

CHAPTER 4
ZONING DISTRICTS
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CHAPTER 4

ZONING DISTRICTS

4.01 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.

(A) Location

The Official Schedules of District Regulations shall be located in the office of the Planning & Zoning Department.

(B) Amendment

The Official Schedules of District Regulations are subject to amendment by ordinance as set out in Chapter 2 of this Ordinance. Any proposed amendment shall be identified by the sheet number, district, column, and (if applicable) paragraph or subparagraph numbers or letters.

(C) Recording of Nature and Dates of Amendments; Authentication

Amendments shall be authenticated by entries on the Official Zoning Map. 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.

(D) 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.

(E) 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.

(F) 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 Planning & Zoning Department shall be the final authority as to regulations set forth therein as applying to such districts.

(G) 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.

4.02 OFFICIAL ZONING MAP

The boundaries of each zoning district are hereby established as shown on the map entitled "Official Zoning Map of Asheboro", and as amended, which accompanies and is hereby declared to be a part of this Ordinance. Where uncertainty exists as to the boundaries of any district shown on said map, the following rules shall apply:

- (A)** Where such district boundaries are indicated as approximately following street or highway center lines, such center lines shall be construed to be such boundaries.
- (B)** Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (C)** Where a district boundary appears to divide a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.
- (D)** In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to the location of district boundaries.
- (E)** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Planning Director shall be the final authority as to the current zoning status of land, buildings, or other structures in the affected territory as described in Chapter 2 of this Ordinance.

4.03 SCHEDULE OF ZONING DISTRICTS

For the purpose of this Ordinance, the affected territory as described in Chapter 2 is divided into the following classes of districts:

- R40 Low Density Residential
- R15 Low Density Single Family Residential
- R10 Medium Density Residential

R7.5	Medium Density Residential
RA6	High Density Residential
OA6	Office-Apartment High Density
O&I	Office and Institutional
B1	Neighborhood Commercial
M	Mercantile Commercial
B2	General Commercial
B3	Central Commercial
TH	Tourism-Hospitality
I1	Light Industrial
I2	General Industrial
I3	Limited Industrial
A	Airport District

4.04 SCHEDULE OF STATEMENTS OF INTENT

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

(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) 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) 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) 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) 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) 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) 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) B1 Neighborhood Commercial District:

The B1 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) 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) 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) 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) 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) 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) 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) 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.

4.05 CONDITIONAL ZONING DISTRICTS

(A) Purpose

Conditional zoning is designed to provide for flexibility in the development of property while ensuring the development is compatible with neighboring land uses. In furtherance of this purpose, a review/reclassification process is hereby established whereby an application can be filed for a zoning map amendment that places designated property into a conditional zoning district that is subject to conditions specifically designed to ensure the compatibility of the proposed development with the use and enjoyment of neighboring properties. Conditional zoning affords a degree of certainty in land use decisions that is not possible when rezoning to a general use district.

(B) Conditional Zoning Districts.

A conditional zoning district is a zoning district in which the development and use of the property is subject to predetermined standards in the City of Asheboro Zoning Ordinance (the “Ordinance”) as well as rules, regulations, and conditions specifically drafted and imposed as part of the

legislative decision creating the district and applying it to the particular property. The following provisions establish and describe the unique features of a conditional zoning district:

- (1) Conditional zoning is available to any of the general zoning classifications listed in this chapter and as otherwise indicated in this Ordinance;
- (2) The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix “(CZ)” [*e.g.*, O&I (CZ); B1 (CZ); M (CZ); B2 (CZ); TH (CZ); etc.];
- (3) Notwithstanding any other provision in this Ordinance, the land uses enumerated in the ordinance approving the specified conditional zoning district are the only land uses that may be developed within the district approved for the designated property; and
- (4) The land use or uses permitted within a designated conditional zoning district must be established in compliance with specific standards and conditions pertaining to each individual development project. The utilization of a conditional zoning district with standards and conditions specified for a particular project is needed because some proposed land uses are of such a nature or scale as to have significant impacts on the immediately surrounding area and on the entire community that cannot be predetermined and controlled by general district standards.

(C) General Requirements and Regulations

Conditional zoning shall be administered in compliance with the provisions listed within Section 4.05 of the Ordinance, specifically including the provisions listed below in this subsection.

- (1) Property may be rezoned to a conditional zoning district, including the scheduling of one or more required legislative hearings, only in response to a complete and fully executed application for a zoning map amendment submitted by the owner(s) of all of the property to be included in the district (this property will be referred to as the “Zoning Lot” throughout the remainder of this section). Except as otherwise provided in Section 4.05 of the Ordinance, a conditional zoning application shall be processed in the same manner as a zoning map amendment application seeking a general zoning district classification.
- (2) The only party authorized to initiate the conditional zoning process is a Zoning Lot owner (*i.e.*, a person or entity with a legal interest in the Zoning Lot), a person or entity with an interest in the Zoning Lot by reason of a written contract with the owner, or an agent with documented authorization to act on the owner’s behalf.
- (3) The application for a conditional zoning district must include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all

predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- (a) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- (b) All existing rights-of-way, easements, and reservations;
- (c) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;
- (d) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';
- (e) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- (f) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- (g) All existing and proposed points of access to public streets;
- (h) Proposed phasing, if any;
- (i) The location and type of screening used to screen mechanical equipment;
- (j) The location, access to, and screening of a central solid waste area;
- (k) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- (l) The grade separation of structure(s) and parking areas;
- (m) The paving material for parking areas;
- (n) Curb cuts;
- (o) The compliance of the proposed development with the Ordinance's predetermined sign regulations;

- (p) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
 - (q) If applicable, the location of any flood zones;
 - (r) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
 - (s) If applicable, the location of the watershed;
 - (t) When required by the Ordinance's predetermined specifications, sidewalks; and
 - (u) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.
- (4) The Zoning Administrator has the authority to waive any of the immediately preceding application requirements in Section 4.05(C)(3)(a) through (u) when the type of use(s) or scale of proposal makes providing that information unnecessary or impractical.
 - (5) The use of the term "Zoning Administrator" in this Section shall be deemed to be inclusive of any designee of the Zoning Administrator.
 - (6) In the course of evaluating the proposed land use(s), the Zoning Administrator, the Planning Board, and the City Council may request additional information from the applicant. Such additional information may include the following:
 - (a) Proposed screening, buffers, and landscaping over and above that required by the Ordinance's predetermined standards for the general zoning classification assigned to the Zoning Lot;
 - (b) The proposed treatment of any existing natural features;
 - (c) Existing and general proposed topography, if available, at four-foot contour intervals or less;
 - (d) The location of significant trees on the Zoning Lot;
 - (e) The scale of structures on or proposed for the Zoning Lot relative to abutting property;
 - (f) The height of structures on or proposed for the Zoning Lot;

- (g) Exterior features of the proposed development; and
 - (h) Any other information needed to demonstrate compliance with the Ordinance and the city's adopted land use plans and policies.
- (7) The site plan and any supporting text shall be considered part of the application for the conditional zoning district for all purposes under the Ordinance.
 - (8) The Zoning Administrator may require the applicant for a conditional zoning district to submit more than one copy of the application, inclusive of the site plan, in order to have enough copies available to circulate for review and comment by other public authorities.
 - (9) Subject to the exceptions found in the immediately following Section 4.05(C)(10), the conditional zoning application shall demonstrate that the proposed development is in full compliance with all of the predetermined standards and requirements applicable to the general zoning classification assigned to the Zoning Lot.
 - (10) Conditions attached to the Zoning Lot as part of the conditional zoning process may modify in a more or less restrictive manner the predetermined standards and requirements listed for the general zoning classification assigned to the Zoning Lot so long as such conditions are consistent with the comprehensive plan and other adopted plans. Likewise, conditions attached to any use(s) permitted on the Zoning Lot as part of conditional zoning may be more or less restrictive than the predetermined standards and requirements applicable to a land use identified as a special use in a general use zoning district. Notwithstanding any other provision in this Ordinance, the approval of a land use as part of the conditional zoning process shall obviate the need for the issuance of a special use permit that would otherwise be required in a general use zoning district.
 - (11) Only those land uses enumerated in the ordinance adopting the conditional zoning shall be permitted for the designated Zoning Lot.
 - (12) The conditions agreed upon pursuant to the conditional zoning process shall be stated in the adopting ordinance. By way of illustration and not limitation, conditions may specify the location on the Zoning Lot of the proposed structure(s); the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, access streets, and sidewalks; the location and extent of landscaping, buffer areas, and open space; the timing of development; the height of structures; the design and orientation of structures; the location and extent of rights-of-way and other areas to be dedicated for public purposes; and other such matters as may be identified as appropriate for the proposed development.
 - (13) Minor changes to the site plan adopted for a conditional zoning district may be approved administratively by the Zoning Administrator so long as the proposed changes do not involve a change in permitted uses, changes in overall density, or substantial changes to the

configuration of the development that affect the operation or impacts of the development. Any other changes to the conditions and standards in a conditional zoning district shall be deemed to be a modification subject to review by the City Council as a new conditional zoning application.

- (14) Due to the amount of uncertainty that can arise when reviewing proposed site plan changes for conformance with the applicable standards and requirements, the Zoning Administrator shall have, in every case, the discretion to decline to exercise the power to administratively approve changes to a conditional zoning district. If the Zoning Administrator declines to exercise this administrative authority, then an applicant seeking to change an approved site plan must file a conditional zoning application that will lead to legislative hearings conducted by the Planning Board and the City Council.
- (15) In order to assist the Zoning Administrator in evaluating whether a change to an approved site plan is a minor change subject to administrative approval, the following list of applicant proposals shall be deemed to be modifications requiring the initiation of a new conditional zoning application with legislative hearings conducted by the Planning Board and the City Council:
 - (a) The proposed erection of a new structure or the addition to an existing structure that exceeds the following standards:
 - (i) Exceeds 1,000 square feet, either cumulatively or non-cumulatively;
 - (ii) Exceeds 10%, either cumulatively or non-cumulatively, of the useable floor area approved by the existing conditional zoning ordinance; or
 - (iii) Results in the placement of any portion of a structure within 30 feet of an adjoining property that has been developed with a single-family or two-family dwelling.
 - (b) An increase in the number of dwelling or lodging units.
 - (c) An increase in outside land area devoted to sales, displays, or demonstrations.
 - (d) Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the existing conditional zoning ordinance; provided, however, any reduction in the number of spaces will be deemed to be a modification if the existing conditional zoning ordinance has already authorized a lesser number of spaces than prescribed by the predetermined standards for the Zoning Lot's general zoning classification or if the proposal results in reducing the spaces below the minimum number of spaces established by the predetermined standards adopted for the Zoning Lot by the conditional zoning ordinance.

- (e) Structural alterations significantly affecting the basic form, style, and ornamentation of the structures shown on the approved site plan.
 - (f) A substantial change in the amount and/or location of open space, recreation facilities, or landscape buffers/screens.
 - (g) A change in use(s).
 - (h) Substantial changes in pedestrian or vehicular access or circulation.
- (16) It is the intent of this Ordinance that no variances may be issued by the City of Asheboro Board of Adjustment for a Zoning Lot that is subject to a conditional zoning ordinance. If a variation in the standards and requirements established for a Zoning Lot by a conditional zoning ordinance is needed, the party requesting such a change should either request administrative approval of a minor change or, if administrative approval of the request is not appropriate, submit a new conditional zoning application so that the Planning Board and the City Council can undertake the prescribed conditional zoning review process.
- (17) Consistent with Section 160D-703(b) of the North Carolina General Statutes, if multiple parcels of land are subject to a conditional zoning ordinance, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.
- (18) It is intended that property will be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan. In the event of a conflict between the ordinance applying conditional zoning to the Zoning Lot and durational provisions found elsewhere in the Code of Asheboro, the durational provisions specified in the conditional zoning ordinance shall be deemed to be the controlling provisions; provided, however, nothing herein shall be construed to alter any time limitations prescribed by federal or state law.
- (19) Any violation of a provision of the ordinance applying conditional zoning to the Zoning Lot, specifically including the approved site plan and the agreed upon conditions, shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any other such violation.

(D) Review Process for Conditional Zoning Applications

Conditional zoning applications shall be reviewed and final action taken in compliance with the provisions specified in this division.

- (1) All applicants requesting conditional zoning are required to schedule and attend a pre-application conference with city staff no more than 60 days prior to submitting an application. A pre-application conference is mandated in order to provide an opportunity for the applicant and city staff members to discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements.
- (2) When applying for conditional zoning, the applicant shall specify the nature of the proposed development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans. Subject to the specific requirements found in this subsection, applications for conditional zoning shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in this Ordinance for zoning map and zoning text amendments.
- (3) Subsequent to the submittal of a complete application for conditional zoning, the City of Asheboro Planning Board shall hold a legislative hearing on the application. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.
- (4) After holding its legislative hearing, the Planning Board may recommend approval of the application, including recommending conditions for the zoning; recommend denial of the application; or continue the consideration of the application in order to receive further information. If recommending approval or denial of the application, the Planning Board must provide a written recommendation to the City Council that addresses the consistency of the proposal with the comprehensive plan and any other adopted plans applicable to the proposal. However, a comment by the Planning Board that a proposal is inconsistent with the comprehensive plan does not preclude consideration or approval of the applicant's proposal by the City Council.

- (5) Upon receipt of the Planning Board's written recommendation, the City Council shall hold a legislative hearing on the conditional zoning application. City staff shall publish, in compliance with Section 160D-601(a) of the North Carolina General Statutes, notice of the City Council's review of the application and the corresponding legislative hearing. Additionally, city staff shall mail and post notice of the conditional zoning application and the corresponding legislative hearing to be held by the City Council. The mailing and posting of the required notice shall be performed in accordance with Section 160D-602 of the North Carolina General Statutes.
- (6) The City Council's review and decision-making concerning a conditional zoning application is legislative in nature, and the City Council may consider any relevant information in its deliberations. In addition to considering surrounding land uses, consideration shall be given to adopted land use plans, small area plans, corridor plans, and other land use policy documents. The City Council may adopt or not adopt a conditional zoning ordinance, or may continue its consideration of the application as necessary or appropriate, including referring the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials mandated for the scheduling of the required legislative hearings. Due to the fact that the City Council's conditional zoning district decisions are a legislative process, these decisions are subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.
- (7) In reviewing and approving the reclassification of property to a conditional zoning district, the City Council may request that reasonable and appropriate conditions be attached to the conditional zoning district. Conditions and site-specific standards shall be limited to those standards that address the impacts reasonably expected to be generated by the proposed development of the Zoning Lot as well as those standards that address the conformance of the proposed development to city ordinances, the adopted comprehensive plan, and any other adopted plans applicable to the site. Any such conditions should relate to the relationship of the proposed use(s) to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, the provision of open space, other matters that the city and the applicant may propose, and, as appropriate, the dedication to the city, county, or state of rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council. Only those conditions mutually approved by the City Council and the applicant may be incorporated into the ordinance approving the requested conditional zoning.
- (8) If a conditional zoning application is approved, the development and use of the Zoning Lot shall be governed by the predetermined requirements of the Ordinance that have not been

modified by the conditional zoning ordinance, the approved site plan for the conditional zoning district, and any additional rules, regulations, and conditions approved by the City Council with the adoption of the conditional zoning ordinance. All such requirements, approvals, rules, regulations, and conditions listed in the immediately preceding sentence shall constitute the zoning regulations for the approved conditional zoning district and are binding on the Zoning Lot as an amendment to the Ordinance and to the zoning maps.

- (9) Consistent with Section 160D-605 of the North Carolina General Statutes, when adopting or rejecting any requested conditional zoning amendment, the City Council shall also approve a statement describing whether the governing board's action is consistent with the adopted comprehensive plan and any other officially adopted plans that are applicable, and briefly explain why the City Council considers the action taken to be reasonable and in the public interest.
- (10) After a conditional zoning application is approved, city officials shall not issue land use development permits for the designated Zoning Lot until a memorandum of land use restrictions, which must be drawn by the city attorney to accurately reflect the contents of the conditional zoning ordinance, has been properly executed by the Zoning Lot owner(s) and recorded by city staff in the Office of the Register of Deeds for Randolph County, North Carolina.
- (11) A conditional zoning ordinance adopted as provided herein shall be perpetually binding upon the affected property unless subsequently changed or amended in compliance with the applicable law.

(E) Transition from Conditional Use Districts and Conditional Use Permits to Conditional Zoning

On and after July 1, 2021 (for purposes of this subsection, the "Effective Date"), consistent with state law, the utilization of conditional use districts within the territorial jurisdiction of the City of Asheboro will no longer be authorized. Zoning districts designated as conditional use districts and any existing Conditional Use Permits will be treated by this Ordinance as follows:

- (1) On and after the Effective Date, all existing conditional use districts will be deemed, by operation of law, to be conditional zoning districts; and
- (2) On and after the Effective Date, all existing Conditional Use Permits will be deemed, by operation of law, to be Special Use Permits.

4.06 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 4-1, Schedule of Area, Height, Bulk and Placement Regulations.

4.07 CENTER CITY PLANNING AREA OVERLAY DISTRICT

(A) Findings and Goals

The *City of Asheboro 2020 Land Development Plan* describes a Center City Planning Area consisting of the City's downtown area and its immediate environs. This is the historic core of the community bounded by a variety of institutional and commercial uses.

In order to promote principles identified in the *Land Development Plan* such as workability, a vibrant mixture of complementary uses, street trees and landscaping, along with side or rear yard parking, the City Council hereby establishes the Center City Planning Area consisting of three tiers:

Central Business Planning Area (Tier 1)

Central Business Fringe Planning Area (Tier 2)

Commercial and Employment Center Planning Area (Tier 3)

The Council's goal is to promote development that encourages a stable, attractive, economically viable, pedestrian-scaled environment, and that preserves and enhances the visual appeal of streets leading into and out of the Center City Planning Area.

(B) Center City Planning Area Boundaries

Boundaries for the Central Business Planning Area (Tier 1), the Central Business Fringe Planning Area (Tier 2), and the Commercial and Employment Center Planning Area (Tier 3) are shown on the Center City Planning Area map adopted by the City Council and incorporated into this Section by reference.

(C) Central Business Planning Area (Tier 1)

The Central Business Planning Area (Tier 1) is hereby established to strengthen Asheboro's Center City Planning Area by incorporating a mix of commercial, office, institutional, residential and public open space uses. Design standards for revitalization and new development in the Central Business Planning Area encourage a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks and street trees.

In general, this planning area encompasses blocks that have close proximity to downtown public parking lots.

(1) Permitted and Special Uses

The uses identified in the Table of Permitted Uses (Table 5-1) for the districts covered by this planning area are permitted by right or as special uses provided they meet all requirements of this Section and all other requirements established in this Ordinance.

(2) Dimensional Requirements

(a) Standard Dimensions

(i) Table of Area, Height, Bulk and Placement Regulations (Table 4-1) shall not apply except where expressly stated in this sub-section.

(ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1

(iii) Maximum Front Yard Setback: 10 Feet

(aa) Measurement: Front yard setbacks shall be measured from the right-of-way, or the back of the required sidewalk when the sidewalk is located outside of street right-of-way.

(bb) Exception: No development shall be required to meet this regulation on more than two street frontages.

(cc) Exception: 33% of street fronting façades may be set back a maximum of 20 feet to accommodate landscape/garden, pedestrian, artwork, and dining facilities.

(dd) Exception: Residential, OA-6 and O&I uses shall utilize front yard averaging regulations of 4.07(C)(2)(c)

(iv) Minimum Side/Rear Yard Setback: 0 or 5 Feet

(v) Maximum Height: 65 Feet

(vi) Minimum pervious surface: 10%

(aa) Exception: Single and Two Family Dwellings shall follow FAR standards of Table 4-1

(b) Nonconformities: Additions to existing buildings, which are non-conforming due to front yard setback, may be made if such additions are located to the rear of the structure or are located to the front of the structure and reduce the extent of the front yard setback non-conformity. Additions to the side of any existing such structure shall not be permitted unless the new addition complies with these setback requirements. Front Yard Averaging shall apply as set forth in 4.07(C)(2)(c).

(c) Front Yard Averaging:

- (i) Residential, OA6 and O&I Zones: A required front yard setback line shall be provided on the lot equal to average depth. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property. Frontages shall be placed within ten feet of established average depth.
 - (ii) Measurement: When a lot is located on a block that is greater than eight hundred feet in length, the average front yard setback of lots located within four hundred feet of either side shall determine the required front yard setback line. If the right-of-way of an intersecting public street right-of-way is less than four hundred feet in one direction in this case, the averaging requirement in that direction shall stop at the right-of-way of the intersecting street. For the purpose of computing such average, adjacent vacant lot(s) shall utilize the underlying zoning required front yard setback in the calculation to determine the required front yard setback of this section.
- (d) Accessory Structures:
 - (i) Shall be located to the rear or side of principal buildings.
 - (ii) No accessory structure shall be located within 30 feet of any street- right-of-way.
 - (iii) Table 4-1, Table 5-1, Section 5.04(31) shall apply, except if in conflict with this section.

(3) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(4) Development Standards for Buildings

The following sections identify standards that shall apply to development, with the exception of single and two family dwellings, within the Central Business Planning Area in addition to all other applicable standards contained in this Ordinance. In general, infill uses shall be compatible with the established architectural character of the area by using complementary building style, form, size, color, materials, and detailing. New construction should reinforce existing building and design patterns.

(a) Building Materials:

- (i) Permitted Materials: Buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block or similar ornamental concrete masonry unit (CMU), stucco (synthetic or natural), stone or simulated stone/marble. Vinyl and/or aluminum may be used to clad soffits, trim, or

windows. Aggregate stone panels may be used provided it does not cover more than 30 percent of any wall area.

- (ii) **Prohibited Materials:** Materials specifically disallowed as primary siding materials include, but are not limited to: vinyl and aluminum siding, unfinished wood, concrete block (except split-faced block). In addition, materials prohibited in Chapter 6 of this Ordinance are prohibited.
- (b) **Colors:** No high intensity colors metallic colors, or fluorescent colors shall be allowed on any building or architectural element. Exception: The use of such colors shall be permitted on business identification signs.
- (c) **Existing Street Fronting Facades:**
 - (i) For existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete (unable to be utilized for entry into the building) or inhibit transparency.
 - (ii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any building wall oriented toward a public street. Such devices may be installed on the interior of the building.
 - (iii) A zoning compliance permit shall be obtained prior to painting, staining, or covering any street front facade. Any street front facade of masonry buildings that has historically been left in a natural, uncovered state shall not be painted, stained or otherwise covered; this prohibition shall apply only to the masonry portion of the building and not to any non-masonry building trim or accents. This subsection shall not apply to single-or two family dwellings.
 - (iv) Notwithstanding Sections 3.02(C) and 7.04 of the Asheboro Zoning Ordinance, objects and structures over sidewalks otherwise permitted by Chapter 99 of the Code of Asheboro shall be allowed to encroach into city maintained public right-of-ways and, with state approval, state-maintained public right-of-ways, provided:
 - (aa) any sidewalk within the public right-of-way is not rendered non-compliant with Americans with Disabilities Act standards by such object or structure; and

- (bb) the object or structure does not prevent the city and any other entitled entity from maintaining public infrastructure within the public right-of-way; and
 - (cc) the object or structure is in strict compliance with Chapter 99 of the Code of Asheboro and all other provisions of the city Zoning Ordinance.
- (d) New Street Fronting Facades:
 - (i) No facade shall have a blank, uninterrupted length exceeding 30 linear feet without including at least one of the following:
 - (aa) Color change
 - (bb) Texture change
 - (cc) Material change
 - (dd) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
 - (ee) Equivalent element that subdivides the wall into human scale proportions. Windows do not count towards this requirement.
 - (ii) The facade shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade.
 - (iii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any street-fronting facade. Such devices may be installed on the interior of the building.
 - (iv) Facades shall use animating features such as arcades, awnings and like features.
 - (v) Parapets, mansard roofs, gable roofs, hip roofs, gambrel roofs, or dormers shall be used to conceal flat roofs.
- (e) Entrances:
 - (i) At least one public entrance to all new principal buildings shall face the highest-level street, with the exception of freeways, as determined by Randolph County Comprehensive Transportation Plan classification.
 - (aa) In locations with existing or required sidewalks, the entrance shall be connected to a public sidewalk.

- (bb) The entrance shall be architecturally prominent with functional doors that provide ingress and egress, and features that create an invitation to the pedestrian.
- (ii) Multiple entrances from public sidewalks are encouraged. Additional entrances from parking areas are permitted.
- (f) Franchise architecture: Franchise architecture shall not be permitted. For purposes of this section “franchise architecture” shall be defined as a distinct architectural building style and/or elements commonly employed by a fast food or other retail franchise that serves to enhance or promote brand identity through visual recognition.
- (g) Play Areas: Children's play areas shall be located to the rear of the principal building.
- (h) Gasoline Pumps and Associated Canopies:
 - (i) Gasoline pumps and any canopy used to cover the gasoline pumps shall be located to the side or rear of the principal building with a minimum setback of ten feet from all property lines observed.
 - (ii) Canopies shall not be clad in vinyl or metal
 - (iii) Canopies shall have a pitched roof.
 - (iv) Support columns for canopies shall be clad in brick or stucco.

(5) Parking and Loading

- (a) Parking for all Uses: Chapter 6 Off-Street Parking and Loading requirements for the underlying districts apply except where modified by this section.
- (b) On Street Parking: Where parking on street is permitted, the on street area directly along a parcel's frontage for any use may count toward the minimum parking requirement.
- (c) Alternative Parking Plan: The Community Development Director, City Engineer, and Public Works Director in agreement may reduce the minimum amount of off-street parking required where developer-submitted parking data, prepared and sealed by a registered engineer with transportation expertise, illustrates that the standards of Chapter 6 do not accurately apply to the specific development. The data submitted shall include the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Public parking, off-site parking, and joint/shared parking may also be considered.

- (d) Siting of Parking Areas: Except for existing buildings with nonconforming parking situations, parking shall not be located between any principal building and streets.
 - (i) No buildings shall be required to meet this requirement on more than two street frontages.
 - (ii) Where more than two street frontages exist, the two highest-level streets, with the exception of freeways, as determined by Randolph County Comprehensive Transportation Plan classification shall be the applicable streets.
- (e) Screening, Fencing of Parking Areas:
 - (i) The requirements of Sections 6.10(C, D, and E) and 6.13(F)(4) do not apply.
 - (ii) All new parking areas and existing parking areas where a change of use occurs shall be separated from the back of the curb by a planting strip at least five feet in width and screened from view from public streets by principal structures or by a landscaped berm or evergreen plantings at four feet tall at maturity. Shrubs, five (5) feet on center, or evergreen trees, fifteen (15) feet on center, shall be planted.
 - (iii) Plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.
 - (iv) In lieu of a landscaped berm, shrubs or trees, walls and or fences not exceeding four feet high may be substituted where justified by site constraints or design considerations. Walls or fences may be one of the following:
 - (aa) Masonry walls between three and four feet in height. Any portion of such a wall above three feet in height above grade shall be at least 60 percent open. In addition there shall be masonry piers providing a visual break in the wall, and placed at increments of not less than one for each 12 feet of wall length, and one on any corner of such a wall. Where there are driveway openings in the wall, the height shall be reduced to not more than three feet for the first 12 feet on either side of the driveway.
 - (bb) Masonry piers at intervals of between eight and 12 feet, supporting vertically oriented wrought iron or aluminum fencing panels. The height of this design shall be between four feet. Aluminum fencing panels shall have a medium or dark finish.
 - (cc) Stucco or synthetic stucco, or ornamental split-face block wall, or concrete block wall covered with stucco or synthetic stucco, four feet in height above grade.

(dd) Street trees otherwise required by this Section shall not be required under this provision.

(f) **Parking Structures:**

- (i) The street level frontage of a parking facility shall be either commercial space or an architecturally articulated façade, consistent with the standards of Section 4.07(C)(4), constructed to minimize the visibility of parked cars.
- (ii) In no instance are rails or cabling alone sufficient to meet this screening requirement.

(6) Sign considerations

- (a) All signs in the Central Business Planning Area shall meet the requirements of Chapter 7 Signs for the underlying district. In addition to signs prohibited by Chapter 7, Free Standing Pole or Pylon Signs are also prohibited.
- (b) Sandwich signs placed by a business on a sidewalk in front of that business are permitted. The message on the sign shall pertain to goods or services offered by the business. Sandwich signs shall not exceed 9 square feet in area per side and at least five feet of unobstructed space shall remain on the sidewalk for the passage of pedestrians.

(7) Street Furniture.

- (a) Furniture Permitted: Street furniture may be placed by the City of Asheboro or by a business when such furniture is incident to the business operated within.
- (b) No Sidewalk Obstruction: Placement of tables or chairs on the sidewalk must be done in such a manner that at least five feet of unobstructed space remains on the sidewalk for the passage of pedestrians.

(8) Screening of Facilities for Loading, Storage, Trash and Equipment

- (a) Screening: All structures and facilities for trash, loading, outdoor equipment, and storage, including the storage of inventory, shall be screened so as not to be visible from the street and pedestrian circulation areas for all new buildings, changes of use, and/or placement of new or additional such facilities.
- (b) Walls Used for Screening: Solid-screening walls shall be faced with brick, stone or other decorative masonry finish with the decorative side adjacent to the public right-of-way.
- (c) Fences Used for Screening: Screening fences shall be opaque and either painted or stained a medium or dark finish with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

- (d) Trees Used for Screening: Trees used to fulfill this requirement shall be located on private property in planters, a planting strip, berm or tree lawn, any of which shall be at least 8 feet wide. The trees shall be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. All shrubs shall be between 24 inches and 36 inches tall at time of planting. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards. Trees employed to meet the screening requirement may not be counted toward the street tree requirements.

(9) Street Trees

- (a) The requirements of Sections 6.10(C, D, and E) and 6.13(F)(4) shall not apply.
- (b) For all new principal buildings and existing buildings with a set back greater than 5 feet where a change of use occurs, at least one tree of 3 – 3 1/2-inches caliper minimum, measured 6 inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet.
- (c) Trees shall not be planted closer than 2 feet, nor more than 10 feet, from the back of the curb or sidewalk.
- (d) Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.
- (e) The common names of approved small, medium and large maturing trees are found in Appendix A of Section 4.07.

(10) Multi-Family Developments

- (a) Applicability: These provisions apply to multi-family developments within the Central Business Planning Area (Tier 1).
- (b) Amenities for multi-family developments containing fewer than 75 units
 - (i) Multi-family developments that consist of fewer than 75 units within Tier 1 shall provide recreation space as defined by Chapter 1 equal to at least 2.5 percent of the land area within the development.
 - (ii) Recreation space shall be provided outdoors.
- (c) Amenities for multi-family developments containing 75 units or more:

- (i) On site manager required: A full-time on site manager shall be provided for multi-family dwellings with a total of **75 units or more**. A permanent office shall be provided for the manager.
- (ii) Amenity Space: For multi-family residential developments consisting of 75 units or more, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1.
 - (aa) As envisioned by the Land Development Plan as a key amenity that is provided in an urban residential environment and supported by the City's designation as a Fit Community, Multi-Family Developments shall provide amenity space for the health and enjoyment of residents.
 - (bb) On-site amenity space shall be provided that is age-appropriate to all residents of the development. For example, amenities including but not limited to playground equipment, sand boxes, etc. shall be provided for younger children, sports courts/fields and facilities providing youth enrichment activities shall be provided for older children, and amenities for adults (including activities or facilities appropriate for elderly adults) shall be provided.
 - (cc) A total of five (5) percent or more of the development's total land area shall consist of amenity space.
 - (dd) No more than fifty (50) percent of amenity space shall be located within an enclosed structure.
 - (ee) In order to be credited towards recreation space, each outdoor recreation area shall contain a minimum of one hundred (100) square feet and be delineated by clearly defined plantings, decorative fencing or walls (i.e. wrought/caste iron, picket, brick, concrete masonry unit, etc.).
 - (ff) Consistent with (bb) above, amenity space shall, at a minimum, contain one element of active recreation space and at least two (2) of the following elements: benches/patio tables, walking trails, art, community gardens, fountains, gazebo, clubhouse/community room, and like facilities. Sixty (60) percent of the required amenity space shall consist of active recreation space.
 - (gg) Active recreation space shall be at least 20 feet from any residential unit.
 - (hh) If the development occurs in phases, Phase I shall contain the required amenity space meeting the requirements for that phase.

(d) Visitor and Recreational Parking:

- (i) Overflow parking spaces for visitors shall be designated within the parking area of multi-family housing developments providing more than **four residential** units. One overflow parking space shall be provided for every ten (10) required parking spaces within the project.
- (ii) Section 5.04(14) applies to parking of recreational vehicles (including boats, travel trailers/campers, etc.) within multi-family developments, except when developed as an Adaptive Reuse project as stated in (C)(11) below.

(11) Adaptive Reuse Projects

An Adaptive Reuse Project is defined as any adaptation of an existing building for purposes other than those originally intended.

The purpose of Adaptive Reuse Projects are to revitalize the Center City Asheboro area and implement the Asheboro 2020 Land Development Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to, but not limited to, apartments, live/work units or visitor-serving facilities. This will help to reduce vacant space as well as preserve the Center City's architectural and cultural past and encourage the development of a live/work and residential community downtown, thus creating a more balanced ratio between housing and jobs.

(a) Density: Adaptive Reuse Projects shall not be subject to the following requirements.

- (i) Floor area or open space requirements of the underlying zoning district specified by Table 4-1.
- (ii) Impervious surface limitation of 4.07(C)

(b) Off Street Parking and Loading:

- (i) No reduction in the number of required loading spaces (as specified by Chapter 6) is authorized by this section.
- (ii) The following modifications apply to the number of off-street parking spaces provided:
 - (aa) Residential: One (1) Off-street parking space is required per residential dwelling unit. This replaces off-street parking requirements for residential dwellings specified by Chapter 6. Parking of recreational vehicles (including boats, travel trailers/campers, etc.) is not permitted unless such parking occurs within an entirely enclosed structure that complies with the requirements of the Zoning Ordinance. The designated storage area for

recreational vehicles required for multi-family dwellings shall not be required for residential adaptive reuse projects.

- (bb) Non-Residential: Parking shall provided in accordance with Chapter 6, except that the number of required spaces shall be calculated at fifty (50) percent of the rate specified by Chapter 6.
- (cc) Mixed Uses: The number of parking spaces required is the total number of spaces required for the non-residential use as specified by this section, plus the number of required parking spaces for the residential use(s) as specified by this section.

(iii) Recreational Vehicle Parking

Parking of recreational vehicles (including boats, travel trailers/campers, etc.) in a multi-family development within an adaptive reuse project in Tier 1 is not permitted unless such parking occurs within an entirely enclosed structure that complies with the requirements of the Zoning Ordinance. The designated storage area for recreational vehicles required for multi-family dwellings shall not be required for multi-family developments that are developed as an adaptive reuse project.

(D) Central Fringe Planning Area (Tier 2)

The Central Fringe Planning Area (Tier 2) is hereby established to strengthen Asheboro's Center City Planning Area. This planning area encompasses blocks adjacent to Tier 1, the core Central Business Area. Properties in this planning area, unlike those in Tier 1, are not readily accessible to public downtown parking. Coordinated development of a variety of mixed uses is encouraged. These uses include retail, professional and financial businesses, dwellings, institutional, industrial, governmental and other public facilities. Like the Central Business Planning Area, the Central Fringe Planning Area is designed to facilitate coordination of future development, stressing sensitivity to urban design, pedestrian environment, urban open spaces, streetscapes, ample sidewalks and street trees.

(1) Permitted and Special Uses

The uses identified in the Table of Permitted Uses (Table 5-1) for the districts covered by this planning area are permitted by right or as special uses provided they meet all requirements of this Section and all other requirements established in this Ordinance:

(2) Dimensional Requirements

(a) Standard Dimensions:

- (i) Table of Area, Height, Bulk, and Placement Regulations (Table 4-1) shall not apply except where expressly stated in this sub-section (4.07(D)(2)(a)).

- (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1
- (iii) Front Yard Setback:
 - (aa) Commercial and Industrial Zones: A required front yard setback line shall be provided on the lot equal to average depth but not to exceed 30 feet, nor less than 10 feet. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property.
 - (bb) Residential, OA6 and O&I Zones: A required front yard setback line shall be provided on the lot equal to average depth. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property. Frontages shall be placed within ten feet of established average depth.
 - (cc) Measurement: When a lot is located on a block that is greater than eight hundred feet in length, the average front yard setback of lots located within four hundred feet of either side shall determine the required front yard setback line. If the right-of-way of an intersecting public street right-of-way is less than four hundred feet in one direction in this case, the averaging requirement in that direction shall stop at the right-of-way of the intersecting street. For the purpose of computing such average, adjacent vacant lot(s) shall utilize the underlying zoning required front yard setback in the calculation to determine the required front yard setback of this section.
- (iv) Minimum Side/Rear Yard Setback: Refer to underlying zoning district in Table 4-1
- (v) Maximum Height: 45 Feet
- (vi) Minimum pervious surface: 30%
 - (aa) Exception: Single and Two Family Dwellings shall follow FAR standards of Table 4-1
- (b) Accessory Structures:
 - (i) Shall be located to the rear or side of principal buildings.
 - (ii) No accessory structure shall be located within 30 feet of any street- right-of-way.

- (iii) Table 4-1, Table 5-1, Section 5.04(31) shall apply, except if in conflict with this section.

(3) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(4) Development Standards for Buildings

The following sections identify standards that shall apply to development, with the exception of single and two family dwellings, within the Central Fringe Planning Area in addition to all other applicable standards contained in this Ordinance. In general, infill uses shall be compatible with the established architectural character of the area by using complementary building style, form, size, color, materials, and detailing. New construction should reinforce existing building and design patterns.

(a) Building Materials:

- (i) **Permitted Materials:** Buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block or similar ornamental concrete masonry unit (CMU), stucco (synthetic or natural), stone or simulated stone/marble. Vinyl and/or aluminum may be used to clad soffits, trim, or windows. Aggregate stone panels may be used provided it does not cover more than 30 percent of any wall area.
- (ii) **Prohibited Materials:** Materials specifically disallowed as primary siding materials include, but are not limited to: vinyl and aluminum siding, unfinished wood, concrete block (except split-faced block). In addition, materials prohibited in Chapter 6 of this Ordinance are prohibited.

- (b) **Colors:** No high intensity colors metallic colors, or fluorescent colors shall be allowed on any building or architectural element. Exception: The use of such colors shall be permitted on business identification signs.

(c) Existing Street Fronting Facades:

- (i) For existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete (unable to be utilized for entry into the building) or inhibit transparency.
- (ii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any building wall oriented toward a public street. Such devices may be installed on the interior of the building.

- (iii) Notwithstanding Sections 3.02(C) and 7.04 of the Asheboro Zoning Ordinance, objects and structures over sidewalks otherwise permitted by Chapter 99 of the Code of Asheboro shall be allowed to encroach into city maintained public right-of-ways and, with state approval, state-maintained public right-of-ways, provided:
 - (aa) any sidewalk within the public right-of-way is not rendered non-compliant with Americans with Disabilities Act standards by such object or structure; and
 - (bb) the object or structure does not prevent the city and any other entitled entity from maintaining public infrastructure within the public right-of-way; and
 - (cc) the object or structure is in strict compliance with Chapter 99 of the Code of Asheboro and all other provisions of the city Zoning Ordinance.
- (d) New Street Fronting Facades:
 - (i) No facade shall have a blank, uninterrupted length exceeding 30 linear feet without including at least one of the following:
 - (aa) Color Change
 - (bb) Texture Change
 - (cc) Material Change
 - (dd) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
 - (ee) Equivalent element that subdivides the wall into human scale proportions. Windows do not count towards this requirement.
 - (ii) Facades with a 10 foot or less setback shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade.
 - (iii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any street-fronting facade. Such devices may be installed on the interior of the building.
 - (iv) Facades shall use animating features such as arcades, awnings and like features.

- (v) Parapets, mansard roofs, gable roofs, hip roofs, gambrel roofs, or dormers shall be used to conceal flat roofs.
- (e) Entrances:
 - (i) At least one public entrance to all new principal buildings shall face the highest-level street, with the exception of freeways, as determined by Randolph County Comprehensive Transportation Plan classification.
 - (aa) In locations with existing or required sidewalks, the entrance shall be connected to a public sidewalk.
 - (bb) The entrance shall be architecturally prominent with functional doors that provide ingress and egress, and features that create an invitation to the pedestrian.
 - (ii) Multiple entrances from public sidewalks are encouraged. Additional entrances from parking areas are permitted.
- (f) Gasoline Pumps and Associated Canopies
 - (i) Gasoline pumps and any canopy used to cover the gasoline pumps shall be located to the side or rear of the principal building with a minimum setback of ten feet from all property lines observed.
 - (ii) Canopies shall not be clad in vinyl or metal
 - (iii) Canopies shall have a pitched roof.
 - (iv) Support columns for canopies shall be clad in brick or stucco.

(5) Parking and Loading

- (a) Parking for all Uses: Chapter 6 Off-Street Parking and Loading requirements for the underlying districts apply except where modified by this section.
- (b) On Street Parking: Where parking on street is permitted, the on street area directly along a parcel's frontage for any use may count toward the minimum parking requirement.
- (c) Alternative Parking Plan: The Community Development Director, City Engineer, and Public Works Director in agreement may reduce the minimum amount of off-street parking required where developer-submitted parking data, prepared and sealed by a registered engineer with transportation expertise, illustrates that the standards of Chapter 6 do not accurately apply to the specific development. The data submitted

shall include the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Public parking, off-site parking, and joint/shared parking may also be considered.

- (d) Siting of Parking Areas: Except for existing buildings with nonconforming parking situations, parking shall not be located between any principal building and streets.
 - (i) No buildings shall be required to meet this requirement on more than two street frontages.
 - (ii) Where more than two street frontages exist, the two highest-level streets, with the exception of freeways, as determined by Randolph County Comprehensive Transportation Plan classification shall be the applicable streets.
- (e) Screening, Fencing of Parking Areas:
 - (i) The requirements of 6.10(C, D, and E) and 6.13(F)(4) do not apply.
 - (ii) All new parking areas and existing parking areas where a change of use occurs shall be separated from the back of the curb by a planting strip at least five feet in width and screened from view from public streets by principal structures or by a landscaped berm or evergreen plantings at four feet tall at maturity. Shrubs, five (5) feet on center, or evergreen trees, fifteen (15) feet on center, shall be planted.
 - (iii) Plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.
 - (iv) In lieu of a landscaped berm, shrubs or trees, walls and or fences not exceeding four feet high may be substituted where justified by site constraints or design considerations. Walls or fences may be one of the following:
 - (aa) Masonry walls between three and four feet in height. Any portion of such a wall above three feet in height above grade shall be at least 60 percent open. In addition there shall be masonry piers providing a visual break in the wall, and placed at increments of not less than one for each 12 feet of wall length, and one on any corner of such a wall. Where there are driveway openings in the wall, the height shall be reduced to not more than three feet for the first 12 feet on either side of the driveway.
 - (bb) Masonry piers at intervals of between eight and 12 feet, supporting vertically oriented wrought iron or aluminum fencing panels. The height

of this design shall be between three and four feet. Aluminum fencing panels shall have a medium or dark finish.

(cc) Stucco or synthetic stucco, or ornamental split-face block wall, or concrete block wall covered with stucco or synthetic stucco, four feet in height above grade.

(dd) Street trees otherwise required by this Section shall not be required under this provision.

(f) **Parking Structures:**

(i) The street level frontage of a parking facility shall be either commercial space or an architecturally articulated façade, consistent with the standards of 4.07(D)(4), constructed to minimize the visibility of parked cars.

(ii) In no instance are rails or cabling alone sufficient to meet this screening requirement.

(6) Sign considerations

All signs in the Central Fringe Planning Area shall meet the requirements of Chapter 7 Signs for the underlying district. In addition to signs prohibited by Chapter 7, Free Standing Pole or Pylon Signs are also prohibited.

(7) Screening of Facilities for Loading, Storage, Trash and Equipment

(a) **Screening:** All structures and facilities for trash, loading, outdoor equipment, and storage, including the storage of inventory, shall be screened so as not to be visible from the street and pedestrian circulation areas for all new buildings, changes of use, and/or placement of new or additional such facilities.

(b) **Walls Used for Screening:** Solid-screening walls shall be faced with brick, stone or other decorative masonry finish with the decorative side adjacent to the public right-of-way.

(c) **Fences Used for Screening:** Screening fences shall be opaque and either painted or stained a medium or dark finish with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

(d) **Trees Used for Screening:** Trees used to fulfill this requirement shall be located on private property in planters, a planting strip, berm or tree lawn, any of which shall be at least 8 feet wide. The trees shall be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. All shrubs shall be between 24 inches and 36 inches tall at time of planting. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association)

standards. Trees employed to meet the screening requirement may not be counted toward the street tree requirements.

(8) Street Trees

- (a) The requirements of Sections 6.10(C, D, and E) and 6.13(F)(4) shall not apply.
- (b) For all new principal buildings and existing buildings with a setback greater than 5 feet where a change of use occurs, at least one tree of 3 – 3 1/2-inches caliper minimum, measured 6 inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet.
- (c) Trees shall not be planted closer than 2 feet, nor more than 10 feet, from the back of the curb or sidewalk.
- (d) Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.
- (e) The common names of approved small, medium and large maturing trees are found in Appendix A of Section 4.07.

(9) Multi-Family Developments

- (a) Applicability: These provisions apply to a multi-family development within the Central Fringe Planning Area (Tier 2)
- (b) Amenities for Multi-Family development containing fewer than 75 units:
 - (i) Multi-family developments that consist of fewer than 75 units within Tier 2 shall provide recreation space as defined by Chapter 1 equal to at least 2.5 percent of the land area within the development.
 - (ii) Recreation space shall be provided outdoors.
- (c) Amenities for Multi-Family developments containing 75 units or more:
 - (i) On site manager required: A full-time on site manager shall be provided for multifamily dwellings with a total of **75 units or more**. A permanent office shall be provided for the manager.
 - (ii) Amenity Space: For multi-family residential developments consisting of 75 units or more, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1.

- (aa) As envisioned by the Land Development Plan as a key amenity that is provided in an urban residential environment and supported by the City's designation as a Fit Community, Multi-Family Developments shall provide amenity space for the health and enjoyment of residents.
 - (bb) On-site amenity space shall be provided that is age-appropriate to all residents of the development. For example, amenities including but not limited to playground equipment, sand boxes, etc. shall be provided for younger children, sports courts/fields and facilities providing youth enrichment activities shall be provided for older children, and amenities for adults (including activities or facilities appropriate for elderly adults) shall be provided.
 - (cc) A total of five (5) percent or more of the development's total land area shall consist of amenity space.
 - (dd) No more than fifty (50) percent of amenity space shall be located within an enclosed structure.
 - (ee) In order to be credited towards recreation space, each outdoor recreation area shall contain a minimum of one hundred (100) square feet and be delineated by clearly defined plantings, decorative fencing or walls (i.e. wrought/caste iron, picket, brick, concrete masonry unit, etc).
 - (ff) Consistent with (bb) above amenity space shall, at a minimum, contain one element of active recreation space and at least two (2) of the following elements: benches/patio tables, walking trails, art, community gardens, fountains, gazebo, clubhouse/community room, and like facilities. Sixty (60) percent of the required amenity space shall consist of active recreation space.
 - (gg) Active recreation space shall be at least 20 feet from any residential unit.
 - (hh) If the development occurs in phases, Phase I shall contain the required amenity space meeting the requirements for that phase.
- (d) Visitor and Recreational Parking:
- (i) Overflow parking spaces for visitors shall be designated within the parking area of multi-family housing developments providing more than **four (4)** residential units. One overflow parking space shall be provided for every ten (10) required parking spaces within the project.

- (ii) Section 5.04(14) applies to parking of recreational vehicles (including boats, travel trailers/campers, etc.) within multi-family developments.

(10) Whole Block Redevelopment

Whole Block Redevelopment is envisioned to enhance public health, safety, and general welfare of the neighborhood in which it is located, as well as the City as a whole. A block encompasses a polygon (usually a rectangular) shape encompassed by public streets. Specific purposes envisioned by Whole Block Redevelopment include the revitalization of neighborhoods, the removal of blighted and unsafe structures, encouragement of reinvestment into properties in the vicinity of the development, stabilization and enhancement of property values, improvement of the City's housing stock, enhancement of the historic integrity of neighborhoods and improvement to public infrastructure. The Asheboro Land Development Plan and the Asheboro Community Revitalization Plan support Whole Block Redevelopment.

- (a) Integration with Asheboro Zoning Ordinance provisions outside of 4.07(D)(10) [Whole Block Redevelopment]: All definitions and provisions of the Asheboro Zoning Ordinance shall apply within Whole Block Redevelopment areas except where the provisions of this section (4.07(D)(10)) are inconsistent and more specific than any other provision(s) found in the Asheboro Zoning Ordinance. In case of such a conflict, the provisions found in Section 4.07(D)(10) shall control within the Whole Block Redevelopment area.
- (b) Review Process: Staff shall review proposals for a whole block redevelopment that comply with all regulatory provisions of the Zoning Ordinance. An applicant may propose an alternative whole block redevelopment plan in cases when deficiencies to meeting regulatory provisions of the Zoning Ordinance exist. In addition to meeting the legal tests necessary to grant a Special Use Permit (Chapter 2), the applicant shall demonstrate competent, material, and substantial evidence that the alternative whole block redevelopment plan offers greater compatibility with its environs than a plan subject to approval by right under the provisions of this Ordinance. At a minimum, and without limitation, the demonstration of such compatibility with the environs must be established by satisfying the requirements of Section 5.05(34) of the Asheboro Zoning Ordinance.
- (c) Inventory of Existing Features Required

Plans analyzing the site's special features are required for a proposed Whole Block Redevelopment, as they form the basis of the design process for buildings, parking, pedestrian access, open and recreation space, utilities, infrastructure and other site features. The inventory shall be submitted simultaneously with an Application for Zoning Compliance Permit. The inventory shall include:

- (i) A contour map based at least upon topographical maps published by the U.S. Geological Survey.
 - (ii) The location of severely constraining elements including but not limited to steep slopes (over 20%), floodplains, wetlands, watercourses, intermittent streams and all right-of-ways and easements.
 - (iii) Soil boundaries as shown on United States Department of Agriculture Natural Resources Conservation Service medium-intensity maps.
 - (iv) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites recognized by the National Register of Historic Places or the Randolph County Historic Landmark Preservation Commission.
- (d) Standard Dimensions
 - (i) Table of Area, Height, Bulk, and Placement Regulations (Table 4-1), Section 3.02(B)(4) and Section 4.07(D)(2)(a) shall not apply except where expressly stated in this sub-section (4.07(D)(10)(d)).
 - (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1
 - (iii) Minimum Front Yard Setback: 25 Feet on Minor Thoroughfares and higher classification streets; 10 feet on all other streets. Front yard setbacks shall be measured from the existing public right-of-way and not from the ultimate right-of-way.
 - (iv) Maximum Height: 45 Feet
 - (v) Minimum pervious surface: 30%
- (e) Siting of Parking Areas: Parking shall not be located between any principal buildings and the primary street (excluding limited access freeways).
- (f) Infrastructure Improvements Required: Curb, gutter and sidewalks meeting the design standards of the City of Asheboro and/or North Carolina Department of Transportation shall be installed along the entire frontage of all public streets.
 - (i) Sidewalks shall be constructed within the public right-of-way when adequate right-of-way is available as specified by Chapter 6 of the Zoning Ordinance.

- (ii) In cases in which public right-of-way does not contain adequate width to meet the City of Asheboro Sidewalk Design Standards described in Chapter 6 of the Zoning Ordinance, a sidewalk shall be constructed parallel to the street within the front setback of the property.
 - (iii) All principal structures shall have at least one entrance connected to a public street with a sidewalk. In cases in which property has frontage on a major thoroughfare, minor thoroughfare, or boulevard, a sidewalk shall connect the principal structure(s) to this street(s).
- (g) Multi-family residential developments: For multi-family residential developments within a whole block redevelopment, the following provisions for amenity space and visitor/recreational vehicle parking apply and replace the visitor/recreational vehicle parking and recreation space requirements prescribed by Table 4-1, Section 5.04(14), and Section 4.07, Subsections (D)(9)(b, c and d).
 - (i) On site manager required. A full-time on site manager shall be provided for multifamily dwellings with a total of **75 units or more**. A permanent office shall be provided for the manager.
 - (ii) Amenity Space: For multi-family residential developments consisting of 75 units or more, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1.
 - (aa) As envisioned by the Land Development Plan as a key amenity that is provided in an urban residential environment and supported by the City’s designation as a Fit Community, Multi-Family Developments shall provide amenity space for the health and enjoyment of residents.
 - (bb) On-site amenity space shall be provided that is age-appropriate to all residents of the development. For example, amenities including but not limited to playground equipment, sand boxes, etc. shall be provided for younger children, sports courts/fields and facilities providing youth enrichment activities shall be provided for older children, and amenities for adults (including activities or facilities appropriate for elderly adults) shall be provided.
 - (cc) A total of five (5) percent or more of the development’s total land area shall consist of amenity space.
 - (dd) No more than fifty (50) percent of amenity space shall be located within an enclosed structure.

- (ee) In order to be credited towards recreation space, each outdoor recreation area shall contain a minimum of one hundred (100) square feet and be delineated by clearly defined plantings, decorative fencing or walls (i.e. wrought/caste iron, picket, brick, concrete masonry unit, etc).
- (ff) Consistent with (bb) above amenity space shall, at a minimum, contain one element of active recreation space and at least two (2) of the following elements: benches/patio tables, walking trails, art, community gardens, fountains, gazebo, clubhouse/community room, and like facilities. Sixty (60) percent of the required amenity space shall consist of active recreation space.
- (gg) Active recreation space shall be at least 20 feet from any residential unit.
- (hh) If the development occurs in phases, Phase I shall contain the required amenity space meeting the requirements for that phase.
- (iii) Visitor and Recreational Parking:
 - (aa) Overflow parking spaces for visitors shall be designated within the parking area of multi-family housing developments providing more than **four residential** units. One overflow parking space shall be provided for every ten (10) required parking spaces within the project.
 - (bb) Parking of recreational vehicles (including boats, travel trailers/campers, etc.) in a multi-family development within a Whole Block Redevelopment in Tier 2 is not permitted unless such parking occurs within an entirely enclosed structure that complies with the requirements of the Zoning Ordinance. The designated storage area for recreational vehicles required for multi-family dwellings shall not be required for multi-family developments that are within a Whole Block Redevelopment.

(E) Commercial and Employment Center Planning Area (Tier 3)

The Commercial and Employment Center Planning Area (Tier 3) is hereby established to preserve and enhance the visual appeal of streets leading into and out of Asheboro's Central Business and Central Business Fringe Area planning area, and to promote the orderly development and safe and efficient movement of traffic.

(1) Permitted and Special Uses

The uses identified in the Table of Permitted Uses (Table 5-1) for the districts covered by this planning area are permitted by right or as special uses provided they meet all requirements of this Section and all other requirements established in this Ordinance

(2) Dimensional Requirements

(a) Standard Dimensions:

- (i) Table of Area, Height, Bulk, and Placement Regulations (Table 4-1) shall not apply except where expressly stated in this sub-section (4.07(E)(2)(a)).
- (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1
- (iii) Front Yard Setback:
 - (aa) Commercial and Industrial Zones: A required front yard setback line shall be provided on the lot equal to average depth but not to exceed 30 feet, nor less than 10 feet. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property.
 - (bb) Residential, OA6 and O&I Zones: A required front yard setback line shall be provided on the lot equal to average depth. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property. Frontages shall be placed within ten feet of established average depth.
 - (cc) Measurement: When a lot is located on a block that is greater than eight hundred feet in length, the average front yard setback of lots located within four hundred feet of either side shall determine the required front yard setback line. If the right-of-way of an intersecting public street right-of-way is less than four hundred feet in one direction in this case, the averaging requirement in that direction shall stop at the right-of-way of the intersecting street. For the purpose of computing such average, adjacent vacant lot(s) shall utilize the underlying zoning required front yard setback in the calculation to determine the required front yard setback of this section.
- (iv) Minimum Side/Rear Yard Setback: Refer to underlying zoning district in Table 4-1
- (v) Maximum Height: 35 Feet
- (vi) Minimum pervious surface: 45%
 - (aa) Exception: Single and Two Family Dwellings shall follow FAR standards of Table 4-1

(b) Accessory Structures:

- (i) Shall be located to the rear or side of principal buildings.
 - (ii) No accessory structure shall be located within 30 feet of any street- right-of-way.
 - (iii) Table 4-1, Table 5-1, Section 5.04(31) shall apply, except if in conflict with this section.
- (c) Loading Docks: No loading docks shall be located on any street fronting building façade or face.

(3) Parking and Loading

- (a) Parking for all Uses: Chapter 6 Off-Street Parking and Loading requirements for the underlying districts apply except where modified by this section.
- (b) On Street Parking: Where parking on street is permitted, the on street area directly along a parcel's frontage for any use may count toward the minimum parking requirement.
- (c) Alternative Parking Plan: The Community Development Director, City Engineer, and Public Works Director in agreement may reduce the minimum amount of off-street parking required where developer-submitted parking data, prepared and sealed by a registered engineer with transportation expertise, illustrates that the standards of Chapter 6 do not accurately apply to the specific development. The data submitted shall include the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Public parking, off-site parking, and joint/shared parking may also be considered.

(4) Signs

Signs shall be in accordance with the sign regulations for the underlying zoning district.

(5) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(6) Ingress and Egress Points

Shall meet the requirements of Chapter 6.

(7) Landscaping

All plantings shall be shown on the site plan. All required plantings shall meet the requirements of Chapter 6.

(8) Multi-Family Developments

- (a) Applicability: These provisions apply to a multi-family development within the Commercial and Employment Center Area (Tier 3)
- (b) Amenities for Multi-Family development containing fewer than 75 units:
 - (i) Multi-family developments that consist of fewer than 75 units within Tier 3 shall provide recreation space as defined by Chapter 1 equal to at least 2.5 percent of the land area within the development.
 - (ii) Recreation space shall be provided outdoors.
- (c) Amenities for Multi-Family developments containing 75 units or more:
 - (i) On site manager required: A full-time on site manager shall be provided for multifamily dwellings with a total of **75 units or more**. A permanent office shall be provided for the manager.
 - (ii) Amenity Space: For multi-family residential developments consisting of 75 units or more, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1.
 - (aa) As envisioned by the Land Development Plan as a key amenity that is provided in an urban residential environment and supported by the City's designation as a Fit Community, Multi-Family Developments shall provide amenity space for the health and enjoyment of residents.
 - (bb) On-site amenity space shall be provided that is age-appropriate to all residents of the development. For example, amenities including but not limited to playground equipment, sand boxes, etc. shall be provided for younger children, sports courts/fields and facilities providing youth enrichment activities shall be provided for older children, and amenities for adults (including activities or facilities appropriate for elderly adults) shall be provided.
 - (cc) A total of five (5) percent or more of the development's total land area shall consist of amenity space.
 - (dd) No more than fifty (50) percent of amenity space shall be located within an enclosed structure.
 - (ee) In order to be credited towards recreation space, each outdoor recreation area shall contain a minimum of one hundred (100) square feet and be delineated by clearly defined plantings, decorative fencing or walls (i.e. wrought/caste iron, picket, brick, concrete masonry unit, etc).

- (ff) Consistent with (bb) above amenity space shall, at a minimum, contain one element of active recreation space and at least two (2) of the following elements: benches/patio tables, walking trails, art, community gardens, fountains, gazebo, clubhouse/community room, and like facilities. Sixty (60) percent of the required amenity space shall consist of active recreation space.
 - (gg) Active recreation space shall be at least 20 feet from any residential unit.
 - (hh) If the development occurs in phases, Phase I shall contain the required amenity space meeting the requirements for that phase.
- (d) Visitor and Recreational Parking:
 - (i) Overflow parking spaces for visitors shall be designated within the parking area of multi-family housing developments providing more than **four (4)** residential units. One overflow parking space shall be provided for every ten (10) required parking spaces within the project.
 - (ii) Section 5.04(14) applies to parking of recreational vehicles (including boats, travel trailers/campers, etc.) within multi-family developments.

(9) Whole Block Redevelopment

Whole Block Redevelopment is envisioned to enhance public health, safety, and general welfare of the neighborhood in which it is located, as well as the City as a whole. A block encompasses a polygon (usually a rectangular) shape encompassed by public streets. Specific purposes envisioned by Whole Block Redevelopment include the revitalization of neighborhoods, the removal of blighted and unsafe structures, encouragement of reinvestment into properties in the vicinity of the development, stabilization and enhancement of property values, improvement of the City's housing stock, enhancement of the historic integrity of neighborhoods and improvement to public infrastructure. The Asheboro Land Development Plan and the Asheboro Community Revitalization Plan support Whole Block Redevelopment.

- (a) Integration with Asheboro Zoning Ordinance provisions outside of 4.07(E)(9)[Whole Block Redevelopment]: All definitions and provisions of the Asheboro Zoning Ordinance shall apply within Whole Block Redevelopment areas except where the provisions of 4.07(E)(9) are inconsistent and more specific than any other provision(s) found in the Asheboro Zoning Ordinance. In case of such a conflict, the provisions found in Section 4.07(E)(9) shall control within the Whole Block Redevelopment area.
- (b) Review Process: Staff shall review proposals for a whole block redevelopment that comply with all regulatory provisions of the Zoning Ordinance. An applicant may

propose an alternative whole block redevelopment plan in cases when deficiencies to meeting regulatory provisions of the Zoning Ordinance exist. In addition to meeting the legal tests necessary to grant a Special Use Permit (Chapter 2), the applicant shall demonstrate competent, material, and substantial evidence that the alternative whole block redevelopment plan offers greater compatibility with its environs than a plan subject to approval by right under the provisions of this Ordinance. At a minimum, and without limitation, the demonstration of such compatibility with the environs must be established by satisfying the requirements of Section 5.05(34) of the Asheboro Zoning Ordinance.

(c) Inventory of Existing Features Required

Plans analyzing the site's special features are required for a proposed Whole Block Redevelopment, as they form the basis of the design process for buildings, parking, pedestrian access, open and recreation space, utilities, infrastructure and other site features. The inventory shall be submitted simultaneously with an Application for Zoning Compliance Permit. The inventory shall include:

- (i) A contour map based at least upon topographical maps published by the U.S. Geological Survey.
- (ii) The location of severely constraining elements including but not limited to steep slopes (over 20%), floodplains, wetlands, watercourses, intermittent streams and all right-of-ways and easements.
- (iii) Soil boundaries as shown on United States Department of Agriculture Natural Resources Conservation Service medium-intensity maps.
- (iv) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites recognized by the National Register of Historic Places or the Randolph County Historic Landmark Preservation Commission.

(d) Standard Dimensions

- (i) Table of Area, Height, Bulk, and Placement Regulations (Table 4-1), Section 3.02(B)(4) and Section 4.07(E)(2)(a) shall not apply except where expressly stated in this sub-section (4.07(E)(9)(d)).
- (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1

- (iii) Minimum Front Yard Setback: 25 Feet on Minor Thoroughfares and higher classification streets; 10 feet on all other streets. Front yard setbacks shall be measured from the existing public right-of-way and not from the ultimate right-of-way.
- (iv) Maximum Height: 45 Feet
- (v) Minimum pervious surface: 30%
- (e) Siting of Parking Areas: Parking shall not be located between any principal buildings and the primary street (excluding limited access freeways).
- (f) Infrastructure Improvements Required: Curb, gutter and sidewalks meeting the design standards of the City of Asheboro and/or North Carolina Department of Transportation shall be installed along the entire frontage of all public streets.
 - (i) Sidewalks shall be constructed within the public right-of-way when adequate right-of-way is available as specified by Chapter 6 of the Zoning Ordinance.
 - (ii) In cases in which public right-of-way does not contain adequate width to meet the City of Asheboro Sidewalk Design Standards described in Chapter 6 of the Zoning Ordinance, a sidewalk shall be constructed parallel to the street within the front setback of the property.
 - (iii) All principal structures shall have at least one entrance connected to a public street with a sidewalk. In cases in which property has frontage on a major thoroughfare, minor thoroughfare, or boulevard, a sidewalk shall connect the principal structure(s) to this street(s).
- (g) Multi-family residential developments: For multi-family residential developments within a whole block redevelopment, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1, Section 5.04(14), and Section 4.07, Subsection (E) (8) (b, c and d).
 - (i) On site manager required. A full-time on site manager shall be provided for multifamily dwellings with a total of **75 units or more**. A permanent office shall be provided for the manager.
 - (ii) Amenity Space: For multi-family residential developments consisting of 75 units or more, the following provisions for amenity space apply and replace the recreation space requirements prescribed by Table 4-1.
 - (aa) As envisioned by the Land Development Plan as a key amenity that is provided in an urban residential environment and supported by the City's

designation as a Fit Community, Multi-Family Developments shall provide amenity space for the health and enjoyment of residents.

- (bb) On-site amenity space shall be provided that is age-appropriate to all residents of the development. For example, amenities including but not limited to playground equipment, sand boxes, etc. shall be provided for younger children, sports courts/fields and facilities providing youth enrichment activities shall be provided for older children, and amenities for adults (including activities or facilities appropriate for elderly adults) shall be provided.
 - (cc) A total of five (5) percent or more of the development's total land area shall consist of amenity space.
 - (dd) No more than fifty (50) percent of amenity space shall be located within an enclosed structure.
 - (ee) In order to be credited towards recreation space, each outdoor recreation area shall contain a minimum of one hundred (100) square feet and be delineated by clearly defined plantings, decorative fencing or walls (i.e. wrought/caste iron, picket, brick, concrete masonry unit, etc).
 - (ff) Consistent with (bb) above amenity space shall, at a minimum, contain one element of active recreation space and at least two (2) of the following elements: benches/patio tables, walking trails, art, community gardens, fountains, gazebo, clubhouse/community room, and like facilities. Sixty (60) percent of the required amenity space shall consist of active recreation space.
 - (gg) Active recreation space shall be at least 20 feet from any residential unit.
 - (hh) If the development occurs in phases, Phase I shall contain the required amenity space meeting the requirements for that phase.
- (iii) Visitor and Recreational Vehicle Parking
- (aa) Overflow parking spaces for visitors shall be designated within the parking area of multi-family housing developments providing more than **four (4)** residential units. One overflow parking space shall be provided for every ten (10) required parking spaces within the project.
 - (bb) Parking of recreational vehicles (including boats, travel trailers/campers, etc.) in a multi-family development within a Whole Block Redevelopment in Tier 3 is not permitted unless such parking occurs within an entirely

enclosed structure that complies with the requirements of the Zoning Ordinance. The designated storage area for recreational vehicles required for multi-family dwellings shall not be required for multi-family developments that are within a Whole Block Redevelopment.

(F) Appendix A: Approved Street Trees

Large Trees (Mature Height Greater than 50 feet):

-Green Ash	-Overcup Oak	-Japanese
-Thornless Honey Locust	-Pin Oak	Pagodatree
-Dawn Redwood	-Willow Oak	-Bald Cypress
-London Planetree	-Northern Red Oak	-Silver Linden
-Swamp White Oak	-Shumard Oak	-Lacebark Elm
-Shingle Oak	-Live Oak	-Japanese Zelkova

Medium Trees (Mature Height between 35 feet and 50 feet):

-Red Maple	-American Hornbeam	-Golden Raintree
-Horsechestnut	-Sugar Hackberry	-Amur Corktree
-Red Horsechestnut	-Turkish Filbert	-Sargent Cherry
-European Hornbeam	-Easter Red cedar	

Small Trees (Mature Height less than 35 feet)

-Hedge Maple	-Kousa Dogwood	-Amur Maackia
-Serviceberry	-Green Hawthorn	-Flowering
-Eastern Redbud	-Carolina Silverbell	Crabapple
-Chinese fringetree	-Crapemyrtle	-Chinese Pistache
-Carolina Cherry	-Chokecherry	-Japanese Tree
Laurel		Lilac

4.08 I-73/I-74 OVERLAY DISTRICT

(A) Purpose

The purpose of this zone is to establish a site plan review procedure to ensure that a high standard of development is achieved along I-73/I-74.

(B) Administration of the Requirements of this Section

The Zoning Administrator shall enforce the provisions of this section

(C) General Provisions

- (1) Lands to which this Section Applies:** This Section shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie 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 section.
- (2) 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 Chapter 2 of this Ordinance.
- (3) 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 section 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 section 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.
- (4) Board of Adjustment:** The Board of Adjustment of the City of Asheboro as established in Chapter 2 of this Ordinance shall serve to hear any appeals of this section.
- (5) Penalties for Violation:** Violation of this section shall be considered as any violation of this Ordinance and shall be dealt with as provided for in Chapter 2.
- (6) Uses Permitted:** All uses permitted within the underlying zone shall be permitted within the overlay zone except that billboards shall not be permitted within the overlay zone.

(D) Requirements for Site Plan Approval

The proposed work or use shall conform with all requirements of this Ordinance, unless expressly modified below, prior to the issuance of a Zoning Compliance Permit:

- (1) A Buffer Type B shall be installed on the property between the I-73/74 right-of-way and the proposed development. This buffer shall supplant any requirement to provide front yard landscaping along I-73/74. Existing vegetation may be used to meet all or a portion of this requirement (refer to Chapter 6). This requirement shall apply to the following:
 - (a) New principal buildings or open uses of land constructed or established after July 1, 2015.
 - (b) Building expansions on a zoning lot which result in a building square footage increase of more than fifty percent (50%) the square footage of development existing on July 1, 2015. In such cases, the requirement shall only apply along the area of expansion.

4.09 ASHEBORO MUNICIPAL AIRPORT OVERLAY DISTRICT

(A) Purpose

The purpose of this Overlay District is to establish height regulations within the Asheboro Municipal Airport approach zones located within the City of Asheboro's jurisdiction. The Municipal Airport Overlay District is also designed to prohibit other obstructions that have the potential for endangering the lives and property of users of the Asheboro Municipal Airport and property or occupants of land within the district.

(B) Administration of the Requirements of this Section

Applications for any development within this overlay district shall be as for any development regulated by the Ordinance.

(C) General Provisions

- (1) **Lands to which this Section Applies:** This section shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within 20,000 feet of the airport runway and within any approach to the Asheboro Municipal Airport as designated in the Asheboro Municipal Airport Airspace Plan. Such areas 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.
- (2) **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 Chapter 2 of this Ordinance.
- (3) **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 section and other applicable regulations.

- (4) Board of Adjustment: The Board of Adjustment of the City of Asheboro as established in Chapter 2 of this Ordinance shall serve to hear any appeals of this Section.
- (5) Penalties for Violation: Violation of this Section shall be considered as any violation of this Ordinance and shall be dealt with as provided for in Chapter 2.
- (6) Uses Permitted: All uses permitted within the underlying zone shall be permitted within the overlay zone except sludge applications and sanitary landfills. No use may be made of land within the Overlay District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between the airport's lights and others, impair visibility of pilots, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(D) Other Restrictions

- (1) Within the Asheboro Municipal Airport Overlay District there exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the 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.
- (2) A Special Use Permit may be issued for a structure to exceed Table 4-1 height if this Ordinance would otherwise permit the structure to do so. Any structure proposed to exceed 199.9 feet in height or penetrates above the elevation in the zone established above, is required to have an FAA Form 7460-1 submitted to the FAA. A copy of the acknowledgment received shall be submitted to the Asheboro Airport Authority.
- (3) Upon receipt of plans and/or FAA response to FAA Form 7460-1 and other related materials, the Airport Authority shall review the proposed structure. Within 60 days of the receipt of the report, the Airport Authority shall submit in writing to the applicant and the Asheboro Planning Department their findings concerning the proposed structure and the airport airspace plan. Any applicant receiving positive findings from the FAA and the Asheboro Airport Authority may then proceed to apply for a Special Use Permit.

(E) Structures Made Nonconforming due to Section 4.09 Height Restrictions

Any structure made nonconforming due to its height by these regulations may be subject to marking and/or lighting for air safety. Upon determination by the FAA or the Asheboro Airport Authority that such marking and/or lighting is necessary, the owner(s) of the structure will be notified and given 6 months within which to add the appropriate marking and/or lighting.