

CHAPTER 5
USE REGULATIONS
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CHAPTER 5

USE REGULATIONS

5.01 SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT

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

Uses of land or structures not expressly listed in this Schedule as Permitted Principal Uses, Permitted Accessory Uses or Permissible Special Uses are “unlisted uses” that shall only be permitted if approved by the Zoning Administrator pursuant to Section 5.02 of this Ordinance. Uses listed as Permissible Special Uses may be established in that district only after approval of an application for a Special Use Permit in accord with the procedures and requirements in Chapters 2 and 5 of this Ordinance.

Table 5-1 indicates the permitted and permissible uses for the regular zoning districts.

5.02 UNLISTED USES

(1) Procedure for Approving Unlisted Uses

Where a particular use category or use type is not specifically allowed under this Ordinance and is also not prohibited or restricted by this Ordinance, the Zoning Administrator may permit the use category or type if the criteria of subsection (2) below are met. The Zoning Administrator shall give due consideration to the intent of this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

(2) Criteria for Approving Unlisted Uses

In order to determine that the proposed use(s) has an impact that is similar in nature and function to the other uses allowed in a specific zoning district, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (1)** The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- (2)** Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- (3)** The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and

- (4) The type, size and nature of buildings and structures; and
- (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- (7) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- (8) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, light, radiation, and fumes; and
- (9) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

(3) Determination by the Zoning Administrator; Effects

All determinations by the Zoning Administrator made pursuant to subsection (2) above shall be in writing. In making the determination described in subsection (2) above, the Zoning Administrator shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Zoning Administrator shall be binding. If no amendment is initiated, the Zoning Administrator's determination shall thereafter be binding without further action or amendment of this Ordinance.

(4) Appeal of Determination of the Zoning Administrator

The determination of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Chapter 2 of this Ordinance.

5.03 PROHIBITED USES

No use which is unlawful or noxious, toxic, or offensive by reason of odor, dust, vibration, smoke, gases or fumes shall be permitted.

5.04 SUPPLEMENTAL USE REGULATIONS

(1) Animal Hospital/Vet Clinic General

No such enterprise shall be located less than 200 feet from any residential district. Where all buildings and exercise areas are enclosed and soundproofed, the foregoing space separating such use from residential districts shall not be required.

(2) Bed and Breakfast

A bed and breakfast inn may be established in R40, R10, R75 and RA6 residential zones in accordance with the standard below:

- (1)** The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be four unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case, the original number of bedrooms may be approved as allowable guest lodging.
- (2)** The operator shall be a full time residence of the premises.
- (3)** The serving of meals to guests shall be limited to breakfast only.
- (4)** Parking for bed and breakfast inns shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Guest parking within the street right-of-ways is prohibited. All other requirements of Chapter 6 shall be met.
- (5)** Signs for bed and breakfast inns shall be limited to one ground sign per establishment. Such sign shall not exceed five square feet and shall not be illuminated and shall be an identification sign only. Location of sign shall be governed by sign regulations for district in which establishment is located. No advertising signs of any nature shall be permitted.
- (6)** Accessory use associated with a bed and breakfast inn shall be only those permitted in the zoning districts in which the development is located.

(3) Child Day Care Center/Child Day Care Home

All child care facilities are defined by the N.C. General Statutes 110-86 as to type and size of facilities.

(4) College/University Seminary

The site for any college, university or seminary shall have an area of at least 10 acres, plus 5 acres for each 100 pupils, or major portion thereof, in excess of 400 pupils. Such a site shall have a frontage on a minor thoroughfare or higher classification street as shown on the current Asheboro Comprehensive Transportation Plan.

(5) Combustible and Flammable Liquids Storage Above Ground < 2K gallons

A maximum of 2,000 gallons of heating fuel shall be permitted. In addition, storage of not more than 2,000 gallons of kerosene for retail sale or not more than 2,000 gallons of motor vehicle fuel for private use shall be permitted as an accessory use in B1, B2, B3, I1, I2, and I3 provided containment in an U. L. approved (or other approved testing agency) tank/dispensing system or a tank/dispensing system constructed under NFPA standards. All installations shall be according to the NC Building Code and NFPA Standards and all such installations shall be approved by the Asheboro Fire Department.

Not more than 2,000 gallons of motor vehicle fuel for genuine agricultural use shall be permitted as an accessory use in any residential district provided containment in an U. L. approved (or other approved testing agency) tank/dispensing system or a tank/dispensing system constructed under NFPA standards. All installations shall be according to the NC Building Code and NFPA Standards and all such installations shall be approved by the Asheboro Fire Department.

(6) Combustible and Flammable Liquids Storage below Ground < 2K gallons

A maximum of 2,000 gallons of heating fuel only shall be permitted.

(7) Combustible and Flammable Liquids Storage below Ground > 2K gallons

Combustible and flammable liquid stored for retail sales shall be permitted as an accessory in B1, B2, B3 districts and by right in the I1, I2, and I3 districts. Within these districts not more than 100,000 gallons aggregate shall be permitted. All storage shall be according to all applicable local, State, and Federal regulations. If storage facility is principal use of property, it shall be considered a Group 3 for buffering and screening purposes.

(8) Commercial Development with Multi Use and/or Structures

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

(9) Communication Facilities - Commercial

Height limitations for specific districts may be exceeded as set forth in Chapter 3.

(10) Communication Facilities – Non Commercial

All structures (towers, poles, etc.) used to support communication receiving or transmitting apparatus shall comply with the applicable height and setback regulations of the district in which such structure is located and as modified and permitted by Section 3.02(B)(4).

(11) Congregate Living Facility – for 6 or less persons (Family Care Home)

Includes facilities meeting the definitions established in General Statute Chapter 168, Article 3 Family Care Homes. Such facilities shall not be located within 1/2 mile radius of each other.

(12) Contractor's Office

Open storage yards as accessory uses to a contractor's office are permitted in B2, I1, I2, and I3 districts by right subject to screening and buffering requirements as per Chapter 6. No open storage shall be permitted in OA6, O&I or M Districts. Open storage yards, where permitted, shall be considered as Group 3 use for buffering and screening purposes.

(13) Drive-In Theatre

Drive Inn Theaters are subject to the following regulations:

- (1) No part of any theater screen, projection booth, or other building shall be located closer than three hundred feet from any residential district nor closer than fifty feet from any lot line.
- (2) The image on the theater screen shall not be visible from any minor thoroughfare or higher classification street as shown on the current Asheboro Comprehensive Transportation Plan or from any residential district.
- (3) Queuing space within the zoning lot shall be provided for patrons awaiting admission in an amount equal to thirty percent of the vehicular capacity of the theater.
- (4) No ingress and egress shall be permitted except from minor thoroughfares or higher classification streets as shown on the current Asheboro Comprehensive Transportation Plan.
- (5) Emergency exits shall be provided and shall meet the approval of the Asheboro Fire Department. Such exits may be allowed on local streets.
- (6) Any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets. No unshaded light sources shall be permitted. Necessary safety lighting of roads and buildings, and lighting required by governmental regulations shall be permitted.
- (7) The theater site shall be graded, surfaced, drained, and suitably maintained to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. Storm water management shall be provided to protect adjoining property from erosion or flooding.
- (8) Buffers and screens shall be provided as required by this Ordinance.
- (9) No central loudspeaker system shall be permitted as part of the theater operation. Sound shall be transmitted by means of individual speakers mounted adjacent to the automobile parking stalls.

(14) Dwelling – Multiple Family Units – Up to .17 FAR

- (1) 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. The floor area contained in the on-site manager's office shall not be counted in the total FAR. The required recreation space (areas for common passive or active recreation use) may include, but not be

limited to a swimming pool, picnic areas with tables, basketballs goals with paved play areas, and playground(s) with play equipment; outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit. The project may be developed in phases. Phase 1 shall include the required amenities. No Certificate of Occupancy for any phase of the project shall be issued until all required or proposed improvements are installed for that phase.

- (2) A designated storage area for parking of recreational vehicles, boats, camp/travel trailers shall be provided in all multi-family housing developments containing more than four residential units.
- (3) The designated storage area(s) shall provide 72 square feet for every residential dwelling unit with a minimum of 720 square feet to be provided. Such area(s), when visible from the public right-of-way, shall have screening consisting of landscaping and/or fencing compatible with the development's architectural and landscaping design and compliant with applicable design standards. Required and non-required storage area(s) shall comply with the screening requirements of this sub-section and the requirements of Chapter 6.
- (4) Additionally, one overflow parking space shall be provided for every ten (10) required parking spaces within the development.
- (5) Storage of junked and/or nuisance vehicles is not permitted in the recreational vehicle storage area and/or the overflow parking area.

(15) Dwelling within Mixed Use Structure

- (1) Each dwelling unit shall provide complete, separate, and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Boarding houses, group housing, residential hotels or any residential design, which provides for sharing of kitchen or bath facilities, shall not be permitted.
- (2) All parts of any structure renovated to provide residential units, including parts maintained for non-residential uses, shall fully comply with all applicable provision of the most current edition of the North Carolina State Building Code, as it may be amended from time to time.
- (3) All renovated residential units shall meet the requirements of the City of Asheboro Code of Ordinances, Housing Code.
- (4) No residential conversion shall be permitted on any ground floor in the B-3 zoning district. However, residential conversion on the ground floor is permitted in the OA-6 zoning district subject to the requirements of this section.
- (5) The area, yard and height requirements as set forth in Table 4-1 shall apply to any residential conversion under this Section.
- (6) Sign regulations are as set forth in Chapter 7.

- (7) In the OA-6 district, the parking requirement shall be 2.0 spaces per dwelling unit plus the parking requirement for the other applicable use.
- (8) Plans detailing the proposed conversion shall be submitted for staff review as part of the application. The plans shall be specific to the requirements of the N.C. Building Code and all requirements of this Section. The Building Inspection Department shall be provided with a copy of the plans. A report by the Building Inspection Department shall be required as part of the review process.
- (9) A Certificate of Occupancy shall be obtained before the converted structure is occupied.

(16) Exterminator

Open storage yards are permitted in B2, I1 and I2 districts by right subject to screening and buffering requirements. Open storage is not permitted in the M or B3 Zoning Districts.

(17) Fraternity and Sorority Houses

Minimum lot area shall be at least 6,000 square feet. The maximum floor area ratio shall be as permitted in Table 4-1. A minimum of 250 square feet of floor area shall be provided for each resident. Signs shall be regulated as per Chapter 7. Off-street parking shall be regulated as per Chapter 6. Evidence of authentication of charter shall be submitted with an application for a Certificate of Zoning Compliance

(18) Heliport – Emergency Medical

Accessory to permitted Health Services.

(19) Home Occupation

(1) No home occupation shall be permitted that

- (a) changes the outside appearance of the dwelling unit or is visible from a street;
- (b) generates traffic, parking, sewage or water use in excess of that which is normal in a residential district;
- (c) creates a hazard to persons or property or is a nuisance per se or per accidents;
- (d) utilizes any accessory structure;
- (e) results in outside storage or display of anything;
- (f) results in the erection of any sign for advertising purposes;
- (g) results in more than one employee who is not a resident of the dwelling unit.

(2) The following are permitted home occupations in all residential districts, provided that they meet the requirements of (1), above:

- (a) Tailoring Services (Dressmaking, Alterations, etc.);
 - (b) Painting, sculpturing and writing;
 - (c) Telephone answering service;
 - (d) Home crafts, such as weaving, lapidary, potting;
 - (e) Tutoring or teaching music or dance to no more than four students at a time;
 - (f) Computer programming.
- (3)** The following are prohibited as home occupations:
- (a) Barber shops and beauty parlors;
 - (b) Animal hospitals/vet clinics;
 - (c) Health Practitioners Offices/Health Services;
 - (d) Exercise studios/health/fitness centers;
 - (e) Funeral Parlors/Mortuaries;
 - (f) Nightclubs/Cabarets/Places of Assembly/Membership Organizations;
 - (g) Repair shops;
 - (h) Eating Establishments/Restaurants;
 - (i) Retail Sales;
 - (j) Stables and kennels;
 - (k) Motor vehicle repair (major and minor) and paint shops.
 - (l) Bars/Brewpub and Breweries/Microbreweries;
 - (m) Junkyards;
 - (n) Light/heavy Manufacturing
- (4)** Any proposed home occupation that is neither specifically permitted by paragraph (2) nor prohibited by paragraph (3) shall, in order to be established, obtain a Special Use Permit from the City Council in accordance with Chapter 2.

(20) Kennel

All activities, with the exception of animal exercise areas, shall be conducted within an enclosed, soundproofed building. Exercise areas shall observe a 200 foot setback from any residentially zoned lot lines. The disposal methods for wastes generated shall be reviewed and approved by the appropriate Department of Health. No noise levels above surrounding ambient levels shall be detectable at the zoning lot boundaries of the lot containing the kennel. No odors greater than ambient odors shall be detectable at the zoning lot boundaries of the lot containing the kennel. For the exclusive purpose of interpreting and applying this supplemental regulation, the term "residentially zoned lot" shall include the following zoning districts: R40, R15, R10, R7.5, RA6, and OA6

(21) Lumber and Building Materials Sales

Open storage yards, as an accessory use, are permitted in B2, I1 and I2 districts by right subject to screening and buffering requirements as per Chapter 6.

(22) Mini-Warehouse

Mini-warehouse facilities shall meet the following requirements:

- (1) Such facilities shall front on minor thoroughfares or higher classification streets, as shown on the current Asheboro Comprehensive Transportation Plan.
- (2) Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- (3) Open storage shall be limited to ten percent of the area of the zoning lot
- (4) The storage of junk is prohibited
- (5) The facility shall be enclosed within a perimeter fence or wall of at least 6 feet in height. Such wall or fence shall be coordinated with the requirements for screening and buffering which shall, if required, govern location and type.

(23) Motor Vehicle Repair - Major

Accessory use to a new automobile dealership only.

(24) Nonconforming Buildings and Uses

Nonconforming uses and structures are permitted to continue subject to the regulations of Chapter 8 and specific situations which are to amortize or cease.

(25) Open Storage

All open storage areas where permitted, shall comply with the requirements of the Buffer and Screening regulations in Chapter 6 of this Ordinance.

(26) Radio and TV Receiving Dish

All radio & TV receiving antenna and dish installations shall comply with all regulations of this Ordinance for setback, height and buffer and screening.

(27) Rental/Sales of Domestic Commercial Vehicles

Rental of domestic vehicles may be an accessory use to an established airport/heliport and similar transportation facilities.

(28) Retail Convenience Goods/Retail Shoppers Goods

Accessory use to Planned Unit Developments.

(29) Schools/Nursery/Pre Schools, etc.

This use is to be included in the definition of Day care facilities and regulated as such.

(30) Schools/Public Private (Elementary/High School)

Schools that meet the compulsory educational requirements of the State of North Carolina. Temporary modular classrooms may be located at an existing public, private, or charter school located in the B2 and B3 districts for a period of 18 months from the date of the temporary classroom's certificate of occupancy issuance. Temporary modular classrooms shall not be subject to any Design regulations. Modular classrooms placed on property for longer than 18 months shall be subject to Design regulations

(31) Structure, Accessory; Accessory Apartment

Accessory structures shall be permitted in all districts subject to the Floor Area Ratio restrictions in those Districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot. Accessory structures lawfully in existence prior to the application of these requirements which otherwise conformed to this section shall be considered conforming uses.

- (1)** Accessory detached structures including, but not limited to storage shed, storage tank, greenhouse, horse stall, gazebo or garage shall be permitted in residential districts provided that all of the following are met:

- (a) There shall be a dwelling located on the lot.
- (b) In the R-40, R-15 and R-10 districts, accessory structures shall be located no closer than 10 feet to any rear or side lot line.
- (c) In the R-7.5, RA-6, OA-6, O&I, M and TH districts, accessory structures shall be located no closer than 5 feet to any rear lot line or no closer than 5 feet to side lot line.
- (d) Recreational equipment including but not limited to basketball hoops, slides, swings, jungle gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in residential districts. Recreational vehicles shall comply with setbacks as established in Chapter 3.
- (e) Portable accessory structures may be located no closer than 5 feet to any rear lot line or no closer than 5 feet to side lot line located to the rear of the principal structure.

Portable accessory structures when any portion is located outside the allowable buildable area of the lot, shall meet all the following criteria:

- (i) The structure shall be of the portable type, used exclusively for storage, and no mechanical equipment such as, but not limited to heating, air conditioning, ventilating, or similar equipment, power tools and similar mechanical installations, shall be operated within or attached thereto.
- (ii) There shall be only one portable storage structure per zoning lot. Such structure may have a horizontal dimension not exceeding twelve feet and shall have no other dimension exceeding eight feet.
- (iii) The structure shall be properly anchored.
- (iv) "Portable" shall mean without a permanent foundation and capable of being moved intact.

(2) Accessory Apartments

- (a) No more than one (1) accessory apartment is permitted on the same lot with a principal dwelling, except that one (1) Temporary Family Health Care Structure as defined by G.S. 160D-915 shall be permitted notwithstanding the presence of an accessory apartment.
- (b) The accessory structure setback requirements listed in (1) above shall be met.
- (c) Accessory apartments shall be constructed and located in accordance with the standards set forth in the North Carolina State Building Code. A manufactured/mobile home is not a permitted accessory apartment.
- (d) Except for accessory apartments that qualify as a Temporary Family Health Care Structure as defined by G.S. 160D-915, accessory apartments shall be permitted as an accessory to single-family dwelling only.
- (e) Accessory apartments shall be occupied by individuals that, in combination with the owner(s) or occupant(s), of the principal dwelling, use the zoning lot in a manner functionally equivalent to the land use activities of a group of people substantively structured as an integrated extended family unit with a relatively stable and permanent group composition that is comparable to a single-family occupancy rather than fellow residents in a boarding house.

- (3)** Accessory detached structures in commercial and industrial districts shall be permitted provided that all of the following is met:

- (a) In commercial districts, accessory structures, with the exception of accessory recreational equipment, must meet all setback requirements. Recreational equipment including but not limited to basketball hoops, slides, swings, jungle gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in commercial districts. Equipment, structures, and/or rides associated with Circuses, Carnivals, Fairs, and Limited Duration Events shall not be considered accessory recreational equipment. No accessory structure may be located within any required buffer yard.
- (b) In industrial districts, accessory structures must meet all setback requirements, and no accessory structure may be located within any required buffer yard.
- (4) Accessory structures shall be limited to 25 feet in height except television and radio receiving and transmitting antenna and their supporting structures which shall be permitted to exceed this limit. No such antenna shall be permitted to exceed seventy five (75) feet in height in any residential district or one hundred (100) feet in any other district except as permitted in Section 3.02(B)(4).

(32) Temporary Portable Building – Construction Related

A licensed contractor, engaged upon a construction project for which a Building Permit has been issued by the City of Asheboro, may temporarily use a construction trailer for office facilities in the location where the work is being done; provided such construction trailer shall not be placed upon the streets but upon the property on which the Building Permit authorizes the construction. The construction trailer shall be removed within 30 days after completion of the work for which the permit has been issued. A Zoning Compliance Permit may be issued by the Zoning Administrator for a one-year period for the use of a modular office (of a type approved by the Building Inspection Department), as a temporary office while business properties are being remodeled, provided that it is placed upon the property for which there is a Building Permit issued by the City of Asheboro for the remodeling. The permit shall be for a period of one year or until the remodeling is completed, whichever is the shorter period. The permit may not be renewed after the expiration of the one-year period.

(33) Yard Sale

Regulated as per Asheboro City Code.

(34) Landfills, Sanitary

Publicly owned land being utilized for sanitary landfills or intended for such use prior to the date of adoption of this section shall not be required to obtain a Special Use Permit nor be considered a nonconforming use. Any land purchased after date of adoption shall meet the requirements of this Ordinance.

(35) Landfills, Clean Material

Publicly owned land being utilized for clean material landfills or intended for such use prior to the date of adoption of this section shall not be required to obtain a Special Use Permit nor be considered a nonconforming use. Any land purchased after date of adoption shall meet the requirements of this Ordinance.

(36) Massagist – Therapeutic Health

The use, Therapeutic Health Massagists, is defined as per Title XI, Section 116 of the Asheboro City Code. Additional regulations for said use are contained in Article IV. In the TH District, Therapeutic Health Massagist is a permitted accessory use as an amenity to a resort/hotel use.

(37) Place of Assembly, Commercial

Places of Assembly, Commercial shall only be located on a minor thoroughfare or higher classification street as shown on the current Asheboro Comprehensive Transportation Plan. Vehicular ingress and egress shall be permitted only from the minor thoroughfare or higher classification street.

(38) Agricultural Use/Golf Course

Storage of not more than 2,000 gallons of motor fuels for use by Agricultural- genuine or golf courses, where allowed, shall be permitted as provided containment in an U. L. approved (or other approved testing agency) tank/dispensing system or a tank/dispensing system constructed under NFPA standards. Any installation for the storage of motor fuels shall meet NFPA pamphlet #30 requirements for the containment of spillage, and NC State Building Code/NFPA Standards. All such installations shall be approved by the Asheboro Fire Department.

(39) Country, Racquet, Tennis and Swim Club

Clubs and related activities operated for members only and not available for public use. Related activities may include dining and other food and beverage services.

(40) Place of Assembly, Non Commercial Child Care Center

Childcare centers are permitted as an accessory use to a Place of Assembly, Non Commercial use. The center may not exceed 25% of any measurement of the principal use (square footage, land area, parking, etc.)

(41) Industrial Development with Multiple Uses and/or Structures

This type of development generally includes more than one principle structure and use with associated accessory structures and uses on one zoning lot which will not be subdivided into customary building lots. The development as a whole (including all principle structures and accessory structures) may not exceed the permitted FAR as specified in Table 4-1. All yard, height, setback, parking, buffer and screening etc. requirements of this ordinance shall be met for the development as a whole.

(42) Farmers Market

A Zoning Compliance Permit is required. This classification is not for temporary sales.

(43) Flea Market – Open Air Sales

A Zoning Compliance Permit is required. This classification is not for temporary sales.

(44) Nightclub/Cabaret

These uses shall provide a screening yard width equivalent to or greater than the respective required buffer width in that district. Planting materials (i.e. trees, shrubs, ground cover) shall be equivalent to or greater than the required screen plantings in that district. For example, a nightclub abutting a single-family residential use or zoning shall be required to provide a Type D buffer width (30 feet) with Type D screen plantings.

(45) Vehicle Towing Operations and Storage Facilities

- (1)** Vehicle towing storage facilities, where permitted, are allowed to park, store and maintain a towed vehicle while awaiting proper disposition of said vehicle. Such parking, storage and maintaining shall be located within a fenced and screened area that meets the requirements of Chapter 6. The fenced area shall observe a setback of 25 feet from any residential zoned property. Such areas shall not be used for dismantling of vehicles or the sale of parts.
- (2)** Vehicles may be stored in entirely enclosed structure(s) as long as the structure(s) meets the regulatory requirements of the Zoning Ordinance and all building and fire code regulations. The indoor storage of vehicles shall be considered a warehouse use. Vehicles stored in such an entirely enclosed warehouse do not have to comply with the open storage requirements of Chapter 6.
- (3)** Open storage of commercial vehicles engaged in the operation of a vehicle towing operation and storage business (i.e. tow trucks) shall be required to be screened in accordance with the requirements of Chapter 6 unless such vehicles are located within an entirely enclosed structure which meets all applicable zoning, building and fire codes.
- (4)** In all cases, the buffering and screening requirements of Chapter 6 related to buffering and screening of adjoining uses shall apply to vehicle towing operations and/or vehicle storage facilities. If a vehicle storage facility and vehicle towing operation remove one of these uses, the deletion of one use shall not be considered a change of use. However, when a use (either vehicle towing operation and/or vehicle storage facility) adds the other use, this addition shall be considered a change of use.

(46) Model Dwelling Units.

- (1)** In any residential district, the developers, builders or their agents may operate three model dwelling units as a sales office for the specific project under construction, subject to the following restrictions:

- (a) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
 - (b) Signs shall not be illuminated.
 - (c) The model dwelling unit shall not be used for any business activity, other than showing, later than 9:00 p.m.
 - (d) At least two off-street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project.
 - (e) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.
- (2) Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

(47) Boarding/Rooming House

- (1) A boarding/rooming house shall contain a maximum of 2 adult roomers.
- (2) A boarding house shall provide a resident manager.
- (3) No parking spaces shall be located between the principal structure and the street right-of-way.
- (4) All parking surfaces (including parking spaces, maneuvering and access areas) shall have a paved surface and be designed according to Chapter 6.
- (5) Front yard landscaping is required per the requirements of Chapter 6.
- (6) No such use shall be located within 1000 feet of another such use, as measured from the zoning lot line.

(48) Emergency Shelters

- (1) The facility shall provide on-site supervision by employee(s) or volunteers at all times the shelter is in operation.
- (2) The facility shall only operate for the duration of the emergency event(s) for which the shelter was initially opened. When the facility is no longer addressing the needs arising out of an identifiable emergency, the status of the facility's compliance with the zoning ordinance shall be evaluated on the basis of the land use classification applicable to the zoning lot when the facility is not utilized to respond to emergency events.

- (3) The facility shall meet all applicable building and fire codes.

(49) Adult Establishments General

(1) Distance Requirements

- (a) No Adult Establishment General shall be located within 500 feet of any residentially zoned property. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the residentially zoned lot line or property, whether such district or use is located within the City of Asheboro jurisdiction or not.
- (b) No Adult Establishment General shall be located within 500 feet of any church, synagogue, mosque, and/or any other place of worship. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the church, synagogue, mosque, and/or any other place of worship, whether such use is located within the City of Asheboro jurisdiction or not.
- (c) No Adult Establishment General shall be located within 500 feet of any school (public or private), park, or child daycare use. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the school (public or private), park, or child daycare use, whether such use is located within the City of Asheboro jurisdiction or not.
- (d) No Adult Establishment General shall be located within 1,000 feet of any other such use or any Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the existing Adult Establishment General or an Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages.
- (e) No Adult Establishment General shall be located on the same zoning lot as any other such use or Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages.

(2) Signs

- (a) Ground Signs: All lots (both corner and interior) on which an Adult Establishment General is located upon shall be limited to one (1) Free-Standing (Monument) sign not to exceed six (6) feet in height. In no case shall the size of the sign exceed seventy-five (75) square feet.
- (b) Wall Signs: A one square foot sign may be placed on the door to state hours of operation and admittance to adults only. Otherwise, no wall signs shall be permitted on buildings within which an adult establishment is located.

- (c) No depictions/images of obscenity (as defined by North Carolina statutory and case law) or specified anatomical areas or specified sexual activities (as defined in Chapter 1) shall be displayed in any area, including window areas, where they can be viewed from any public street, public right-of-way, or public vehicular area.
- (d) No sign shall be colored or treated in high intensity colors (for example, pink, blue, green, purple, yellow, red, orange, etc.) florescent, or metallic colors. Earth color tones shall be considered acceptable.
- (e) The exterior signage permitted for an Adult Establishment General is strictly limited to the ground sign and wall sign described above.

(3) Building Design

- (a) Building design requirements apply to principal and accessory structures. In addition to the provisions of this section, all other design and performance standards applicable to the zoning district in which the use is located shall apply.
- (b) All windows, doors, openings, entrances, etc., shall be located, covered, screened, or otherwise treated so the views into the interior of the establishment are not possible from any public street, public right-of-way, or public vehicular area. Windows shall not be covered with any of the following:
 - (i) Unfinished wood, concrete block (except split-faced block), vinyl siding, metal panels, metal painted panels and any metal panel with "rib" or "u" configuration.
 - (ii) Laminated, composite or press board wood type materials (composed of layers of firmly united wood materials - made by bonding or impregnating superposed layers with resin and compressed under heat).
 - (iii) Metal panels with galvanized, aluminum, or aluminum zinc finishes except metal laminated architectural materials (such as Alucobond®) are a permitted material).
- (c) Fences: No fence, except where required for buffer or screening, shall be permitted any closer to the public right-of-way than the front of the principal structure.

(4) Change of Use

Notwithstanding any other provision of this ordinance, a land use application for any adult establishment general shall constitute a change of use. This provision shall apply to a single use and/or structure and multi-uses and/or structures.

(5) Landscaping

Landscaping shall be designated as a Type 3 on the buffer and screen matrix (Chapter 6) with the following modification: The width of the landscaping shall be consistent with a buffer width for

the respective abutting use or zoning, and planting materials (i.e. trees, shrubs, ground cover) shall be consistent with the requirements for the required screening plantings for the respective abutting use or zoning.

(6) Lighting

No colored exterior lighting shall be permitted.

(50) Manufactured Homes/Mobile Homes

(1) Class A and Class B manufactured homes shall meet the following requirements:

- (a) The home shall be used for single-family residential purposes.
- (b) A continuous, uniform foundation enclosure, un-pierced except for required ventilation and access, shall be installed under all elements of the building. The enclosure may consist of brick, stucco, stone, split-faced concrete masonry unit, concrete block, vinyl or metal fabricated for this purpose.
- (c) Entrances: Exterior steps, stairways, stairs, porches, entrance platforms, landings, ramps, and other means of entrance and exit shall be installed or constructed in accordance with the latest edition of the State of North Carolina Regulations for Manufactured Homes set by the North Carolina Building Code Council and North Carolina Department of Insurance.

(2) The Zoning Administrator shall use the following criteria in determining the Class A classification of mobile homes:

- (a) The pitch of the main roof of the building shall have a minimum rise of 2.4/12.
- (b) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material.
- (c) A continuous, uniform foundation enclosure, un-pierced except for required ventilation and access, shall be installed under all elements of the building. The enclosure may consist of brick, stucco, stone, or split-faced concrete masonry unit.
- (d) Undercarriage of the chassis shall be removed upon final placement of unit. The towing tongue may be removed if attached by bolts or anchor or a similar removable method. If the towing tongue is not removable, then the tongue must be included within the foundation with materials specified in C above.
- (e) In addition to meeting classification standards any home permitted on an individual lot shall be located so that its longest dimension is parallel to or at least not more than 30 degrees from parallel to the front of the lot. For the purpose of this regulation in the case of a corner lot the street with the greatest frontage shall be considered the front.

(51) Open Air Sales, Accessory, Seasonal/Produce Sales, and Limited Duration Events

This section is designed to provide businesses the opportunity for temporary uses without endangering the public health, safety and general welfare.

- (1)** The following provisions shall apply to Open Air Sales, Accessory/ Seasonal/Produce Sales, and Limited Duration Events:

 - (a) No structures, sales, displays, rides, or activities pertaining to the event or sale are permitted in any required setback, public or private right of way or landscaping areas (Front yard landscaping per Chapter 6, or required screening/buffers per Chapter 6).
 - (b) No use regulated by this section may occupy required parking spaces, access, maneuvering areas, or loading spaces or areas.
- (2)** The following provisions apply to Open Air Sales, Accessory:

Open Air Sales, Accessory are permitted without a Zoning Compliance Permit subject to the following:

 - (a) Open air sales, accessory must be directly subordinate to the operations of the permittee engaging in the principal use on the zoning lot (i.e. outdoor sales of auto parts at an auto parts store, clothing brought outside a clothing store, etc.) and meet the requirements of (1) above are permitted.
 - (b) Food vendors are allowed solely as a promotional tool in conjunction with Open Air Sales, Accessory.
- (3)** The following provisions apply to seasonal/produce sales:

 - (a) A zoning lot may be utilized for this use twice within any calendar year. Each occurrence of this use on a zoning lot shall be limited to ninety (90) days.
 - (b) Signs shall be regulated by Chapter 7.
 - (c) This use requires parking as specified by Table 6-1, in addition to the required parking provided for the principal use of the property.
 - (d) Written permission of the property owner that seasonal/produce sales use may occur on the property is required.
 - (e) Restroom facilities are required based on the North Carolina Building Code.
 - (f) An application for this use shall be submitted at least five (5) business days prior to the event.

- (g) A site plan showing sales/display areas, and existing and proposed structures, access, parking and maneuvering areas is required. Certain requirements of this Ordinance do not apply, specifically; protective yards, screening of mechanical equipment, screening of solid waste storage, and front yard landscaping, and parking paving and landscaping regulations as specified in Chapter 6. A statement shall be included on the site plan that the use meets all applicable performance standards (noise, lighting, etc.)
- (4) The following provisions apply to limited duration events:
 - (a) Limited duration events shall include circuses, carnivals, fairs, concerts, and similar events. Limited duration events shall not include uses such as, but not limited to, sales of goods, yard sales, carwashes, and commercial services.
 - (b) The event shall occur for 21 days or less.
 - (c) Signs shall be regulated by Chapter 7.
 - (d) Temporary uses require parking as specified by Chapter 6, in addition to the required parking provided for the principal use of the property.
 - (e) Written permission of the property owner that the limited duration event may occur on the property is required.
 - (f) Restroom facilities are required based on the North Carolina Building Code.
 - (g) An application for this use shall be submitted at least five (5) business days prior to the event.
 - (h) A site plan identifying event areas, and existing and proposed structures, access, parking and maneuvering areas is required. Certain requirements of this Ordinance do not apply, specifically; protective yards, screening of mechanical equipment, screening of solid waste storage, and front yard landscaping, and parking paving and landscaping regulations as specified in Chapter 6. A statement shall be included on the site plan that the use meets all applicable performance standards (noise, lighting, etc.)
 - (i) Concerts in all public school facilities and all public parks, without regard as to Zoning District, are permitted without a Zoning Compliance Permit.

(52) Telecommunication Towers and Facilities

In recognition of the Telecommunication Act of 1996 it is the intent of the City of Asheboro to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Asheboro and its ETJ. Wireless towers may be considered undesirable with other types of uses, most notably residential; therefore special

regulations are necessary to ensure that any adverse effects of existing and future developments are mitigated.

(1) General Guidelines

The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by Administrative or Special Use approval:

- (a) The perimeter around the base of the tower and all guy anchors shall be surrounded by a security fence or wall at least eight (8) feet in height, unless the entirety of the tower and guy anchor(s) are mounted on a structure above eight (8) feet in height. The guy towers may be fenced separately in order to comply with this subsection.
- (b) Before any communications tower is approved, a site plan showing location and height of existing and proposed tower(s), guys, and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
- (c) Towers constructed in the Asheboro zoning district shall be of the monopole type, unless provider can document that reasonable service could not be provided by a monopole tower.
- (d) No buildings associated with a communications tower within a residential district may be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment, instruments, or anything else on the site.
- (e) Commercial advertising shall not be allowed on the tower or any of its related facilities, however, an identification wall sign is allowed on any equipment shelter, provided it not exceed ten (10) percent of wall area.
- (f) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 3.02(B)(5). Such evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward, causing no threat to persons or property on adjoining zoning lots. The cost of all engineering evidence shall be at the expense of the applicant. In addition, proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.
- (g) The maximum height of any tower located in all zoning districts is 199.9 feet, unless documentation is provided to show a taller tower is needed for minimal service and

need. A tower exceeding 199.9 feet requires the applicant to apply documentation is provided to show a taller tower is needed for minimal service and need. A tower exceeding 199.9 feet requires the applicant to apply for a Special Use Permit.

- (h) The minimum lot size requirement for any telecommunications tower shall be two (2) acres. The minimum lot size does not apply if the telecommunications provider can locate stealth antennas on existing structures or buildings.
- (i) No outside storage shall be allowed on any communication facility site.
- (j) Any driveway accessing a telecommunications facility shall be paved or gravel, at least fifteen (15) feet wide, and well maintained.
- (k) Setback requirements in all residential zoning districts shall be one and one half feet for every one (1) foot of tower height and one foot for per 1 foot of tower height in commercial and industrial districts. In all zoning districts setbacks shall be measured from the edge of all property lines to the edge of the concrete pad.
- (l) Before any permit is issued for the construction of a telecommunications tower, each applicant for approval of any new tower shall provide the Zoning Administrator with an inventory of existing towers located within 20,000 feet of the area of the proposed area for the tower including specific information concerning location, height, and design of each tower; including sound engineering evidence why any proposed towers could not be added onto existing towers. Such information may be shared with other organizations proposing to locate towers within the governing district, without representing such sights are appropriate.
- (m) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- (n) No telecommunications tower shall be allowed within the front yard of any existing development.
- (o) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right-of-way or a nuisance to pilots.

(2) Structures Not Subject to Control

- (a) Any private tower structure erected solely for residential or noncommercial (civic, religious, and the like) use such as television antennas, satellite dishes, or amateur radio antennas.
- (b) Telephone or utility poles erected for the sole purpose of providing basic electrical coverage or non-cellular telephone coverage.

- (c) Alternative freestanding tower structures such as clocks, steeples, bell towers, and the like; which are not used for telecommunications purposes. Such structures must comply with all other sections of the Zoning Ordinance.

(3) Administrative Approvals

The Zoning Administrator may approve the following uses after an administrative review is conducted. Such approval shall be contingent on the satisfaction of criteria listed in this Section and Chapter 2.

- (a) Installation of an antenna on any existing structure other than a tower, residential structure, or alternative tower structure, (such as a non-residential building or water tower) that is greater than fifty (50) feet in height so long as the addition adds no more than twenty (20) feet to the height of the existing structure.
- (b) Installation of an antenna on any existing structure other than a tower, residential structure or alternative tower structure, (such as a non-residential building or water tower) that is less than fifty (50) feet in height, so long as such addition adds no more than (20) feet, or doubles total height of building, whichever is less.
- (c) Installation of an antenna on an existing tower of any height, including the placement of additional buildings directly related to such use, so long as the antenna adds no more than twenty (20) feet, or twenty-five (25) percent (whichever is greater) to the height of the existing tower.
- (d) Construction of new tower or antenna, including structures or equipment used in connection with the tower or antenna not to exceed 199.9 feet and not located within the Airport Overlay Zone.

(4) Landscaping

In order to screen fencing and supports of telecommunication towers from view, the following landscaping requirements shall be met:

- (a) All commercial districts shall follow Screen C
- (b) All OA-6 districts shall follow Screen C
- (c) All residential districts shall follow Screen D

(53) Solar Farms in Industrial Zoning Districts

(1) Intent

This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare.

(2) General Requirements

The following provisions shall apply to Solar Farms located in Industrial Zoning Districts:

- (a) All structures and equipment associated with solar farms shall observe setbacks specified by Table 4-1, as modified by Front Yard Averaging requirements (Chapter 3)
- (b) Front yard landscaping that meets the requirements of Chapter 6 is required.
- (c) Buffering/screening shall be installed as prescribed by the requirements of a Group 1 use in the Buffering and Screening Matrix of Chapter 6. Exception: No buffering is required for portions of the zoning lot in which structure(s), solar collectors/equipment, and parking associated with the solar farm are one hundred (100) feet or more from the zoning lot boundary. On all other portions of the zoning lot in which these features are less than one hundred (100) feet from the zoning lot boundary, buffer/screen requirements shall apply.
- (d) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

(54) Microbrewery

A microbrewery shall meet the following requirements:

- (1) Areas for demonstration, education, retail sales or tasting shall be included in the B3 District.
- (2) Excluding areas for demonstration, education, retail sales, or tasting, a microbrewery shall not exceed 7,000 square feet in area in B3 district.
- (3) Open storage of materials shall not be permitted in non-industrial districts.
- (4) No Drive Through is permitted.
- (5) A microbrewery shall have an off-street or alley loading space in accordance with Chapter 6 in every zoning district where permitted, including the B3 district.

(55) Motor Vehicle Repair – Minor & Major

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

- (1) Outdoor sales and display shall only be permitted within an area not greater than five hundred (500) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater.

- (2) Outdoor sales and display shall not occur within twenty-five (25) feet of a public right-of-way
- (3) Outdoor sales and display shall be located at least thirty (30) feet from any residentially zoned property.
- (4) Item(s) shall not exceed five (5) feet in height, either individually or stacked.
- (5) Outdoor sales and display of items shall be located on an impervious surface.
- (6) Outdoor sales and display items shall be removed daily at the close of business and placed within an enclosed structure or Open Storage area meeting the requirements of Chapter 6.
- (7) Outdoor sales and display of items shall not occupy required parking, loading, buffer/screen, or landscaping areas.

(56) Recreational Vehicle/Travel Park/Camp

- (1) Use shall have a minimum area of two acres.
- (2) No recreational vehicle space, travel trailer space or campsite shall be closer than 60 feet to a public right-of-way or 100 feet to a property line of a contiguous residentially zoned property that is developed with a residential use.
- (3) The minimum area occupied by any recreational vehicle or other camping structure shall be fifteen hundred square feet with a minimum width of thirty feet.
- (4) A clearance of at least twenty feet shall be maintained between each recreational vehicle, camping structure and/or building within the park.
- (5) Use shall have direct access to a minor thoroughfare or higher classification street, as shown on the Asheboro Comprehensive Transportation Plan. Recreational vehicle spaces, travel trailer spaces and campsites shall only have direct access to an internal private street which accesses a public street: none shall have direct access to a public street.
- (6) Notwithstanding Chapter 6, all recreational vehicle spaces, travel trailer spaces and campsites shall abut a driveway which shall be all-weather surface and maintained in a serviceable condition to a continuous width of twenty-five feet.
- (7) Notwithstanding Chapter 6, required parking areas shall be all weather surface.
- (8) Permanent residency shall be prohibited except for full-time facility employees acting as property caretaker(s). Occupancy by non-caretakers extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent residency and is prohibited.

- (9) Use shall provide 2 toilets and lavatories for the first 25 sites and two toilets and lavatories for each additional 25 sites, or fraction thereof, which do not possess a sewer connection.
- (10) The use, parking, or storage of any manufactured/mobile home shall be prohibited.
- (11) Notwithstanding Chapter 6, only building facades visible from a public right-of-way shall be required to comply with building design standards.
- (12) All garbage and refuse shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every campsite except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. It shall be the duty of the park/camp operator to see that all garbage and refuse is disposed of regularly. It shall also be the duty of the park/camp operator to see that no materials which attract insects or rodents is stored or allowed to remain on the premises. All areas of the premises shall be kept clean and free from weeds or undergrowth.

5.05 SPECIAL USE REGULATIONS

(1) Adult Day Care Facilities for more than thirty (30) clients

Adult Day Care Facilities for more than thirty (30) clients may be permitted in B2 and B3 districts provided that the following requirements are met:

- (1) Adult Day Care Facilities must meet the standards provided by the Division of Social Services. Evidence that standards are met shall be presented to the City prior to any Certificate of Zoning Compliance being issued.
- (2) Facilities permitted in any B2 and B3 Districts or that are contiguous to any residential district shall provide screening around parking areas to avoid any nuisance to adjoining residentially zoned property.
- (3) Facilities permitted in any residential district shall maintain the character and appearance of a residential use.
- (4) All facilities shall meet the standards of the N. C. Building Code.
- (5) Offstreet parking shall be provided in accordance with Chapter 6.
- (6) Applications for permits under this Section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.

(2) Airport/Heliport

An airport/heliport may be permitted in I1, I2, and I3 districts subject to the following requirements:

- (1) Airport/heliport developments shall meet the requirements of the FAA.
- (2) In addition to site plans required, a full master plan including plans or information detailing flight approach patterns and noise cones shall be presented. All plans shall be drawn by a registered professional authorized to design airports.
- (3) Airports/heliports shall be so located and designed as to minimize disturbance of residential areas located outside of approved noise cone contours.
- (4) No structures, runways, taxiways, tiedown areas, parking lots, towers, beacons, etc., shall be located within 50 feet of any property line.
- (5) No petroleum storage tanks or refueling facilities shall be located within 100 feet of any property line.
- (6) All outdoor lighting except navigational, safety, and other lighting related to aircraft operations, shall be so designed as to not disturb adjoining properties.
- (7) Signs shall be regulated as per Chapter 7.
- (8) Offstreet parking shall be as per Chapter 6.

(3) Child Day Care Facilities

Child Day Care Facilities may be permitted provided that the following requirements are met:

- (1) Child Day Care Facilities must meet the standards provided by the Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the City prior to any Certificate of Zoning Compliance being issued.
- (2) Child Day Care Facilities may be permitted in Industrial Districts provided they are operated as an accessory use to a legal permitted use.
- (3) Facilities permitted in any Residential, OA6, O & I and B1, B2 and B3 Districts or that are contiguous to any residential district shall provide screening around play areas and parking areas to avoid any nuisance to adjoining residentially zoned property.
- (4) Facilities permitted in any residential district shall maintain the character and appearance of a residential use.
- (5) All facilities shall meet the standards of the N. C. Building Code.

- (6) Offstreet parking shall be provided in accordance with Chapter 6.
- (7) Applications for permits under this Section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; play areas; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.

(4) Colleges/Universities

A parochial or private college or seminary shall be permitted in R40, R15, R10, R7.5, RA6, OA6 and O&I districts subject to the following standards. Customary accessory uses to colleges shall also be permitted. This does not include sorority or fraternity houses.

- (1) The site for any parochial or private college or seminary shall have an area of at least 10 acres, plus 5 acres for each 100 pupils, or major portion thereof, in excess of 400 pupils. Such a site shall have a frontage on a major or minor thoroughfare as shown on the Asheboro Thoroughfare Plan.
- (2) All buildings shall be located at least 100 feet from street lines and at least 50 feet from all other property lines. Grandstands, gymnasiums, central heating plants, and similar buildings shall be set back at least 100 feet from all property lines. The distance between buildings shall be at least the height of the taller building. Total coverage of the site by all buildings shall be limited to 30%. Dormitories and single-family dwellings shall be permitted as accessory buildings, provided that the minimum area of the site shall be increased by at least 1,000 square feet for each dormitory bed and by at least the minimum lot area of the applicable zoning district for each single-family dwelling. Use of such dormitories or dwellings shall be limited exclusively to students, teachers or other members of the staff of the school or college, and a dormitory or dwelling shall not subsequently be sold or rented as a private residence, or for any other legal use, unless the building and any required lot surrounding it shall meet all regulations of the district in which it is located.
- (3) Any playgrounds or playfields shall be located not closer than 50 feet to any property line.
- (4) Buffering and screening shall be installed and maintained as set forth in Chapter 6.
- (5) Off-street parking and loading shall be provided in accordance with Chapter 6.

(5) Combustible Liquid Storage in Quantities Greater than 2,000 but less than 100,000 Gallons Aggregate:

Combustible liquid storage, above ground, for wholesale or retail distribution of more than 2,000 but less than 100,000 gallons aggregate storage capacity, may be permitted in I1, I2 and I3 Industrial Districts subject to the following requirements.

- (1) The requirements of the NFPA Standards shall be met.

- (2) All storage tanks and loading facilities shall be located at least twenty-five (25) feet from any exterior property line.
- (3) All storage tanks and loading facilities shall be located at least one hundred (100) feet from any exterior property line bordering a residential district.
- (4) As a prerequisite to the approval of a Special Use Permit, the City Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of residential or other properties in the area, and that vehicular access to the storage facility will be provided from major thoroughfares and will not require the use of residential streets for access to the site.
- (5) Off-street parking and loading shall be provided in accordance with Chapter 6.
- (6) Buffers and screening shall be installed as required by Chapter 6.
- (6) **Combustible Liquid Storage in Quantities Greater than 100,000 Gallons Aggregate:**
Combustible liquid storage, above ground, for wholesale or retail distribution of more than 100,000 gallons aggregate storage capacity, may be permitted in I2 Industrial Districts subject to the following requirements:
 - (1) The requirements of the NFPA Standards shall be met.
 - (2) All storage tanks and loading facilities shall be located at least fifty (50) feet from any exterior property line.
 - (3) All storage tanks and loading facilities shall be located at least one hundred fifty (150) feet from any exterior property line bordering a residential district.
 - (4) As a prerequisite to the approval of a Special Use Permit, the City Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of residential or other properties in the area, and that vehicular access to the storage facility will be provided from major thoroughfares and will not require the use of residential streets for access to the site.
 - (5) Off-street parking and loading shall be provided in accordance with Chapter 6.
 - (6) Buffers and screening shall be installed as required by Chapter 6.
- (7) **Congregate Living Facilities**
Congregate Living Facilities shall be permitted in R40, R10, R7.5, RA6, OA6 and O & I districts subject to the following requirements:

- (1) Such facilities may be developed, provided the development is located on a minimum of 2 acres.
- (2) Evidence of ongoing discussion with the Division of Facility Services of the Department of Human Resources of the State of North Carolina shall be provided to the City Council prior to permit approval. Evidence shall be submitted to the City prior to issuance of a Certificate of Zoning Compliance that the requirements and standards of the Division of Facility Services of the Department of Human Resources of the State of North Carolina have been and shall continue to be met.
- (3) All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to site plans required, elevations shall be submitted indicating final appearance.
- (4) The Performance Standards established in Chapter 6 for commercial uses shall be met by the proposed facility. All other Ordinance requirements such as but not limited to parking, buffers and screens, signs etc. shall be met. Plans required to be submitted shall detail how all applicable requirements are met.

(8) Cultural Facility

Cultural facilities may be permitted in R40, R15, R10, R7.5 and RA6 districts subject to the following requirements:

- (1) Such facilities shall have a minimum of two acres within the zoning lot.
- (2) No structures or parking areas may be located within 50 feet of any zoning lot line.
- (3) Buffers and screens shall be installed and maintained as per Chapter 6.
- (4) Signs shall be regulated as per Chapter 7.
- (5) Offstreet parking shall be regulated as per Chapter 6.
- (6) The parking areas and walkways shall be illuminated for public safety at night. However, such lighting shall be designed so as not to disturb adjacent properties.

(9) Extraction of Earth Products

Extraction of Earth Products may be permitted in all districts subject to the following requirements:

- (1) In addition to the information required for all applications for approval of Special Uses, the following shall be submitted as part of the application.
 - (a) Three copies of Site Plan, prepared by a North Carolina Registered Land Surveyor or Engineer, which shall contain the following:

- (i) North Point, scale and date.
 - (ii) Extent of area to be excavated or mined.
 - (iii) Locations, width and elevation of all easements and rights-of-way within or adjacent to the extraction site.
 - (iv) Location of all existing or proposed structures on site.
 - (v) Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
 - (vi) Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
 - (vii) Actual field topography survey at a contour interval of five feet based on mean sea level datum.
 - (viii) Proposed handling and storage areas for overburden, byproducts and excavated materials.
 - (ix) Proposed fencing, screening and gates; parking, service and other areas.
 - (x) Any areas proposed for ponding.
 - (xi) Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site shall be shown.
- (b) An Operations Plan, which shall include:
- (i) The date proposed to commence operations and their expected duration.
 - (ii) Proposed hours and days of operations.
 - (iii) Estimated type and volume of extraction.
 - (iv) Description of method of operation, including the disposition of topsoil, overburden and byproducts.
 - (v) Description of equipment to be used in the extraction process.
 - (vi) Any phasing of the operation and the relationship among the various phases.
 - (vii) Operating practices which will be followed to comply with the performance standards applicable to the operation.

- (c) A Rehabilitation Plan, which shall include:
 - (i) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
 - (ii) A map showing the final topography, after rehabilitation, to the same scale as the Site Plan; it shall also depict any water areas and methods for preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed and the amount and type of backfill to be employed, if any.
 - (iii) A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be complete.
 - (iv) The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
 - (v) The name, address and signatures of land owners and applicants.
 - (vi) A written legal description of survey of the property, prepared by a North Carolina Registered Land Surveyor or Engineer.
 - (vii) A fee, as set by the City Council.
- (2) The following standards shall be used in evaluating an application for a permit to conduct extraction of earth products:
 - (a) All operations associated with extraction shall conform to the following performance standards:
 - (i) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
 - (ii) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:

between 7:00 a.m. and 7:00 p.m. 68 dBA

between 7:00 p.m. and 7:00 a.m. 58 dBA
 - (iii) Vibration levels at the boundaries of the extraction site shall not exceed the following standards:

Maximum Peak Particle Velocity:

steady state 1.0 inches/second

impact 2.0 inches/second

NOTE: The maximum particle velocity shall be the product of 2 times the frequency in cycles per second times the sum of 3 mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute, shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be 125 decibels on the linear scale.

- (b) The Rehabilitation Plan shall be referred to the Randolph County Soil and Water Conservation District for review and recommendation, which shall not be binding upon the City Council, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- (c) The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust-free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of residentially zoned and shall be treated the same.
- (d) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
- (e) Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet high shall be installed.
- (f) Spoil piles and other accumulations of byproducts shall not be created to a height more than forty feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose.
- (g) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.

- (h) The City Council shall require, for all extractive uses, a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantees shall be in a form approved by the City. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify the costs of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State of North Carolina. If the rehabilitation costs exceed the amount required by the State, then the difference shall be made up in a bond to the City of Asheboro.

(10) Golf Course

Golf courses shall be permitted in R40, R15, R10, R7.5, and RA6 Districts subject to the following regulations:

- (1) If the proposed development includes development lots or housing, the requirements of the Asheboro Subdivision Ordinance shall be met.
- (2) No building other than residential structures shall be located within 100 feet of any property line.
- (3) No green shall be located within 150 feet of any property line.
- (4) Lighting shall be so shielded as to cast no direct light upon adjacent property.
- (5) Signage shall be per Chapter 7.
- (6) Offstreet parking shall be as per Chapter 6.
- (7) Buffers and screening shall be as per Chapter 6.

(11) Home Occupations

Home occupations requiring a SUP hearing shall be permitted subject to the following regulations:

- (1) The approval of a home occupation shall be for a specific use as requested in the application.
- (2) The outside appearance of the dwelling unit shall not change due to the home occupation.
- (3) The home occupation shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
- (4) The home occupation shall not create a hazard to persons or property or as a nuisance per se or per accident.
- (5) The home occupation shall not utilize any accessory structure.
- (6) The home occupation shall not be permitted any outdoor storage or display of anything.

- (7) No advertising signs shall be permitted.
- (8) Parking for home occupations shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Parking within the street right-of-ways is prohibited. All other requirements of Chapter 6 shall be met.
- (9) In addition to site plan required by this section, information or plans indicating compliance with the above regulations shall be submitted with the SUP application.

(12) Junkyards

Junkyards shall be permitted in I1 and I2 Districts subject to the following requirements:

- (1) The site shall have direct access to a major or minor thoroughfare as shown on the Asheboro Thoroughfare Plan.
- (2) No such activities shall be permitted within 200 feet of any residential district.
- (3) Buffers and screens shall be provided as per Chapter 6.
- (4) No materials shall be stored closer than 30 feet from the zoning lot lines.
- (5) Plans for handling hazardous materials shall be submitted along with the application for a Special Use Permit which indicates compliance with all applicable regulations.
- (6) Signage shall be regulated as per Chapter 7.
- (7) No materials shall be permitted to accumulate outside of screened areas or within any public right-of-way.
- (8) Storage of combustible materials shall be in accordance with NFPA standards. The Fire Department with jurisdiction over this proposed site shall review plans for storage of combustible materials. A statement of compliance with NFPA standards shall be submitted along with the application for SUP. In no case, shall combustible materials be permitted within 30 feet of a zoning lot line.

(13) Landfills, Sanitary

Sanitary Landfills may be permitted in I1 and I2 districts subject to the following requirements:

- (1) The site shall have direct access to a major/minor thoroughfare or a state secondary roads as shown on the Asheboro Thoroughfare Plan, or a road designed for commercial vehicles which connects directly to such street. No access shall be through local residential streets.
- (2) The site shall be fenced by a six-foot high fence or masonry wall.
- (3) The landfill shall not be located:

- (a) Within one hundred feet of any right-of-way line of a publicly-owned road, street, or highway;
 - (b) Within one hundred feet of the boundary line of a publicly-owned drainage or utility easement;
 - (c) Within five hundred feet of any interior lot line;
 - (d) Within one thousand feet of a school, measured along the shortest distance between the perimeter of the landfill and the boundary of the property upon which the school is situated;
- (4) The developer shall provide the following information, in addition to the general information required in Chapter 2:
- (a) The haul routes and points of access to the property.
 - (b) The proposed date that the land alteration will commence and the projected date of completion.
 - (c) Evidence that all requirements of the State of North Carolina and the United States have been and shall continue to be met.
 - (d) An explanation of the volume of waste to be received, expressed in cubic yards per day or tons per day.
 - (e) An explanation of the type of landfill requested and type of wastes to be received.
 - (f) A statement specifying the hours of operation.

(14) Manufacturing, Processing and Assembly, Light

Light manufacturing activities may be permitted in B2 districts subject to the following standards:

- (1) Off-street parking and loading spaces provided in accordance with Chapter 6.
- (2) The applicant shall have adequate utilities (water, sewerage, etc.,) so that the proposed operation shall meet the requirements of the City Fire, Building Inspection, and Engineering Departments.
- (3) The activity shall not endanger, damage, or have any other undesirable effects upon nearby non-industrial development by reason of its existence and operation.
- (4) Buffering and screening shall be required as set forth in Chapter 6.

- (5) Approvals granted under this section shall be for one specific use, to be identified by the applicant at the time of application, and shall not be transferable to other light industrial uses. Requests for such changes in use shall be covered by the submission of a separate Special Use Permit Application.
- (6) Light Manufacturing, Processing and Assembly as permitted by this SUP shall mean activities which are conducted within a fully enclosed structure, require no outdoor storage, utilizes no boilers or other equipment in excess of 25 HP individually, and employ a total of 10 or fewer employees.

(15) Manufactured Home Parks

Manufactured home parks may be permitted in an R40, R10, R7.5, and RA6 District, subject to the following regulations. The yard and height regulations set forth in Table 4-1 may be modified for a manufactured home park, provided that, for such development as a whole, excluding driveways and streets but including parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.

These regulations shall not apply to sales lots on which unoccupied manufactured homes are parked.

- (1) The minimum site area for a manufactured home park shall be one zoning lot or parcel of land containing not less than three (3) acres.
- (2) A manufactured home lot shall be at least sixty (60) feet in width, and shall contain at least 6,000 square feet of area.
- (3) An engineering study of storm water runoff shall be made. If such study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10 year storm to predevelopment flow rate. Prior to a Certificate of Occupancy, a Professional Engineer shall provide certification that the storm water controls were built according to the plans. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
- (4) Off-street parking spaces shall be provided within each manufactured home park on the ratio of at least two (2) spaces per manufactured home lot.
- (5) There shall be a front yard of at least twenty (20) feet between any manufactured home and the internal roadway. Where exterior property lines of the manufactured home park are coincident with public street rights-of-way, all manufactured homes and structures within the park along such rights-of-way shall observe the front yard setback from such right-of-way as required by this ordinance.

- (6) There shall be a side yard along each side of every manufactured home lot. Each side yard shall be at least ten (10) feet wide. The distance between manufactured homes, including any enclosed extension thereof, shall not be less than twenty (20) feet. No manufactured home shall be located closer than fifteen (15) feet to any exterior property line of the manufactured home park or to any other structure on the premises.
- (7) There shall be a rear yard of at least 20 feet between any manufactured home and the rear of the lot on which it is located.
- (8) All manufactured home lots shall abut a paved roadway of not less than 22 feet in width which shall provide unobstructed access to a public street or highway. Such roadways shall be illuminated as per city street lighting policy to ensure the safe movement of pedestrians and vehicles at night.
- (9) Buffering and screening shall be installed and maintained as required by Chapter 6.
- (10) Adequate water service and sanitary and storm sewerage shall be provided for each lot. Plans for publicly maintained systems shall be designed by a registered engineer and submitted as part of the application for SUP.
- (11) The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance at all times. Plans to meet this requirement shall be submitted as part of the application for SUP.
- (12) Each manufactured home park shall have a minimum of five percent of the total area set aside and developed for recreational purposes. The required recreation space may include, but not be limited to a swimming pool, picnic areas with tables, basketballs goals with paved play areas, and playground(s) with play equipment. Exterior areas for common passive or active recreation use; i.e, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.
- (13) The required plans shall show the topography of the site at contour intervals no greater than five (5) feet; location and approximate size of all existing and proposed buildings and structures within the site; proposed points of ingress and egress together with the proposed pattern of internal circulation; location and dimensions of individual manufactured home lots; location and types of screening to be provided; and the location and size of open play space and all other accessory features customarily incident to the operation of a manufactured home park. Site plans submitted shall meet all the requirements of Chapter 2.
- (14) Manufactured home parks shall be subject to the regulations within Chapter 9 - Flood Damage Prevention Ordinance.

- (15) Signs shall be regulated by Chapter 7 for the district in which the park is located.
- (16) Manufactured homes offered for sale within the park shall not exceed 10 percent of the total approved spaces at any given time. Every manufactured home offered for sale shall be located only on an approved manufactured home space and shall be subject to the same location requirements as any home within the park. No advertising signs for manufactured home sales shall be permitted except one sign posted outside each manufactured home offered for sale. Such signs shall conform with the regulations in Chapter 7.
- (17) Accessory structures may be permitted for such uses as laundries, offices, recreation, storage, etc. However, the total gross square feet of all building area shall not exceed 5 percent of the total approved park area.
- (18) The park may be developed in phases. Phase 1 shall include the required amenities. No Certificate of Occupancy for any phase of the park shall be issued until all required or proposed improvements are installed for that phase and no permits to locate any home in any phase shall be issued until that phase has received a Certificate of Occupancy.
- (19) A fulltime on-site manager shall be provided for parks having at least 75 sites. An onsite, permanent (not manufactured) office shall be provided for the manager.
- (20) All manufactured homes shall conform to the “Manufactured/Mobile Home” definition as established in Chapter 1.
- (21) A designated and separate storage area for recreational vehicles, boats, and camp travel/trailers shall provide 72 square feet for every required parking space with a minimum of 720 square feet to be provided. Such area(s) shall have screening and landscaping which is consistent with other screening for similar uses (i.e. solid waste and mechanical screening). This area may be fenced. Fencing shall comply with any applicable design standards.
- (22) All manufactured homes shall conform to supplemental regulations of Section 5.04(50).

(16) Planned Unit Development

Planned Unit Developments may be permitted in all districts subject to the following requirements:

(1) Residential Planned Unit Developments

- (a) Residential Planned Unit Developments may be permitted in any R40, R15, R10 R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.
- (b) Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD

requires review as a “major” or “minor” subdivision the Sketch Design Plat shall be properly submitted to Community Development Division staff in accordance with the Asheboro Subdivision Ordinance. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.

- (c) Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
- (d) Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
- (e) The yard and height regulations set forth in Table 4-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common area, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.
- (f) Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
- (g) Provisions and plans for garbage and waste collection shall be included with the application.
- (h) Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Chapter 6.
- (i) Signs will be regulated as per Chapter 7.
- (j) Off street parking shall be provided as per Chapter 6.
- (k) General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.

(2) Commercial and Industrial Planned Unit Developments

- (a) Commercial Planned Unit Developments may be permitted in any OA6, O&I, B1, M, B2, TH and B3 district. Industrial Planned Unit Developments may be permitted in any I1, I2 and I3 zoning district. No minimum acreage requirement applies to commercial and industrial Planned Unit Developments (4/6/00). Only those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.

In instances in which a Commercial Planned Unit Development is proposed, the site plan that is submitted with the PUD Special Use Permit application must show the required and/or proposed common area, lot arrangements, streets, landscaping, lighting, and site improvements that are not encompassed within the individual lots of the Planned Unit Development.

When a proposed Commercial PUD is not located in a Conditional Zoning District and/or does not require a Special Use Permit, the applicant is not required to provide a site plan and/or building elevations detailing each individual use at the time the City Council considers the issuance of a Special Use Permit for a Planned Unit Development. The applicant shall submit to staff all required application materials for a Zoning Compliance Permit as required by Chapter 2 of this Ordinance as each lot develops.

- (b) Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a “major” or “minor” subdivision the Sketch Design Plat shall be properly submitted to Community Development Division staff in accordance with the Asheboro Subdivision Ordinance. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.
- (c) Commercial and Industrial PUDs shall be located so that they have direct access to minor thoroughfares or higher classification streets as shown on the Asheboro Comprehensive Transportation Plan. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
- (d) Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
- (e) The yard and height regulations set forth in Table 4-1 may be modified for a PUD, provided that, for such development as a whole, excluding public streets right-of-ways or the area dedicated to private streets but including individual lots and common area there shall not be less than the required area per unit for the district in which such development is located.
- (f) Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
- (g) Provisions and plans for garbage and waste collection shall be included with the application. All solid waste facility screening as specified by Chapter 6 shall be

screened not only from public right-of-ways and adjacent property but also from view of all private streets and public areas.

- (h) Buffers and screening shall be installed and maintained based on the types of individual uses contained within the development as per Chapter 6.
- (i) Signs will be regulated as per Chapter 7.
- (j) Off street parking shall be provided as per Chapter 6.
- (k) General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application for either the Special Use Permit or the Zoning Compliance Permit (whichever is applicable).
- (l) Within a Commercial and/or Industrial Planned Unit Development, there shall be a 5' street tree planting strip incorporated into common area contiguous to a public street right-of-way or edge of private street pavement unless the development proposes street trees in accordance with Article X, Section F of the Subdivision Ordinance.

Within this 5' street tree-planting strip, the following requirements shall apply:

- (i) 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 or private street with a minimum of one tree required for any distance up to 35 feet. Trees shall not be planted closer than 2 feet from the back of the curb.
- (ii) Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, drought, insects, and diseases and which require little maintenance. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards. The common names of approved small, medium and large maturing trees are found in Appendix A of Section 4.07.
- (iii) The requirements of Section 6.10(G) (location of parking restricted between the street and the building) are not applicable to private or public streets that are proposed within the PUD but are required along existing public right-of-ways.
- (iv) Maintenance of the street tree planting strip shall be the responsibility of the property owners' association.

- (m) Front yard landscaping on existing public streets and sidewalks located on existing public streets shall be installed or guaranteed prior to a Certificate of Occupancy being issued for any building within the PUD.
- (n) The rear or service façade of any structure shall not front any existing public street.
- (o) All design standards shall apply to all structures within a PUD.

(17) Recreational Vehicle/Travel Parks and Camps

Recreational Vehicle/Travel Parks and Camps shall be permitted in R40, TH and B2 districts subject to the following regulations:

- (1) Parks/camps shall have a minimum area of two acres.
- (2) The minimum area occupied by any recreational vehicle or other camping structure shall be fifteen hundred square feet with a minimum width of thirty feet.
- (3) A clearance of at least twenty feet shall be maintained between each recreational vehicle, camping structure and/or building within the park.
- (4) Buffers and screening shall be provided as per Chapter 6.
- (5) All campsites shall abut a driveway which shall be paved and maintained in a serviceable condition to a continuous width of twenty-five feet. All interior drives shall have unobstructed access to a public street.
- (6) The park/camp shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A.
- (7) No recreational vehicle or other camping structure shall stay within any camp for a period of more than thirty days within a six month period.
- (8) Parks/camps shall provide a service building containing toilet facilities provided as set forth below:
 - (a) For each eight spaces or fraction thereof, there shall be provided the following:
 - (i) Male toilets to include one commode, one urinal, one lavatory and one shower.
 - (ii) Female toilets to include two commodes, one lavatory and one shower.
 - (iii) Both toilets shall provide an adequate supply of hot and cold running water.
 - (b) All garbage and refuse in every park/camp shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight fitting

covers. At least one such receptacle shall be provided and conveniently located for every campsite except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. It shall be the duty of the park/camp operator to see that all garbage and refuse is disposed of regularly. It shall also be the duty of the park/camp operator to see that no materials which attract insects or rodents is stored or allowed to remain on the premises. All areas of the premises shall be kept clean and free from weeds or undergrowth.

- (9) Signage shall be limited to one ground sign per establishment. Such sign shall not exceed sixteen square feet, may be illuminated and shall be an identification sign only. Location of sign shall be governed by sign regulations for the R40 district. No advertising signs of any nature shall be permitted.

(18) Schools, Public, Private, Charter Elementary, Middle & High Schools

A public, private or charter elementary, middle or high school shall be subject to the following standards, provided that it is a school in compliance with the N. C. Compulsory Attendance Law. Customary accessory uses to schools shall also be permitted.

- (1) The site for any public, private or charter school serving grades K to 5 shall have an area of at least 3 acres, plus 1/2 acre for each 100 pupils, or major portion thereof, in excess of 300 pupils. Such site shall have frontage on a suitable improved public street.
- (2) The site for any public, private, or charter school serving grades 6 to 12 shall have an area of at least 5 acres, plus 1 acre for each 100 pupils, or major portion thereof, in excess of 250 pupils. Such site shall have frontage on a suitable improved public street.
- (3) All buildings shall be located at least 50 feet from street lines unless lesser setbacks are stipulated by Section 4.07 and at least 20 feet from all other property lines. Grandstands, gymnasiums, central heating plants, and similar buildings shall be set back at least 100 feet from all property lines. The distance between buildings shall be at least the height of the taller building. Total coverage of the site by all buildings shall be limited to 30%. These requirements only apply to new construction and do not apply to a change of use. In the case of an expansion or addition, the underlying zoning district setback requirements, including the provisions of Section 4.07, shall apply.
- (4) A school site shall contain suitable designed and improved outdoor playground or playfield areas.
- (5) Such playgrounds or playfields shall be located not closer than 50 feet to any property line.
- (6) Buffering and screening shall be installed and maintained as set forth in Chapter 6.
- (7) Off-street parking and loading shall be provided in accordance with Chapter 6.

- (8) The parking areas and walkways shall be illuminated for public safety at night. However, such lighting shall be designed so as not to disturb adjacent properties.
- (9) Temporary modular classrooms may be located at an existing public, private, or charter school for a period of 18 months without amendment to an existing SUP. Temporary modular classrooms shall not be subject to any Design regulations. The Zoning Administrator may issue a Zoning Permit with the following restrictions:
 - (a) There shall be an eighteen month time limit from the issuance of a certificate of occupancy for the modular unit.
 - (b) Units shall be “skirted” with opaque vinyl or metal material specifically designed for skirting manufactured structures. The towing tongue shall be removed.
 - (c) Units shall be located to the rear of existing structures.
 - (d) Each unit shall be landscaped. The number of plants required shall be determined by dividing the perimeter measurements of the unit by 15. The plantings shall be located in the manner of foundation plantings and shall have an average height of five feet. The plantings shall be oriented to provide visual softening from adjacent streets and properties. Such plantings may utilize planters if the temporary modular classroom is located on a paved or concrete surface.
 - (e) Schools that will need the temporary classrooms beyond 18 months of the issuance of a certificate of occupancy shall submit an application for a Special Use Permit amendment within the 18 month time period.
- (10) Notwithstanding Chapter 8, a legal non-conforming School is permitted to make minor changes permitted by Chapter 2 whether or not a Special Use Permit has been granted by the Asheboro City Council.

(19) Signs, Off Premise

Off premise signs may be permitted in I1, I2, and I3 Districts in accordance with Chapter 7: Sign Regulations, provided the following additional regulations are met.

- (1) Off premise signs may only be located along existing major thoroughfares or freeways as identified by the adopted Asheboro Thoroughfare Plan.
- (2) The zoning district shall have at least 1,000 linear feet frontage along the major thoroughfare or freeway in question.
- (3) Off premise sign structures shall be located a minimum of 1,000 linear feet apart as measured along the center line of the major thoroughfare or freeway. Only one off premise sign structure may occur every 1,000 linear feet.

- (4) Off premise signs shall not exceed thirty-five (35) feet in height.
- (5) Off premise signs shall be rectangular in shape and no part of the advertising face or copy shall extend or protrude beyond the outer limits of the rectangle.
- (6) No portion of the off premise sign supporting structure shall be visible above the rectangular sign face.
- (7) Off premise signs shall be limited to freestanding ground signs, only.
- (8) No additional signs shall be permitted on any part of the supporting structure or bracing of an off premise sign.
- (9) A billboard sign face area shall not exceed three-hundred (300) square feet in size.
- (10) Off premise signs may only be single-faced, double-faced (back to back) or multi-faced provided that:
 - (a) The total sign faces in any one direction do not exceed size requirements set forth in (9) above.
 - (b) There is a definite distinction (such as a border or trim) between the individual sign faces to separate advertising copy.
 - (c) The backs of back-to-back/double-faced signs are not separated by more than thirty-six (36) inches.
 - (d) Double-faced or multi-faced signs when constructed in the form of a "V" when viewed from above or below, shall not exceed an angle (as measured at the apex) greater than forty-five (45) degrees.
 - (e) Double-faced or multi-faced signs shall be structurally tied together to be considered as one structure.
 - (f) Multi-faced signs shall not have more than two (2) sign faces per structure.
- (11) Landscaping and screening shall be provided subject to the approval of the Planning Department. No undue undercutting of existing vegetation shall be permitted.
- (12) No billboard shall be permitted within 100 linear feet of any residential district (R40, R15, R10, R7.5, and RA6).
- (13) Off premise signs as provided for under Chapter 7 shall not be required to comply with the provisions set forth in this Section.

- (14) Off premise signs must comply with regulations established by the N. C. Board of Transportation. However, the State or city requirement that is more stringent or restrictive shall apply. It is the responsibility of the sign owner to insure compliance with State and city regulations.
- (15) An application for a Special Use Permit as required under this Section shall be accompanied by plans showing the following information:
- (a) Location of the proposed billboard, including setback from public right-of-way.
 - (b) Location of any existing buildings or structures within 100 feet of the proposed billboard.
 - (c) Location of proposed billboard in relation to any residential district (R40, R15, R10, R7.5 and RA6) to enable a determination of compliance with this Section.
 - (d) Size of the proposed billboard including the number of sign faces and their dimensions, as well as the proposed height of said billboard.
 - (e) Proposed method of landscaping and screening.
 - (f) Proposed removal of any existing vegetation.
 - (g) Type of construction material and method of construction.

(20) Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages

(1) Location Standards

- (a) No use permitted under this section shall be located within 500 feet of any residentially zoned property. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the residentially zoned lot line or property, whether such district or use is located within the City of Asheboro jurisdiction or not.
- (b) No use permitted under this section shall be located within 500 feet of any church, synagogue, mosque, and/or any other place of worship. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point of the lot line for the church, synagogue, mosque, and/or any other place of worship, whether such use is located within the City of Asheboro jurisdiction or not.
- (c) No use permitted under this section shall be located within 500 feet of any school (public or private), park, or child daycare use. The distance shall be measured in a straight line from the zoning lot line of the proposed establishment to the nearest point

of the lot line for the school (public or private), park, or child daycare use, whether such use is located within the City of Asheboro jurisdiction or not.

- (d) No use permitted under this section shall be located within 1,000 feet of any other such use or adult establishment general. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages.
- (e) No use permitted under this section shall be located on the same zoning lot as any other such use or Adult Establishment General.

(2) Setbacks

Minimum setbacks as per Table 4-1

(3) Building Design

- (a) Building design requirements apply to principal and accessory structures. In addition to the provisions of this section, all other design and performance standards applicable to the zoning district in which the use is located shall apply.
- (b) The minimum gross floor area shall be 1,500 square feet.
- (c) Prohibited Materials: Materials specifically disallowed as primary siding materials are vinyl and aluminum siding, unfinished wood, and concrete block (except split-faced block). In addition, materials prohibited in Chapter 6 of this ordinance are prohibited.
- (d) All windows, doors, openings, entrances, etc., shall be located, covered, screened, or otherwise treated so the views into the interior of the establishment are not possible from any public street, public right-of-way, or public vehicular area. Windows shall not be covered with any of the following:
 - (i) Unfinished wood, concrete block (except split-faced block), vinyl siding, metal panels, metal painted panels and any metal panel with "rib "or "u" configuration.
 - (ii) Laminated, composite or pressboard wood type materials (composed of layers of firmly united wood materials - made by bonding or impregnating superposed layers with resin and compressed under heat).
 - (iii) Metal panels with galvanized, aluminum, or aluminum zinc finishes (except metal laminated architectural materials (such as Alucobond®) are a permitted material).
- (e) No fence, except where required for buffer or screening, shall be permitted any closer to the public right-of-way than the front of the principal structure.

(4) Landscaping

- (a) Property Lines Not Abutting a Street: Screen D shall be provided in accordance to Chapter 6, with the exception that a wooden fence or berm and planting combination is not permitted.
- (b) Property Lines Abutting a Street: A staggered row of evergreen trees no more than 10 feet apart on center and no less than six feet in height at the time of planting shall be required in addition to standard landscaping requirements of Chapter 6.

(5) Signs

- (a) Ground Signs: All lots (both corner and interior) on which an adult establishment is located upon shall be limited to one (1) Free-Standing (Monument) sign not to exceed six (6) feet in height. In no case shall the size of the sign exceed seventy-five (75) square feet.
- (b) Wall Signs: A one square foot sign may be placed on the door to state hours of operation and admittance to adults only. Otherwise, no wall signs shall be permitted on buildings within which an adult establishment is located.
- (c) No depictions/images of obscenity (as defined by North Carolina statutory and case law) or specified anatomical areas or specified sexual activities (as defined in Chapter 1) shall be displayed in any area, including window areas, where they can be viewed from any public street, public right-of-way, or public vehicular area.
- (d) No sign shall be colored or treated in high intensity colors (for example, pink, blue, green, purple, yellow, red, orange, etc.) florescent, or metallic colors Earth color tones shall be considered acceptable.
- (e) The exterior signage permitted for an Adult Establishment General is strictly limited to the ground sign and wall sign described above.

(6) Lighting

- (a) Glare: The direct light from any source of outdoor lighting shall not be visible from outside the zoning lot.
- (b) In addition to the above, the following specific regulations shall apply:
 - (i) Wall mounted lighting shall consist of full cut-off fixtures (in which no light from the fixture occurs above 90 degrees).
 - (ii) Pole mounted lighting shall consist of full cut-off fixtures.
 - (iii) Canopy lighting shall consist of full cut-off fixtures.

- (iv) Parking lot lighting shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.
- (c) The entire property shall be uniformly lit at no less than one (1) foot-candle and no more than two (2) foot-candles. All applicants must submit a professionally prepared lighting plan.
- (d) No colored exterior lighting shall be permitted.
- (7) Parking**
 - (a) Off-street parking and loading shall be provided in accordance with Chapter 6.
 - (b) Parking shall be located only in front and/or to the side of the building within which an adult establishment is located
- (8) Change of Use**

Notwithstanding any other provision of this ordinance, a land use application for any use permitted under this section shall constitute a change of use. This provision shall apply to a single use and/or structure and multi-uses and/or structures.

(21) Non-Conforming Situations

(1) Non-Conforming Lots

If a non-conforming lot of record cannot be used in conformance with all regulations other than those pertaining to minimum area or width, a Special Use Permit may be issued if the following findings are made:

- (a) the proposed use of the lot is one permitted by the regulations applicable to the district in which the property is located;
- (b) the property can be developed as proposed without any significant negative effect on the surrounding property or the public health, safety or welfare. The City Council may allow deviations from applicable dimensional requirements (such as set-back lines and minimum yard sizes) if it finds that no reasonable use of the property can be made without such deviations.

(2) Non-Conforming Situations - Repairs to Property

Maintenance and repair of property are encouraged. If proposed repairs to a nonconforming property are estimated to exceed 50% or more of the appraised value of the property to be renovated, a Special Use Permit may be issued subject to the following:

- (a) The City Council must find that the proposed repairs or renovation will not result in a violation of Chapter 8 of this Ordinance, dealing with extension or enlargement of nonconforming situations;

- (b) The renovation will not make the property more incompatible with the surrounding neighborhood.
- (c) If reconstruction is done in accordance with the repair of a partially or totally destroyed structure, all work shall proceed in accordance with Chapter 8 of the Ordinance;
- (d) A Building Permit for the repair or renovation must be obtained from the Building Inspector.

(3) Non-Conforming Use - Change to Another Non-Conforming Use

The City Council may issue a Special Use Permit to allow property used for a nonconforming use to be changed for use to a different nonconforming use, if the following findings are made:

- (a) The proposed new nonconforming use will be more compatible with the surrounding neighborhood than the old nonconforming use in operation at the time the permit is applied for;
- (b) If a nonconforming use is changed to any use other than a conforming use without obtaining a Special Use Permit pursuant to Chapter 8 of this Ordinance, that change will constitute a discontinuance of the nonconforming use with consequences as stated in Chapter 8 of this Ordinance.
- (c) The above (a) and (b) shall apply equally to situations including any combination of nonconforming uses, or of conforming and nonconforming uses existing on any one lot or parcel of land.

(4) Reinstatement of a Discontinued Nonconforming Use

If a nonconforming use has been discontinued for a period of 180 days or more, the City Council may issue a Special Use Permit to allow a reinstatement of that nonconforming use, subject to the following:

- (a) The nonconforming use has been discontinued for a period of less than two years;
- (b) The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person or persons maintaining the nonconforming use.

(5) Allowing property to be used for a Conforming use without correcting an existing Nonconforming Situation

The City Council may issue a Special Use Permit to allow property to be used for a conforming use without requiring correction of an existing nonconforming situation, if the following findings are made:

- (a) The nonconforming situation cannot be corrected without undue hardship or expense;

- (b) The nonconforming situation is of a minor nature that does not adversely affect the surrounding property, or the general public, to any significant extent.

(22) Mental Institution/Sanitarium

- (1) All mental institutions/sanitariums shall have direct frontage onto a collector or higher classification street, as shown on the Asheboro Comprehensive Transportation Plan.
- (2) The minimum lot size shall be five acres with a minimum frontage of 200 feet.
- (3) The structures shall be located a minimum of 200 feet from any zoning lot boundary.
- (4) Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. No other external evidence of the mental institution/sanitarium for identification or advertising purposes shall be permitted.
- (5) At the time of the Special Use request, the operator of such a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.
- (6) Buffering and screening shall be as required by Chapter 6.
- (7) Parking shall be provided as required by Chapter 6.
- (8) The facility shall comply with all applicable Federal, State and local requirements.

(23) Professional Recovery Facility

- (1) No such use shall be established within one-half mile of another such use, congregate living facility, or family care home.
- (2) No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.
- (3) At the time of the Special Use request, evidence shall be provided indicating adequate measures to prevent the unauthorized exit of clients.
- (4) The applicant shall prove the ability to meet and, if approved, maintain, all required governmental licensure requirements of any applicable state governmental body responsible for licensing operations of the facility.

(24) Place of Assembly, Non-Commercial in Residential Districts

Place of Assembly, Non-Commercial may be permitted in R40, R15, R10, R7.5, and RA6 Districts subject to the following regulations.

- (1) Place of Assembly, Non-Commercial sites shall contain a minimum of one acre.

- (2) Place of Assembly, Non-Commercial shall meet the requirements of Design Standards for Residential Districts.
- (3) Place of Assembly, Non-Commercial shall provide screening around parking areas to avoid any nuisance to adjoining residential property.
- (4) Parking shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Offstreet parking shall be provided in accordance with Chapter 6.
- (5) Notwithstanding Chapter 8, a legal non-conforming Place of Assembly, Non-Commercial is permitted to make minor changes permitted by Chapter 2 whether or not a Special Use Permit has been granted by the Asheboro City Council.
- (6) Any Place of Assembly, Non-Commercial that was a legal use prior to October 2000 shall not be considered nonconforming due to non-compliance with the requirements of this Section. Any Place of Assembly, Non-Commercial that was a legal use prior to October 2000 shall be permitted to apply for a Special Use Permit as set forth in this Section regardless of non-compliance with Subsections (1), (2), (3) and (4). In reviewing such request all new construction shall comply with Subsections (2), (3) and (5).

(25) Gamerooms

Gamerooms may be permitted in B2, B3 and I 2 districts subject to the following requirements:

- (1) The site shall have direct access to a major or minor thoroughfare as shown on the Thoroughfare plan.
- (2) Off street parking shall be provided as required in Chapter 6.
- (3) A site plan showing compliance with the requirements for a Zoning Compliance Permit, as required by Chapter 2, shall be submitted.
- (4) Signage shall be limited to one ground sign and not more than two wall signs. No portable signs shall be permitted.
- (5) The requirements of Chapter 6 Performance Standards for all Commercial Districts (noise and light) shall be met and maintained.
- (6) No Gameroom shall be located within 1,000 feet of residentially zoned property, as measured from the property line nor shall a game room be located within 1,000 feet of any other such use.
- (7) Activities taking place on the premises shall be confined to the area inside the structure and shall not be visible from the street right-of-way. No outdoor loitering shall be permitted.

- (8) Failure to comply with the plans approved by the City Council or with any conditions imposed upon this Special Use Permit, shall cause the Permit to immediately become void and of no effect as set forth in Chapter 2.
- (9) Gamerooms approved under this Special Use Permit shall be supervised and operated by a person over 18 years of age who;
 - (a) Has not been convicted or plead guilty or no contest to any criminal offense involving moral turpitude, gambling or the unlawful possession, sale, distribution, or use of any alcoholic beverage or controlled substance within the five years next preceding the date of the application for a Special Use Permit; **and**
 - (b) is a resident of NC or does have a registered agent in North Carolina who is authorized to accept service of process.

(26) Transfer Stations

Transfer Stations may be permitted in I1, I2, and I3 districts subject to the following requirements:

- (1) A site plan meeting the requirements of Chapter 2 shall be submitted as part of the application for this permit. The plans shall also incorporate such additional information as required to indicate compliance with other requirements of this section.
- (2) The use shall be located on a minor thoroughfare or higher classification street or within an industrial development with direct access to such thoroughfare (direct access shall mean without having to travel residential streets).
- (3) Actual transfer activities shall be conducted within an enclosed structure.
- (4) All access and maneuvering areas shall have a paved surface meeting the requirements of Chapter 6.
- (5) Stormwater control meeting all local, State and Federal requirements shall be submitted as part of the required plans.
- (6) If the property adjoins residential districts, in addition to the required buffering and screening, a setback of 100 feet for all activities shall be observed.
- (7) At the close of each business day, the facility shall be left in a clean and sanitary manner. Written plans indicating compliance with this requirement shall be submitted as part of the application.
- (8) Evidence of compliance with all applicable requirements of the Zoning Ordinance shall be submitted as part of the application.

(27) Country, Racquet, Tennis & Swim Clubs

- (1)** Country, tennis, racquet and swim club and related activities are for members only and their registered guests and not available to public use. Related activities may include dining and other food and beverage services.
- (2)** The site for any country, tennis, racquet and swim club and related activities shall have an area of at least 3 acres. All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located.

(28) Airport Overlay Zone

- (1)** 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.
- (2)** Any structure permitted to exceed maximum heights permitted in Table 4-1 shall be subject to conditions imposed by this Special Use Permit. Such conditions shall include any requirements of the Asheboro Zoning Ordinance, the FAA, the FCC, and the Asheboro Airport Authority.

(29) Telecommunications Towers

- (1)** All applications for a Special Use Permit for a telecommunication tower must include the following:
 - (a)** Identification of the intended provider(s).
 - (b)** Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
 - (c)** A statement from the owner indicating intent to allow shared use of the owner and how others will be accommodated.
 - (d)** Evidence that the property owners of residentially zoned property within 300 feet of the site have been notified by the applicant of the proposed tower height and design.
 - (e)** Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards.
 - (f)** Documentation that towers over 199.9 feet are necessary for a minimal level of service, if applicable.

- (g) Screening must be shown on the site plan detailing the type, amount of plants, and location.
 - (h) Documentation of crumple zones.
 - (i) Meets the requirements of Sections 5.04(52) and 4.09.
- (2) Special Use Criteria: If any of the requirements which permit approval of a tower by administrative means (described in 5.04(52)(3)) are not met, the tower shall be approved by Special Use only. In addition to compliance with Chapter 2, the following shall be taken into consideration prior to the approval of any new telecommunication tower:
- (a) Evidence that the applicant has investigated other means for locating proposed facilities than construction of a new tower. Such alternative means shall consist of, but are not limited to, consolidating the proposed facility onto an existing tower, stealth technology, or constructed so that it would be permitted as an administratively approved use. Such evidence shall consist of the following:
 - (i) tower height
 - (ii) existing and planned tower uses
 - (iii) assessment of existing tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability
 - (iv) If (iii) cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference.
 - (b) Applicant must send letters to all owners of existing towers within one mile radius of the proposed tower requesting the following information:
 - (i) tower height
 - (ii) existing and planned tower uses
 - (iii) assessment of existing tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability
 - (iv) If (iii) cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference.
 - (c) A copy of all responses of the letter required by (b) above.
 - (d) A summary explanation of why the applicant believes the proposed tower cannot be located on an existing tower.
 - (e) Presentation of sound engineering evidence which demonstrates that the location of a new tower rather than the addition onto an existing tower is necessary to avoid interference; is in the interest of public safety; is technologically necessary; or is more practical in any other relevant way.
 - (f) Sound engineering evidence that the communications tower is designed to support at least one additional telecommunications providers, and a statement that, if

commercially reasonable, the owner would be willing to accommodate additional user(s) to attach communications additions onto the proposed tower, so long as the addition(s) not interfere with the functional purpose of the tower.

(30) Watershed SIA

All applications for a SIA shall include the following:

- (1) Projects must minimize built upon surface area.
- (2) Projects must direct stormwater away from surface waters.
- (3) Projects must incorporate Best Management Practices to minimize quality impacts.
- (4) Projects must be connected to City of Asheboro water and sewer.
- (5) Projects must provide a positive economic benefit and/or housing opportunities to the community.

(31) Residential Townhouse Developments in the B3 District

Townhouses may be permitted in the B3 district subject to the following requirements:

- (1) Review of an application for a Townhouse development SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the Townhouse development requires review as a “major” or “minor” subdivision the Sketch Design Plat shall be properly submitted to Community Development Division staff in accordance with the Asheboro Subdivision Ordinance. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. Approval shall be subject to any conditions of the SUP and granted only after approval of the SUP by the City Council.
- (2) Within a residential townhouse development, all uses permitted in the B3 district shall be permitted as follows;
 - (a) Nonresidential activities may be located only on the ground floor townhouse units;
 - (b) Only 25% of the development’s overall number of units shall be permitted for nonresidential uses;
 - (c) Such use shall be permitted only within structures with frontage on a public street. There shall be a public entrance to nonresidential uses from a public street;
 - (d) All requirements of the North Carolina Building Code shall be satisfied for mixed use residential townhouses;
 - (e) Additional parking for nonresidential uses shall not be required.

- (3) Streets within a Townhouse development may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
- (4) The yard and height regulations set forth in Table 4-1 and Section 4.07 shall be met for Townhouse developments permitted by this Section.
- (5) Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
- (6) Provisions and plans for garbage and waste collection shall be included with the application.
- (7) Street landscaping shall be installed and maintained as per Section 4.07. Buffers and screening shall be installed and maintained as required for multi-family developments per Chapter 6.
- (8) Signs will be regulated as per Section 4.07 and Chapter 7.
- (9) Off street parking shall be provided as per Chapter 6.
- (10) General landscaping shall be installed and maintained. Plans indicating all required and nonrequired landscaping shall be submitted as part of the application.

(32) Recreational Vehicle Resort

Recreational Vehicle Resorts shall be permitted in the R-40 and TH Districts, subject to the issuance of a special use permit and subject to the following regulations:

- (1) Review of an application for a Recreational Vehicle Resort shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the Recreational Vehicle Resort requires review as a “major” or “minor” subdivision, the Sketch Design Plat shall be properly submitted to Community Development Division staff in accordance with the Asheboro Subdivision Ordinance. The Sketch Design Plat and the site plan required for the Recreational Vehicle Resort may be combined on one plat so long as the requirements for each are met. Approval shall be subject to any conditions of the Recreational Vehicle Resort SUP and granted only after approval of the SUP by the City Council.
- (2) Recreational Vehicle Resorts shall only be permissible on a lot or lots comprising at least one hundred (100) acres under single ownership or control at the time the special use permit is approved. The Resort may consist of subdivided and unsubdivided portions, but the entire Resort must be subject to a single special use permit.
- (3) The yard and height regulations set forth in Table 4-1 may be modified for a Recreational Vehicle Resort, provided that, for such development as a whole, excluding roadways and driveways, the density within the Recreational Vehicle Resort may not exceed five (5) units per acre with a .52 open space ratio. If the Resort contains individual lots created by the

recording of a subdivision plat, the total number of such lots within the Resort may not exceed one lot per acre for the number of acres within the entire tract comprising the Resort. Such lots shall count as units for calculating the total density.

- (4) The Recreational Vehicle Resort may be developed in phases. Phase One (1) shall include the required amenities. No Certificate of Occupancy for any phase of the park shall be issued until all required or proposed improvements are installed for that phase, and no RV may be located in any phase until that phase has received a Certificate of Occupancy.
- (5) Recreational Vehicle Resorts shall be located so that it has direct access to minor thoroughfare or higher classification street as shown on the Asheboro Comprehensive Transportation Plan.
- (6) Streets within a Recreational Vehicle Resort may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
- (7) Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
- (8) An engineering study of storm water runoff shall be made. If such study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment flow rate. Prior to a Certificate of Occupancy, a Professional Engineer shall provide certification that the storm water controls were built according to the plans. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
- (9) An unsubdivided RV site shall be at least thirty (30) feet in width, and shall contain at least 1,800 square feet of area. Each such RV site shall be clearly established on the ground by permanent monuments or markers. A subdivided RV site shall be at least forty (40) feet in width, and shall contain at least 3,200 square feet of area. Each such RV site shall be clearly established on the ground by permanent monuments or markers.
- (10) There shall be a front yard of at least twenty (20) feet between any RV and internal roadways. Where exterior property lines of the Recreational Vehicle Resort are coincident with public street rights-of-way, all Recreational Vehicles and structures within the park along such rights-of-way shall observe the front yard setback from such right-of-way as required by this Ordinance. Individual RV sites may not have direct access to any existing public street.
- (11) There shall be a side yard along each side of every RV site. Each side yard shall be at least five (5) feet wide. There shall be a rear yard of at least five (5) feet between any RV and the rear of the site on which it is located. The distance between RV units, including RV site accessory structures, shall not be less than twenty (20) feet. No RV or structure shall be located closer than thirty (30) feet to any other structure on the premises.

- (12) No RV or structure shall be located closer than one hundred (100) feet to any exterior property line of the Recreational Vehicle Resort, and this area shall remain in an undisturbed condition similar to what was present on the premises at the time the special use permit for the RV resort was issued. Passive recreational uses, such as walking paths, are permitted in this area. The City Council may, as a condition of the special use permit, impose additional reasonable vegetated screening requirements in those parts of the one hundred-foot area that are open and not wooded, such as fields. Recreational Vehicle Resorts shall not, however, be required to comply with the requirements of Section 6.06 of this Ordinance.
- (13) All RV sites shall abut a paved roadway which shall meet the requirements of the Asheboro Subdivision Ordinance and which shall provide unobstructed access to a public street or highway. Such roadways shall be illuminated as per city street lighting policy to ensure the safe movement of pedestrians and vehicles at night.
- (14) At least one parking space, a minimum of nine (9) feet by eighteen (18) feet, shall be provided within each RV site. No on street parking shall be permitted.
- (15) All RV sites shall have a concrete or asphalt pad. Such pad shall be a minimum of sixteen (16) feet by forty (40) feet in size.
- (16) No more than one RV may be parked on any RV site.
- (17) RV site accessory structures such as porches, decks, storage buildings, and walkways may be permitted within each RV site, provided no such structure may be attached to the RV and setbacks and parking spaces remain open and free of structures and the distance between the accessory structures and adjoining RVs, or adjoining accessory structures, shall not be less than twenty (20) feet.
- (18) Not more than thirty percent (30%) of the RV sites within the Resort may be occupied by ANSI Park Models.
- (19) Each Recreational Vehicle Resort shall have a minimum of seven percent of the gross area set aside and developed for recreational purposes. The required recreation space shall include, but not be limited to, amenities such as swimming facilities, picnic areas with tables, basketball goals with paved play areas, and playground(s) with play equipment. The specific mix of recreation facilities shall be determined during the special use permitting process. Exterior areas for common passive or active recreation use include play areas for children, outdoor seating areas, and the like, where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 30 feet from any RV site. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate that is capable of remaining closed.

- (20) The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance at all times. Plans to meet this requirement shall be submitted as part of the application for a SUP. All collection facilities shall be located outside of all required setbacks and buffer/screen yards and they shall be screened from the view of public rights-of-way and adjacent property
- (21) Accessory structures (not an RV or other mobile structure) may be permitted for such accessory uses as stores, laundries, park office, recreation facilities, storage, and RV Park related services. The total gross square footage of all building areas shall not exceed two (2) percent of the total approved Recreational Vehicle Resort area or forty thousand (40,000) square feet, whichever is less. Such uses, structures and their associated signage shall be located in such a manner so that they are not visible from any public street or road. Parking requirements for accessory uses shall be determined by Chapter 6. Required parking for accessory uses shall have a paved surface as per Chapter 6.
- (22) Areas shall be designated and reserved for overflow parking. Such parking areas shall have paved spaces equal to ten percent (10%) of the number of sites within the park and be reasonably dispersed throughout the park. An additional area shall be designated for the parking and storage of nonhuman occupancy RV vehicles such as boats, wave runners, etc- or such storage shall be prohibited within the park. Such storage area shall have spaces equal to five percent (5%) of the number of sites within the park and shall be located in such a manner so that it is not visible from any public street or road.
- (23) A fulltime onsite manager shall be provided. An on-site, permanent (not an RV or other mobile structure) office shall be provided for the manager.
- (24) General landscaping shall be installed and maintained. Plans indicating all required and nonrequired landscaping shall be submitted as part of the application.
- (25) Except for the ANSI Park Models and units located on subdivided RV sites, no recreational vehicle or other camping structure shall be permitted to remain on any RV site for a period of more than ninety (90) days within a six-month period.
- (26) Signs shall be regulated by Chapter 7.
- (27) Recreational Vehicle Resorts shall be subject to the regulations within Chapter 9 - Flood Damage Prevention Ordinance and Chapter 10 -Watershed Regulations.
- (28) Recreational Vehicle Resorts shall have at least one staff person who is responsible for security on the premises at all times.
- (29) Recreational fires shall be regulated per the North Carolina Fire Code.

- (30) Site plans submitted shall meet all the requirements of Chapter 2 and show the location and dimensions of individual RV sites and all other accessory features customarily incident to the operation of a Recreational Vehicle Resort.

(33) Agricultural Tourism Facility

When a special use permit is required, an agricultural tourism facility shall be subject to the following regulations:

- (1) An agricultural tourism facility shall contain at least five (5) acres.
- (2) No structure or off-street parking (including access, parking spaces and maneuvering areas) shall be located less than 100 feet from any residentially zoned lot line.
- (3) All structures shall maintain the character and appearance of a residential use and meet the requirements of Design Standards for the respective district in which they are located.
- (4) Buffering and screening shall be provided to screen any parking areas, structures and facilities related to the operation of the agricultural tourism facility. Such screening shall consist of opaque screening equivalent to or exceeding a Type D screen as defined by Chapter 6.
- (5) When located within two hundred (200) feet from a public right-of-way, parking shall be located to the rear or side, but not in front of, the principal structure utilized for an agricultural tourism facility. Parking located more than two hundred (200) feet from a public right-of-way may be located on any side of the principal structure as long as the requirements of (4) above are met.
- (6) Signage shall be limited to one identification sign no more than six (6) feet in height and twenty-five (25) square feet in area when located less than forty feet from the public right-of-way and forty (40) feet in area when located more than forty feet from the public right-of-way.
- (7) Applications for permits under this Section shall be accompanied by a site plan or plat in accordance with Chapter 2.

(34) Whole Block Redevelopment

(1) Intent

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of whole block redevelopments that have a deficiency in meeting the requirements of Section 4.07. These alternative whole block redevelopment proposals require special care in the control of their location, design and methods of operation because of their inherent nature, extent and external effects. The City Council is aware of its responsibility to protect the public health, safety and general welfare

and believes that certain development proposals for whole block redevelopments are appropriately handled as Special Uses.

Subject to the specific procedures established for reviewing whole block redevelopments, the City Council intends that the general standards, established in the Zoning Ordinance, and the more specific requirements established below shall be used by the City Council to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the City Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

(2) General Standards

Whole block redevelopment proposals shall be reviewed by utilizing one of the following options:

- (a) City Council grants the authority to staff to issue all necessary permits for whole block redevelopment that meet all regulatory requirements of the Asheboro Zoning Ordinance.
- (b) In cases where there is a deficiency in the ability of a whole redevelopment to meet all regulatory requirements of the Zoning Ordinance, City Council shall review the application for a whole block redevelopment and evaluate whether or not a Special Use Permit shall be issued for the proposed whole block redevelopment on the basis of the general standards prescribed by Chapter 2 of this Ordinance. In addition, the City Council shall find that the proposed alternative whole block redevelopment does not negatively impact the historic integrity of the property encompassed within the whole block redevelopment or its surroundings, neighborhood stability and vitality, or architectural compatibility with the surrounding neighborhood. For the limited purpose of evaluating whole block redevelopments under General Standard No. 2 of Section 2.03(B)(2)(b), a whole block redevelopment shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Chapter 2 of this Ordinance.

(35) Solar Farms

(1) Purpose

This section is intended to provide the opportunity for solar energy to serve as a viable form of alternative energy generation while protecting public health, safety and general welfare. These regulations are particularly intended to ensure the compatibility of these facilities with the low intensity residential character of the R40 residential zoning district.

(2) General Requirements

When a special use permit is required, a solar farm shall be subject to the following requirements:

- (a) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 4-1, as modified by Front Yard Averaging requirements (Chapter 3). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (b) below.
- (b) Landscaping is required around the entire perimeter of the zoning lot. Such landscaping shall consist of a 50' wide screen with "Type D" screening materials as prescribed by Chapter 6. In lieu of this screen and consistent with Section 6.06(H) (Alternative Buffers and Screening), an applicant may utilize a 50' buffer consisting of existing vegetation if the applicant can demonstrate that an alternative buffer preserves mature vegetation and provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than a 50' wide "Type D" screen. Additional evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent.
- (c) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

(36) Residential Development with Multiple Family Structures with a Gross Floor Area Ratio in Excess of 0.22 and Up to 0.43.

- (1) Development shall comply with all applicable zoning and subdivision ordinance standards except as modified herein.
- (2) Access shall be from a minor thoroughfare or higher classification street.
- (3) No parking shall be permitted within the first 25 feet of the required front yard.
- (4) Overflow parking spaces for visitors shall be provided. One overflow parking space shall be provided for every ten (10) required parking spaces within the development.
- (5) Parking of recreational vehicles, including but not limited to watercraft, travel trailers, and campers, is not permitted unless such parking occurs within an entirely enclosed structure that complies with the requirements of the Zoning Ordinance.
- (6) Within the required front yard, there shall be planted and maintained one tree which is not less than six feet in height at the time of planting, for each twenty linear feet of street frontage or portion thereof, and one evergreen shrub for each ten linear feet of street frontage or portion thereof. The balance of the required front yard shall be covered with evergreen ground cover or mulch.
- (7) A Type D buffer or screen shall be provided adjacent to single or two-family uses or zoning districts. A Type A buffer or screen shall be provided adjacent to all other uses or zoning districts.

- (8) Foundation plantings consisting of evergreen shrubs shall be installed along the entire front foundation wall of each building. Plant installation shall be a minimum of two feet in height planted at six-foot intervals.
- (9) All Facades: One hundred (100) percent of the area below the fascia of any building, excluding trim and similar architectural detailing but including doors and windows, shall be finished with any Building Code approved material except:
 - (a) Unfinished wood, concrete block (except split-faced block), vinyl siding, metal panels, metal painted panels and any metal panel with "rib" or "u" configuration.
 - (b) Laminated, composite or press board wood type materials composed of layers of firmly united wood materials made by bonding or impregnating superposed layers with resin and compressed under heat.
- (10) All multifamily structures less than three (3) stories in height using a sloped roof shall have a minimum slope of 5 in 12 on the principal roof. All multifamily structures not using a sloped roof shall have a parapet wall above the roof of at least three (3) feet in height.
- (11) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- (12) The minimum recreation ratio may be satisfied with a mixture of indoor and outdoor amenity space, provided that no more than fifty (50) percent of the recreated space is located within an enclosed structure.
- (13) 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. The floor area contained in the on-site manager's office shall not be counted in the total FAR.