

CHAPTER 3
GENERAL REGULATIONS AND MEASUREMENT
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CHAPTER 3

GENERAL REGULATIONS AND MEASUREMENT

3.01 GENERAL REGULATIONS

(A) Zoning Affects Every Building and Use

No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, except in compliance with all the regulations established by this Ordinance for the district in which the building or land is located.

(B) Open Space Not to Be Encroached Upon

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

(C) Every Lot Must Abut A Street and Possess Sufficient Buildable Area

No building, structure or use of land other than for agricultural purposes or for a special purpose lot shall be established on a lot that does not abut and have direct access to a dedicated public street and does not have at least one thousand (1,000) square feet of contiguous buildable area of a shape sufficient to hold a principal building.

(D) One Principal Building Per Lot

Not more than one principal building shall be constructed on any R40, R15, R10, and R-7.5 lot.

(E) Required Open Space May Not Be Used By Another Building

No part of any yard, open space, off-street parking or loading space required in connection with any building, structure or use by this Ordinance shall be considered to be part of a required yard, open space, off-street parking or loading space for any other buildings, structure or use, except as provided in Chapter 6 for joint use of off-street parking spaces.

(F) Mixed Uses

When two or more uses occupy the same building, the greatest yard and buffering and screening requirements applicable to any such uses in the district in which the lot is located shall apply to such buildings. Off-street parking and loading requirements shall be met in full for all uses in such buildings.

(G) Fractional Requirements Under This Ordinance

When any requirement of this Ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded.

(H) Location of Required Yards Where the Street Line Is Unknown

Where there is uncertainty as to the location of a street line, the Board of Adjustment shall determine such line for the purposes of this Ordinance and all measurement of yards, areas, etc., which depend upon the location of a street line shall thenceforth be based on such determination, provided that any street width determined hereunder shall be uniform for the entire length of the portion of the street about which uncertainty exists.

(I) Parcels Not Having Sanitary Sewer or Water Service

When any parcel of land is to be developed and will not be converted to the City of Asheboro's sanitary sewerage or water system in the near future, it shall comply with the Regulations governing the design, installation, clearing, and use of sewerage disposal systems in Randolph County.

(J) Location of Required Yards on Major & Minor Thoroughfares

Building setback requirements for structures located along any major or minor thoroughfare shall be measured from the ultimate right-of-way as shown in the adopted Asheboro Comprehensive Transportation Plan. The area of a lot outside of existing right-of-way yet located within the ultimate right-of-way may be used in calculations that require area determinations. All other streets shall utilize existing right-of-way lines for measurement of setback and yard requirements.

(K) Prohibition of Use of Residentially Zoned Property for Access to Uses Not Permitted In Residential Districts

No private land which is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in residential districts, except as provided below or otherwise authorized by this Ordinance or other lawful regulations:

- (1) Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Board of Adjustment, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
- (2) Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Board of Adjustment across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

(L) Parking of Domestic, Commercial And Recreational Vehicles

(1) Domestic and Recreational Vehicles

An owner of domestic and recreational vehicles may park or store such vehicles on his private residential property, subject to the following limitations:

- (a) At no time shall such vehicles be occupied or used for living, sleeping or housekeeping purposes. Visitors may occupy a vehicle in their care, custody, and control during periods of visitation not to exceed 7 days.
- (b) Parking of recreational vehicles shall not be permitted within any required front yard. However, parking is permitted anywhere on the lot for loading and unloading purposes for a period not exceeding twenty-four hours.
- (c) Vehicles may be connected to utility services as required for maintenance purposes.
- (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.

(2) Commercial Vehicles:

The parking of commercial vehicles, or any vehicle of or exceeding 25 feet in length, on any residential 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 from loading and unloading in any residential district.

(M) Loading Docks

For all new buildings or any addition to any existing building, no loading docks shall be located on any street fronting building façade or face, except that loading docks may be located on street fronting facades or faces provided that the property is industrially zoned and the street that the loading docks front is not designated a major thoroughfare or, with the exception of freeways, higher classification by the adopted Comprehensive Transportation Plan.

(N) Landscaping of Open Space

In projects where open space is required, there shall be additional landscaping of the open space consisting of lawn, trees, evergreen ground cover, and/or mulch. All plantings shall meet ANLA (American Nursery and Landscape Association) standards. Walkways may be paved (cement), brick, or aggregate.

(O) Repair of Privately Owned Automobiles or Motor Vehicles in Residential Districts.

The minor repair of a privately owned automobile or a motor vehicle by its owner at their residence in any residential zoning district is permitted.

(P) Alternative Design Standards for Preservation of Historic Structures

Prior to the issuance of a Zoning Compliance Permit, the Community Development Division Director, or his authorized designee, may, in the evaluation of required materials to ascertain if

proposed work is in conformance with the Performance, Design and Signage requirements of this ordinance, may accept a Certificate of Appropriateness issued by the Randolph County Historic Landmark Preservation Commission or written documentation from the North Carolina State Historic Preservation Office and/or National Parks Service as evidence that proposed façade changes are in keeping with the historic character of the structure(s.) Such changes that are in keeping with the historic character of the structure(s) are hereby expressly approved as compliant with the standards of this ordinance.

(Q) Stacking or Waiting Lanes for Drive-in Windows

There shall be provided for every drive in window or station a queuing lane with a minimum capacity of 5 automobiles. All lanes shall be located outside of public right-of-way and shall not interfere with other maneuvering or parking areas.

(R) Obstructions Prohibited within Right-of-ways

It shall be unlawful to place any highway obstruction, including a driveway headwall, fence, plantings, structures, rural mailbox, newspaper delivery box or other roadside obstruction so as to interfere with the traffic or maintenance of the roads and highways of the city or state highway system. Only mailboxes or newspaper delivery boxes with non-rigid type posts, such as a 4"x4" wooden or small diameter metal type are permitted on road additions made to the city or state highway system after the 11th day of July, 1996. The location within the right of way of an addition to the system of any brick columns, mailboxes or newspaper delivery boxes on rigid stands such as block, stone, or any other type determined to be a traffic hazard is prohibited.

(S) Recreation Space

Recreation space may be active or passive. It may consist of park benches, walkways, picnic tables, sand lots, grills for barbeques, basketball goals, merry-go-rounds, jungle gyms, etc. Recreation space shall be clearly delineated from the open space by plantings or screens. No active recreation space may be closer than 20 feet to any dwelling unit.

3.02 MEASUREMENT

(A) Regulations Encumbering Land Required to Satisfy Ordinance Requirements

No portions of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the area, height and placement regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure, or use.

(B) Height Regulation, Generally

(1) Measurement of Building Height (General)

Except as otherwise provided in this Ordinance, the height of a building shall be the vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet of the street line, to the

highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

(2) Measurement of Building Height on Through Lots

On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front. On through lots more than one hundred fifty (150) feet in depth, the regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.

(3) Excluded Portions of Structures

Except as specifically provided herein, the height limitations of this Ordinance shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures shall not cover more than twenty percent of roof area or extend over 10 feet in height; nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, construction or mining cranes or draglines, or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however, that such walls shall not extend more than five feet above the roof. Television and radio receiving and transmitting antenna shall be permitted to exceed this limit. No such antenna shall be permitted to exceed seventy-five (75) feet in height in any Residential district or one hundred (100) feet in any other district except as permitted by Section 3.02(B)(4) or Section 4.09.

(4) Yard Increase for Structures exceeding maximum height

Structures are permitted to exceed the maximum height limit in all districts listed in Table 4-1 if one foot of additional width is added to each district yard setback for every foot of height over the maximum height where the lot adjoins a residential district and one half (1/2) foot where the lot adjoins all other districts. If located within the Airport Overlay zone, no structure may be permitted to exceed the heights as established by Section 4.09 Airport Overlay Zone.

(5) Aviation Hazards

No building or other structure, regardless of exclusions set forth at Section 3.02(B)(4) above and Section 4.09 Asheboro Municipal Airport Overlay District, shall be located in a manner or built to a height, which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. There exists a zone, which is defined by a 1 foot rise in elevation for every 100 linear feet from the airport runway. This zone includes all areas lying within 20,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be

permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.

(6) Relief for Rural Farms and Agricultural Uses

The yard requirements set forth in this Ordinance shall not apply to any rural farm or agricultural uses located in any district beyond the corporate limits of the City of Asheboro. The height limits for rural farms and agricultural uses shall meet with the requirements of Section 4.09 if located within the Airport Overlay Zone. In case of conversion of such uses to non-agricultural or non-farm purposes, however, a Certificate of Occupancy shall be procured and the new use must comply with all regulations for the district in which it is situated.

(7) Free-standing Chimneys, Tanks, Commercial Broadcast Antenna and Supporting Structures, Etc.

Chimneys, smokestacks, tanks, commercial broadcast antenna and supporting structures, and similar structures which are structurally independent of a building or located directly upon the land may be erected above the height limit in any district provided that the structure is not located within the Airport Overlay Zone. If permitted, the minimum yards shall be increased in accordance with Section 3.02(B)(4). Any structure proposed to exceed 199.9 feet in height is required to have an FAA Form 7460-1 approved by the FAA.

(C) Permitted Projections into Required Yards

(1) General

Every part of a required yard shall be open and unobstructed from its lowest level to the sky except for certain architectural features, such as, but not limited to, cornices, bay windows, eaves, stoops and gutters, may project no more than three feet into the required front setback, five feet into the required rear setback and two feet into the required side setback except that no such architectural feature shall be permitted within the required buffer yard.

(2) Mechanical equipment

Mechanical equipment such as air conditioning units, heat pumps, heating equipment, solar panels, and similar installations, may not project into the required front setback, but may project five feet into the required rear setback and two feet into the required side setback except that no such mechanical equipment shall be permitted within the required buffer yard.

(3) Projection of Fire Escapes, Etc., into Required Yards

Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, may not project into the required front setback, but may project five feet into the required rear setback and two feet into the required side setback except that no such fire escape shall be permitted within the required buffer yard.

(4) Projection of Canopies, Marquees & Awnings into Required Yards

Canopies, marquees and awnings may project not more than eight feet into a required yard provided that:

- (a) No part of a canopy (except awnings) or marquee shall be less than 10 feet above the sidewalk or other surface which it overhangs, except for necessary vertical supports which may be attached to the ground and except for necessary horizontal supports which shall not be less than eight feet six inches above the sidewalk.
- (b) No part of any awning (canvas and similar metal type) shall be less than seven feet above the sidewalk or other surface which it overhangs.
- (c) No part of any canopy, marquee, or awning shall extend into any public right-of-way, and no closer to the curb face than 18 inches measured in horizontal distance.
- (d) No part of any canopy, marquee, or awning may project into any required buffer yard.

(D) Averaging a Front Setback Line

(1) Reduction to Front Yard Setback

In a residential or commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot, is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For purposes of computing such average, an adjacent vacant lot shall not be included in the calculation.

(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

(E) Visibility at Intersections

No structure or portion of any structure shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation shall be maintained, planted or allowed to grow in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street, between the heights of two and one-half feet and eight feet, as measured from the pavement edge of the adjacent roadway, across triangles described as follows:

- (1) If the intersection is formed by two state maintained streets, the sight distance regulations of N. C. DOT shall apply.

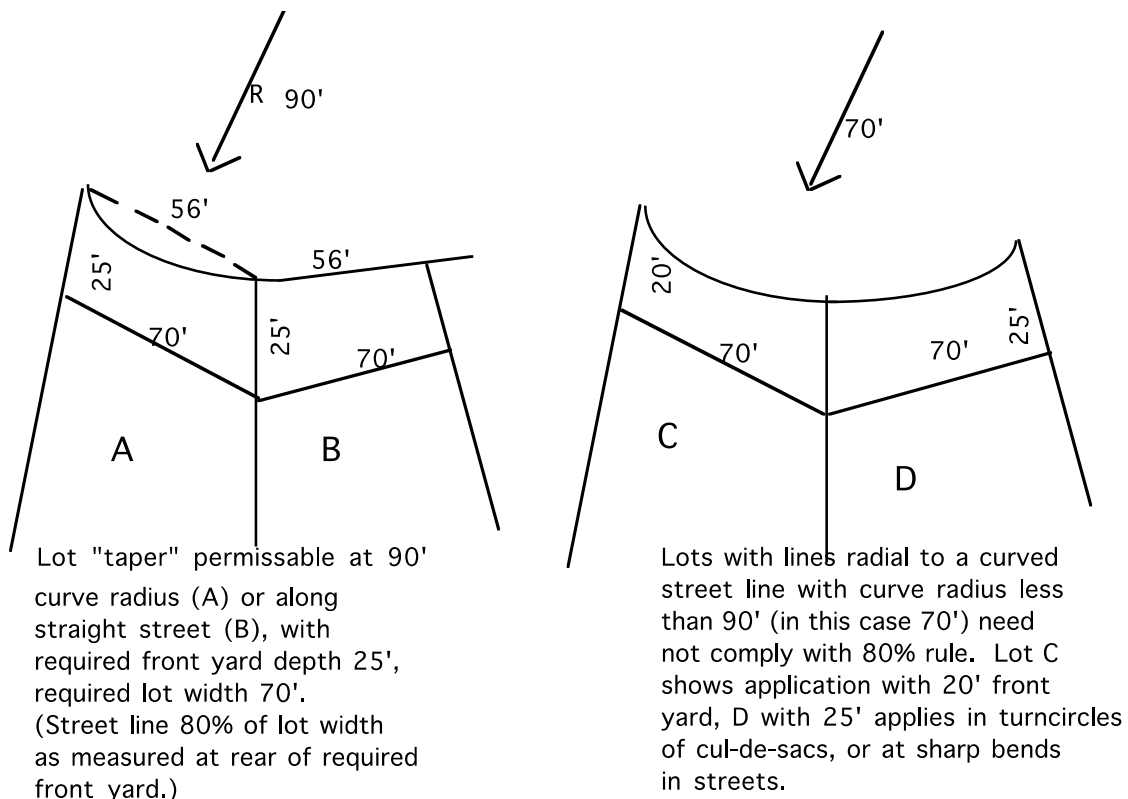
- (2) Start at the intersection of the rights-of-way of the two intersecting roadways or at the intersection of the pavement edges, if no right-of-way exists; or cannot be determined;
- (3) Measure from said intersection seventy feet along the major right-of-way or pavement edge; and ten feet along the minor; and
- (4) Connect the ends of the measurements to form a triangle.

(F) Lots; Dimensional, Access and Related

(1) Lots, Measurement of Width

The width of a lot shall be measured across the required front setback line, provided, however, that width between side lot lines where they intersect with the street line shall not be less than eighty percent of the required minimum lot width except in the case of lots on the turning circles of cul-de-sacs or at similar points of street curvature where the radius of the right-of-way line (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than ninety feet, in which case the eighty percent requirement shall not apply. However, in no case shall the required minimum lot width be less than 50% on the turning circles of cul-de-sacs. The minimum building line on such lots where the radius is less than 90 feet, will be the point where the required lot width is met. Diagram 3-1 indicates the relationships involved.

DIAGRAM 3-1



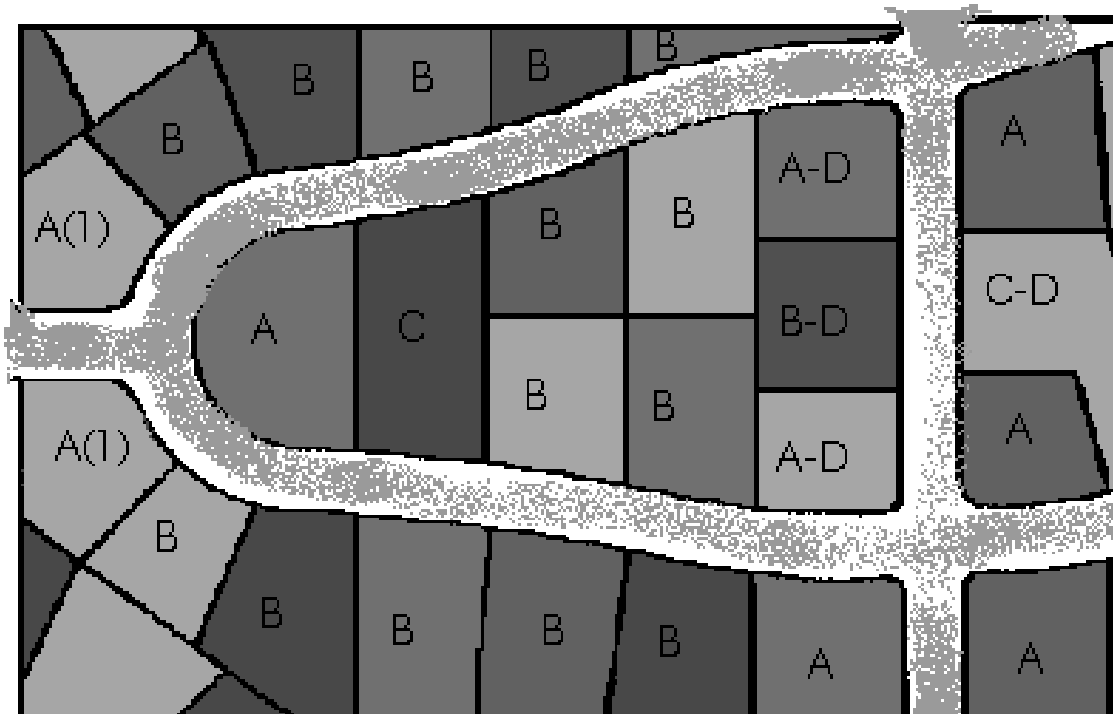
(2) **Lot, Area**

The area of a lot shall be construed as total area within its boundaries. However, no portion indicated to be located within any street right-of-way shall be included in lot area calculations.

(3) **Lots, Types**

Diagram 3-2 illustrates terminology used herein with reference to corner, interior, reversed frontage, and through lots.

DIAGRAM 3-2



In Diagram 3-2, Lot A is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet at an interior angle of less than 135 degrees. (See lots marked A(1) in that diagram.)

Lot B is an interior lot, defined as a lot other than corner lot and abutting one street. Alleys shall not be considered as streets for purposes of this definition.

Lot C is a through lot, defined as a lot other than a corner lot, and with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. Alleys shall not be considered as streets for purposes of this definition.

Lot D is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be in a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

(4) Lot Frontage

On interior lots, the front of a lot shall be construed as the portion nearest the street.

On corner lots, the frontage of a lot shall be construed as the shortest boundary to a street. If the lot has equal frontage on two or more streets, frontage shall be determined by the Zoning Administrator in accordance with the prevailing building pattern, or the prevailing lotting pattern. If a pattern has not been established frontage shall be determined at the option of the owner.

On through lots, all portions adjacent to streets shall be considered as frontage for regulatory purposes. If the Zoning Administrator finds that the pattern of lots or the pattern of required yards, on lots adjacent to portions of the through lot, is such as to justify the elimination of the requirement that more than one frontage be provided on the lot, such additional frontage shall not be required.

(5) Lot Yards; Methods for Measurement; Special Requirements

The following rules shall apply with regard to determinations on yards on lots:

(a) Yards Adjacent to Streets.

Required yards adjacent to streets shall be measured as follows:

- (i) A straight line shall be drawn between the two points at which lot lines for the portion of the lot line involved intersect the street line. Where property corners are rounded, such points shall be plotted by projecting the lot lines to the point where they would have met without rounding.
- (ii) Depth or width of required yards adjacent to streets shall be as prescribed in district regulations and measured perpendicular to such straight lines.
- (iii) The inner line of such required yards shall be parallel to the outer line.

(b) Front Yards on Interior Lots

Front yards on interior lots shall be construed as extending between side lot lines across the frontage of the lot.

(c) Front Yards on Corner Lots

Front yards on corner lots shall be construed as extending across all the frontage of the lot from each interior side lot line to the opposite street line (parallel to the street lot lines and equal to the distance from the street lot line prescribed in the district regulations for front yards.)

(d) Interior Side Yards

Interior side yards shall be construed as running from the rear line of the required front yard to the front line of the required rear yard, if required or, if no rear yard is required, to the opposite lot line. The width of a required side yard shall be measured perpendicular to the side lot line and the inner line of the required yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

(e) Interior Side Yards on Through Lots With More Than One Front Yard

Interior side yards on through lots with more than one front yard shall be construed as running to the rear lines of the front yards involved, and measurements and requirements shall be as for Subsection (d), above.

(f) Interior Side Yards on Corner Lots

On corner lots, the side yard is the yard along any interior lot line which intersects with a street lot line. When a corner lot has four sides, the two sides not adjacent to the streets are both side yards and the lot has no rear yard. If the corner lot has more than four sides, the yards along interior lot lines which do not intersect with a street lot line shall be considered rear yards and must meet the district regulations for such yards.

(g) Yards Abutting Railroad Tracks

No yard shall be required along the side or rear of a non-residential lot where the side or rear respectively of such lot abuts a railroad track which is or will be used to provide railroad service to the lot.

(h) Rear Yards

Rear yards shall be construed as extending across the full width of the lot at its rear, except as stated in Subsection 3.02(F)(5)(f) above. The width of a required rear yard shall be measured perpendicular to the rear lot line and the inner line of the required yard shall be parallel to such outer line, at the minimum distance there from prescribed in district regulations.

(i) No Rear Yard Required on Corner Lots or Lots Providing Two Front Yards

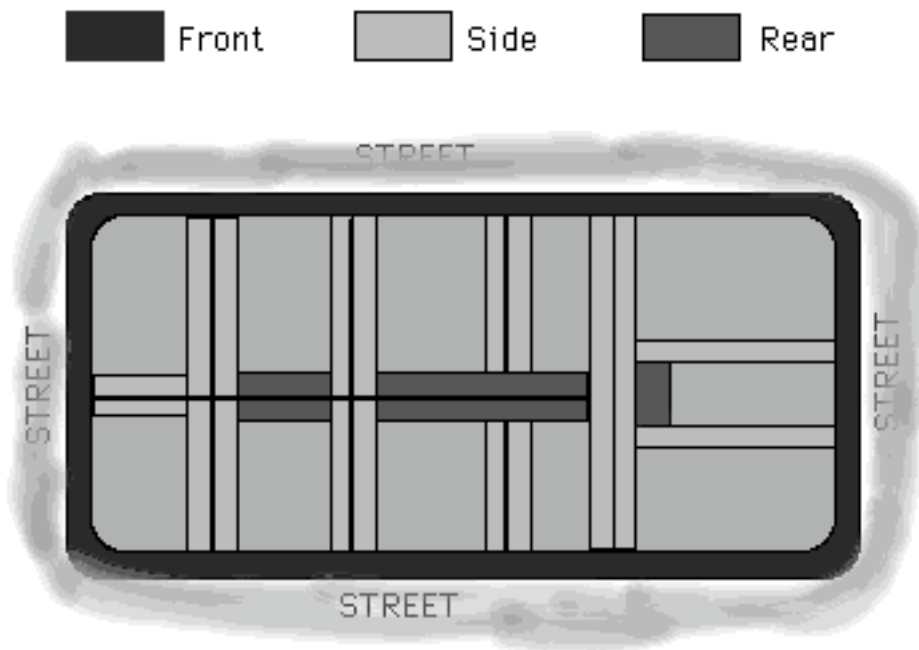
On through lots providing two front yards, and on corner lots (except as stated in Subsection 3.02(F)(5)(f)), there will be no required rear yard, and yards other than those adjacent to streets shall be construed as side yards, as provided in Subsection 3.02(F)(5)(f), above.

(j) Special Yards.

A special yard, for purposes of these regulations, shall be construed as a yard other than adjacent to a street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard," as generally determined, defined, or applied with respect to regular lots, fits the circumstances of the case. In such instances, the special yard shall be considered a rear yard unless the Zoning Administrator determines that side yard requirements of the district shall apply because of the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation of structures and buildable areas thereon.

(k) Diagram: Yards.

Diagram 3-3 below indicates nomenclature, and location, of yards:



(6) Minimum Lot Area

Minimum lot area is the minimum square footage required for a lot by this Ordinance. If a zoning lot includes different zoning districts, the minimum lot area requirements for each district shall be met.

(G) Special Purpose Lots

Requirements of this Ordinance with respect to street frontage, minimum lot and buildable area, and minimum lot dimensions shall not apply to lots for family cemeteries or cemeteries on property owned by a place of worship, public facilities, communication facilities, communication towers and similar utility uses. A Special Purpose Lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and planting yards, if required by the Zoning Ordinance. If the Special Purpose Lot does not have a minimum of twenty (20) feet direct access to a public or private street, an easement for ingress and egress with a minimum width of twenty (20) feet shall be platted from the street to the lot. The subdivision to create the lot shall be approved in accordance with the Subdivision Ordinance. The Final Plat shall label the proposed use of the lot.

(H) Building Spacing

The spacing between principal structures located on the same zoning lot shall be determined by the NC State Building Code.