per 1,000 sq ft GFA of retail space plus 1 per employee of largest shift; and 1 per facility vehicle
Mini-warehouse	1.0 per 10 storage units plus 1.0 per employee
Mobile Home Sales Lots	3 per 1,000 sq ft GFA
Motor Vehicle Repair -Major	3.0 per bay/work area plus 2.0 per 3 employees plus 1 per vehicle used directly in the conduct of such use. (Amend. 9-8-05)
Motor Vehicle Repair- Minor	3.0 per bay/work area plus 2.0 per 3 employees plus 1 per vehicle used directly in the conduct of such use. (Amend. 9-8-05)
Nightclub/Cabaret	5 spaces per 1,000 sq. ft. GFA.
Nursing, Convalescent & Extended Care Facilities	1.0 per employee of largest shift plus 1.0 per facility vehicle, plus 0.35 per bed
Office Development with Multi use and/or structures	5.0 per 1,000 sq. ft. GFA
Personal Services	1.0 per 350 sq ft GFA

Table 400-1

Use	# of Spaces
Photographic Lab Facility - Commercial	4.0 per 1,000 GFA plus 1.0 for each vehicle used directly in the conduct of such use.
Photographic Mini-Lab Facility (One hour type)	4.0 per 1,000 GFA plus 1.0 for each vehicle used directly in the conduct of such use.
Photography Studio - with Lab for inhouse use only	4.0 per 1,000 GFA plus 1.0 for each vehicle used directly in the conduct of such use.
Place of Assembly, Commercial NOT CHURCHES/SYNAGOGUES	0.3 per seat in main assembly area
Place of Worship Place of Assembly, Non-Commercial	0.3 per seat in sanctuary /main assembly area
Printing & Publishing	1.0 per 1,000 sq ft GFA
Produce Sales, Temporary	3.0 per 1,000 sq ft GFA or outdoor area devoted to sales The following sections do not apply: 408E, 408F, 409, 410
Professional Recovery Facility (amended 11-6-2014)	1.0 per employee of largest shift plus 1.0 per facility vehicle, plus 0.2 per resident
Professional Services	1.0 per 400 sq ft of GFA

Table 400-1

Use	# of Spaces
Public Facility	.3 per seat for activities where seating provided or 1 per 3 persons expected as average attendance. Previous attendance records shall be provided as required for documentation. Plus 2 spaces per 3 employees
Public Use Facility	1.0 per employee .
Railroad Classification Yard	1.0 per employee
Recreation & Amusement Services- COMMERCIAL/Indoor (does not include gamerooms) Recreation, Commercial Indoor	1.0 per 150 sq ft of GFA devoted to such use
Recreation & Amusement Services- COMMERCIAL/Outdoor Recreation, Commercial Outdoor	1.0 per tee, green,court, cage, and/or other method of participation however styled, plus 1.0 per employee
Recreational Vehicle / Travel Park/Camp	2.0 per site plus 1.0 per employee of largest shift, plus 1.0 per facility vehicle
Recycling Plant	1.0 per employee of largest shift
Recycling Center	1 .0 per employee plus 1.0 per facility vehicle used in conduct of such use
Rehabilitation Center	4.0 per 1,000 sq ft GFA

Table 400-1

Use	# of Spaces
Rental/Sales of Commercial Vehicles & Heavy Equipment	3.0 per 1,000 sq ft gross retail area plus 1.0 space per bay / work area plus 2 spaces per 3 employees plus 1 space per vehicle used directly in the conduct of such use (Amended June 8, 2006)
Rental/Sales of Domestic Vehicles	3.0 per 1,000 sq ft GFA
Repair Services	4.0 per 1,000 sq ft GFA
Research Activities	1.4 per employee
Residential Townhouse Development in the B3 District	1.5 spaces per unit (Inserted 2-9-06)
Retail Convenience Goods	4.0 per 1,000 sq ft GFA
Retail Shoppers Goods	4.0 per 1,000 sq ft GFA
School - Business	1.6 per classroom, 0.33 per student , plus1.0 per staff member
School - Technical/Vocational	1.6 per classroom, 0.33 per student , plus1.0 per staff member

Table 400-1

Use	# of Spaces
Schools Public, Private, Charter (4-2013) High	1.6 per classroom, 0.33 per student , plus 1.0 per staff member
Schools Public, Private, Charter (4-2013) Elementary, Middle	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 children (7/97)
Schools, Nursery/Pre Schools etc.	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 children
Seasonal Sales, Tempoary	3.0 per 1,000 sq ft GFA or outdoor area devoted to sales The following sections do not apply: 408E, 408F, 409, 410
Service Station	1.0 per 4 pumps plus 3.0 per repair bay
Sign Painting	4.0 per 1,000 GFA
Solar Farm	0.6 per employee of largest shift (if employees are part of regular operations plus 1 space per vehicle used directly in conduct of such use)
Stable - Commercial	1.0 per 5 stalls
Taxi Stand	1.0 per employee

Table 400-1

Use	# of Spaces
Transfer Station	1.0 per employee, plus 1 per facility vehicle used in conduct of such use
Truck Terminal	1.0 per employee
Vehicle Towing Operation	1.0 per employee, plus 1 per facility vehicle used in conduct of such use, plus 2
Warehouse	0.6 per employee of largest shift
Wholesale Distribution	0.6 per employee of largest shift

Article 600 Special Uses

601 Intent.

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of all public use facilities, and (2) create, and from time to time amend, a list of Special Uses within Article 200, District Regulations, which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The City Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which, now or in the future, may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

Subject to the specific procedures established for reviewing public use facilities, the City Council intends that the general standards, established in Article 200, and the more specific requirements established below shall be used by the City Council to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the City Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

602 General Standards.

602.1 Except as provided in Section 602.2 of this Ordinance, the City Council shall find that the following general standards shall be met by all applicants for approval of Special Uses:

1. *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
2. *That the use meets all required conditions and specifications.*
3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
4. *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

The City Council shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a Special Use.

602.2 Public Use Facilities shall be reviewed by utilizing one of the following options ~~in~~
~~all zoning districts:~~

621 Cultural Facility

Cultural facilities may be permitted in R40, R15, R10, R7.5 and RA6 districts subject to the following requirements:

- 621.1 Such facilities shall have a minimum of two acres within the zoning lot.
- 621.2 No structures or parking areas may be located within 50 feet of any zoning lot line.
- 621.3 Buffers and screens shall be installed and maintained as per Article 304A.
- 621.4 Signs shall be regulated as per Article 500.
- 621.5 Offstreet parking shall be regulated as per Article 400.
- 621.6 The parking areas and walkways shall be illuminated for public safety at night. However, such lighting shall be designed so as not to disturb adjacent properties.

622 Reserved

623 Extraction of Earth Products

Extraction of Earth Products may be permitted ~~in all districts~~ subject to the following requirements:

- 623.1 In addition to the information required for all applications for approval of Special Uses, the following shall be submitted as part of the application.
 - (a) Three copies of Site Plan, prepared by a North Carolina Registered Land Surveyor or Engineer, which shall contain the following:
 - 1. North Point, scale and date.
 - 2. Extent of area to be excavated or mined.
 - 3. Locations, width and elevation of all easements and rights-of-way within or adjacent to the extraction site.
 - 4. Location of all existing or proposed structures on site.
 - 5. Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
 - 6. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.

landscaping and/or fencing compatible with the development's architectural and landscaping design and compliant with applicable design standards. This area may be fenced. Fencing shall comply with any applicable design standards. (Amended 2-4-2016)

629.22 All manufactured homes shall conform to supplemental regulations of Article 300A, Section 326A.1.

630 Planned Unit Development

Planned Unit Developments may be permitted ~~in all districts~~ subject to the following requirements:

A. Residential Planned Unit Developments

1. Residential Planned Unit Developments may be permitted in any R40, R15, R10 R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.
2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a “major” subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council’s consideration at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a “minor” subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council. (9/02)
3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common area, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.

- 638.2 The minimum lot size shall be five acres with a minimum frontage of 200 feet.
- 638.3 The structures shall be located a minimum of 200 feet from any zoning lot boundary.
- 638.4 Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. No other external evidence of the mental institution/sanitarium for identification or advertising purposes shall be permitted.
- 638.5 At the time of the Special Use request, the operator of such a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.
- 638.6 Buffering and screening shall be as required by Article 300A.
- 638.7 Parking shall be provided as required by Article 400.
- 638.8 The facility shall comply with all applicable Federal, State and local requirements.

639 Professional Recovery Facility (Amended 11-6-2014)

- 639.1 No such use shall be established within one-half mile of another such use, congregate living facility, or family care home.
- 639.2 No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.
- 639.3 At the time of the Special Use request, evidence shall be provided indicating adequate measures to prevent the unauthorized exit of clients.
- 639.4 The applicant shall prove the ability to meet and, if approved, maintain, all required governmental licensure requirements of any applicable state governmental body responsible for licensing operations of the facility.

640 ~~Place of Worship~~ **Place of Assembly, Non-Commercial** in Residential Districts (Amended 2-4-2016)

~~Places of Worship~~ **Place of Assembly, Non-Commercial** may be permitted in R40, R15, R10, R7.5, and RA6 Districts subject to the following regulations.

640.1 ~~Place of Worship~~ Place of Assembly, Non-Commercial sites shall contain a minimum of one acre.

640.2 ~~Places of Worship~~ Place of Assembly, Non-Commercial shall meet the requirements of Design Standards for Residential Districts.

640.3 ~~Places of Worship~~ Place of Assembly, Non-Commercial shall provide screening around parking areas to avoid any nuisance to adjoining residential property.

640.4 Parking shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Offstreet parking shall be provided in accordance with Article 400.

640.5 Notwithstanding Article 800, a legal non-conforming ~~Place of Worship~~ Place of Assembly, Non-Commercial is permitted to make minor changes permitted by Section 606 whether or not a Special Use Permit has been granted by the Asheboro City Council.

640.6 Any ~~Place of Worship~~ Place of Assembly, Non-Commercial that was a legal use prior to October 2000 shall not be considered nonconforming due to non-compliance with the requirements of this Section. Any ~~Place of Worship~~ Place of Assembly, Non-Commercial that was a legal use prior to October 2000 shall be permitted to apply for a Special Use Permit as set forth in this Section regardless of non-compliance with Subsections 640.1, 640.2, 640.3 and 640.4. In reviewing such request all new construction shall comply with Subsections 640.2, 640.3 and 640.5. (6/02)

641 Gamerooms

Gamerooms may be permitted in B2, B3 and I 2 districts subject to the following requirements:

641.1 The site shall have direct access to a major or minor thoroughfare as shown on the Thoroughfare plan.

641.2 Off street parking shall be provided as required in Article 400.

641.3 A site plan showing compliance with the requirements for a Zoning Compliance Permit, as required by Article 1005, shall be submitted.

641.4 Signage shall be limited to one ground sign and not more than two wall signs. No portable signs shall be permitted.

641.5 The requirements of 317A Performance Standards for all Commercial Districts (noise and light) shall be met and maintained.

- 650.4 Buffering and screening shall be provided to screen any parking areas, structures and facilities related to the operation of the agricultural tourism facility. Such screening shall consist of opaque screening equivalent to or exceeding a Type D screen as defined by Article 300A, Section 304A.
- 650.5 When located within two hundred (200) feet from a public right-of-way, parking shall be located to the rear or side, but not in front of, the principal structure utilized for an agricultural tourism facility. Parking located more than two hundred (200) feet from a public right-of-way may be located on any side of the principal structure as long as the requirements of Section 650.4 above are met.
- 650.6 Signage shall be limited to one identification sign no more than six (6) feet in height and twenty-five (25) square feet in area when located less than forty feet from the public right-of-way and forty (40) feet in area when located more than forty feet from the public right-of-way.
- 650.7 Applications for permits under this Section shall be accompanied by a site plan or plat in accordance with Article 1000.

651 Whole Block Redevelopment Utilizing a Special Use Permit

651.1 Intent

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of whole block redevelopments that have a deficiency in meeting the requirements of Article 200A (Subsections (D)(10)). These alternative whole block redevelopment proposals require special care in the control of their location, design and methods of operation because of their inherent nature, extent and external effects. The City Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain development proposals for whole block redevelopments are appropriately handled as Special Uses.

Subject to the specific procedures established for reviewing whole block redevelopments, the City Council intends that the general standards, established in the Zoning Ordinance, and the more specific requirements established below shall be used by the City Council to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the City Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

651.2 General Standards

Whole block redevelopment proposals shall be reviewed by utilizing one of the following options ~~in all zoning districts~~:

**ARTICLE 1000
ADMINISTRATION AND LEGAL PROVISIONS**

1001 Establishment of Administrative Officer.

The provisions of this Ordinance shall be administered by the Zoning Administrator, who shall be designated by the City Manager.

1002 Duties of the Zoning Administrator.

The Zoning Administrator shall have the power to grant Zoning Compliance permits and Certificates of Zoning Compliance and to make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this Ordinance. In connection with the enforcement of this Ordinance, the Zoning Administrator shall make all necessary determinations and interpretations as required by this Ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

1003 Powers and Limitations of the Zoning Administrator.

If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for a Zoning Compliance Permit is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Compliance Permit; however;

- A. Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provisions of this Ordinance.
- B. Under no circumstance is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either building, structures or land.
- C. Under no circumstance is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- D. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.
- E. If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval.

1004 Zoning Compliance Permit Required (Amended-~~10-10-2019~~ 2-4-2016).

With exception of the Airport (A) District in which the Asheboro Airport Authority maintains site plan review authority, it shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than \$250.00 or exceeding one hundred square feet in area, until the Zoning Administrator has issued for such work a Zoning Compliance Permit which includes a determination that plans, specifications and the intended use of such structure do, in all respects, conform to the

- F. Bee keeping;
- G. Aquiculture;
- H. The raising, breeding, working and use of farm animals excepting hog parlors, broiler houses, laying parlors, turkey houses, and feed lot operations.

Airport (Amended 2-4-2016)

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land, and including the sale of goods or materials to users of such aircraft.

Airport Overlay Zone

All lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within any approach to the Asheboro Municipal Airport. Such area shall be as depicted on the Official Zoning Map. The Asheboro Municipal Airport Overlay district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Section.

Alcoholic Beverages

Beverages containing more than 1/2 percent of alcohol by volume.

Amenity Space

An area located indoors or outdoors, designed for active or passive recreation uses.

Amusement Device

~~Any pool, billiard, bagatelle, pigeon-hole, or similar table; pinball machine; or mechanical or electronic amusement device which is or may be operated for or upon the payment of money, trade token, or slug, either directly or indirectly, and which operates or may be operated by retail patrons as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade token, or slug, or for which no provision whatever is made for the return of money to the player; except any table, alley, machine or other game or device which would otherwise fall within this definition shall not be exempted therefrom by reason of arrangement or provisions whereby a player may from time to time win, earn, or be awarded prizes, money, free or reduced cost play of the game or device, or other incentives or remuneration for or by reason of playing the game or device.~~

Amusement Device, Mechanical or Electronic

~~Any machine which, upon insertion of a coin, trade token, or slug, or upon other~~

~~— activation for payment or promise of payment in money, operates or may be operated by
— retail patrons as a game or contest of skill or amusement of any kind of description, and
— which contains no automatic payoff device for the return of money, trade token, or slug, or
— which make no provision whatsoever for the return of money to the player; except any table,
— alley, machine or other game or device which would otherwise fall within this definition
— shall not be exempted therefrom by reason of arrangement or provisions whereby a player
— may from time to time win, earn, or be awarded prizes, money, free or reduced cost play of
— the game or device, or other incentives or remuneration for or by reason of playing the game
— or device.~~

~~— A mechanical or electronic amusement device is hereby further defined to include any
— machine, apparatus, or contrivance which is used or which may be used as a game of skill
— and amusement wherein or whereby the player initiates, employs, or directs any force, action,
— or image generated by, on, or in the machine.~~

Amusement Park (Amended 2-4-2016)

A commercially operated park having various devices for entertainment (as a merry-go-round and roller coaster) and usually booths for the sale of food and drink. This definition does not include limited duration events.

Alley

A dedicated and publicly maintained right-of-way, twenty feet or less in width, that provides a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

Animal Hospital or Veterinary Clinic

Any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals other than humans.

Animals, Household.

Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include but not be limited to domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatoo, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians, and aquarium fish.

Arcade

A series of arches supported by columns, piers, or pillars that may be freestanding or attached to a structure. An arcade may be a roofed passageway between buildings and often have a decorative purpose.

Art Gallery.

The use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.

Auction Sales

A public sale at which items are sold one by one, each going to the last and highest of a series of competing bidders.

Automobile Washing Establishment

~~_____ A structure or portion thereof the principal use of which is the washing of automobiles
_____ or other motor vehicles.~~

Awning

A covering which extends from a structure as a shelter from the weather or as a shading device. This does not include a canopy or marquee.

Bakery

The use of a structure or building for the production of bakery products including but not limited to breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a use under "Retail," the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, shall be considered manufacturing.

Bank

Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Bank- Automatic Teller (Amended 2-4-2016)

A machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. An automatic teller machine may be a walk-up or drive-through machine. The machine may be located at or within a bank, or in other locations.

Banquet Facility

Includes banquet facility, banquet hall, function hall, rental hall, reception or meeting hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, such as

hosting a party, —banquet or reception, that is not open to the general public, whether or not a fee is charged. —Food may be prepared onsite or brought in from off-site. Live entertainment may be featured as accessory to the meeting or banquet. Not included in this definition are banquet facilities that are incidental and customary accessory uses, such as within places of assembly, noncommercial ~~houses of worship (i.e. —church, synagogue, mosque, etc.)~~ and hotels.

Banquet Facility Large

A banquet facility with a Occupancy Load as established by N.C. State Building Code section as amended for “Occupant Load” that requires the facility to have a fire sprinkler system.

Bar

An establishment where alcoholic beverages may be obtainable within or there on and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered an Eating Establishment. A bar may include a tavern or coffeehouse but does not include a nightclub/cabaret, game room or the display of specified anatomical areas or specified sexual activities.

Barrier

Curbs, walls, fences, or similar protective devices designed and located to protect public right-of-way and adjoining properties from damaging effects.

Basement/Cellar

A story partly underground but having at least sixty percent of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

Bed and Breakfast Inn

An owner occupied dwelling unit that contains guests rooms where short term lodging rooms and meals are provided for compensation.

Berm

A related system of earth mounds and plantings which taken as a whole, form a visual barrier (As referred to in Section 300A).

Billboard/Off Premises Advertising Sign

Any sign used as an outdoor display for the purpose of directing attention to a business,

commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of said sign.

Boarding/Rooming House

A building in which rooms are provided, for compensation, with or without meals and not occupied as a single residence/dwelling unit. A bed and breakfast or hotel/motel is not considered a boarding/rooming house.

Bollard

An upright post, a minimum of 4 inches in width, consisting of concrete, steel, or similar durable material, placed securely into the ground designated primarily to prevent vehicles from entering an area, such as a sidewalk for pedestrians, bicycles, or wheelchairs.

Brewery

An establishment greater than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Brew Pub

An eating establishment engaged in the incidental retail production of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to an eating establishment and producing beverages in accordance with state ABC permits.

Buffer

A strip of land together with planting/screening required thereon. Both the amount of land and the type of planting/screening may be specified.

Buildable Area

The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

Building

Any structure that encloses a space used for sheltering any occupancy.

Building, Accessory

A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

Camp

Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or cabins, for recreation, education or vacation purposes.

Campsite

Any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

Canopy

A structure attached to or cantilevered from a building. This may be a roof type canopy which is supported only by its flush attachment to the building, or it may be supported also by columns, braces or poles which extend to the ground. This does not include an awning.

Car Wash

An establishment engaged in the business of washing domestic vehicles with self serve, automated or staffed facilities.

Cellar/Basement

~~———— A story partly underground but having at least sixty percent of its height above the
———— average level of the adjoining ground. A basement shall be counted as a story for the
———— purpose of height measurement if the vertical distance between the ceiling and the average
———— level of the adjoining ground is more than five (5) feet.~~

Cemetery, Human

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, columbarium, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Cemetery, Pet

Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum and dedicated for cemetery purposes.

Certificate of Occupancy

A document issued by an authorized official setting forth that land, a building or structure legally complies with the City of Asheboro Building Code, this Ordinance and other pertinent local and state requirements and that the same may be used for the purposes stated therein

Drive-In Window

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Drive Through (Amended 2-4-2016)

Relating to or conducting exchanges with clients who drive up to a window and remain in their motor vehicles:

Dry Cleaners

~~———— An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.~~

Dry Cleaning Plant

An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dry Cleaners, Small

An establishment engaged on a small scale in providing laundry, dyeing and dry cleaning services to individual customers.

Dwelling/Residence

A building designed for, or used by, one or more families for residential purposes.

Dwelling/Residence, Attached Single Family

Two or more one-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

Dwelling/Residence, Detached Single Family

An individual dwelling unit for one family located on an independent lot containing no other dwelling units.

Dwelling/Residence, Modular

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the

A business that is engaged in the extermination of troublesome rodents and pests.

Extraterritorial Planning Jurisdiction

The land beyond the corporate limits as delineated on the official zoning map of the Extraterritorial Planning Jurisdiction map of the City of Asheboro, recorded in the office of the Randolph County Register of Deeds, which is subject to the City of Asheboro's land development regulations pursuant to North Carolina General Statute 160A-360 (Amended 12-6-2012).

Family

Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

Family Child Care Home (Amended 2-4-2016)

A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

Family Child Care Home, Large (Amended 2-4-2016)

A Child Care Home providing child care for nine (9) to twelve (12) children

Farmers Market

A structure or structures erected for the display and sale of agricultural products and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell such products, This is not an accessory use to an existing principal use.

Family Day Care Home

A residence within which child care and supervision is provided for no more than five children, unrelated to the caregiver, for less than a twenty-four hour period.

Fire Escape

A fireproof stairway down an outside wall, to help people escape from a burning building.

Flammable Liquids

A liquid having a flash point below 100 degrees F (37.8 degrees C) and having a vapor pressure not exceeding 40 lbs. per square inch (absolute) (2,068 mm Hg) at 100° degrees F

Floor Area Ratio

The ratio of permitted floor area to the area of the lot.

Florescent Color

A brilliant color that emits or appears to emit a glow

Fraternity ~~or~~ & Sorority Houses

A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

Funeral Parlor

An establishment engaged in preparing human remains for burial and conducting funerals.

Full Cutoff Fixture

———An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Furniture Refinishing and Repair

An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Gamerooms

Unless more specifically and appropriately defined by another use, Any establishment offering the operation of amusement devices, and/or mechanical or electronic amusement devices and which derives more than **25%** of its annual revenues —from such devices.

Garage, Private

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Gas Station

An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at

Lumber and Other Building Materials Sales

An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders.

Lumberyard

An establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

Mail Order ~~Distribution Center/Mail Order Office~~ Business

A business in which orders for goods are received and filled by mail and no on-site retail sales occur at the business.

Major Thoroughfare

A major thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

Manufactured/Mobile Home

A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and eight feet in width.

- A. Class A: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development and also meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- B. Class B: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban but which do not meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- C. Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured/Mobile Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Manufactured Home Sales Lot

A lot that displays manufactured homes for sale. This definition also includes modular homes that meet the NC Building Code on display for sale.

A membership establishment operated by a corporation or association of persons for activities which include but are not limited to business, professional, literary, political, educational, fraternal, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Mental Institutions/Sanitariums (Amended 2-4-2016)

An institution providing mental health and physical care services for inpatient medical or surgical care for the mentally ill who are dangerous to others as defined in G. S. 122C-3 or the physically sick.

Metallic Color

A color having iridescent and reflective properties

Microbrewery

An establishment less than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Minilube

The use of a structure for the express purpose of changing fluids, filters and grease in a motor vehicle.

Mini Warehouse

A building or group of single story buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares, mainly excess personal property.

Minor Thoroughfare

A minor thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

Mixed Use Residential in B3 Districts

A residential conversion of any existing structure within the B3 District. Such conversion shall maintain the ground floor for commercial use, thus creating a mixed use structure. Conversions of this type shall be permitted only upon the issuance of a Special Use Permit.

Mixed Use Structure

A structure, where permitted, that houses multiple uses. See note #16 of Article 200.

Mobile Home/Manufactured Home

~~———— A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and eight feet in width.~~

~~———— A. Class A: A manufactured home, constructed no more than ten (10) calendar years prior to the application for a zoning compliance permit, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and also meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.~~

~~———— B. Class B: A manufactured home, constructed no more than ten (10) calendar years prior to the application for a zoning compliance permit, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction but which do not meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.~~

~~———— C. Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.~~

Mobile Home Sales Lot (Amended 2-4-2016)

~~———— A lot that displays manufactured homes for sale. This definition also includes modular homes that meet the NC Building Code on display for sale.~~

Mobile/Manufactured Home Park

~~———— A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.~~

Motel/Hotel

~~———— An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical hotel/motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.~~

Motor Vehicle Repair, Minor

Photographic Mini Lab Facility (one hour type) (Amended 2-4-2016)

A facility in which photographs, taken off-site, are processed, developed, printed and duplicated for individuals or businesses.

Photography Studio- with lab for inhouse use only (Amended 2-4-2016)

A facility in which photography occurs on the premises.

Photovoltaic System

An active solar energy system that converts solar energy directly into electricity.

Place of Assembly

~~———— A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including but not limited to coliseums, athletic centers, concert halls, and auditoriums.~~

Place of Assembly, Commercial

A facility for the gathering of persons to attend athletic events, entertainment events (including musical, dance, and dramatic arts productions/performances), ceremonial events, and other similar types of events for which a fee, rate, or other consideration is charged directly or indirectly to support the facility as a business or undertaking intended for profit. If the use of the facility fits within a more specific use classification found within Table 200-2, the more specific listing shall be the controlling classification.

Place of Assembly, Noncommercial

A facility that is not developed or operated for the purpose of functioning as a for-profit business undertaking. Such a facility is used for the gathering of persons to attend civic, social, religious, deliberative, recreational, or artistic events/activities for which no fee or monetary charge of any kind is levied as a prerequisite for participation in the event/activity itself. If the use of the facility fits within a more specific use classification found within Table 200-2, the more specific listing shall be the controlling classification.

Place of Worship (Amended 8-6-2015)

~~———— (1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.~~

Planned Development

Land under unified control to be planned and developed as a whole in a single

development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Planning/CD Department

~~———— The unit of government of the City of Asheboro that supervises planning and redevelopment activities of the City. Also known as the Community Development Department.~~

Planning Director

~~———— The individual charged with the supervision of the Planning Department.~~

Principal Building

A building in which is conducted the principal use of the parcel on which it is situated.

Principal Use

The primary purpose of function that a parcel serves or is intended to serve.

Produce sales

The display and sale of agricultural products, that is not an accessory use to an existing principal use, on an undeveloped or developed lot . Not to include flea market and open air sales or produce / farmers market.

Professional Recovery Facility (Amended 11-6-2014)

Any establishment, other than a family care home, hospital or nursing home, licensed by the N.C. Department of Social Services, or other unit of state government, to provide persons a structured environment. A structured environment shall be defined as a setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.

Professional Services

Services generally involves practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners. (See Health Services and Health Practitioners).

Public Use Facility (Amended 2-4-2016)

The use of land, buildings, or structures by a public utility, railroad, or a unit of government, to provide public services, governmental or proprietary, directly to the general public. This definition includes, but is not limited to, water treatment plants or pumping stations, sewage treatment plants or pumping stations, substations, telephone exchanges, and other similar public service structures. This definition also includes police and fire stations, municipal buildings, bus terminals or similar facilities for public transportation, community centers, emergency response facilities and any other public facility providing the above services but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public Notice

Public notice of a hearing means notice of the time and place thereof published once a week for two successive calendar weeks in a newspaper ~~published~~ circulated in Asheboro.

Publishing and Printing

An establishment primarily engaged in preparing, publishing, and printing of newspapers, periodicals, books and pamphlets, reports, advertisements, etc.

Radio and Television Studio

A facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Ordinance.

Radio and Television Receiving Antenna and Dish, Accessory

An antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

Railroad Classification Yard (Amended 2-4-2016)

A fan-shaped network of tracks and switches where railroad cars are sorted and made up into trains for their respective destinations.

Recreation

Any form of play, amusement, or relaxation.

Recreation and Amusement Services

~~— A commercial facility providing recreational activities including but not limited to
— swimming pools, tennis clubs, public gymnasiums, discotheques, bowling alleys,
— shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, dance
— schools or classes, skating rinks, zoos and indoor movie theaters.~~

Recreation, commercial indoor

Any form of play, amusement, or relaxation used for monetary gain conducted within an enclosed structure. ~~(Does NOT include amusement arcades, gamerooms, or billiards or pool halls. SEE Gamerooms)~~

Recreation, commercial outdoor

Any form of play, amusement, or relaxation used for monetary gain not conducted within an enclosed structure.

Recreation Space

Recreation space is part of the total open space requirement, and is an exterior area for common passive or active recreation use; i.e, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit.

Recreation Space, Active

Land dedicated to solely to the pursuit of recreation. Active recreation space includes but is not limited to athletic fields, exercise facilities, buildings or structures for recreation activities, courses or courts, children's play areas, and dog play areas.

Recreation Space, Passive

An undeveloped space used for recreational enjoyment that requires minimal development. The quality of the environment and "naturalness" of an area is the focus of the recreational experience in a passive recreation area. Passive recreation space includes but is not limited to barbeque areas, benches, gazebos, community gardens, and bike paths/walking trails.

Research, development, and prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Residence/Dwelling

~~———— A building designed for, or used by, one or more families for residential purposes.~~

Residence/Dwelling, Attached Single Family

~~———— Two or more one-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.~~

Residence/Dwelling, Detached Single Family

~~———— An individual dwelling unit for one family located on an independent lot containing one other dwelling unit.~~

Residence/Dwelling, Modular

~~———— A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.~~

Residence/Dwelling, Multiple Family

~~———— A structure containing three or more dwelling units.~~

Residence/Dwelling, Prefab

~~———— A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.~~

Residence/Dwelling, Single Family

~~———— A structure containing a single dwelling unit.~~

Residence/Dwelling, Two Family

~~———— A structure containing two dwelling units.~~

Residence/Dwelling Unit

~~— A room or group of rooms forming a single independent habitable unit used for, or
— intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one
— family only; for owner occupancy or for rental, lease, or other occupancy.~~

Residential Conversion within a B-3 District

~~— A residential conversion of any existing structure within the B3 District. Such
— conversion shall maintain the ground floor for commercial uses, thus creating a mixed use
— structure. Conversions of this type shall be permitted only upon the issuance of a Special
— Use Permit.~~

Residential Districts

R40, R15, R10, R7.5 and RA6 Districts shall be considered as residential districts.

Residential Townhouse Development in the B3 District

A development of a zoning lot that consists of two (2) or more dwelling units or mixed-use buildings, each of which is located on its own individual lot, plus land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. The individual lots within a Townhouse Development shall not be required to meet the lot design standards of Article 200 Table 200-1 provided the zoning lot containing the Townhouse Development meets such standards.

Retail

The use of land, buildings or structures for the sale of merchandise, new or used.

Retail Sales, Convenience Goods

Commercial establishments that generally service day-to-day commercial needs of a residential neighborhood, including, but not limited to, convenience stores, tobacco shops, newsstands, bakeries, candy, nut and confectionery stores, delicatessens, dairy products, meat and seafood markets, produce markets, food stores with less than ten thousand square feet in floor area.

Retail Sales, Shoppers' Goods

Commercial establishments that, supply the more durable and permanent needs of a community, including but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden supply stores;

failures such as the failure of a water, sewer, or electrical utility.

(c) Civil emergency, which includes by way of illustration and not limitation riots and other events where public safety authorities are unable to maintain public order or afford adequate protection for lives or property and

(d) Community disorders, which includes temporary housing for individuals who have experienced or were threatened with physical, sexual, and/or emotional abuse.

Sight Distances

The triangular area formed by the intersecting streets pavement edges and a straight line connecting points on said street pavement edges, each of which is thirty-five (35) feet in distance from the point of intersection. (Where two (2) state maintained streets intersect, regulations of N. C. DOT shall apply.)

Signs:

Sign (Amended 8-6-2015)

Any structure designed to inform or attract the attention of persons not on the premises on which the device is located, including one which directs attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered.

Signs, Area

Free-standing Pole or Pylon

The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

Sign, Area

Monument

organizations and individuals.

Shelter, Emergency

~~_____ A facility operated by a governmental unit, non-profit agency, or house of worship
_____ providing without charge, temporary sleeping accommodations, with or without meals,
_____ for individuals, and/or families displaced from their residences as a result of sudden
_____ natural or man-made catastrophe including, but not limited to, earthquake, fire, flood,
_____ tornado, hurricane, extreme weather conditions, or the release of hazardous or toxic
_____ substance(s) into the environment.~~

Slaughterhouse

~~_____ An establishment where animals are killed, butchered and prepared for further
_____ processing.~~

Solar Collector

Any solar structure or equipment that absorbs and accumulates solar radiation for use as a source of energy. A solar collector may be roofmounted or ground mounted.

Solar Energy

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Farm

A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

Solid Waste

Garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special Purpose Lot (Amended 8-6-2015)

A lot legally created to accommodate a unique non-residential use, that upon approval by the Zoning Administrator in accordance with this Ordinance, is not required

Use, Principal

The primary use and chief purpose of a lot or structure.

Used Merchandise

An establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

Variance

A relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Vehicle

A land operated means of transportation for persons or objects, including but not limited to cars, trucks, buses, motorcycles, motor scooters, motor homes, and trailers. Domestic motor vehicles, commercial vehicles, and recreational vehicles are included within this definition.

Vehicle, Commercial

A vehicle that has a gross vehicle weight rating of at least 26,001 pounds.

~~Any vehicle, licensed by any state of the United States or Mexico or Province or Territory of Canada, other than domestic vehicles, as defined in this Ordinance, or over one ton in weight or 20 feet in length.~~

Vehicle, Domestic

A vehicle that has a gross vehicle weight rating of less than 26,001 pounds. ~~Any vehicle, licensed as a commercial vehicle by any state of the United States or Mexico or Province or Territory of Canada.~~

Vehicles, Junked Motor

~~The term junked motor vehicle means a vehicle that does not display a current license plate and that:~~

~~A. is partially dismantled or wrecked; or~~

~~B. cannot be self-propelled or moved in the manner in which it originally was~~

~~_____ intended to move; or~~

~~_____ C. is more than five years old and appears to be worth less than one hundred
_____ dollars (\$100).~~

Vehicle, Nuisance

~~_____ A junked motor vehicle on public or private property that is determined and declared to
_____ be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be:~~

~~_____ A. a breeding ground or harbor for mosquitoes, other insects, rats or other pests;
_____ or~~

~~_____ B. a point of heavy growth of weeds or other noxious vegetation over eight (8)
_____ inches in height; or~~

~~_____ C. a point of collection of pools or ponds of water; or~~

~~_____ D. a point of concentration of quantities of gasoline, oil or other flammable or
_____ explosive materials as evidenced by odor; or~~

~~_____ E. one which has areas of confinement which cannot be operated from the inside,
_____ such as trunks, hoods, etc.; or~~

~~_____ F. so situated or located that there is a danger of it falling or turning over; or~~

~~_____ G. any other vehicle specifically declared a health and safety hazard and a public
_____ nuisance by the City Council; or~~

~~_____ H. offensive to the sight as to damage the community, neighborhood or area
_____ appearance, upon a finding that such aesthetic regulation is necessary and
_____ desirable for the protection of property values, promotion of tourism, indirect
_____ protection of health and safety, preservation of the character and integrity of the
_____ community, or, promotion of the comfort, happiness, and emotional stability of
_____ area residents; or~~

~~_____ I. used by children in play activities.~~

Vehicle Towing Storage Facility:

The use of land or buildings to park, store and maintain vehicles associated with vehicle towing. This includes storage of towed vehicles while awaiting proper disposition of these vehicles and storage of vehicles engaged in vehicle towing (i.e. tow trucks). A vehicle towing yard does not include a vehicle towing operation.

Vehicle Towing Operation:

A vehicle towing operation is solely designated for administrative activities associated with vehicle towing. A vehicle towing operation does not include a vehicle towing storage facility.

Vehicle Towing Operation and Storage Facility:

The use of land or buildings for both a vehicle towing storage facility and a vehicle towing operation.

Vocational School

An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both. This definition shall be deemed to include the indoor storage of vehicles.

Warehouse, Mini

~~————— A building or group of buildings in a controlled access compound that contains
— varying sizes of individual, compartmentalized and controlled access stalls or lockers for the
— storage of goods belonging to the individual lessees of the stalls and accessible to the
— lessees through individual doors.~~

Wholesale Distribution

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Yard

An open space unoccupied and unobstructed by any structure or portion of a structure provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Yard, Front

A yard extending between the side lot lines across the portion of a lot adjacent to a street. \



SUB-19-02: Jackson's Run Phase 2

Final Plat: Right-of-way for extension of Leo Lane

Staff Report

SUBDIVISION STAFF REPORT

Final Plat

CASE # SUB-17-04

Date 10/7/2019 PB

GENERAL INFORMATION

Subdivision Name Jackson's Run Phase 2, Section 1 (Right-of-way dedication)
Requested Action Subdivision Final Plat
Applicant Daniel Stickler
Address 5607 Tradd Drive, Greensboro, NC 27455
Phone 336-362-4715
Location west side of Forest Park Drive

PARCEL INFORMATION

PIN 7763272025

Size 0.574 acres +/- R/W **Number of Lots** N/A

Existing Zoning CURA6 **Average Lot Size** N/A

Existing Land Use Planned Unit Development (this phase is
uncompleted).

Surrounding Land Use

North Medium-density residential

East Low- to Medium-Density Res.

South PUD/Low-Med. Density Res.

West Low-Density
Residential/Commercial/Industrial

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map Northeast

Identified Activity Center? No

Development Issues

1. The purpose of this plat is to dedicate the public right-of-way that extends from the current terminus of Leo Lane to Forest Park Drive to provide a second entrance to the Jackson's Run subdivision.
2. A second entrance is required due to be constructed because of a Conditional Use Permit condition.
3. This entrance and section of roadway has been completed with the exception of the final layer of asphalt and sidewalks. The applicant has provided a financial guarantee for these improvements as allowed by the ordinance.
4. Subject to provisions of the Subdivision ordinance, once the public right-of-way is platted consistent with the Conditional Use Permit, lots along Leo Lane may be platted as a minor subdivision(s) and reviewed/approved by city staff.
5. The owner will need to provide a letter guaranteeing improvements within the public right-of-way, except those made by utility companies, against defects for one year as required by the city's subdivision ordinance.

SUBDIVISION STAFF REPORT

Final Plat

DEPARTMENT COMMENTS

Engineering Plat comments and review of other required engineering information is pending.

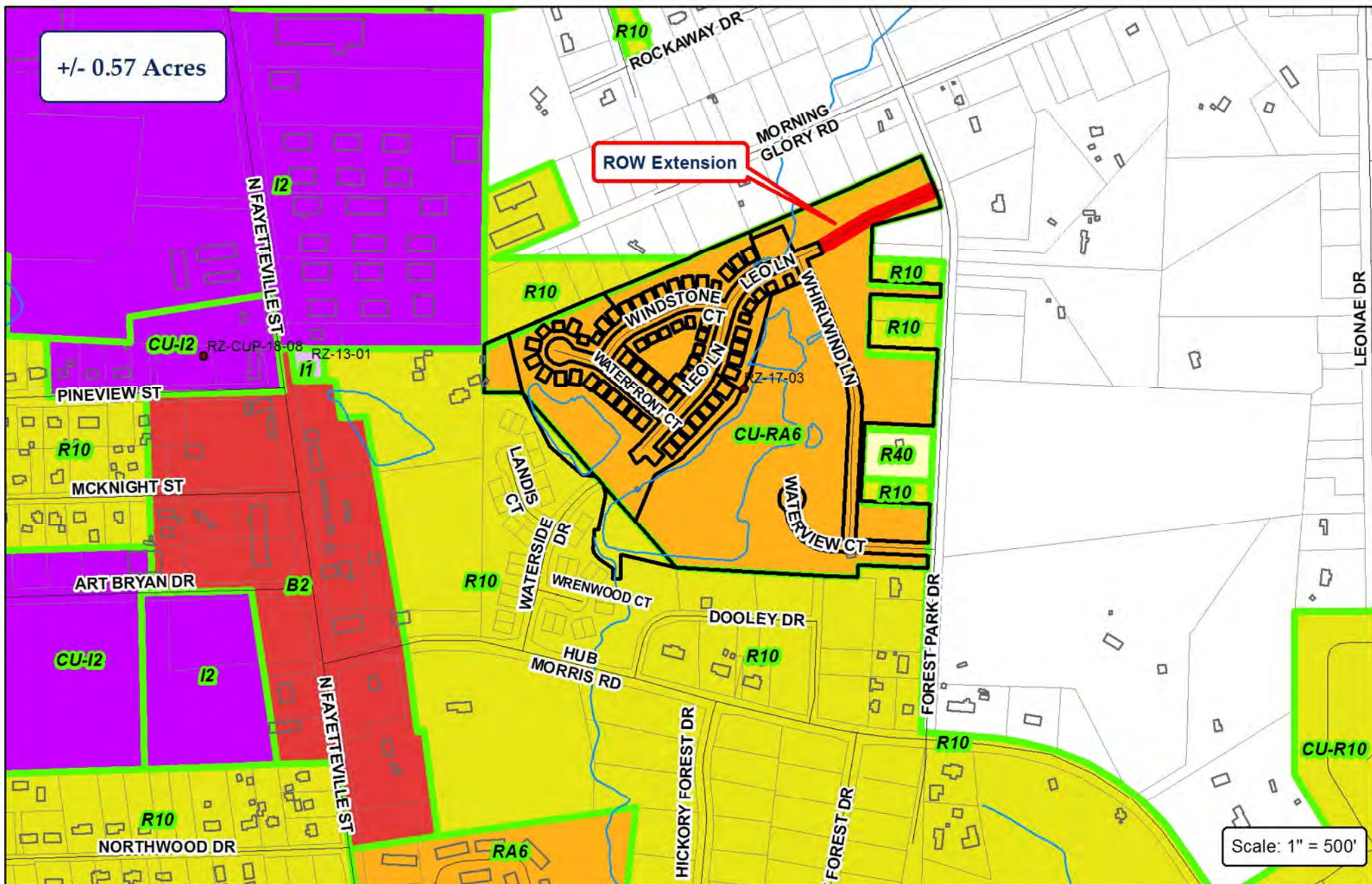
Public Works See Number 5 on preceding page concerning maintenance and defects guarantee.

Planning Plat comments are pending.

Other

Staff Recommendation A recommendation will be available at the Planning Board meeting on Monday, October 7, 2019.

Planning Board Recommendation The Planning Board is scheduled to review this request on Monday, October 7, 2019. A recommendation will be available after this time.



City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcel: 7763269307

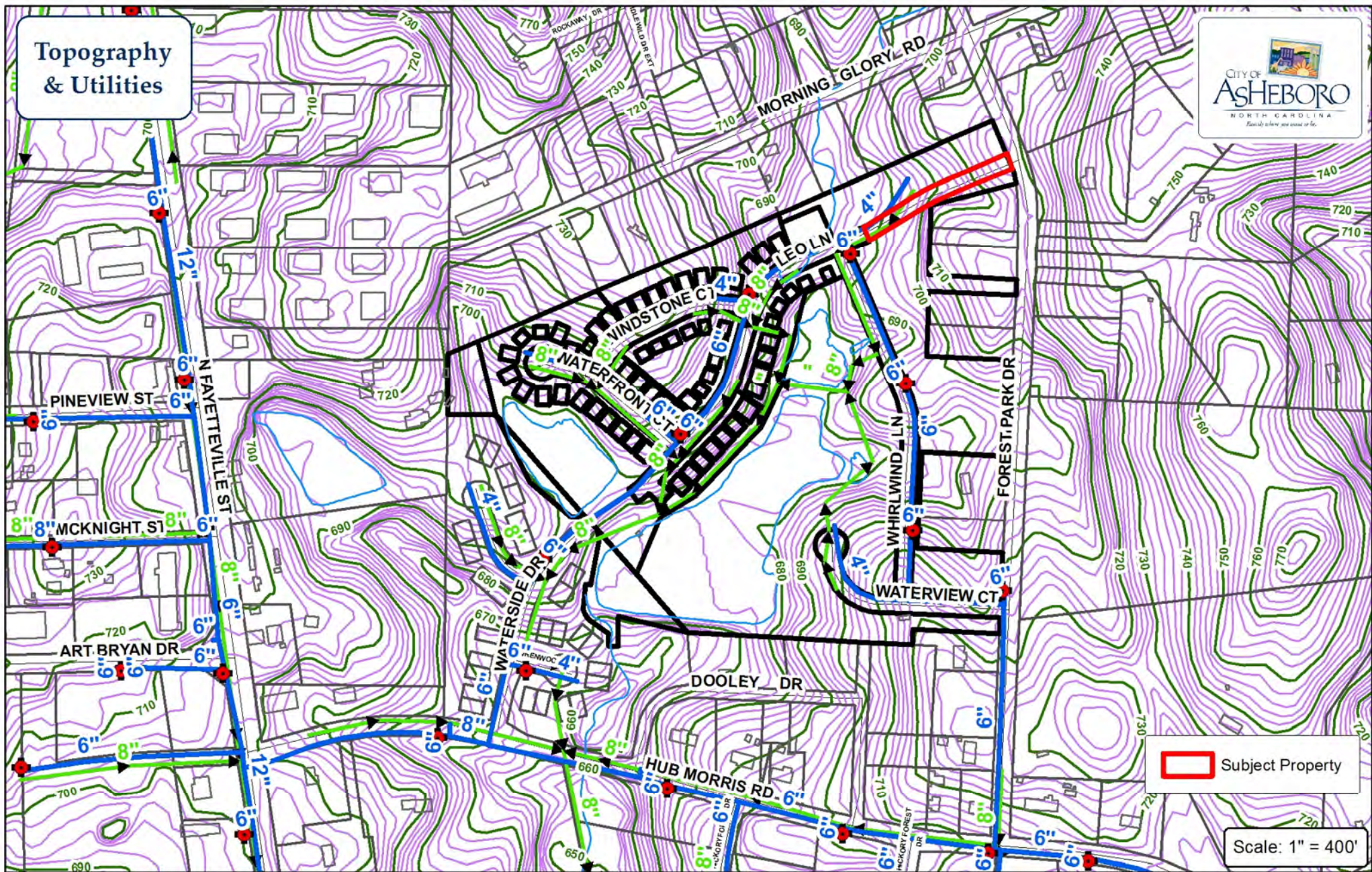


 Jackson's Run

 Subject Property
 Zoning



Topography & Utilities



 Subject Property

Scale: 1" = 400'

-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcels: 7763269307





City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcel: 7763269307



 Jackson's Run

 Subject Property
 Zoning



I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11a That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book See page Notes, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See page Notes; that the ratio of precision or positional accuracy as calculated is; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the day of, A.D., 2018.

STATE OF NORTH CAROLINA

I, Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

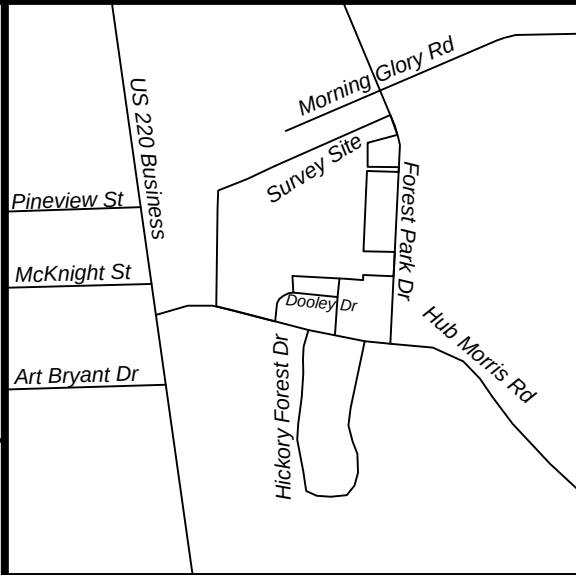
Date Review Officer

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the subdivision.

(Date) City Engineer

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well



Location Map
(Not to Scale)

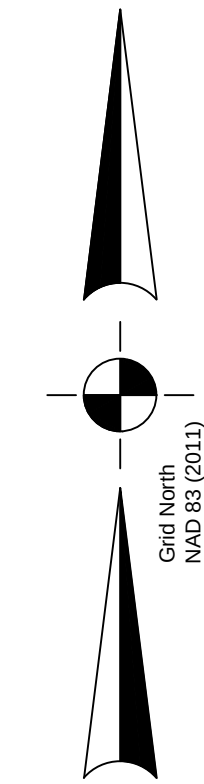
Preliminary

Professional Land Surveyor

L-4787

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: June 14, 2017
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99988519
- (9) GPS/GNSS Scale Point:
N:736,569.53 E:1,761,113.39
- (10) Units: US Survey Feet



Mark T Hout
1430 - 244
PB: 8 Pg: 103

Grid North
NAD 83 (2011)

Sidney D Russell Heirs
1634 - 1012
PB: 8 Pg: 103

Kay S Lineberry
5E - 932
PB: 8 Pg: 103

Gabriel R Ortiz
1875 - 68
PB: 8 Pg: 103

60d Nail Set @ Base of 1-1/2" EIP Up 12"
N: 737,950.76 Ground US Survey Feet
E: 1,762,753.22 Ground US Survey Feet

S 21°09'41" E
106.14'

Forest Park Drive
St 2150 60' Public R/W

Area to be Dedicated to
Common Area
6,203 Sq. Ft.

LINE	BEARING	DISTANCE
L1	S 21°09'41" E	0.61
L2	N 58°41'45" E	51.28
L3	N 58°41'45" E	21.97
L4	S 23°40'46" E	22.72
L5	S 23°40'46" E	20.09
L6	S 23°40'46" E	7.19
L7	N 61°48'59" E	82.05
L8	N 35°48'17" E	114.56
L9	N 35°48'17" E	32.52
L10	S 54°25'43" E	20.00
L11	N 35°48'17" E	79.74
L12	N 35°48'17" E	62.73
L13	N 61°48'59" E	75.54
L14	S 26°48'49" E	0.11

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	228.98	30.38	30.36	N 62°41'50" E	7°46'08"
C2	275.00	36.12	36.09	N 62°41'30" E	7°48'31"
C3	1025.00	42.73	42.72	N 67°41'55" E	2°43'18"
C4	592.51	49.46	49.44	S 18°47'37" E	4°46'57"
C5	592.51	43.38	43.37	S 14°48'18" E	4°41'40"
C6	975.00	40.64	40.64	N 67°41'55" E	2°43'18"
C7	225.00	11.26	11.26	N 64°47'13" E	2°42'05"
C8	225.00	18.29	18.28	N 60°51'28" E	4°49'26"
C9	278.13	37.76	37.73	N 62°46'27" E	7°46'45"

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

(Date) Community Development Director

Kelly C Julian
17E - 987
PB: 8 Pg: 103

Billie J Farrington
1101 - 345
PB: 8 Pg: 103

Jesus R Ambriz
1938 - 2593
PB: 8 Pg: 103

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Deeds and plats referenced (Randolph Co. registry):
Deeds:
DB 2249 Pg 829
Plats
PB 156 Pg 2
7. Randolph County Tax PIN: 7763272025
8. C/L Length of New Road: 498'

Owners:
Waterford RE LLC
802 Northern Shores Ln
Greensboro, NC 27455
co Daniel Stickler
336 362-4715

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Date Owner

Date Owner

Phase 2, Section 1: Jackson's Run Road Right of Way Dedication

City of Asheboro
Asheboro Township
North Carolina
Scale: 1" = 30 US Survey Feet

Randolph County
November 6, 2018

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
E 2018 Survey Carolina, PLLC

Job #: 10734



SUB-19-02: Hillcrest Subdivision
Breeze Hill and Fermer Roads: Sketch Design

Staff Report

SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-19-02

Date 10-7-2019 PB

GENERAL INFORMATION

Subdivision Name	Hillcrest Subdivision
Requested Action	Subdivision Sketch Design
Applicant	Royal Crest Builders
Address	2415 Penny Rd., Suite 102
Phone	336-302-2442
Location	northern corner of Breeze Hill Rd. and Fermer Rd.

PARCEL INFORMATION

PIN 7750386919

Size 9.5 acres +/-

Number of Lots 34

Existing Zoning R7.5

Average Lot Size 10,779 SF

Existing Land Use Residential (one single-family dwelling is currently located on the property).

Surrounding Land Use

North Undeveloped/Single-family

East Single-family/two-family

South Single-family

West Single-family/two-family

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map Central

Identified Activity Center? No

Development Issues

1. The property is within the city limits.
2. The proposal is for a conventional residential subdivision consisting of 34 lots.
3. Breeze Hill and Fermer Roads are both city-maintained streets west of Uwharrie Street.
4. The applicant is showing two entrances; one from Breeze Hill Rd. and one from Fermer Rd.
5. The subdivision plat does not propose sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
6. Subject to the subdivision and zoning ordinance, lots with frontage on existing public rights-of-way and having existing utilities available to each lot may be platted as a minor subdivision and reviewed by city staff.

SUBDIVISION STAFF REPORT

Sketch Design

DEPARTMENT COMMENTS

Engineering Plat corrections are pending.

Public Works Driveway locations of the two northernmost lots on Berg Road will require additional review to ensure no conflicts with public service requirements, such as trash collection, are present.

Planning Plat corrections are pending.

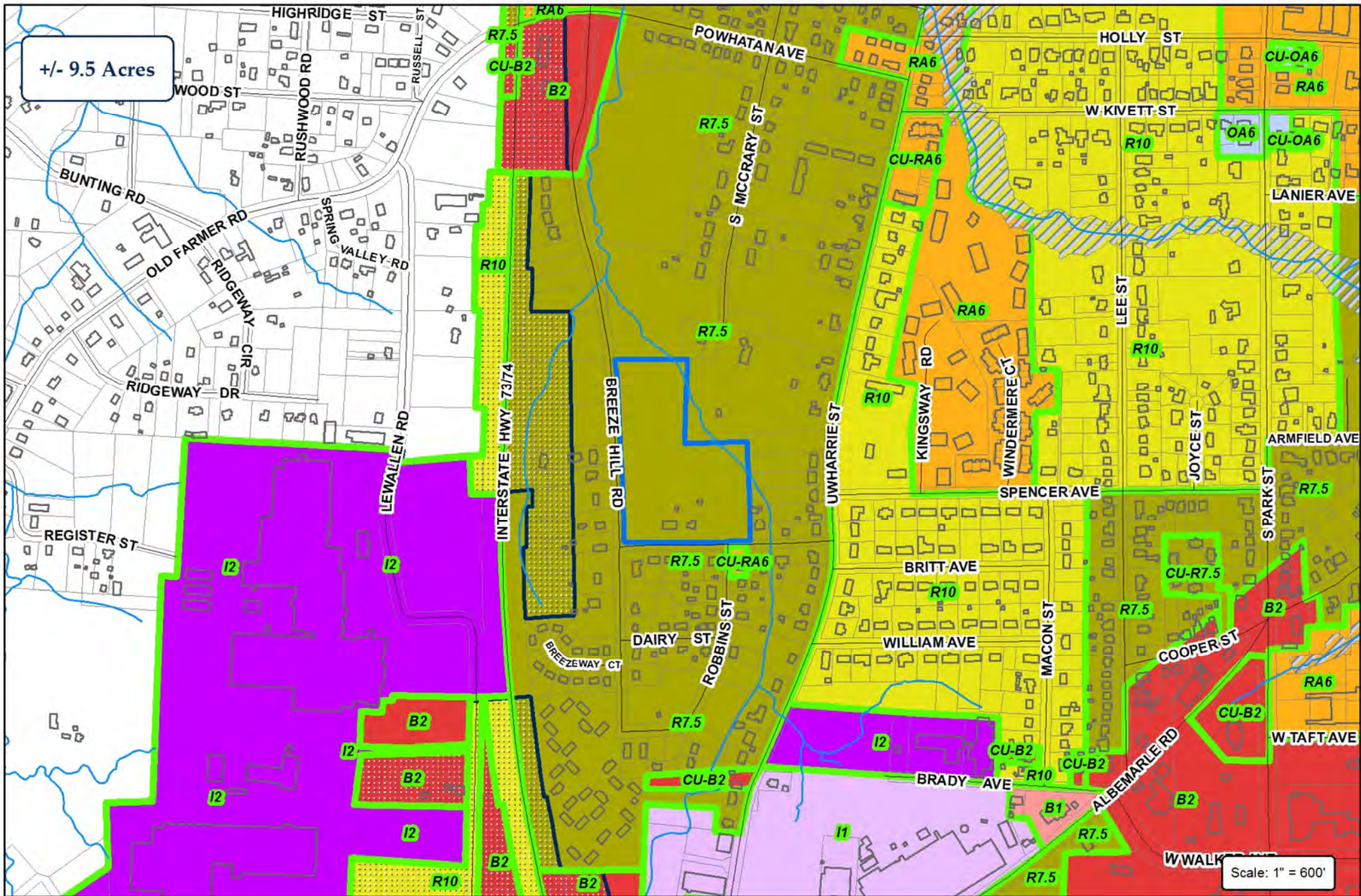
Additional detail on street lighting will be required for preliminary plat.

Other Fire Department: The additional hydrant proposed is adequate.

The proposal was shared with NC Department of Transportation (due impact of traffic flow on nearby state-maintained roads) and Asheboro City Schools. No comment has been received from either agency at this time.

Staff Recommendation A recommendation will be available at the October 7, 2019 Planning Board meeting.

Planning Board Recommendation The Planning Board is scheduled to review this request on Monday, October 7, 2019. A recommendation will be available after this time.



City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-19-02

Parcel: 7750386919

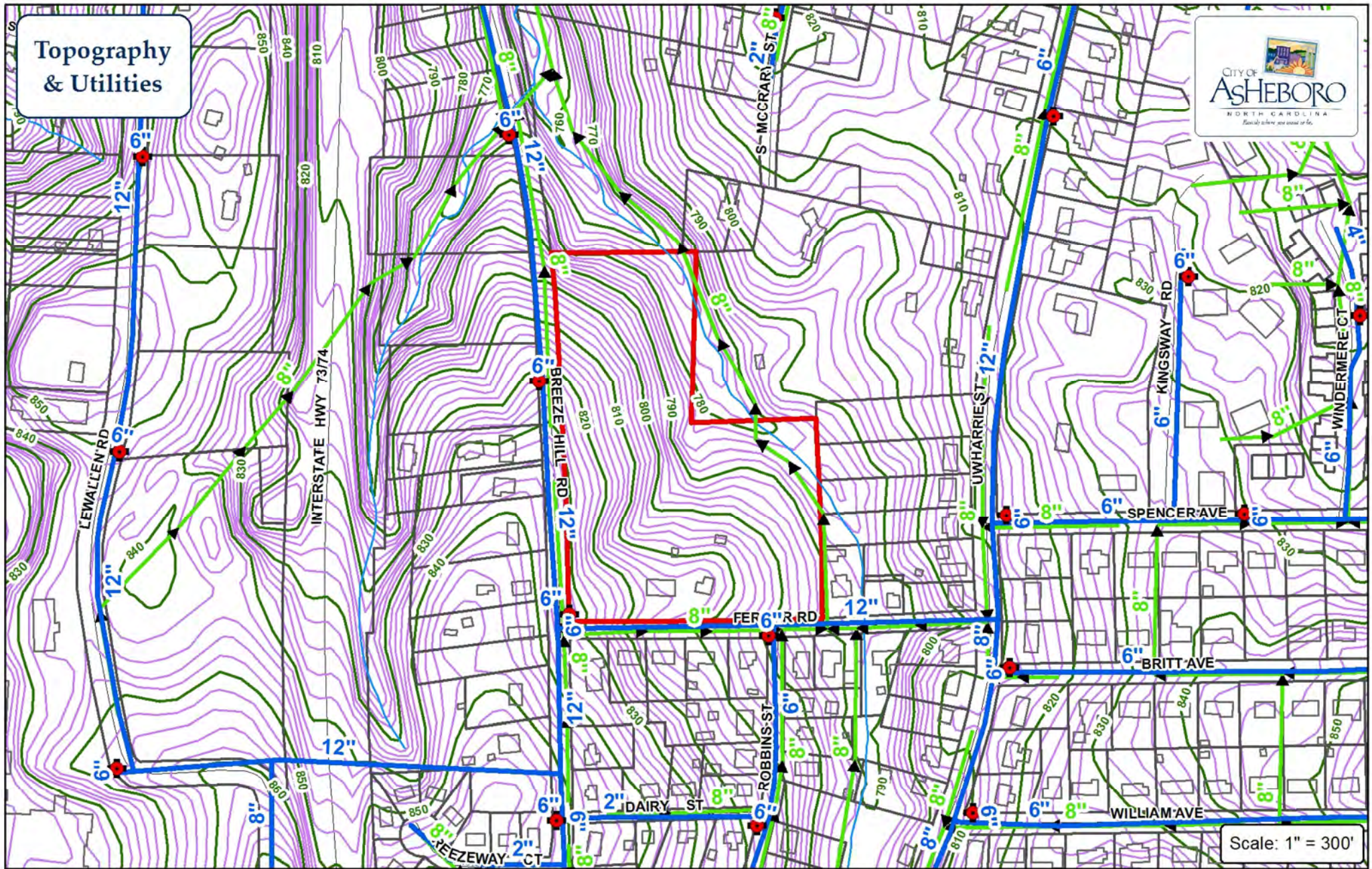


ETJ

Subject Property
Zoning

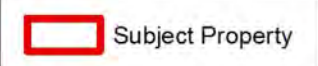


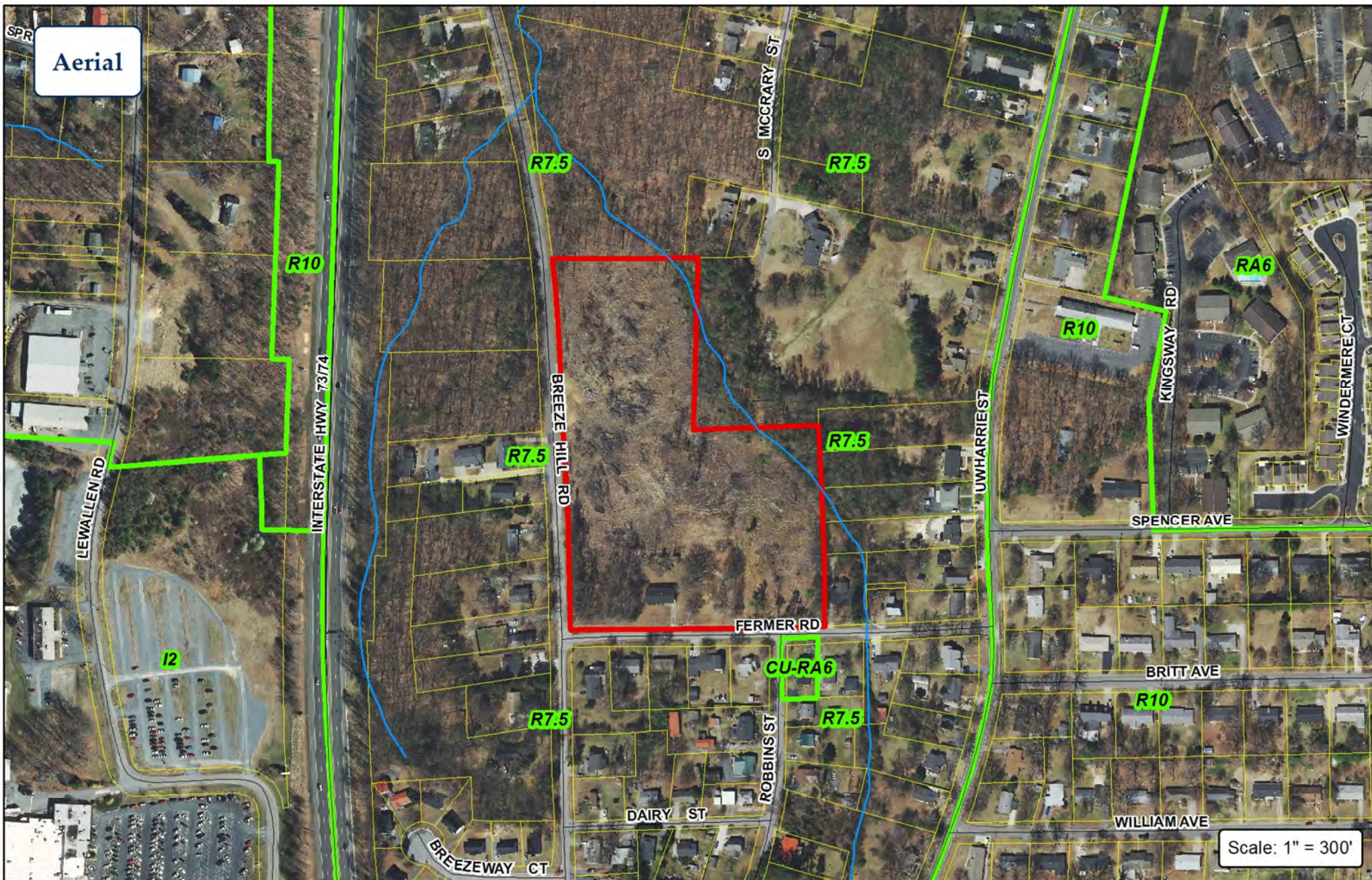
Topography & Utilities



-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

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