

CHAPTER 1
DEFINITIONS
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CHAPTER 1 DEFINITIONS

1.01 RULES FOR CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

- (A)** The particular controls the general.
- (B)** In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative example, the text shall control.
- (C)** The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "should" is discretionary.
- (D)** Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (E)** A "building" or "structure" includes any part thereof.
- (F)** The phrase "used for" includes "arranged for", "designed for", "maintained "for" or "occupied for."
- (G)** The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (H)** Unless the context clearly indicates the contrary, where a regulation involves two or more times, conditions, provisions, or events connected by the conjunction "and," "or," or "either..or," the conjunction shall be interpreted as follows:
 - (1)** "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2)** "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3)** "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (I)** The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (J)** Words not defined in 1.02 shall have the meaning commonly assigned to them. The reference for dictionary common meanings shall be the latest edition of Webster's New World Dictionary of the American Language.

1.02 DEFINED WORDS

The following words shall be defined for uses within this Ordinance as detailed below:

Accessory

Having a subordinate function. (See also Building, Accessory; Structure, Accessory and Use, Accessory.)

Accessory Apartments

A dwelling unit, either in or added to an existing principal dwelling or in a separate accessory structure on a lot containing a principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping.

Adult Day Care Facility

A facility where an individual, agency, or organization provides supervision or care for more than 6 adults in a place other than the recipient's residence.

Adult Establishments

(A) "Adult bookstore" means a bookstore:

- (1) Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
- (2) Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

(3) That advertises or holds itself out in any forum as a "XXX," "adult," "sex," type bookstore

(B) "Adult Establishment General" means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, sex shop, or adult live entertainment business as defined in this section.

(C) "Adult live entertainment" means any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

(D) "Adult live entertainment business" means any establishment or business wherein adult live entertainment is shown for observation by patrons.

- (E) "Adult motion picture theatre" means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. "Adult motion picture theatre" does not include any adult mini motion picture theatre as defined in this section.
- (F) "Adult mini motion picture theatre" means an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.
- (G) "Sex shop" means any establishment offering goods for sale or rent and that meets any of the following tests.
- (1) The establishment offers for sale or rent items from any two of the following categories:
 - (a) publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section,
 - (b) lingerie, or
 - (c) leather goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its stock and trade.
 - (2) A preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its stock and trade consists of sexually oriented devices.
 - (3) A preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its gross floor area is devoted to the display of sexually oriented devices.
- (H) "Sexually oriented devices" means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
- (I) "Specified anatomical areas" means:
- (1) Less than completely and opaquely covered:

- (a) human genitals, pubic region,
 - (b) buttock, or
 - (c) female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(J) "Specified sexual activities" means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Agricultural Tourism Facility

An agricultural use where agricultural products are processed, blended, made, stored, sold at wholesale or retail for consumption off or on the premises that offers tours to the public and provides samples and/or sales of agricultural products. Additional uses associated with the production and sales of the product and tours include catering and reception facilities, and similar uses that will enhance the property in relation to tourism and is subject to issuance of a Special Use Permit.

Agriculture

The use of the land for:

- (A) The tilling of the soil;
- (B) The growing of crops or plants, including truck farming, field crops, vegetables, fruit, nut, sod, seed, or tree production;
- (C) Pasturage, including pasture for cattle, horse, sheep or goats and other farm animals;
- (D) Forestry and other forms of food and fiber production for human and animal consumption;
- (E) Greenhouses, nurseries and ornamental horticulture;
- (F) Bee keeping;
- (G) Aquiculture;
- (H) The raising, breeding, working and use of farm animals excepting hog parlors, broiler houses, laying parlors, turkey houses, and feed lot operations.

Airport

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land, and including the sale of goods or materials to users of such aircraft.

Airport Overlay Zone

All lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within any approach to the Asheboro Municipal Airport. Such area shall be as depicted on the Official Zoning Map. The Asheboro Municipal Airport Overlay district shall be considered as an overlay district to the existing zone districts.

Alcoholic Beverages

Beverages containing more than 1/2 percent of alcohol by volume.

Amenity Space

An area located indoors or outdoors, designed for active or passive recreation uses.

Amusement Park

A commercially operated park having various devices for entertainment (as a merry-go-round and roller coaster) and usually booths for the sale of food and drink. This definition does not include limited duration events.

Alley

A dedicated and publicly maintained right-of-way, twenty feet or less in width, that provides a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

Animal Hospital or Veterinary Clinic

Any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals other than humans.

Arcade

A series of arches supported by columns, piers, or pillars that may be freestanding or attached to a structure. An arcade may be a roofed passageway between buildings and often have a decorative purpose.

Art Gallery

The use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.

Auction Sales

A public sale at which items are sold one by one, each going to the last and highest of a series of competing bidders.

Awning

A covering which extends from a structure as a shelter from the weather or as a shading device. This does not include a canopy or marquee.

Bakery

The use of a structure or building for the production of bakery products including but not limited to breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a use under "Retail," the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, shall be considered manufacturing.

Bank

Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Bank- Automatic Teller

A machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. An automatic teller machine may be a walk-up or drive-through machine. The machine may be located at or within a bank, or in other locations.

Banquet Facility

Includes banquet facility, banquet hall, function hall, rental hall, reception, or meeting hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, such as hosting a party, banquet or reception, that is not open to the general public, whether or not a fee is charged. Food may be prepared onsite or brought in from off-site. Live entertainment may be featured as accessory to the meeting or banquet. Not included in this definition are banquet facilities that are incidental and customary accessory uses, such as within places of assembly, noncommercial and hotels.

Banquet Facility Large

A banquet facility with a Occupancy Load as established by N.C. State Building Code section as amended for "Occupant Load" that requires the facility to have a fire sprinkler system.

Bar

An establishment where alcoholic beverages may be obtainable within or there on and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered an Eating Establishment. A bar may include a tavern or coffeehouse but does not include a nightclub/cabaret, game room or the display of specified anatomical areas or specified sexual activities.

Barrier

Curbs, walls, fences, or similar protective devices designed and located to protect public right-of-way and adjoining properties from damaging effects.

Basement/Cellar

A story partly underground but having at least sixty percent of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

Bed and Breakfast Inn

An owner occupied dwelling unit that contains guests rooms where short term lodging rooms and meals are provided for compensation.

Berm

A related system of earth mounds and plantings which taken as a whole, form a visual barrier (As referred to in Chapter 6).

Billboard/Off Premises Advertising Sign

Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of said sign.

Boarding/Rooming House

A building in which rooms are provided, for compensation, with or without meals and not occupied as a single residence/dwelling unit. A bed and breakfast or hotel/motel is not considered a boarding/rooming house.

Bollard

An upright post, a minimum of 4 inches in width, consisting of concrete, steel, or similar durable material, placed securely into the ground designated primarily to prevent vehicles from entering an area, such as a sidewalk for pedestrians, bicycles, or wheelchairs.

Brewery

An establishment greater than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Brew Pub

An eating establishment engaged in the incidental retail production of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to an eating establishment and producing beverages in accordance with state ABC permits.

Buffer

A strip of land together with planting/screening required thereon. Both the amount of land and the type of planting/screening may be specified.

Buildable Area

The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

Building

Any structure that encloses a space used for sheltering any occupancy.

Building, Accessory

A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

Building, Height of

The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet of the street line, to the highest point of a flat roof, or to the deckline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Inspector

The City of Asheboro officer or other designated authority charged with the administration and enforcement of the Building Code, or his duly authorized representative or agent.

Building Line

A line which established the minimum allowable horizontal distance between the lot line or street line and the nearest portion of any structure on the lot.

Building Permit

Permission granted by the Building Inspector for the erection, relocation, reconstruction or structurally altering any building.

Building, Principal

A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

Built Upon Area

That portion of a development project that is covered by impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious).

Business Districts

OA6, O&I, M, TH, B1, B2 and B3 Districts shall be considered as business districts.

Business Services

An establishment offering primarily services to the business community and to individuals. Such services include but are not limited to advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, art and graphics services, and real estate services.

Camp

Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or cabins, for recreation, education or vacation purposes.

Campsite

Any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

Canopy

A structure attached to or cantilevered from a building. This may be a roof type canopy which is supported only by its flush attachment to the building, or it may be supported also by columns, braces or poles which extend to the ground. This does not include an awning.

Car Wash

An establishment engaged in the business of washing domestic vehicles with self-serve, automated or staffed facilities.

Cemetery, Human

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, columbarium, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Cemetery, Pet

Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum and dedicated for cemetery purposes.

Certificate of Occupancy

A document issued by an authorized official setting forth that land, a building or structure legally complies with the Building Code, this Ordinance and other pertinent local and state requirements and that the same may be used for the purposes stated therein

Certificate of Zoning Compliance

A document issued by the Zoning Administrator certifying compliance with all terms of an approved Zoning Compliance Permit, and authorizing occupancy of a building, structure, or land. It may either be a separate document or part of the normal documents associated with a Certificate of Occupancy, Occupational License, Building Permit, or the like.

Child Care

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- (A) Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- (B) Recreational programs operated for less than four consecutive months in a year;

- (C) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- (D) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- (E) Drop-in or short-term care provided by an employer for its part-time employees where
 - (1) the child is provided care not to exceed two and one-half hours during that day,
 - (2) the parents are on the premises, and
 - (3) there are no more than 25 children in any one group in any one room;
- (F) Public schools;
- (G) Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by national or regional accrediting agencies with early childhood standards and that operate
 - (1) a child care facility as defined above for less than six and one-half hours per day either on or off the school site or
 - (2) a child care facility for more than six and one-half hours per day, but do not receive NC Pre-K or child care subsidy funding;
- (H) Bible schools conducted during vacation periods;
- (I) Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- (J) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
- (K) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

Code Enforcement Officer

The City of Asheboro officer or other designated authority charged with administration and enforcement of this Zoning Ordinance, or his duly authorized representative or agent.

College/University

A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of

Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

Combustible Liquid

A liquid having a flash point at or above 100 degrees F (37.8 degrees C). Combustible liquids shall be divided as follows:

- (A) Class II liquids shall include those having flash points at or above 100 degrees F (37.8 degrees C) and below 140 degrees F (60 degrees C).
- (B) Class IIIA liquids shall include those having flash points at or above 140 degrees F (60 degrees C) and below 200 degrees F (93 degrees C).
- (C) Class IIIB liquids shall include those having flash points at or above 200 degrees F (93 degrees C).

Commercial Developments

Developments consisting primarily of commercial uses.

Commercial Developments with Multi Use and/or Structures

A commercial development with more than one principal structure and/or use on one zoning lot that is not intended to be developed into building lots.

Commercial Use

Any use permitted within the OA6, O&I, M, B1, B2, TH and B3 districts.

Communication Facilities, Commercial

The use of land, buildings or structures for uses such as but not limited to motion picture studios; radio and television receiving antenna and dishes; radio and television studios; and radio and television transmitting and receiving facilities.

Communication Facilities, Non Commercial

The use of land, buildings or structures for uses such as but not limited radio and television receiving antenna and dishes; and radio and television transmitting and receiving facilities not for commercial gain.

Community Development Department/Planning Department

The unit of government of the City of Asheboro that supervises planning and redevelopment activities of the City. Also known as the Planning Department.

Community Development Director

The individual charged with the supervision of the Community Development Department. Short title: C. D. Director.

Community Recreational Uses

Parks and playgrounds; community centers, recreation clubs, such as Boys and Girls Clubs; swimming clubs; tennis clubs; and paddle, racquetball and handball courts.

Conditional Zoning

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Congregate Living Facility

Any building, buildings, section of a building, or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide to individuals, for a period exceeding twenty-four hours, housing, food services, and one or more personal care services. *For purposes of this definition "Personal Care Services," means services, in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Furthermore, personal care services are deemed to include on-site ancillary services to mentor and provide personal support and improve life skills of residents, including but not limited to, job training, homemaking skills, personal budgeting, parenting, personal counseling and GED programs. Personal care services do not include nursing or medical treatment.* Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional recovery facilities; or nursing, convalescent and extended care facilities. A congregate living facility is synonymous with a family care home as defined by NCGS § 168, Article 3.

Contractors Office

An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities.

Correctional Facility

A public facility for the housing of persons convicted of a crime.

Country/Racquet/Tennis and Swim Clubs

The use of land or structures for recreational activities such as courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are operated on a commercial or membership basis and not open to the general public. Customary accessory uses include snack bars, pro shops, club houses, private dining rooms, or similar facilities.

Crematorium

An establishment for the burning of human or animal remains.

Cultural Facility

The use of land, buildings, or structures to provide educational and informational services to the general public, including but not limited to aquariums, arboreta, botanical and zoological gardens, art galleries, museums, and libraries.

Day Care Facility, Adult

Institutions for the care or instruction of non-preschool aged persons.

Day Care Facility (see child care)

Any child care center or child care arrangement which provides day care for more than five children, under the age of 13 years, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend. The following are not included: public schools; non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; Bible Schools conducted during vacation periods; facilities licensed under Article 2 of Chapter 122C of the General Statutes; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment. Day care facilities are separated by capacity into the following categories which determine applicable requirements and standards by the Child Day-Care Commission pursuant to GS110-88: Large Home, Small Center, Medium Center, Large Center. The Child Day-Care Commission shall establish the maximum capacity for each of the four categories of facilities.

Density

The number of residential dwelling units per acre of land determined by dividing the number of dwelling units divided by the total number of acres in the parcel to be developed.

Dimensional non-conformity

A non-conforming situation that occurs when the height, size, maximum or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Development

Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dormitory

A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities except a group kitchen to serve all residents.

Drive-In Theater

A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Drive-In Window

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Drive Through

Relating to or conducting exchanges with clients who drive up to a window and remain in their motor vehicles

Dry Cleaning Plant

An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dry Cleaners, Small

An establishment engaged on a small scale in providing laundry, dyeing and dry cleaning services to individual customers.

Dwelling/Residence

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling/Residence, Attached Single Family

Two single-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

Dwelling/Residence, Detached Single Family

An individual dwelling unit for one family located on an independent lot containing no other dwelling units.

Dwelling/Residence, Modular

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Dwelling/Residence, Multiple Family

A structure containing three or more dwelling units.

Dwelling/Residence, Prefab

A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

Dwelling/Residence, Single Family

A structure containing a single dwelling unit.

Dwelling/Residence, Two Family

A structure containing two dwelling units.

Dwelling/Residence Unit

A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for rental, lease, or other occupancy.

Dwelling within mixed use structure

A residential dwelling contained within a structure that also contains non-residential use(s).

Eating Establishment

An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

Sit-down eating establishments are those at which food and/or beverages may or may not be served by waitresses or waiters to patrons seated at booths or tables. A sit-down eating Establishment may have walk-in/carry out service as part of its operation.

Walk-in/carry out eating establishments are those at which the customers receive but do not consume the food and/or beverages at a counter, bar, or from a drive-in window.

Drive in eating establishment are those at which food or beverages are served for consumption by customers in parked motor vehicles.

Electrical and Electronic Repair, Large

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to large appliances, large computers, radio and television broadcasting equipment, and similar items.

Electrical and Electronic Repair, Small

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to small appliances, televisions, radios, non-commercial stereo equipment, personal or mini computers, and similar equipment. As a general rule, if the item is too large to be hand carried by one or two people, it is not considered small equipment.

Emergency Light

A lamp or lighting device that comes on automatically when a building experiences a power outage and is designated to come on from emergency power sources such as a battery or generator

Enclosed

Seventy five (75) percent of the area of the perimeter is marked by a permanently constructed wall or fence. In the case of a wall, the perimeter shall be calculated from the floor to the roof.

Equipment, Heavy

Large equipment including but not limited to earth moving equipment, forklifts, tractors, large generators, and like items.

Equipment, Light

Equipment including but not limited to wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

Established Grade

The elevation of the street grade as fixed by the City.

Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures as well as any other substantial changes in position.

Exterminator

A business that is engaged in the extermination of troublesome rodents and pests.

Extraterritorial Planning Jurisdiction

The land beyond the corporate limits as delineated on the official zoning map of the Extraterritorial Planning Jurisdiction map of the City of Asheboro, recorded in the office of the Randolph County Register of Deeds, which is subject to the City of Asheboro's land development regulations pursuant to state law.

Family

Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

Family Child Care Home

A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

Family Child Care Home, Large

A Child Care Home providing child care for nine (9) to twelve (12) children

Farmers Market

A structure or structures erected for the display and sale of agricultural products and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell such products, this is not an accessory use to an existing principal use.

Fire Escape

A fireproof stairway down an outside wall, to help people escape from a burning building.

Flammable Liquids

A liquid having a flash point below 100 degrees F (37.8 degrees C) and having a vapor pressure not exceeding 40 lbs. per square inch (absolute) (2,068 mm Hg) at 100 degrees F (37.8 degrees C) shall be known as a Class I liquid. Class I liquids shall be subdivided as follows:

- (A) Class IA shall include those having flash points below 73 degrees F (22.8 degrees C) and having a boiling point below 100 degrees F (37.8 degrees C).
- (B) Class IB shall include those having flash points below 73 degrees F (22.8 degrees C) and having a boiling point at or above 100 degrees F (37.8 degrees C).
- (C) Class IC shall include those having flash points at or above 73 degrees F (22.8 degrees C) and below 100 degrees F (37.8 degrees C).

Flea Markets, Open Air Sales

A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use shall be considered a principle use of a lot.

Flex Parking Spaces

Parking spaces provided for a use that has not been stated.

Flood Damage Prevention related definitions: See Chapter 9

Flood Lamp

A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Flood Light

A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Floor Area, Gross

The sum in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage. Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor area calculations.

Floor Area Ratio

The ratio of permitted floor area to the area of the lot.

Florescent Color

A brilliant color that emits or appears to emit a glow

Fraternity & Sorority Houses

A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

Funeral Parlor

An establishment engaged in preparing human remains for burial and conducting funerals.

Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Furniture Refinishing and Repair

An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Gamerooms

Unless more specifically and appropriately defined by another use, any establishment offering the operation of amusement devices, and/or mechanical or electronic amusement devices and which derives more than 25% of its annual revenues from such devices.

Garage, Private

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Gas Station

An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

Golf Course

An area of land laid out for golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards - called also golf links. Miniature/par 3 golf courses are not included in this definition.

Health Practitioner's Office

An establishment offering diagnostic and routine health care on an outpatient basis by licensed practitioners such as but not limited to physicians, dentists and chiropractors.

Health/Fitness Center

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, saunas and related accessory uses. A health fitness center is not an “adult establishment”. These uses when provided as permitted accessory uses, such as to a multi-family residential development, hotel, employees of a commercial or industrial use, or as a similar accessory use is not considered a health/fitness center.

Health Services

The use of land, buildings and structures for uses such as but not limited to medical clinics, medical and dental laboratories, and rehabilitation centers.

Height

The vertical distance between the lowest proposed finished grade of the structure and the highest point of the structure. Finished grade shall be determined using all applicable regulations of the City, State and Federal governments.

Heliport

Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

Helistop

Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

Helistop, Emergency Medical

Any landing area used for the taking off or landing of helicopters for the purpose of picking up and discharging of emergency medical patients, personnel or equipment, etc.

High Intensity Color

The pure hue of any color

Home Occupation

An accessory use of a dwelling unit which constitutes, either entirely or partly, the livelihood of the person(s) living in the dwelling unit.

Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

Hotel or Motel

An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical hotel/motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.

Human Scale

A scale that is achieved by using small (normal sized) windows, doors, and details. It is also conveyed by using normal floor-to-floor heights and floor-to-eave heights. Human scale avoids vast blank building walls facing streets, and breaks large building masses into smaller elements.

Impervious

The area that is built upon

Industrial Developments with Multi Uses and/or Structures

An industrial development with more than one principal structure and/or use on one zoning lot that is not intended to be developed into building lots.

Industrial Districts

I1, I2, and I3 Districts shall be considered as Industrial Districts.

Interior Cleaning Service

A business engaged in cleaning the interior of buildings, structures or dwellings, whether or not industrial, commercial or income-producing real property, or the contents thereof.

Junk

Includes but is not limited to old, or dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, tires, motor vehicles and parts thereof.

Junked Motor Vehicles

The term junked motor vehicle means a vehicle that does not display a current license plate and that:

- (A) is partially dismantled or wrecked; or
- (B) cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (C) is more than five years old and appears to be worth less than one hundred dollars (\$100).

Junkyard

Land used for the storage or keeping or handling or display of junk, whether for profit or not.

Kennel

An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming breeding, boarding, training, or selling of animals is conducted as a business.

Land Excavation

Removal of five hundred cubic yards or more of sand, soil, peat, muck, clay, stone, shell and the like, for disposal off-site.

Landfill

Land used for the disposal of waste excluding hazardous waste. Landfills are classified into two different types based upon the type of wastes received at the landfill.

- (A) Sanitary Landfills - A facility used for the disposal of solid waste. Sanitary landfills are divided into two classes based on the amount of wastes received.

- (1) Class I Sanitary Landfills are those which receive solid waste at a monthly average of 20 tons or more of solid waste per day or 50 cubic yards or more of solid waste per day.
 - (2) Class II Sanitary Landfills are those which receive solid waste at a monthly average of 20 tons or less of solid waste per day or less than 50 cubic yards of solid waste per day.
- (B) Clean Material Landfills - Land used for the disposal of only non-water soluble, non-decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt and other similar material.

Least Dimensions

The least dimension of a yard is the least of the horizontal dimensions of such yards. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

Library

A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Liquor Store

An establishment engaged in the retail sale of distilled alcoholic beverages for consumption off-premises.

Limited Duration

An activity carried out for a period of not less than one day nor more than 21 days.

Loading, Off-Street

Space located outside of any street right-of-way easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Lowest Habitable Floor

Any floor, including a basement, used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

Lot

Land bounded by lines legally established for the purpose of property division. As used in this Ordinance, unless the context indicates otherwise, the term refers to a Zoning Lot.

Lot, Corner

A lot at the junction of and abutting upon two or more streets.

Lot, Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Front of

The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a

corner lot, the narrower side fronting on the street shall be considered to be the front of the lot. In cases the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that which the greatest number of buildings have been erected.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line that marks the boundary of a lot.

Lot Line, Interior

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Line, Street

Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Randolph County, or any parcel of land, whether or not part of a subdivision, that has been officially and legally recorded by a deed in said office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot Width

The horizontal distance measured along a straight line connecting the points where the minimum front yard line meets the interior lot lines or, if on a corner, the other front yard line.

Lumber and Other Building Materials Sales

An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders.

Lumberyard

An establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

Mail Order Distribution Center/Mail Order Office

A business in which orders for goods are received and filled by mail and no on-site retail sales occur at the business.

Major Thoroughfare

A major thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

Manufactured/Mobile Home

A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina

State Building Code, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and eight feet in width.

- (A) Class A: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development and also meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- (B) Class B: A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban but which do not meet City of Asheboro appearance criteria, as determined by the Zoning Administrator.
- (C) Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured/Mobile Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Manufactured Home Sales Lot

A lot that displays manufactured homes for sale. This definition also includes modular homes that meet the NC Building Code on display for sale.

Manufacturing, Processing and Assembling, Light

Activities described in Manufacturing, Processing and Assembling, Heavy conducted wholly within an enclosed structure and not employing more than 10 persons and utilizing no more than a total of 25 horsepower in power driven machines and material handling equipment.

Manufacturing, Processing and Assembling, Heavy

The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

Massagists (and related definitions)

See Chapter 111, Section 111.02, of the Asheboro City Code.

Marquee

An ornamental structure projecting over an entrance attached to or cantilevered from a building. This does not include an awning.

Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing varying

elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Meat Packing/Slaughterhouse

An industrial operation at which livestock is slaughtered and meat and other products are processed to produce food for humans and animals, industrial goods, and medical preparations.

Medical and Dental Laboratory

An establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

Membership Organizations

A membership establishment operated by a corporation or association of persons for activities which include but are not limited to business, professional, literary, political, educational, fraternal, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Mental Institutions/Sanitariums

An institution providing mental health and physical care services for inpatient medical or surgical care for the mentally ill who are dangerous to others as defined in G. S. 122C-3 or the physically sick.

Metallic Color

A color having iridescent and reflective properties

Microbrewery

An establishment less than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education, retail sales or tasting are included in this definition, are incidental to the primary use of producing beverages in accordance with state ABC permits and shall not be counted towards the square footage limitation.

Minilube

The use of a structure for the express purpose of changing fluids, filters and grease in a motor vehicle.

Mini Warehouse

A building or group of single story buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares, mainly excess personal property.

Minor Thoroughfare

A minor thoroughfare as identified by the Thoroughfare Plan for the City of Asheboro.

Mixed Use Residential in B3 Districts

A residential conversion of any existing structure within the B3 District. Such conversion shall maintain the ground floor for commercial use, thus creating a mixed use structure.

Mixed Use Structure

A structure, where permitted, that houses multiple uses.

Motor Vehicle Repair, Minor

- (A) Sale and service of spark plugs, batteries, and distributor and ignition system parts.
- (B) Sales, service and repair of tires, but not recapping or regrooving.
- (C) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.
- (D) Radiator cleaning, flushing, and fluid replacement.
- (E) Greasing and lubrication.
- (F) Providing and repairing fuel pumps, oil pumps, and lines.
- (G) Minor adjustment and repair of carburetor.
- (H) Emergency repair of wiring.
- (I) Adjusting brakes and installing exchange brake shoes.
- (J) Minor motor adjustment not involving removal of the head or crankcase and grinding valves.
- (K) Wheel balancing.
- (L) Battery recharging.
- (M) Warranty maintenance and safety inspections.
- (N) Other minor servicing of a similar intensity to those listed above.

Motor Vehicle Repair, Major

Any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP.

Mulch

A natural or artificial layer of plant residue or other materials (i.e., leaves, straw, peat moss, rock brick rubble, stone, bark, wood chips) covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Museum

An establishment engaged in the procurement, care, study and display of objects of historical, educational and cultural value and interest.

National Geodetic Vertical Datum (NGVD)

A vertical control, corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

New Construction

Structures for which the start of construction commenced on or after the effective date of this Ordinance.

Nightclub

A business where alcoholic beverages may be sold for on-site consumption pursuant to state ABC permits, which is not part of a larger restaurant. Such use includes a bar and also includes entertainment such as dancing, comedy and other live performances excluding those that display specified anatomical areas and/or specified sexual activities.

Nonconformity

Lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The following constitute types of nonconformities:

- (A) Lots;
- (B) Uses of land without structures or with minor structures only;
- (C) Uses of major structures and premises;
- (D) Structures; and
- (E) Characteristics of use which were lawful but would be prohibited, regulated or restricted by the enactment of this Ordinance or a subsequent amendment thereto.

Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Ordinance, if undertaken privately.

Non-residential Districts

OA6, O&I, B1, M, B2, TH, B3, I1, I2, and I3 Districts shall be considered as non-residential districts.

Nuisance Vehicle

A junked motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be:

- (A) a breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

- (B) a point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (C) a point of collection of pools or ponds of water; or
- (D) a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- (E) one which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc., or
- (F) so situated or located that there is a danger of it falling or turning over; or
- (G) any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council; or
- (H) offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents; or
- (I) used by children in play activities.

Nursing, Convalescent and Extended Care Facility

Any facility which provides nursing services as defined in the North Carolina Statutes Annotated. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill. This definition shall include any hospice inpatient facility and hospice residential care facility as defined by North Carolina General Statute §131E-176.

Obstruction

Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge conduit, culvert, building, wire, fence, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Office Development with Multi Use and/or Structures:

A development with more than one principal structure and/or use on one zoning lot not intended to be developed into building lots.

Off-Premises

Not located on the zoning lot with the principal use or structure.

Off Premises Advertising Sign/Billboard

Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of said sign.

Offstreet Loading

Loading space located on the same lot as the principal use.

Offstreet Parking

Parking spaces located on the same lot as the principal use.

Opaque (Dense):

Difficult to get through, penetrate, having parts crowded together packed tightly together, compact. Not allowing light to pass through.

Open

An area that is not enclosed

Open Air Sales, Accessory

Sales in open air that are accessory directly subordinate to the operations of the permittee engaging 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.)

Open Space

Open space is that area of a zoning lot not encumbered by buildings, parking, or other required improvements. Such open space may contain such required buffers, screens, lawn, and the required recreation space. Included within this open space may be open balconies, open courtyards, open atriums.

Open Space Ratio

The open space ratio is used to establish minimum open space requirements. The minimum of open space required shall not be less than the number of square feet in the zoning lot multiplied by the open space ratio.

Open Storage

The storage outside of a building, or within buildings with less than three sides, of materials, supplies, merchandise, equipment, commercial vehicles (i.e. delivery vans, contractor vehicles, towing trucks, cable/utility vehicles) and like items, but excluding junk.

Ordinance

This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

Outdoor Recreation Area

A delineated outdoor area in which the active participation in outdoor recreation occurs.

Outdoor Recreation Lighting

Fixture(s) for light distribution for active recreation areas (including but not limited to ball fields and tennis courts). Not included in this definition are other parts of an outdoor recreation/sports facility, such as, but not limited to, parking lots, administrative offices, restrooms, concession stands, and spectator viewing areas.

Package Store

An establishment engaged in the retail sale of non-distilled alcoholic beverages for consumption off-premises and in accordance with state ABC permits.

Parking Area

The total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space

Parking Lot as Principal Use

The use of a zoning lot for a parking lot, without a building, located on the same zoning lot.

Parking, Off-Street

Space located outside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles.

Parking Space

The off-street storage space available for the parking of motor vehicles.

Parking Space, Handicapped

A parking space as defined by the N. C. Building Code.

Person

Any natural person, firm, partnership, association, corporation, or governmental unit.

Personal Care Services

The furnishing of services to residents including but not limited to individual assistance with, or supervision of, essential activities of daily living, such as eating, bathing, grooming, dressing and ambulation; the supervision of self-administered medication and other similar services. Personal care services shall not be construed to mean the provision of medical, nursing, dental or mental health services

Personal Services

Services generally involving the care of a person or a person's apparel, including but not limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, dry cleaning and laundry pickup facilities, coin-operated laundry and dry cleaning facilities.

Pervious

The area that is not built upon

Photographic Lab Facility Commercial

A facility in which photographs, taken off-site, are processed, developed, printed and/or duplicated for individuals or businesses.

Photographic Mini Lab Facility (one hour type)

A facility in which photographs, taken off-site, are processed, developed, printed and duplicated for individuals or businesses.

Photography Studio- with lab for inhouse use only

A facility in which photography occurs on the premises.

Photovoltaic System

An active solar energy system that converts solar energy directly into electricity.

Place of Assembly, Commercial

A facility for the gathering of persons to attend athletic events, entertainment events (including musical, dance, and dramatic arts productions/performances), ceremonial events, and other similar types of events for which a fee, rate, or other consideration is charged directly or indirectly to support the facility as a business or undertaking intended for profit. If the use of the facility fits within a more specific use classification found within Table 5-1, the more specific listing shall be the controlling classification.

Place of Assembly, Noncommercial

A facility that is not developed or operated for the purpose of functioning as a for-profit business undertaking. Such a facility is used for the gathering of persons to attend civic, social, religious, deliberative, recreational, or artistic events/activities for which no fee or monetary charge of any kind is levied as a prerequisite for participation in the event/activity itself. If the use of the facility fits within a more specific use classification found within Table 5-1, the more specific listing shall be the controlling classification.

Planned Development

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Principal Building

A building in which is conducted the principal use of the parcel on which it is situated.

Principal Use

The primary purpose of function that a parcel serves or is intended to serve.

Produce sales

The display and sale of agricultural products that is not an accessory use to an existing principal use, on an undeveloped or developed lot. Not to include flea market and open air sales or produce/farmers market.

Professional Recovery Facility

Any establishment, other than a family care home, hospital or nursing home, licensed by the N.C. Department of Social Services, or other unit of state government, to provide persons a structured environment. A structured environment shall be defined as a setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.

Professional Services

Services generally involves practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners. (See Health Services and Health Practitioners).

Public Use Facility

The use of land, buildings, or structures by a public utility, railroad, or a unit of government, to provide public services, governmental or proprietary, directly to the general public. This definition includes, but is not limited to, water treatment plants or pumping stations, sewage treatment plants or pumping stations, substations, telephone exchanges, and other similar public service structures. This definition also includes police and fire stations, municipal buildings, bus terminals or similar facilities for public transportation, community centers, emergency response facilities and any other public facility providing the above services but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public Notice

Public notice of a hearing means notice of the time and place thereof published once a week for two successive calendar weeks in a newspaper circulated in Asheboro.

Publishing and Printing

An establishment primarily engaged in preparing, publishing, and printing of newspapers, periodicals, books and pamphlets, reports, advertisements, etc.

Radio and Television Studio

A facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Ordinance.

Radio and Television Receiving Antenna and Dish, Accessory

An antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

Railroad Classification Yard

A fan-shaped network of tracks and switches where railroad cars are sorted and made up into trains for their respective destinations.

Recreation

Any form of play, amusement, or relaxation.

Recreation, commercial indoor

Any form of play, amusement, or relaxation used for monetary gain conducted within an enclosed structure.

Recreation, commercial outdoor

Any form of play, amusement, or relaxation used for monetary gain not conducted within an enclosed structure.

Recreation Space

Recreation space is part of the total open space requirement, and is an exterior area for common passive or active recreation use; i.e, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit.

Recreation Space, Active

Land dedicated to solely to the pursuit of recreation. Active recreation space includes but is not limited to athletic fields, exercise facilities, buildings or structures for recreation activities, courses or courts, children's play areas, and dog play areas.

Recreation Space, Passive

An undeveloped space used for recreational enjoyment that requires minimal development. The quality of the environment and "naturalness" of an area is the focus of the recreational experience in a passive recreation area. Passive recreation space includes but is not limited to barbeque areas, benches, gazebos, community gardens, and bike paths/walking trails.

Recreation Space Ratio

The recreation space ratio is used to establish minimum recreation space requirements. The minimum recreation space required shall not be less than the number of square feet in the required open space multiplied by the recreation space ratio.

Recreational Vehicle

A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes but is not limited to travel trailers, motor homes, camping trailers, campers, auto truck, and recreational vans. Recreational vehicles are considered domestic vehicles.

Recreational Vehicle Park

The provision of two or more recreational vehicle spaces on a single zoning lot.

Recreational Vehicle (or RV) Resort

Any site or tract of land where two or more recreation vehicle sites are individually owned and occupied or intended for occupancy by RVs.

RV Site

A plot of land within a resort for the placement of a single RV unit for the exclusive use of its occupants. RV sites may be subdivided (i.e. each site is shown as a separate lot on a recorded plat, and may be conveyed individually) or unsubdivided (i.e. while such sites are individually demarcated, they are commonly owned and may not be conveyed separately).

Recreational Vehicle (RV):

- (A) Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on, or permanently attached to, a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- (B) RV Camping Trailer with facilities: A travel trailer, which can operate independently of connections to sewer, water, and electric systems. An RV camping trailer must contain a water flushed toilet, lavatory, shower, and kitchen facilities, all of which are connected to water storage and sewage holding tanks located within the unit. These units may also be connected to public water and sewer.
- (C) ANSI Park Model: A transportable one-story unit with a body width not exceeding 12 feet and built on a single chassis where the total heated area of such unit does not exceed 400 square feet. It is designed to provide seasonal or temporary living quarters when connected to utilities necessary for the operation of installed fixtures and appliances. ANSI Park models are not allowed on a permanent foundation.

Recreational Vehicle Space

An area of land designated for the location of a recreational vehicle while said recreational vehicle is in use as a dwelling unit.

Recycling Center

A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and

treated to return such products to a condition in which they may again be used for production.

Rehabilitation Centers

An establishment engaged exclusively in the provision of outpatient services to correct, cure or assist an individual in adjusting to a physical disability. Such services include but are not limited to physical therapy, occupational therapy, speech therapy, audiology, radiology and respiratory therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

Repair Services

The use of land, structures or buildings for the purposes of mending or restoring items after decay, damage, dilapidation or partial destruction. Such services include but are not limited to bicycle repair, electrical and electronic repairs, gunsmiths, locksmiths, reupholstery services, furniture, refinishing and repair, small motor repair, and watch, clock and jewelry repair. Construction activities and motor vehicle repair shall not be included in repair services.

Research Activity

Research, development, and prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Residential Districts

R40, R15, R10, R7.5 and RA6 Districts shall be considered as residential districts.

Residential Townhouse Development in the B3 District

A development of a zoning lot that consists of two (2) or more dwelling units or mixed-use buildings, each of which is located on its own individual lot, plus land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. The individual lots within a Townhouse Development shall not be required to meet the lot design standards of Table 4-1 provided the zoning lot containing the Townhouse Development meets such standards.

Retail

The use of land, buildings or structures for the sale of merchandise, new or used.

Retail Convenience Goods

Commercial establishments that generally service day-to-day commercial needs of a residential neighborhood, including, but not limited to, convenience stores, tobacco shops, newsstands, bakeries, candy, nut and confectionery stores, delicatessens, dairy products, meat and seafood markets, produce markets, food stores with less than ten thousand square feet in floor area.

Retail Shoppers' Goods

Commercial establishments that, supply the more durable and permanent needs of a community, including but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden

supply stores; mail order pickup facilities; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shop; radio and television sales stores; sporting goods stores; supermarkets; trading stamps redemption stores; and variety stores.

Scale

A comparison of the dimensions of various components of a building to other related elements and to human dimensions. Scale also refers to the size relationships between adjacent buildings and between buildings and adjacent open spaces.

School

A facility which is in compliance with the North Carolina Compulsory School Attendance Law and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, and high schools. A school may be a private, public, or a charter school.

School, Business

An establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities.

School (Technical/Vocational)

A school, whether privately or publicly owned, that trains persons in specific trades or occupations.

Screen

A dense, evergreen hedge or solid fence or wall used to enclose, screen, or separate certain uses as specified in this Ordinance.

Seasonal Sales Temporary

The display and sale of pumpkins, Christmas trees, etc., that is not an accessory use to an existing principal use, on an undeveloped or developed lot. Not to include flea market and open air sales or produce/farmers market.

Service Station

An attended or unattended establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel:

- (A) Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- (B) Sales, service, and repair of tires, but not recapping or regrooving;
- (C) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (D) Radiator cleaning, flushing, and fluid replacement;
- (E) Washing and polishing, and sale of automotive washing and polishing supplies;

- (F) Greasing and lubrication;
- (G) Providing and repairing fuel pumps, oil pumps and lines;
- (H) Minor adjustment and repair of carburetors;
- (I) Emergency repair of wiring;
- (J) Minor motor adjustment not involving removal of the head or crankcase;
- (K) Sale of beverages, packaged food, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal uses;
- (L) Provision of road maps and other travel information to customers;
- (M) Provision of restroom facilities;
- (N) Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts; painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

Shelter, Emergency

A facility operated by a governmental unit, nonprofit agency, or house of worship providing, without charge, temporary sleeping accommodations, with or without meals, for families displaced by emergency events. An emergency event is one of the following:

- (A) A natural disaster, which includes by way of illustration and not limitation, earthquakes, fires, floods, tornados, hurricanes, and extreme weather conditions.
- (B) Man-made disaster, which includes by way of illustration and not limitation the release of hazardous or toxic substances into the environment and wide-spread infrastructure failures such as the failure of a water, sewer, or electrical utility.
- (C) Civil emergency, which includes by way of illustration and not limitation riots and other events where public safety authorities are unable to maintain public order or afford adequate protection for lives or property and
- (D) Community disorders, which includes temporary housing for individuals who have experienced or were threatened with physical, sexual, and/or emotional abuse.

Sight Distances

The triangular area formed by the intersecting streets pavement edges and a straight line connecting points on said street pavement edges, each of which is thirty-five (35) feet in distance from the point or

intersection. (Where two (2) state maintained streets intersect, regulations of N. C. DOT shall apply.)

Sign Definitions: See Chapter 7

Sign Painting

A business that engages in painting, printing, or design of signs for businesses, organizations and individuals.

Solar Collector

Any solar structure or equipment that absorbs and accumulates solar radiation for use as a source of energy. A solar collector may be roof mounted or ground mounted.

Solar Energy

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Farm

A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

Solid Waste

Garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special Purpose Lot

A lot legally created to accommodate a unique non-residential use, that upon approval by the Zoning Administrator in accordance with this Ordinance, is not required to possess the typical lot size, area, width, and road frontage mandated by the underlying zoning district.

Special Use

A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare.

Special Use Permit

The grant of permission by the City Council for certain property uses.

Stable

A building in which horses or cattle are sheltered and fed.

Start of Construction

- (A) The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading or filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure.
- (B) For a structure without a basement or poured footings, the start of construction shall be the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than mobile home parks, or the affixing of any prefabricated structure to its permanent site.
- (C) For mobile home parks, which are equipped with concrete pads on which mobile homes are to be placed, "start of construction" means the date on which the pouring of the pads commences. For mobile home parks which are not equipped with concrete pads, "start of construction" means the date on which installation of utilities and final site grading are completed.

Story

The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street

A thoroughfare which affords the principal means of access to abutting property.

Street Line

The street line is the dividing line between the street and the lot, as established by the City of Asheboro; also called the "right-of-way line".

Street, Private

A roadway, not dedicated to the public, providing primary access to adjacent properties and meeting the regulations of the City of Asheboro for private street development.

Street, Public

Effective October 10, 2005 to December 31, 2006: A right-of-way that has been offered for dedication to the public for access to adjacent properties.

Effective January 1, 2007: A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.

Structural Alteration

Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

Structure

Anything built or constructed which requires location on the ground or attachment to something having a fixed location on the ground. For purposes of this ordinance, this definition does not include retaining walls or fences.

Structure, Accessory

A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Dumpsters and their required screening are not to be considered accessory structures.

Structure, Principal

A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Structure, Temporary

A structure which is placed on a zoning lot for a specific time period which is not intended to be a permanent structure; neither principal nor accessory.

Subdivision, Major

For the purpose of this Ordinance, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

- (A) The combination or re-combination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City, as shown in its subdivision regulations;
- (B) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (C) the public acquisition by purchase of strips of land for widening or opening of streets; and
- (D) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where resultant lots are equal to or exceed the standards of the County, as shown in this Ordinance.

For the purpose of this Ordinance, the following definition also shall not be included in the above definition of a "subdivision":

*The conveyance of land to heirs for the purpose of dividing real estate among said heirs. (This exclusion results from the North Carolina Court of Appeals decision in Claude A. Williamson, Jr., and wife Angela C. Williamson VS. Dorothy A. Avant (21 N.C. App.211).**

Subdivision, Minor

For the purpose of this Ordinance, "Minor Subdivision" shall mean the division of one existing tract of

land into parcels, whether contiguous or not. No new streets or street extensions shall be included in a "Minor Subdivision".

Taxi Stand

A location in which taxi cabs, as regulated by the City Code, are stored for dispatch to locations for customer-pick up. A taxi stand may also include the necessary office and administrative functions associated with this use.

Technical Schools

The use of land, structures or buildings for the provision of training in various skills and may include but not limited to business schools, trade schools and vocational schools.

Telecommunication Tower

Any structure which is designed for the support of one or more antennas, including monopole towers, self-supporting lattice towers, and guy towers. Towers included in this definition are television and radio transmission towers, microwave towers, common-carrier towers, personal communications service towers, cellular towers, and the like.

Transfer Station

A use of land where nonhazardous or nontoxic waste such as residential, commercial or industrial is temporarily deposited for the purpose of a break in bulk and further shipment to a landfill or other appropriate destination.

Transparency

Having the property of transmitting light without appreciable scattering so that bodies lying beyond are clearly seen.

Travel Park

An area intended and equipped for the temporary parking of vehicles and tents designed for travel, recreational and vacation dwellings.

Travel Trailer

A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a manufactured home.

Truck Terminal

Uses primarily devoted to the storage, sorting, or breaking of bulk products or distributing or delivery of parcels, post or other goods.

Use

The specific activity or function for which land, a building, or a structure is designated, arranged, occupied, or maintained.

Use, Accessory

A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and

subordinate to, the principal use of the lot or structure.

Use, Principal

The primary use and chief purpose of a lot or structure.

Used Merchandise

An establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

Variance

A relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Vehicle

A land operated means of transportation for persons or objects, including but not limited to cars, trucks, buses, motorcycles, motor scooters, motor homes, and trailers. Domestic motor vehicles, commercial vehicles, and recreational vehicles are included within this definition.

Vehicle, Commercial

A vehicle that has a gross vehicle weight rating of at least 26,001 pounds.

Vehicle, Domestic

A vehicle that has a gross vehicle weight rating of less than 26,001 pounds.

Vehicle Towing Storage Facility

The use of land or buildings to park, store and maintain vehicles associated with vehicle towing. This includes storage of towed vehicles while awaiting proper disposition of these vehicles and storage of vehicles engaged in vehicle towing (i.e. tow trucks). A vehicle towing yard does not include a vehicle towing operation.

Vehicle Towing Operation

A vehicle towing operation is solely designated for administrative activities associated with vehicle towing. A vehicle towing operation does not include a vehicle towing storage facility.

Vehicle Towing Operation and Storage Facility

The use of land or buildings for both a vehicle towing storage facility and a vehicle towing operation.

Vocational School

An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both. This definition shall be deemed to include the indoor storage of vehicles.

Wholesale Distribution

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Yard

An open space unoccupied and unobstructed by any structure or portion of a structure provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Yard, Front

A yard extending between the side lot lines across the portion of a lot adjacent to a street.

Yard, Rear

A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots and corner lots.

Yard, Side

A yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line.

Yard Sale

The sale of residential household items or personal possessions which have been incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to, sales commonly known as "garage", "patio", "driveway", "lawn", "attic", or other general sale of like nature.

Zoning Compliance Permit

A permit issued by the Zoning Administrator authorizing the recipient to make use of property in accord with the requirements of this Ordinance. This permit may either be a separate document or part of the normal permits associated with Certificates of Occupancy, Occupational License applications, Building Permits, or the like.

Zoning Districts

Areas of land or water, whose boundaries are indicated on the Official Zoning Map, within which all properties are regulated by the general regulations of this Ordinance and the specific regulations of the individual district.

Zoning Lot

A lot or combination of lots shown on an application for a Zoning Compliance Permit.

CHAPTER 2
ADMINISTRATION
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CHAPTER 2

ADMINISTRATION

2.01 GENERAL

(A) Title

The official title of this document is the Zoning Ordinance for the City of Asheboro, North Carolina and is referred to throughout this document as "this Ordinance."

(B) Affected Territory

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

(C) Effective Date

The provisions of this Ordinance shall be effective upon adoption.

(D) Purpose and Intent

This Ordinance is adopted to preserve, protect and promote the public health, safety and general welfare of residents and businesses in the City. More specifically, this Ordinance is adopted to achieve the following objectives:

- (1)** Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan
- (2)** Improve the built environment and human habitat
- (3)** Conserve and protect the City's natural beauty and setting, including trees, scenic vistas and cultural and historic resources
- (4)** Ensure that new development conserves energy, land and natural resources
- (5)** Protect water quality within designated water supply watersheds
- (6)** Encourage environmentally responsible development practices
- (7)** Promote development patterns that support safe, effective and multi-modal transportation options, including auto, pedestrian, bicycle and transit
- (8)** Provide neighborhoods with a variety of housing types to serve the needs of a diverse population
- (9)** Reinforce the character and quality of neighborhoods

- (10) Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base
- (11) Ensure that adequate facilities are constructed to serve new development
- (12) Provide for orderly growth and development of suitable neighborhoods with adequate transportation networks, drainage and utilities and appropriate building sites
- (13) Save unnecessary expenditures of funds by requiring the proper initial construction of transportation networks, sidewalks, drainage facilities and utilities
- (14) Establish a zoning vested right upon the approval of a site specific vesting plan

(E) Minimum Requirements, Interpretation and Conflict

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a higher standard or greater restriction than is imposed or required by other ordinances, rules, regulations, statutes or by easements, covenants or agreements, the provisions of this ordinance shall govern. When the provisions of any other ordinances, rules, regulations or statutes impose higher standards than are required by the provisions of this Ordinance, the provisions of that ordinance, rule, regulation or statute shall govern.

(F) Severability

It is the legislative intent of the City Council in adopting this Ordinance that all provisions thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the City of Asheboro. It is the further intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

2.02 REVIEW ENTITIES

(A) City Council

(1) General Authority

The City Council may exercise those powers proscribed by North Carolina general and local law, including the City Charter, and as described in the Code of Asheboro

(2) Specific Approval Authority

The City Council is responsible for final action regarding:

- (a) Zoning Map Amendment
- (b) Zoning Text Amendment

- (c) Special Use Permit
- (d) Any other process as designated by this Ordinance

(B) Planning Board

(1) General Authority

The City of Asheboro Code of Ordinances, Title III, Chapter 34 creates a Planning Board to exercise powers granted by the City Code of Ordinances, other City Ordinances, and G.S. Chapter 160D-301.

(2) Specific Review Authority

The Planning Board is responsible for:

- (a) Reviewing and making recommendations regarding Zoning Text and Map Amendments
- (b) Any other process as designated by this Ordinance

(3) Rules of Procedure

- (a) The Planning Board shall establish its own rules of procedure
- (b) The rules, minutes and actions of the Planning Board shall be maintained in the Planning & Zoning Department office in accordance with City of Asheboro Records Retention Schedule.

(C) Board of Adjustment & Watershed Review Board

(1) General Authority

The Board of Adjustment is established to exercise any and all powers prescribed by North Carolina general and local law, including the City Code of Ordinances, and to perform duties as lawfully directed by the City Council.

(2) Specific Approval Authority

The Board of Adjustment is responsible for final action regarding:

- (a) Appeals of administrative orders, requirements, decisions or determinations of the Zoning Administrator, or his authorized designees
- (b) Variance
- (c) Interpretations
- (d) Reasonable Accommodation
- (e) Any other process as designated by this Ordinance

(3) Composition & Rules of Procedure

- (a) The Asheboro Planning Board shall serve as the Board of Adjustment and/or the Watershed Review Board for this Ordinance.
- (b) The Rules of Procedure for the Asheboro Planning Board shall also apply to the Board of Adjustment and Watershed Review Board.

- (c) The rules, minutes and actions of the Board of Adjustment and Watershed Review Board shall be maintained in the Planning & Zoning Department office in accordance with City of Asheboro Records Retention Schedule.

(4) Coordination with Flood Damage Prevention Ordinance

When the Board of Adjustment is requested to consider and decide upon any issue within their power which falls within an area of a Flood Damage Prevention Zone, the foregoing regulations and those regulations in the Flood Damage Prevention Ordinance shall apply except in the case where Flood Damage Prevention Ordinance requirements conflict with the requirements of this section. In such situation, Flood Damage Prevention Ordinance requirements shall govern.

(D) Zoning Administrator

(1) Establishment

The Zoning Administrator, who shall be designated by the City Manager, shall administer the provisions of this Ordinance.

(2) Powers and Duties

The Zoning Administrator shall have the power to grant Zoning Compliance Permits, Certificates of Zoning Compliance, and to make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this Ordinance. In connection with the enforcement of this Ordinance, the Zoning Administrator shall make all necessary determinations and interpretations as required by this Ordinance.

(3) Limitations

If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for a Zoning Compliance Permit is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Compliance Permit; however;

- (a) Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provisions of this Ordinance.
- (b) Under no circumstance is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either building, structures or land.
- (c) Under no circumstance is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- (d) The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the

permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

- (e) If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval.

2.03 REVIEW PROCEDURES

(A) General Review Procedures

(1) Applicability

The following requirements are common to the procedures contained in this Chapter, and apply to applications submitted under this Chapter. Additional requirements may be included for each specific procedure.

(2) Application Requirements

(a) Initial Application Submittal

Applications are required for all review procedures. Applications shall be submitted to the Planning and Zoning Department.

(b) Forms

Applications must be submitted, fully completed with all required accompanying documents, on forms and in such numbers as required by Planning & Zoning Department. Application forms may be found on the City of Asheboro website or in the Planning and Zoning Department office.

(c) Fee Schedule

- (i) Fees for filing applications shall be set by resolution of the City Council and kept in the Planning and Zoning Department Office.
- (ii) Before review of an application, including applications for re-hearings, all filing fees must be paid in full. No refund of the fee or any part of the fee shall be made unless the application is withdrawn prior to advertisement of a hearing.
- (iii) A fee shall not be required if the application is made by the City or any agency created and appointed by the City Council to perform governmental functions.

(d) Application Deadline

Complete applications shall be submitted in accordance with the Planning & Zoning Department's filing calendar. A calendar indicating submittal dates shall be developed and maintained by the Planning and Zoning Department each year.

(e) Application Withdrawal

An applicant may withdraw their application at any time by written notice to the Zoning Administrator

(3) Public Hearing Notice Requirements & Scheduling

- (a) When published notice is required, the Planning and Zoning Department shall schedule public notice in accordance with G.S. 160D-601
- (b) When mailed notice is required, the Planning & Zoning Department shall, by first class mail, give notice of the public hearing in accordance with G.S. 160D-406 and/or G.S. 160D-602.
- (c) When posted notice is required, the Planning & Zoning Department shall prominently post notice in accordance with G.S. 160D-406 and/or G.S. 160-D-602.
- (d) A combined total of more than five (5) legislative and quasi-judicial hearings shall not be heard at any meeting of the City Council.

(B) Quasi-Judicial

(1) General Procedures

All Quasi-Judicial hearings shall be held in accordance with G.S. 160D-406.

(2) Special Use Permits

(a) Intent

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of all public use facilities, and (2) create, and from time to time amend, a list of Special Uses, which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The City Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which, now or in the future, may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right. Subject to the specific procedures established for reviewing public use facilities, the City Council intends that the general standards and the more specific requirements established 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.

(b) General Standards

Except as provided in Section 2.03(B)(2)(c) of this Ordinance, the City Council shall find that the following general standards shall be met by all applicants for approval of Special Uses:

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

The City Council shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a Special Use.

(c) **Public Use Facilities**

Public Use Facilities shall be reviewed by utilizing one of the following options:

- (i) City Council grants the authority to staff to issue all necessary permits for public use facilities that meet all regulatory requirements of the Asheboro Zoning Ordinance.
- (ii) In cases where there is a deficiency in the ability of a Public Use Facility to meet all regulatory requirements of the Zoning Ordinance, City Council shall review the application for a Public Use Facility and evaluate whether or not a Special Use Permit shall be issued for the proposed public use facility solely on the basis of the general standards prescribed by Section 2.03(B)(2)(b) of this Ordinance. For the limited purpose of evaluating public use facilities under General Standard 2.03(B)(2)(b)(ii), a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with this Ordinance.
- (iii) Notwithstanding the preceding provisions of Section 2.03(B)(2)(c) of this Ordinance, a Special Use Permit shall not be required for Public Facilities which are developed as part of a New Residential Subdivision. However, the following standards shall be met:
 - (aa) The uses shall be restricted to waste treatment plants, water treatment, pumping stations, lift stations, telephone exchanges, electrical and distribution substation locations and similar uses required to serve the needs of the immediate residential, office and commercial districts.

Specifically excluded are energy generation plants, freight and marshaling yards, terminals and similar uses.

- (bb) Buffers and screens shall be installed and maintained per Chapter 6.
- (cc) Signs will be regulated as per Chapter 7.
- (dd) Off street parking shall be provided as per Chapter 6.
- (ee) All structures permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to plans required, elevations shall be submitted indicating final appearance in compliance with this subsection.
- (ff) 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.

Any lot created for a Public Facility that is to be in Public ownership shall not be required to meet lot area and width regulations as established in Table 4-1.

(d) Specific Procedure for Special Use Permit

- (i) The deadline for filing of applications for a Special Use Permit will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set.
- (ii) Revisions may be made to required site plans and all revisions made to the site plan shall be received no later than 15 days prior to the public hearing. If site plan revisions are submitted after 15 days prior to the advertised public hearing date, they will not be considered.
- (iii) When the City Council shall have denied an application the City Council shall not receive another application for the same Special Use, affecting the same property or a portion of it until the expiration of a one-year period, extending from the date of denial.

(e) Imposed Conditions

In granting a Special Use Permit, the City Council may impose such additional reasonable and appropriate special requirements upon such permit, as it may deem necessary in order that the purpose and intent of this ordinance is served, public welfare secured and substantial justice done. If the applicant accepts all requirements and conditions, the City Council shall authorize the issuance of the Special Use Permit,

otherwise the permit shall be denied. Such conditions of a valid Special Use Permit shall run with the land and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(f) **Discontinuance of Permitted Activity or Failure to Act on a Special Use Permit**

If any Special Use is discontinued for a period of 12 months; or the permit is not initiated within 12 months; *or* replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Special Use Permit shall be null and void and of no effect. The owner shall demonstrate that the Special Use has not been discontinued for a period exceeding 12 months; the project has been started; or has not been replaced by a use otherwise permitted to maintain a valid Special Use Permit.

(g) **Minor Changes to be Approved by Zoning Administrator/ Modifications Require Action by City Council.**

The Zoning Administrator is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving body, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the City Council and shall be handled as a new application.

The following actions shall constitute a modification, unless expressly authorized by the permit:

- (i) The erection of a new structure or the addition to an existing structure that:
 - (aa) exceeds 1000 square feet, either cumulatively or non-cumulatively;
 - (bb) exceeds 10% of the useable floor area, either cumulatively or non-cumulatively, approved by the City Council as part of its review of the applicable Special Use permit; or
 - (cc) results in any portion of a structure being located closer than thirty (30) feet to an adjoining property developed with a single-family or two-family dwelling.
- (ii) An increase in number of dwelling or lodging units.
- (iii) An increase in outside land area devoted to sales, displays, or demonstrations.
- (iv) Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the City Council. In no case shall the number of spaces be reduced below the minimum required by the ordinance.

- (v) Structural alterations significantly affecting the basic form, style, ornamentation and the like of the building as shown on the approved plan.
- (vi) Substantial change in the amount and/or location of open space, recreation facilities or landscape buffers/screens.
- (vii) A change in use
- (viii) Substantial changes in pedestrian or vehicular access or circulation

Notwithstanding any other provision within this Section, the Zoning Administrator is expressly prohibited from approving any changes that would be in conflict with the requirements of the Zoning Ordinance or significantly contrary to the Findings of Facts, Conclusions of Law, or Order as outlined the applicable Special Use Permit.

The Zoning Administrator shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for the approval of the Special Use. The Zoning Administrator shall, if he determines that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the City Council. The Council may approve or disapprove the application for approval of a modification.

(h) Failure to comply with Plans and Conditions of the Permit

In the event of failure to comply with the plans approved by the City Council or with any conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificate of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as non-conforming uses subject to the provisions of Chapter 8 of this Ordinance; provided however, that the City Council shall not be prevented from thereafter rezoning said property for it's most appropriate use.

(3) Zoning Variance

(a) Intent and General Standards

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (i) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

- (ii) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (iii) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (iv) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance.

(b) Specific Procedure for Zoning Variance

- (i) Applications for variances shall be filed at least 30 days prior to the Board of Adjustment meeting at which the request will be considered.
- (ii) The Board shall refuse to hear an application previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the application.

(4) Reasonable Accommodation

- (a) The City of Asheboro Board of Adjustment (the “Board”) is authorized to grant reasonable accommodations under the Federal Fair Housing Act, Americans with Disabilities Act, and The Rehabilitation Act in the circumstances set forth in this division of the City of Asheboro Zoning Ordinance (the “Ordinance”).
- (b) An application for a reasonable accommodation may be filed only by the owner of the land affected by the requested reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such an application; or any unit of government that is not the owner of the land but proposes to acquire the property by purchase, gift, or condemnation.

- (c) An application for a reasonable accommodation shall be filed with the Zoning Administrator, or his or her designee, and the application shall contain the following information:
 - (i) The applicant's contact information (name, mailing address, telephone number, fax number, and email address);
 - (ii) The contact information for the owner(s) of the land affected by the requested reasonable accommodation, if different from the applicant's contact information;
 - (iii) The address of the property at which the reasonable accommodation is requested (this property will be hereinafter referred to as the "Zoning Lot");
 - (iv) A description of the reasonable accommodation requested;
 - (v) A statement explaining how and why the request meets the standards for a reasonable accommodation (see subsection (g) below); and
 - (vi) The signature of the applicant and the property owner(s), if different from the applicant.
- (d) No filing fee shall be required for the application for a reasonable accommodation.
- (e) The Board shall hold a quasi-judicial hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the Board's members.
- (f) Notwithstanding any other provision in this Ordinance, the quasi-judicial hearing shall be noticed in accordance with Section 160D-406(b) of the North Carolina General Statutes.
- (g) The Board shall grant a reasonable accommodation to any provision of the Ordinance if the Board finds that the applicant has carried its burden of proof, by the greater weight of the evidence, that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the following criteria:
 - (i) "Reasonable" An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the city and/or constitute a substantial or fundamental alteration of the provisions in the City of Asheboro Zoning Ordinance; and

- (ii) “Necessary” An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap and would afford disabled or handicapped persons equal opportunity to enjoy and use housing in residential districts in the city.
- (h) After the Board approves a reasonable accommodation, the applicant shall follow all applicable Ordinance procedures and regulations for the issuance of any permits, certificates, or other approvals required in order to proceed with development or use of the Zoning Lot. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board.

(5) Appeal of Administrative Decision

- (a) Appeals shall be filed with the Clerk to the Board of Adjustment at least 30 days prior to the Board of Adjustment meeting at which the appeal will be considered
- (b) An appeal from an order, requirement, decision or determination of the Zoning Administrator, or his authorized designee, or an appeal of a decision or determination of the Community Development Director regarding the Asheboro Subdivision Ordinance, shall be decided by the Board of Adjustment based upon its findings of fact and, to achieve the intent of the Ordinance, and in accordance with the provisions of G.S. 160D-405. The effect of the decision shall not be to vary the terms of the Ordinance nor add to the list of permitted or permissible uses in the districts.
- (c) An appeal to the Board of Adjustment from a decision or determination of the Zoning Administrator, or his authorized designee, or an appeal of a decision or determination of the Community Development Director regarding the Asheboro Subdivision Ordinance, stays all enforcement proceedings in furtherance of the decision or determination appealed from, except as provided by G.S. 160D-405.

(6) Interpretation

- (a) Applications for interpretation shall be filed at least 30 days prior to the Board of Adjustment meeting at which the request will be considered.
- (b) An interpretation of a requirement of this Ordinance shall be decided by the Board, based upon its findings of fact and to achieve the intent of this Ordinance. In exercising this power, the Board shall act in a prudent manner so that the purposes of this Ordinance shall be served. The effect of the decision shall not be to vary the terms of this Ordinance nor add to the list of permitted or permissible uses in the districts.

(C) Legislative

(1) General Procedures

- (a) All legislative hearings shall be held in accordance with G.S. 160D Article 6
- (b) The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.
- (c) The Zoning Administrator shall coordinate with the City Manager's office the placement of the application on the City Council's consent agenda for approval to schedule and advertise a public hearing on the requested amendment.
- (d) Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested legislative amendment as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested legislative amendment.
- (e) When the City Council shall have denied an application, the City Council shall not receive another application for the same legislative hearing affecting the same property or a portion of it until the expiration of a one-year period, extending from the date of denial. In addition, not more than two (2) applications may be filed for rezoning all or part of the same property within any twelve (12) month period.

(2) Zoning Text Amendment

For the purpose of establishing and maintaining sound, stable and desirable development within Asheboro and its extraterritorial planning jurisdiction, this Ordinance shall not be amended except to correct a manifest error in the Ordinance, or because of changed or changing conditions in a particular area or in the jurisdiction of the City of Asheboro generally, or to change the regulations and restrictions thereof, and then, only as reasonably necessary to the promotion of the public health, safety, or general welfare, and to achieve the purposes of the adopted Land Development Plan.

(3) Zoning Map Amendment

(a) Intent

For the purpose of establishing and maintaining sound, stable and desirable development within Asheboro and its extraterritorial planning jurisdiction, this Ordinance shall not be amended except to correct a manifest error on the official

zoning map, or because of changed or changing conditions in a particular area or in the jurisdiction of the City of Asheboro generally, to rezone an area, or extend the boundary of an existing zoning district, and then, only as reasonably necessary to the promotion of the public health, safety, or general welfare, and to achieve the purposes of the adopted Land Development Plan.

(b) **Prohibition of Certain Testimony**

It is the intent of this section that the applicant for rezoning to any district other than a Conditional Zoning District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property.

(c) **Conditional Zoning Procedures and Requirements**

Refer to Section 4.05 of this Ordinance for Conditional Zoning procedures and requirements.

(D) Administrative

(1) General Procedures

All administrative development approvals and determinations shall be made in accordance with G.S. 160D-403

(2) Zoning Compliance Permit

(a) A Zoning Compliance Permit shall be required for:

- (i) Excavation, grading, construction, reconstruction, moving, alteration, or repair, except ordinary repairs, of any structure costing more than \$500.00 or exceeding one hundred forty four (144) square feet in area,
- (ii) Establishing, changing, or enlarging a use of land, or to change the type of use or type of occupancy of any structure, or to extend any use or any zoning lot on which there is a nonconforming use

(b) A Zoning Compliance Permit shall not be required for development on zoning lots within the Airport (A) District. The Asheboro Airport Authority maintains site plan review authority on zoning lots zoned Airport (A) District.

(c) Prior to the issuance of a Zoning Compliance Permit, the Zoning Administrator shall consult with all applicable departments including, but not limited to, the Department of Public Works, the Building Inspection Department and the Fire Department.

(d) A Zoning Compliance Permit shall be valid for a period of twelve (12) months from date of issuance.

- (e) A Zoning Compliance Permit does not constitute a vested right.
- (f) In all cases where a Building Permit is required, application for a Zoning Compliance Permit shall be made coincidentally with the application for a Building Permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or premise or part thereof is intended to begin.

(3) Certificate of Zoning Compliance

No structure or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, issued a Certificate of Zoning Compliance indicating compliance has been made with all the provisions of this Ordinance. Guarantees in the form of Certified Checks, bonds, cash, or Letter of Credit may be accepted to insure the actual installation of certain landscaping, buffers and screens, paving requirements, and recreational facilities and offices for multifamily developments. Such guarantee shall be in an amount not less than 100% of the estimated costs of such requirements as estimated by professional contractors competent in their respective fields in the form of proposals or bids for the installation being guaranteed. Such guarantee shall not be for more than a period of 6 months from the date of issuance of Certificate of Zoning Compliance. However, the issuance of a Certificate of Zoning Compliance shall in no case be construed as waiving the provisions of this Ordinance.

2.04 VESTED RIGHT

(A) Site Specific Vesting Plan

The purpose of this section is to implement the provisions of G.S.160D-108.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific vesting plan.

(B) Definitions

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

- (1) Approval Authority — The City Council by this ordinance is being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific vesting plan.
- (2) Site specific vesting plan — A plan of land development submitted to the City of Asheboro for purposes of obtaining one of the following zoning or land use permits or approvals:
 - (a) Zoning Compliance Permit
 - (b) Conditional Zoning
 - (c) Special Use Permit
 - (d) Subdivision Preliminary Plat Approval

- (3) Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific vesting plan.
- (4) Zoning vested right — A right pursuant to G. S. 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific vesting plan.

(C) Establishment of a Zoning Vested Right

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

(D) Approval Procedures and Approval Authority

- (1) An application for a site specific vesting plan in conjunction with a request for a Zoning Compliance Permit, Special Use Permit, or Subdivision Preliminary Plat Approval shall be processed in accordance with the procedures established by this ordinance for a Special Use Permit application. An application for a site specific vesting plan in conjunction with a request for Conditional Zoning shall be processed in accordance with the procedures

established by the Ordinance for a Conditional Zoning application. The City Council in reviewing and approving a site specific vesting plan application shall be governed by the requirements for the accompanying permit or approval for which application is made.

- (2) Notwithstanding the provisions of subsection (1) above, if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee or administrative official other than the City Council, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the City Council following notice and a public hearing as provided in G. S.160D-602.
- (3) In order for a zoning vested right to be established upon approval of a site specific vesting plan, the applicant must indicate at the time of application, on a form to be provided by the City of Asheboro, that a zoning vested right is being sought.
- (4) Each map, plat, site plan or other document evidencing a site specific vesting plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G. S. 160D-108.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."
- (5) Following approval or conditional approval of a site specific vesting plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- (6) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

(E) Duration

- (1) A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (2) and (3) below.
- (2) Notwithstanding the provisions of subsection (1) above, the City Council may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the City Council at the time the site specific vesting plan is approved.

- (3) A multi-phased development shall be vested for the entire development with the zoning and subdivision regulations in place at the time a site plan approval is granted for the initial phase of the multi-phased development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development. For purposes of this subsection, “multi-phased development” means a development containing 25 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.
- (4) Upon issuance of a building permit, the expiration provisions of G. S. 160D-1111 and the revocation provisions of G. S. 160D-1115 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(F) Termination

A zoning right that has been vested as provided in this chapter shall terminate:

- (1) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
- (2) with the written consent of the affected landowner;
- (3) upon findings by the City Council, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific vesting plan;
- (4) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (5) upon findings by the City Council, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific vesting plan; or
- (6) upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific vesting plan, in which case the approval

authority may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(G) Voluntary Annexation

A petition for annexation filed with the City under G. S. 160A-31 or G. S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G. S. 160D-108.1 A statement that declares that no zoning vested right has been established under G. S. 160D-108.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

(H) Limitation

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G. S. 160D-108.1.

(I) Repeal

In the event that G. S. 160D-108.1 is repealed, this ordinance shall be deemed repealed and the provisions hereof no longer effective.

(J) Effective Date

This chapter shall be effective November 11, 1991, and shall only apply to site specific vesting plans approved on or after November 11, 1991.

2.05 ENFORCEMENT

(A) Complaints Regarding Violations

Whenever the administrator receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken. Nothing in this section shall be construed to prohibit the Zoning Administrator from initiating an investigation and taking any enforcement action authorized by this Ordinance when the Zoning Administrator, regardless of whether or not a signed complaint has been received, has any reason to believe that any provision of this Ordinance is being violated.

(B) Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(C) Procedures Upon Discovery of Violations

- (1)** If the administrator, or his authorized designee, finds that any provision of this Ordinance is being violated, a written notice shall be sent to the person responsible for such violation,

indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's, or his authorized designee's, discretion.

- (2) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator, or his authorized designee, intends to take if the violation is not corrected and shall advise that the decision or order may be appealed to the Board of Adjustment as provided in this Chapter.
- (3) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the administrator, or his authorized designee, may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this section.
- (4) A notice of violation shall not be required where a notice of the same violation has been issued to the same violator at the same property within the previous two years. In such cases, the violator may be charged with a continuing violation without further notice.

(D) Penalties and Remedies for Violations

- (1) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of up to five hundred (\$500) dollars for each day the violation continued unabated. The amount of the civil penalty will be based on the following criteria:
 - (a) Whether the violator has been notified of similar violations in the past;
 - (b) The potential profit to the violator in continuing the violation;
 - (c) The degree and duration of noncompliance; and
 - (d) The City's cost to investigate and pursue abatement of the violation.

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 2.05(C)(2) and did not take an appeal to the Board of Adjustment within the prescribed time. The Enforcement Officer has the discretion to waive the penalty if the violator worked to correct the violation in good faith.

- (2) This section may also be enforced by any appropriate equitable action.
- (3) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- (4) Any permit, certificate, or other authorization for property on which there is an uncorrected violation may be withheld, or may be conditioned on the correction of the violation and/or payment of a civil penalty.
- (5) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

(E) Permit Revocation

- (1) A zoning, building, sign, or special use may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit issuing board.
- (2) Before a Special Use Permit may be revoked, all requirements of this Ordinance shall be complied with. The notice of violation shall inform the permit recipient of the alleged grounds for the revocation.
- (3) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten days notice of the intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.
- (4) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or Special Use Permit after such permit has been revoked in accordance with this section.

(F) Judicial Review

Every decision of the City Council granting or denying any rezoning, Special Use Permit, and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Randolph County by proceedings in the nature of certioraris.

CHAPTER 3
GENERAL REGULATIONS AND MEASUREMENT
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CHAPTER 3

GENERAL REGULATIONS AND MEASUREMENT

3.01 GENERAL REGULATIONS

(A) Zoning Affects Every Building and Use

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

(B) Open Space Not to Be Encroached Upon

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

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

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

(D) One Principal Building Per Lot

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

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

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

(F) Mixed Uses

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

(G) Fractional Requirements Under This Ordinance

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

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

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

(I) Parcels Not Having Sanitary Sewer or Water Service

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

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

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

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

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

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

(L) Parking of Domestic, Commercial And Recreational Vehicles

(1) Domestic and Recreational Vehicles

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

- (a) At no time shall such vehicles be occupied or used for living, sleeping or housekeeping purposes. Visitors may occupy a vehicle in their care, custody, and control during periods of visitation not to exceed 7 days.
- (b) Parking of recreational vehicles shall not be permitted within any required front yard. However, parking is permitted anywhere on the lot for loading and unloading purposes for a period not exceeding twenty-four hours.
- (c) Vehicles may be connected to utility services as required for maintenance purposes.
- (d) Not more than 6 six domestic vehicles may be parked or stored on any single family residential lot for any period exceeding 48 hours. Vehicles stored within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district shall not be counted when determination of the number of vehicles is made.

(2) Commercial Vehicles:

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

(M) Loading Docks

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

(N) Landscaping of Open Space

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

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

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

(P) Alternative Design Standards for Preservation of Historic Structures

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

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

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

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

(R) Obstructions Prohibited within Right-of-ways

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

(S) Recreation Space

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

3.02 MEASUREMENT

(A) Regulations Encumbering Land Required to Satisfy Ordinance Requirements

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

(B) Height Regulation, Generally

(1) Measurement of Building Height (General)

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

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

(2) Measurement of Building Height on Through Lots

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

(3) Excluded Portions of Structures

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

(4) Yard Increase for Structures exceeding maximum height

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

(5) Aviation Hazards

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

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

(6) Relief for Rural Farms and Agricultural Uses

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

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

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

(C) Permitted Projections into Required Yards

(1) General

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

(2) Mechanical equipment

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

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

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

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

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

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

(D) Averaging a Front Setback Line

(1) Reduction to Front Yard Setback

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

(2) Increase to Front Yard Setback

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

(E) Visibility at Intersections

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

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

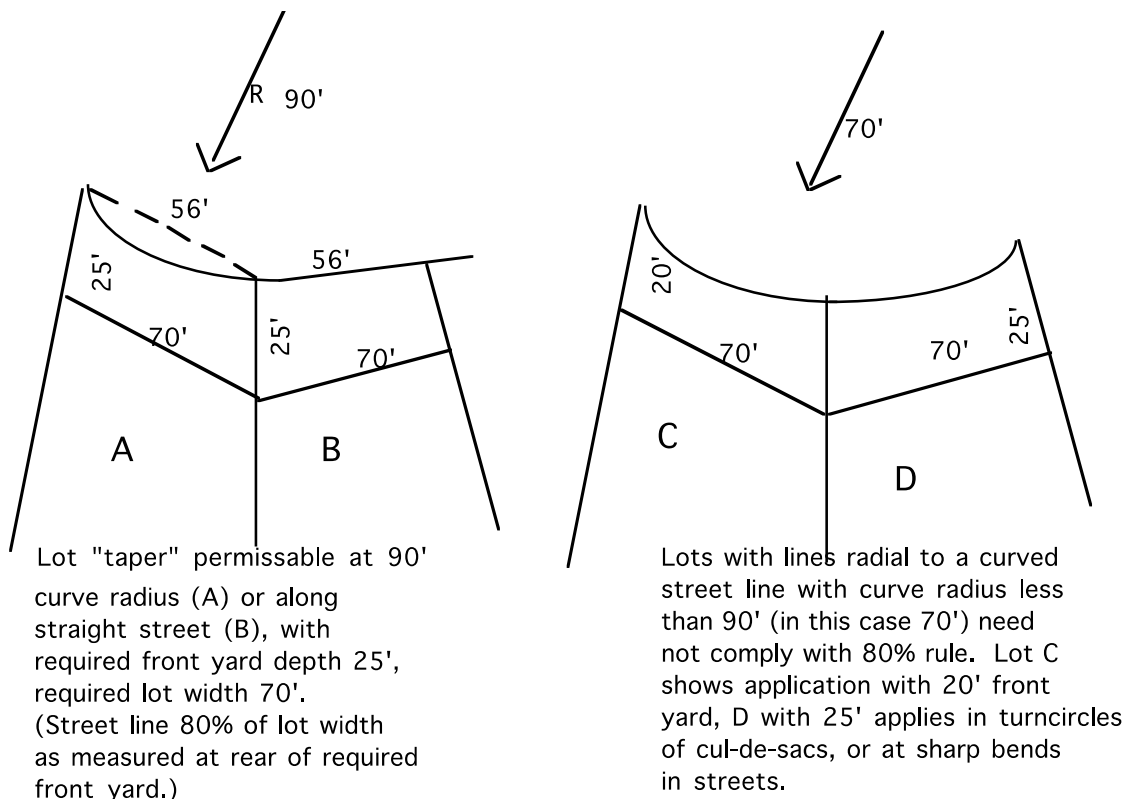
- (2) Start at the intersection of the rights-of-way of the two intersecting roadways or at the intersection of the pavement edges, if no right-of-way exists; or cannot be determined;
- (3) Measure from said intersection seventy feet along the major right-of-way or pavement edge; and ten feet along the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

(F) Lots; Dimensional, Access and Related

(1) Lots, Measurement of Width

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

DIAGRAM 3-1



(2) **Lot, Area**

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

(3) **Lots, Types**

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

DIAGRAM 3-2



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

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

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

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

(4) Lot Frontage

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

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

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

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

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

(a) Yards Adjacent to Streets.

Required yards adjacent to streets shall be measured as follows:

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

(b) Front Yards on Interior Lots

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

(c) Front Yards on Corner Lots

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

(d) Interior Side Yards

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

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

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

(f) Interior Side Yards on Corner Lots

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

(g) Yards Abutting Railroad Tracks

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

(h) Rear Yards

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

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

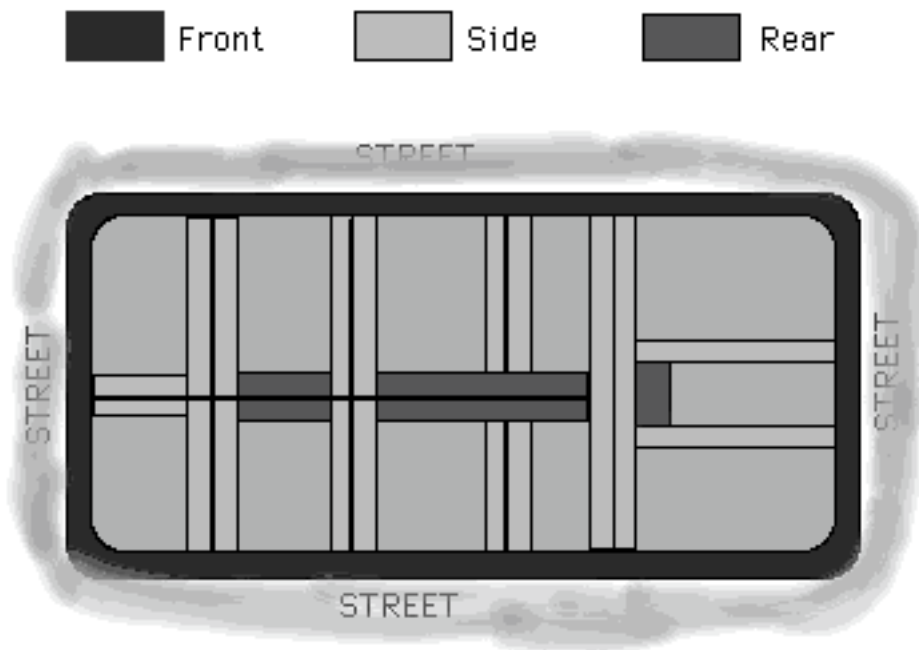
On through lots providing two front yards, and on corner lots (except as stated in Subsection 3.02(F)(5)(f)), there will be no required rear yard, and yards other than those adjacent to streets shall be construed as side yards, as provided in Subsection 3.02(F)(5)(f), above.

(j) Special Yards.

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

(k) Diagram: Yards.

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



(6) Minimum Lot Area

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

(G) Special Purpose Lots

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

(H) Building Spacing

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

CHAPTER 4
ZONING DISTRICTS
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CHAPTER 4

ZONING DISTRICTS

4.01 ADOPTION OF SCHEDULES OF DISTRICT REGULATIONS

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

(A) Location

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

(B) Amendment

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

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

Amendments shall be authenticated by entries on the Official Zoning Map. Such entries shall indicate the date the amendment was made, the date the change became effective (if other than the date of the actual approval), the number of the amending ordinance, and an indication of the nature of the change sufficient to facilitate specific identification.

(D) Updating Required

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

(E) Unauthorized Changes Prohibited

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

(F) Official Schedule of District Regulations; Final Authority

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

(G) Retention of Earlier Schedules of District Regulations

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

4.02 OFFICIAL ZONING MAP

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

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

4.03 SCHEDULE OF ZONING DISTRICTS

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

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

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

4.04 SCHEDULE OF STATEMENTS OF INTENT

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

(A) R40 Residential District:

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

(B) R15 Residential District:

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

(C) R10 Residential District:

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

(D) R-7.5 Residential District:

The R-7.5 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

(E) RA6 Residential District:

The RA6 Residential District is intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group

housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

(F) OA6 District:

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

(G) O & I office and Institutional District:

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

(H) B1 Neighborhood Commercial District:

The B1 Neighborhood Commercial District is intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets.

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

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

(J) B2 General Commercial District:

The B2 General Commercial District is intended to serve the convenience goods, shoppers' goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.

(K) Tourism-Hospitality (TH) District:

The TH Tourism-Hospitality District is intended to serve the lodging, tourism, convenience goods, shoppers' goods retail and service needs of the traveling public, with emphasis on promoting compatible tourism development and complementing existing tourism venues. This district shall be located with access directly to freeways and minor thoroughfares or higher classification streets,

but never local residential streets. The use of commercial service roads to access properties in this district shall be strongly encouraged.

(L) B3 Central Commercial District:

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

(M) I-1 Industrial Development District:

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

(N) I2 Industrial Development District:

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

(O) I3 Industrial Development District:

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

(P) A (Airport) District:

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

4.05 CONDITIONAL ZONING DISTRICTS

(A) Purpose

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

(B) Conditional Zoning Districts.

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

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

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

(C) General Requirements and Regulations

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

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

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

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

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

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

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

- (14) Due to the amount of uncertainty that can arise when reviewing proposed site plan changes for conformance with the applicable standards and requirements, the Zoning Administrator shall have, in every case, the discretion to decline to exercise the power to administratively approve changes to a conditional zoning district. If the Zoning Administrator declines to exercise this administrative authority, then an applicant seeking to change an approved site plan must file a conditional zoning application that will lead to legislative hearings conducted by the Planning Board and the City Council.
- (15) In order to assist the Zoning Administrator in evaluating whether a change to an approved site plan is a minor change subject to administrative approval, the following list of applicant proposals shall be deemed to be modifications requiring the initiation of a new conditional zoning application with legislative hearings conducted by the Planning Board and the City Council:

 - (a) The proposed erection of a new structure or the addition to an existing structure that exceeds the following standards:

 - (i) Exceeds 1,000 square feet, either cumulatively or non-cumulatively;
 - (ii) Exceeds 10%, either cumulatively or non-cumulatively, of the useable floor area approved by the existing conditional zoning ordinance; or
 - (iii) Results in the placement of any portion of a structure within 30 feet of an adjoining property that has been developed with a single-family or two-family dwelling.
 - (b) An increase in the number of dwelling or lodging units.
 - (c) An increase in outside land area devoted to sales, displays, or demonstrations.
 - (d) Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the existing conditional zoning ordinance; provided, however, any reduction in the number of spaces will be deemed to be a modification if the existing conditional zoning ordinance has already authorized a lesser number of spaces than prescribed by the predetermined standards for the Zoning Lot's general zoning classification or if the proposal results in reducing the spaces below the minimum number of spaces established by the predetermined standards adopted for the Zoning Lot by the conditional zoning ordinance.

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

(D) Review Process for Conditional Zoning Applications

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

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

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

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

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

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

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

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

4.06 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Except as specifically provided in this Ordinance, regulations governing the minimum lot width and area; required front, side and rear yards; maximum permitted floor area ratio, maximum permitted height

of structures, maximum permitted lot coverage, and related matters shall be for the several regular districts as shown in Table 4-1, Schedule of Area, Height, Bulk and Placement Regulations.

4.07 CENTER CITY PLANNING AREA OVERLAY DISTRICT

(A) Findings and Goals

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

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

Central Business Planning Area (Tier 1)

Central Business Fringe Planning Area (Tier 2)

Commercial and Employment Center Planning Area (Tier 3)

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

(B) Center City Planning Area Boundaries

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

(C) Central Business Planning Area (Tier 1)

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

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

(1) Permitted and Special Uses

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

(2) Dimensional Requirements

(a) Standard Dimensions

- (i) Table of Area, Height, Bulk and Placement Regulations (Table 4-1) shall not apply except where expressly stated in this sub-section.
- (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 4-1
- (iii) Maximum Front Yard Setback: 10 Feet
 - (aa) Measurement: Front yard setbacks shall be measured from the right-of-way, or the back of the required sidewalk when the sidewalk is located outside of street right-of-way.
 - (bb) Exception: No development shall be required to meet this regulation on more than two street frontages.
 - (cc) Exception: 33% of street fronting façades may be set back a maximum of 20 feet to accommodate landscape/garden, pedestrian, artwork, and dining facilities.
 - (dd) Exception: Residential, OA-6 and O&I uses shall utilize front yard averaging regulations of 4.07(C)(2)(c)
- (iv) Minimum Side/Rear Yard Setback: 0 or 5 Feet
- (v) Maximum Height: 65 Feet
- (vi) Minimum pervious surface: 10%
 - (aa) Exception: Single and Two Family Dwellings shall follow FAR standards of Table 4-1

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

(c) Front Yard Averaging:

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

(3) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(4) Development Standards for Buildings

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

(a) Building Materials:

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

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

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

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

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

(5) Parking and Loading

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

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

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

(f) **Parking Structures:**

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

(6) Sign considerations

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

(7) Street Furniture.

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

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

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

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

(9) Street Trees

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

(10) Multi-Family Developments

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

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

(d) Visitor and Recreational Parking:

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

(11) Adaptive Reuse Projects

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

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

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

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

(b) Off Street Parking and Loading:

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

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

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

(iii) Recreational Vehicle Parking

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

(D) Central Fringe Planning Area (Tier 2)

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

(1) Permitted and Special Uses

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

(2) Dimensional Requirements

(a) Standard Dimensions:

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

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

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

(3) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(4) Development Standards for Buildings

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

(a) Building Materials:

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

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

(c) Existing Street Fronting Facades:

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

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

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

(5) Parking and Loading

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

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

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

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

- (cc) Stucco or synthetic stucco, or ornamental split-face block wall, or concrete block wall covered with stucco or synthetic stucco, four feet in height above grade.
- (dd) Street trees otherwise required by this Section shall not be required under this provision.

(f) **Parking Structures:**

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

(6) Sign considerations

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

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

- (a) **Screening:** All structures and facilities for trash, loading, outdoor equipment, and storage, including the storage of inventory, shall be screened so as not to be visible from the street and pedestrian circulation areas for all new buildings, changes of use, and/or placement of new or additional such facilities.
- (b) **Walls Used for Screening:** Solid-screening walls shall be faced with brick, stone or other decorative masonry finish with the decorative side adjacent to the public right-of-way.
- (c) **Fences Used for Screening:** Screening fences shall be opaque and either painted or stained a medium or dark finish with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.
- (d) **Trees Used for Screening:** Trees used to fulfill this requirement shall be located on private property in planters, a planting strip, berm or tree lawn, any of which shall be at least 8 feet wide. The trees shall be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. All shrubs shall be between 24 inches and 36 inches tall at time of planting. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association)

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

(8) Street Trees

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

(9) Multi-Family Developments

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

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

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

(10) Whole Block Redevelopment

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

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

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

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

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

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

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

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

(1) Permitted and Special Uses

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

(2) Dimensional Requirements

(a) Standard Dimensions:

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

(b) Accessory Structures:

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

(3) Parking and Loading

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

(4) Signs

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

(5) Sidewalks Required

Sidewalks shall be regulated by Chapter 6 of this ordinance.

(6) Ingress and Egress Points

Shall meet the requirements of Chapter 6.

(7) Landscaping

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

(8) Multi-Family Developments

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

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

(9) Whole Block Redevelopment

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

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

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

(c) Inventory of Existing Features Required

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

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

(d) Standard Dimensions

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

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

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

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

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

(F) Appendix A: Approved Street Trees

Large Trees (Mature Height Greater than 50 feet):

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

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

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

Small Trees (Mature Height less than 35 feet)

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

4.08 I-73/I-74 OVERLAY DISTRICT

(A) Purpose

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

(B) Administration of the Requirements of this Section

The Zoning Administrator shall enforce the provisions of this section

(C) General Provisions

- (1) Lands to which this Section Applies:** This Section shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within 500 feet of the center line of the right-of-way of I-73/I-74. Such area shall be depicted on the Official Zoning Map. The I-73/I-74 district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this section.
- (2) Interpretation of District Boundaries:** The Zoning Administrator shall make the necessary interpretation as to the location of specific properties within this district. The decision of the Zoning Administrator shall be subject to appeal to the Board of Adjustment in accordance with Chapter 2 of this Ordinance.
- (3) Compliance:** No structure shall be erected, reconstructed, or altered, nor shall any building or land be used without full compliance with the terms of this section and other applicable regulations except for the agricultural use of land and the construction or alteration of single family residential structures on single lots recorded prior to the adoption of this section or lots approved through the current Subdivision process. Approval of a site plan under these provisions is for the plan submitted. All proposed aspects of the plan shall be installed, provided and maintained or the approval becomes void. Any modification to the approved plan shall require additional review and approval.
- (4) Board of Adjustment:** The Board of Adjustment of the City of Asheboro as established in Chapter 2 of this Ordinance shall serve to hear any appeals of this section.
- (5) Penalties for Violation:** Violation of this section shall be considered as any violation of this Ordinance and shall be dealt with as provided for in Chapter 2.
- (6) Uses Permitted:** All uses permitted within the underlying zone shall be permitted within the overlay zone except that billboards shall not be permitted within the overlay zone.

(D) Requirements for Site Plan Approval

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

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

4.09 ASHEBORO MUNICIPAL AIRPORT OVERLAY DISTRICT

(A) Purpose

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

(B) Administration of the Requirements of this Section

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

(C) General Provisions

- (1) **Lands to which this Section Applies:** This section shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within 20,000 feet of the airport runway and within any approach to the Asheboro Municipal Airport as designated in the Asheboro Municipal Airport Airspace Plan. Such areas shall be as depicted on the Official Zoning Map. The Asheboro Municipal Airport Overlay district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this section.
- (2) **Interpretation of District Boundaries:** The Zoning Administrator shall make the necessary interpretation as to the location of specific properties within this district. The decision of the Zoning Administrator shall be subject to appeal to the Board of Adjustment in accordance with Chapter 2 of this Ordinance.
- (3) **Compliance:** No structure shall be erected, reconstructed, or altered, nor shall any building or land be used without full compliance with the terms of this section and other applicable regulations.

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

(D) Other Restrictions

- (1) Within the Asheboro Municipal Airport Overlay District there exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the runway. This zone includes all areas lying within 20,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.
- (2) A Special Use Permit may be issued for a structure to exceed Table 4-1 height if this Ordinance would otherwise permit the structure to do so. Any structure proposed to exceed 199.9 feet in height or penetrates above the elevation in the zone established above, is required to have an FAA Form 7460-1 submitted to the FAA. A copy of the acknowledgment received shall be submitted to the Asheboro Airport Authority.
- (3) Upon receipt of plans and/or FAA response to FAA Form 7460-1 and other related materials, the Airport Authority shall review the proposed structure. Within 60 days of the receipt of the report, the Airport Authority shall submit in writing to the applicant and the Asheboro Planning Department their findings concerning the proposed structure and the airport airspace plan. Any applicant receiving positive findings from the FAA and the Asheboro Airport Authority may then proceed to apply for a Special Use Permit.

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

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

Table 4-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%		
R15	15,000	100	30	15	25	35	22%		
				1 Single Family Only					
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
RA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Section 5.05(36) Non-residential 6,000	60 60 60 60 60 60	25 25 25 25 25 25	10 10 10 10 10 10	20 20 20 20 20 20	35 35 35 35 35 35	22% 17% 17% 22% 43% 22%	30% 52% 52% 52% 40%	3.3% 3.3% 3.3% 6.6%
OA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Section 5.05(36) Non-residential 6,000 Multi Use: Minimum 45,000 for 5 or more units	60 60 60 60 60 60 60	25 25 25 25 25 25 25	10 10 10 10 10 10 10	20 20 20 20 20 20 20	35 35 35 35 35 35 35	22% 17% 17% 22% 43% 30% 30%	30% 52% 52% 52% 40%	3.3% 3.3% 3.3% 6.6%
O&I	6,000 Multi Use: Minimum 45,000 for 5 or more units	60	25	10	20	35	30% 30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		
A	N/A	N/A	0	0	0	N/A	N/A		
*Except as specifically modified by this Ordinance								Revised 07/2021	

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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 the 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.

Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Accessory Apartment	SF	A	A	A	A	A	A											Section 5.04(31)
Adult Day Care Facility (for 29 or less)	2										P	P	P					
Adult Day Care Facility (for 30 or more)	2										S		S					Section 5.05(1)
Adult Day Care Home for less than 6 persons		P	P	P	P	P	P											
Adult Establishment with Live Entertainment and On Premises Consumption of Alcoholic Beverages	*													S	S	S		Section 5.05(20)
Adult Establishment General	*													D	D	D		Section 5.04(49)
Agricultural Roadside Stand		A		A														
Agricultural Tourism Facility	3	S	S	S	S	S	S	S	S	S	S	S						Section 5.05(33)

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Table 5-1
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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Agricultural Uses Genuine		D	D	D	D	D	D	D	D	D	D	D						Section 5.04(38)
Airport/Heliport														S	S	S	P	Section 5.05(2)
Amusement Parks	3													P	P			
Animal Hospital / Vet Clinic General	2										D			D	D			Section 5.04(1)
Bakery - On and Off premises sale permitted Wholesale & Retail	3													P	P			
Bakery - On premises sale only	2								P	P	P	P	P					
Bakery Distribution Center-- with Retail Sales Permitted NO BAKING PERMITTED	3										P			P	P			
Bank - Automatic Teller	2						P	P	P	P	P	P	P	P				

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Bank	2						P	P	P	P	P	P	P	P				
Banquet/Reception Facility	2									P	P	P	P	A	A	A		
Banquet/Reception Facility (Large)	3										P	P	P	A	A	A		
Bar	2										P	P	P					
Bed & Breakfast	1	D		D	D	D	P		P	P	P	P						Section 5.04(2)
Boarding / Rooming Houses	1	D		D	D	D	D											Section 5.04(47)
Brew Pub	2									P	P	P	P	P	P			
Brewery	3													P	P			

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Bus Terminal	3										P	P	P	P	P			
Business Services	1						P	P		P	P	P	P	P	P			
Car Wash	2									A	P		P	P	P	P		
Cemetery, Human	1	A	A	A	A	A	A	P			P			P	P			
Cemetery, Pet	1										P			P	P			
Child Care Center - Medium (30 - 79 children)	2								S		S		S	A	A	A		Section 5.04(3); Section 5.05(3)
Child Care Center - Large (80+ children)	2										S		S	A	A	A		Section 5.04(3); Section 5.05(3)
Child Day Care Center - Small (13 - 29 children)	1						S	S		S	D		D	A	A	A		Section 5.04(3); Section 5.05(3)

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Circus, Carnival, Fair, Concerts Limited Duration											D	D	D	D	D			Section 5.04(51)
College / University	2	S	S	S	S	S	S	S	D		D		D					Section 5.04(4); Section 5.05(4)
Columbarium	1	A	A	A	A	A	A	A		P	P		P	P	P			
Combustible & Flammable Liquid Storage >100,000 gallons aggregate	3														S			Section 5.05(6)
Combustible & Flammable Liquid Storage above ground < 2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(5)
Combustible & Flammable Liquid Storage above ground >2,000 gallons<100,000 gallons	3													S	S	S		Section 5.05(5)
Combustible & Flammable Liquid Storage below ground<2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(6)
Combustible & Flammable Liquid Storage below ground>2,000 gallons									A	A	A	A	A	D	D	D		Section 5.04(7)

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Commercial Developments with multi use and or structures	3									D	D	D	D					Section 5.04(8)
Communication Facilities - Non Commercial		A	A	A	A	A	A	A	A	D	D	A	D	D	D	D		Section 5.04(10)
Communication Facilities - Commercial	2										D		D	D	D	D		Section 5.04(9)
Communication Towers		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		Section 5.04(52); Section 5.05(29)
Congregate Living Facility	1	S		S	S	S	S	S	P		P		P					Section 5.05(7)
Congregate Living Facility - for 6 or less persons (FAMILY CARE HOME)		D	D	D	D	D	D											Section 5.04(11)
Contractors Office	1						D	D		D	D		D	D	D	D		Section 5.04(12)
Correctional Facilities	3										P			P	P			

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Country, Racquet, Tennis & Swim Clubs	2	S	S	S	S	S	S			S	D	D	D					Section 5.04(39); Section 5.05(27)
Crematorium	2										A		A	P	P			
Cultural Facility	1	S	S	S	S	S	P	P		P	P	P	P					Section 5.05(8)
Dormitories	2	A		A	A	A	A	A			A		A					
Drive-In Theater	3										D	D		D				Section 5.04(13)
Dry Cleaners - Small	2								P	P	P	P	P	P	P			
Dry Cleaning Plant	2										P			P	P	P		
Dwelling for Caretaker /Security Guard											A	A	A	A	A	A		

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Dwelling Multiple Family Units up to .17 FAR	MF					D	D											Section 5.04(14)
Dwelling Multiple Family Units up to .22 FAR	MF					S	S											Section 5.04(14)
Dwelling Multiple Family up to .43 FAR	MF					S	S											Section 5.05(36)
Dwelling Single Family Units	SF	P	P	P	P	P	P											
Dwelling Two Family Units	SF	P		P	P	P	P											
Dwelling within Mixed Use Structure							D						D					Section 5.04(15)
Eating Establishments - Drivein	2										P	P						
Eating Establishments - Walkin / Carry-out	2								P	P	P	P	P					

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Eating Establishments - Sit Down	2								P	P	P	P	P	A	A	A		
Electronic & Electrical Repair - Small	1										P		P	P	P			
Electronic & Electrical Repair - Large	2										P			P	P	P		
Exterminator	2									D	D		D	D	D			Section 5.04(16)
Extraction of Earth Products	3	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Section 5.05(9)
Family Child Care Large Home (9 - 12 children)	1	S		S	S	S	D											Section 5.04(3); Section 5.05(3)
Family Child Care Home (8 or less children)		P	P	P	P	P	P											Section 5.04(3)
Farmers Market	1										D	D	D	D	D			Section 5.04(42)

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Flea Markets, Open Air Sales	2										D		D	D	D			Section 5.04(43)
Fraternity & Sorority Houses	2					S	S				S	S						Section 5.04(17)
Funeral Parlor	2						P	P		P	P		P	P				
Furniture Refinishing and Repair	2										P		P	P	P			
Gamerooms	3										S	S	S		S			Section 5.05(25)
Gas Station	2										P	P	P	P	P	P		
Golf Course	1	S	S	S	S	S						D						Section 5.04(38); Section 5.05(10)
Government Land Reserves		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Health Practioners Offices	1						P	P		P	P		P					
Health Services	2						P	P		P	P		P					
Health/Fitness Center	2								P	P	P	P	P					
Heliport Emergency Medical							A	A			A		A	A	A	A	P	Section 5.04(18)
Helistop	2										P		P	P	P	P	P	
Home Occupation	SF	A	A	A	A	A	A											Section 5.04(19); Section 5.05(11)
Hospital							P	P	P		P		P					
Hotels / Motels	2										P	P	P					

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Industrial Developments with multi use and or structures	3													D	D			Section 5.04(41)
Interior Cleaning Services	2										P		P	P				
Junkyards	3													S	S			Section 5.05(12)
Kennel	2	P									D			D	D			Section 5.04(20)
Landfills - Clean Material	3													D	D			Section 5.04(35)
Landfills - Sanitary	3													S	S			Section 5.04(34); Section 5.05(13)
Limited Duration Circus, Carnival, Fair, Concerts											D	D	D	D	D			Section 5.04(51)
Liquor Store	2									P	P	P	P					

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Lumber & Building Material Sales	2										D			D	D			Section 5.04(21)
Lumberyard	3													P	P			
Mail Order Distribution Center	2										P		P	P	P			
Mail Order Office	1						P	P		P	P		P	P	P			
Manufactured Home / Mobile Homes - Class A Double wide	SF	D																Section 5.04(50)
Manufactured Home / Mobile Home Park Class A & B	2	S		S	S	S												Section 5.04(50); Section 5.05(15)
Manufactured Home / Mobile Homes - Class A Single wide	SF	D																Section 5.04(50)
Manufacturing, Processing & Assembly- Light	2										S			P	P	P		Section 5.05(14)

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Manufacturing, Processing & Assembly - Heavy	3													P	P	P		
Massagists, Therapeutic Health	1						D	D		D	D	A	D					Section 5.04(36)
Meat Packing /Slaughterhouse	3													P	P			
Medical & Dental Labs	2						A	A		A	P		P	P	P	P		
Membership Organizations	2						P	P		P	P		P					
Mental Institutions /Sanitariums	3								S		S		S					Section 5.05(22)
Microbrewery	2										D	D	D	D	D			Section 5.04(54)
Mini-lube	2										P		P	P	P	P		

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Mini-warehouse	2										D			D	D			Section 5.04(22)
Mobile Home Sales Lots	2										P			P	P	A		
Motor Vehicle Repair -Major	2										A			D	D			Section 5.04(23); Section 5.04(55)
Motor Vehicle Repair - Minor	2										D			D	D			Section 5.04(55)
Nightclub/Cabaret	3										D	D	D	D				Section 5.04(44)
Non-Conforming Buildings and Uses		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		5.04(24); 5.05(21); Chapter 8
Nursing, Convalescent & Extended Care Facilities	2						P	P		P	P		P					
Office Development with Multi- Use and/or Structures	2						P	P										

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Open Air Sales, accessory									A	A	A	A	A	A	A	A		Section 5.04(51)
Open Storage	3										D			D	D	D		Section 5.04(25)
Package Store	2									P	P	P	P					
Package Store- Drive- Through	3										P							
Parking Lots as principal use of Zoning Lot	2										P		P					
Personal Services	1						P	P	P	P	P	P	P	P				
Photographic Lab Facility - Commercial	2													P	P	P		
Photographic Mini- Lab Facility	2									P	P	P	P	P				

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Photography Studio - with Lab for in house use only	1						P	P		P	P		P	P				
Place of Assembly, Commercial	3										D	D	D	D	D			Section 5.04(37)
Place of Assembly, Non-Commercial	1	S	S	S	S	S	P	P	P	P	P	P	P	P	P			Section 5.05(24)
Place of Assembly, Non-Commercial Child Care Center	2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(40)
Planned Unit Development (PUD)		S	S	S	S	S	S	S		S	S	S	S	S	S	S		Section 5.05(16)
Printing & Publishing	2										P		P	P	P	P		
Produce Sales - Temporary	1										D		D	D	D			Section 5.04(51)
Professional Recovery Facility	2										S			P	P			Section 5.05(23)

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Professional Services	1						P	P		P	P		P	P	P			
Public Use Facility-	2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Section 2.03 (B)(2)(c)
Radio & TV Receiving Antenna & Dish, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(26)
Railroad Classification Yard	3														P			
Recreation, Commercial Indoor	2										P	P	P		P			
Recreation, Commercial Outdoor	2										P	P	P		P			
Recreational Vehicle / Travel Park/Camp	3	S									D	D						Section 5.04(56); Section 5.05(17)
Recreational Vehicle Resort		S										S						Section 5.05(32)

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Table 5-1
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Recycling Plant	3														P	P		
Recycling Center	2										P			P	P			
Recycling Collection Point	2								P		P		P	P	P	P		
Rehabilitation Center	1						P	P		P	P	P	P					
Rental/Sales of Commercial Vehicles & Heavy Equipment	3													P	P			
Rental/Sales of Domestic Vehicles	2										P	A		P	P	A		Section 5.04(27)
Repair Services	2									P	P		P	P	P			
Research Activities	2													P	P	P		

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Residential Townhouse Development in the B3 District	MF												S					Section 5.05(31)
Retail Convenience Goods	2	A	A	A	A	A	A	A	P	P	P	P	P	P	P			Section 5.04(28)
Retail Shoppers Goods	2									P	P	P	P	P	P			
School - Business	2										P		P	P				
School - Technical /Vocational	2										P		P	P	P			
Schools Public, Private, Charter High	2	S	S	S	S	S	S	S			D		D					Section 5.04(30); Section 5.05(18)
Schools Public, Private, Charter Elementary and Middle	2	S	S	S	S	S	S	S			D		D					Section 5.04(30); Section 5.05(18)
Schools, Nursery/ Pre Schools etc.	2	S	S	S	S	S	D	D			D		D					Section 5.04(29)

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Seasonal Sales, Temporary											D		D	D	D			Section 5.04(51)
Service Station	2										P	P	P	P	P	P		
Shelter, Emergency		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		Section 5.04(48)
Sign Painting	2										P			P	P			
Signs, Off premise Billboard & Poster Panel, etc.														S	S	S		Section 5.05(19)
Sludge Application		P	P	P	P	P	A	A	A	A	A			P	P	P		
Solar Farm	*	S												D	D	D		Section 5.04(53); Section 5.05(35)
Stable Commercial	2	S									P							

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Structure, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(31)
Taxi Stand	1										P	P	P	P	P	P		
Temporary Portable Building, Construction Related		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.04(32)
Transfer Station	3													S	S	S		Section 5.05(26)
Truck Terminal	3													A	P	P		
Uses, Customary Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Vehicle Storage Facility	3													D	D			Section 5.04(45)
Vehicle Towing Operation and Storage Facility	3													D	D			Section 5.04(45)

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	A	Supp. Reg.
Vehicle Towing Operation	1										D			D	D			Section 5.04(45)
Warehouse	3													P	P	P		
Watershed Overlay District--Storage of Hazardous Waste											S			S	S	S		
Wholesale Distribution	3													P	P	P		
Yard Sales		A	A	A	A	A	A											Section 5.04(33)

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PERFORMANCE AND DESIGN STANDARDS
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CHAPTER 6

PERFORMANCE AND DESIGN STANDARDS

6.01 INTRODUCTION

With exception of the A (Airport) District, the regulations in this chapter shall apply generally to the uses and/or districts as indicated, unless district regulations or regulations for particular uses specifically provide to the contrary.

6.02 LIGHT

(A) Purpose

- (1) Minimize glare and obtrusive light on adjoining properties and right-of-ways by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- (2) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- (3) Curtail and reverse any degradation of the nighttime visual environment and the night sky

(B) Applicability

- (1) All uses except single and two-family dwellings
- (2) The installation of new lighting fixtures, or replacement of existing lighting fixtures, shall be made in strict compliance with this ordinance.
- (3) A change of use does not trigger the requirements of this section except when there is a specific use standard requiring site lighting for a new use or when new lighting fixtures are added or replaced described in subsection (2) above.

(C) Glare

The direct light from any source of outdoor lighting shall not be visible from outside the zoning lot.

(D) Footcandles

- (1) The maximum light level of any light fixture shall not exceed 0.5 footcandles measured at the property line(s) abutting any Residential District.
- (2) The maximum light level of any light fixture shall not exceed 2.0 footcandles measured at property line(s) abutting a public right-of-way.

- (3) The maximum light level of any light fixture shall not be limited measured at property line(s) abutting Industrial or Commercial districts.

(E) Light Fixtures

(1) Parking Areas

Except for flood lights and flood lamps, lighting in parking areas shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.

(2) Flood Lights and Flood Lamps

- (a) Flood light fixtures may be permitted if aimed down at least 45 degrees from vertical or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of the shield.
- (b) Flood lamps may be permitted if aimed down at least 60 degrees from horizontal or shielded so that the main beam is not visible from adjacent properties or public right-of-ways.

(3) Vehicular Canopies

Vehicular Canopy lighting shall consist of full cut off fixtures or recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy

(4) Outdoor Recreation Fields and Performance Areas

Outdoor Recreation Fields and Performance Areas shall not require full cut-off fixtures

(5) Building, Security and Accent Lighting

- (a) Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, planting, and other intended site features and away from adjoining properties and public right-of-ways
- (b) All wall pack fixtures shall be full cut-off fixtures.
- (c) Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

(6) Street Lighting and Emergency Lighting

Street lighting within public right-of-ways and emergency lighting is exempt from the requirements of this section.

6.03 NOISE

(A) Purpose

To minimize noise impacts on adjoining properties

(B) Applicability

- (1) The requirements in this section shall apply to new uses, or additions to existing uses, and shall not be considered to apply to any existing legal use. Additions to a use include any additional operations, equipment, processes or systems.
- (2) The requirements, prohibitions and terms of this chapter shall not apply to the following:
 - (a) Warning signal devices of any authorized emergency vehicle acting in time of emergency.
 - (b) Activities of a temporary duration permitted by law and for which a license or permit has been granted by the city, including, but not limited to, parades and fireworks displays.
 - (c) Yard and lawn maintenance equipment engaged in normal yard and lawn maintenance operations
 - (d) Noise emanating from normal railroad operations within railroad rights-of-way
 - (e) Except where modified by this section, construction projects occurring from 7 a.m. to dusk for the period within which a valid permit issued by proper authority is in effect. Issuance of a Certificate of Zoning Compliance is evidence that such construction project is complete.
 - (f) The unamplified human voice
 - (g) All railroad rights-of-way
- (3) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which a valid permit issued by proper authority is in effect. Issuance of a Certificate of Zoning Compliance is evidence that such construction project is complete.

(C) Measurement

- (1) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e, whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specification of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dbA to reflect the use of this A-weighted filter.

- (2) With exception of the I2 District, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing the use generating the noise. In the case of uses in the I2 district, all measurements to determine compliance shall be made at the nearest boundary of the district to the use being evaluated. When a boundary line of property generating the sound is adjacent to a public street right-of-way, sound measurements shall occur on the opposite side of the public street right-of-way. Noise measurement shall be taken four (4) feet above the ground.
- (3) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10 dbA in excess of the figure listed except that this higher level of permissible noise shall not apply from 7:00 pm to 7:00 am when the adjacent lot is zoned residential. Impact noises generated by sources that operate for a total duration of more than one minute in any one hour period (regardless of the duration of each incidence of the noise occurring) are regulated as a continuous noise and are subject to the sound levels given in (D) below. All impact noise shall be measured using the fast response of the sound level meter.
- (4) Sound levels of noise radiating from a zoning lot line in excess of dbA levels specified in (D) below shall constitute prima facia evidence the noise is a public nuisance and a violation of this chapter.

(D) Noise Standards

(1) Residential Districts

If the receiving use is in a residential district:

Between 7:00 a.m. and 7:00 p.m. or dusk* -	65 dbA
Between 7:00 p.m. or dusk* and 10:00 p.m. -	60 dbA
Between 10:00 p.m. and 7:00 a.m. -	55 dbA

If the receiving use is in a commercial district:

Between 7:00 a.m. and 7:00 p.m. or dusk* -	70 dbA
Between 7:00 p.m. or dusk* and 10:00 p.m. -	65 dbA
Between 10:00 p.m. and 7:00 a.m. -	60 dbA

*Whichever is later (7:00 p.m. or dusk)

If the receiving use is in an industrial district:

Anytime - 80 dbA

(2) Commercial Districts

If the receiving use is in a residential district:

Between 7:00 a.m. and 7:00 p.m. or dusk* -	65 dbA
Between 7:00 p.m. or dusk* and 10:00 p.m. -	60 dbA

Between 10:00 p.m. and 7:00 a.m. - 55 dbA

If the receiving use is in a commercial district:

Between 7:00 a.m. and 7:00 p.m. or dusk* 70 dbA

Between 7:00 p.m. or dusk* and 10:00 p.m. - 65 dbA

Between 10:00 p.m. and 7:00 a.m. - 60 dbA

* Whichever is later (7:00 p.m. or dusk)

If the receiving use is in an industrial district:

Anytime - 80 dBA

(3) Industrial Districts

If the receiving use is in a residential district:

Between 7:00 a.m. and 7:00 p.m. or dusk*- 70 dbA

Between 7:00 p.m. or dusk* and 10:00 p.m. - 65 dbA

Between 10:00 p.m. and 7:00 a.m. - 60 dbA

If the receiving use is in a commercial district:

Between 7:00 a.m. and 7:00 p.m. or dusk* - 75 dbA

Between 7:00 p.m.* or dusk. and 10:00 p.m. - 70 dbA

Between 10:00 p.m. and 7:00 a.m. - 65 dbA

* Whichever is later (7:00 p.m. or dusk)

If the receiving use is in an industrial district:

Anytime - 80 dBA

6.04 VIBRATION

(A) Purpose

To minimize vibration impacts on adjoining properties

(B) Applicability

The requirements in this section shall apply to new nonresidential uses, or additions to existing uses, and shall not be considered to apply to any existing use which is operating on the effective date of this section; nor shall this section make any such existing use nonconforming. Existing uses shall mean any use of property that is legally permitted and any operation, equipment, process or system that is in operation prior to the above date. Additions to a use include any additional operations, equipment, processes or systems that were not operational on the above date.

(C) Standards

(1) Vibration levels shall not exceed the following standards:

Maximum Peak Particle Velocity:

Steady state: 0.02 inches/second

Impact: 0.04 inches/second

- (2) The maximum particle velocity shall be the maximum displacement vector sums of three mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this Ordinance, steady-state vibrations are vibrations which are continuous, or vibrating in discrete impulses more frequent than sixty.
- (3) With exception of the I2 District, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing the use generating vibration. In the case of uses in the I2 district, all measurements to determine compliance shall be made at the nearest boundary of the district to the use being evaluated.

6.05 UTILITIES

For new construction, expansions, and/or additions, except for those in residential districts or for Dwelling, Single Family uses, all utilities providing direct service to individual buildings shall be placed underground unless existing development within 200 feet on either side of the proposed building currently utilizes overhead utilities or are required to be placed above ground by the applicable utility provider.

6.06 PROTECTIVE YARDS

(A) Purpose

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

(B) Applicability

- (1) All uses
- (2) All new construction, additions and expansions shall be made in strict compliance with this section

- (3) A change of use shall be made in strict compliance with this Ordinance only in cases where a two, or greater, step difference in the protective yard matrix occurs between proposed and existing uses

(C) General

(1) Installation

Before the issuance of Certificate of Occupancy, buffers and/or screening shall be installed or their installation guaranteed as per Section 2.03(D)(3). Buffers or screens shall be required in accord with the following.

(2) Existing Uses

Existing uses shall not be considered nonconforming due to noncompliance with the buffering and screening requirements. Such uses will not be required to implement buffering and screening unless physical alteration resulting in an increase of floor area of existing structures or the erection of new structures or the expansion of open uses of land occurs.

(3) Determination of Unlisted Uses

The Zoning Administration shall make a determination, in the cases of uses not listed in the Table 5-1 or which do not have a buffer group listed of the group appropriate for such uses. In reading the determination, the Zoning Administrator shall be guided by the requirements for similar uses having comparable external effects.

(4) Coordination of Buffer Yard or Screen Yard and Required Setback Yard

Buffer or screen yards as required may be included within or combined with the required minimum setback yards as established in Table 4-1. When buffer or screen yards are required to be larger than setback yards, the buffer or screen yard shall serve also as the minimum setback yard; however, the provisions of Section 3.02(C) shall not apply. When the setback yard is larger than the required buffer or screen yard, no additional setback is required.

(5) Existing Vegetation

The retention of existing vegetation shall be maximized especially wherever such vegetation contributes to required buffering and or screening or to the preservation of significant trees. Existing significant plants and trees may count on a one to one ratio as a substitution.

(D) Protective Yard Matrix

- (1) The required buffering or screening between the proposed land use(s) and the existing adjacent land use(s) on adjoining zoning lots is set forth in the Protective Yard Matrix.
- (2) To provide maximum flexibility in achieving a high standard of development, both buffer and screen requirements are established. The developer may choose which protection

method is appropriate for the proposed development or he may mix methods within the development.

- (3) Buffers or screens are not required to separate uses located across public streets, however front yard landscaping as required by Section 6.10 shall be installed adjacent to street rights-of-ways.
- (4) If the land next to the proposed development is vacant, the category required shall be determined by the existing zoning on the adjacent vacant parcel. If the adjacent parcel is vacant, but is zoned for a more intensive zoning district, no buffer or screen shall be required of the less intensive use.
- (5) If the adjacent parcel(s) is located within the same zoning district, and the use is classified as a nonconforming use in that district, no buffer or screen shall be required of the proposed use.
- (6) If the adjacent parcel is developed in a more intensive manner, no buffer or screen is required of the lesser intensive use.
- (7) The relative degree of intensity shall be determined as follows:
 - (a) Single Family/Two Family (as used in this Section) shall be the least intensive. If the zoning on any vacant parcel is R40, R15, R10 or R7.5, the Single/ Two family category shall be used for determination of the required buffering.
 - (b) Multiple Family, less than 12 units per acre, shall be the next least intensive.
 - (c) Multiple Family, more than or equal to 12 units per acre, shall be the next least intensive. If the zoning on any vacant parcel is RA-6 the Multifamily more than 12 units per acre category shall be used for determination of the required buffering.
 - (d) Group 1 shall be the next least intensive. If the zoning on any vacant parcel is OA-6, O & I, or M the Group 1 shall be used for determination of the required buffering.
 - (e) Group 2 shall be the next least intensive. If the zoning on any vacant parcel is B-1, B-2, B-3, or TH the Group 2 shall be used for determination of the required buffering.
 - (f) Group 3 shall be the most intensive. If the zoning on any vacant parcel is I-1, I-2, or I-3 the Group 3 shall be used for determination of the required buffering.

- (8) Group designations for specific uses are found in the "Table of Permitted Uses", Table 5-1.

Protective Yard Matrix

Abutting Use or Zoning	Single/Two Family	Multifamily < 12 u/a ≥12 u/a		Group 1	Group 2	Group 3
Proposed Use						
Single/Two Family	-					
Multifamily < 12 u/a	A	-				
Multifamily ≥ 12 u/a	C	A	-			
Group 1	B	B	B	-		
Group 2	C	C	C	A	-	
Group 3	D	D	D	C	A	-

(E) Planting Standards & Maintenance

(1) Buffer Plant Material Specifications

- 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. Refer to Appendix A for listing of approved plant materials.
- Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.
- At least one (1) ornamental flowering plant variety shall be required in each buffer for each 10 feet of buffer depth.
- Trees and shrubs may be evergreen, deciduous, or any combination thereof.
- The exact placement of required plants shall be the decision of the user and all buffer areas shall be seeded or planted with grass or other ground cover unless ground cover is already established. (See below for "Table For Minimum Plant Sizes").

**Table For Minimum
Plant Sizes**

Plant Material Type	Minimum Size Planting Abutting Vacant Land	All Other Plantings
Canopy Tree	1" Caliper	1 1/2" Caliper
Multi-Stem Clump	5' Height	6' Height
Understory Tree	3' Height	4' Height
Evergreen Tree	2' Height	3' Height
Deciduous Shrub	12" Height	15" Height
Evergreen Shrub	9" Height	12" Height
Hedge	5' Height	6' Height

- (f) Smaller plant sizes are permitted adjacent to vacant land because it is assumed that the plants will have time to mature before the abutting vacant land is developed. For this purpose agricultural land is considered vacant.
- (g) Caliper is a measurement of the size of a tree equal to the diameter of its trunk measured 6" to 12" six to twelve inches above natural grade or root ball.

(2) Location and Installation Of Buffer

Buffers shall be located on the outer perimeter of a lot or parcel, extending along the lot or private street or other existing or dedicated public rights-of-way. Where such rights-of-ways are contiguous with property lines any required buffer shall be located on the inside of such rights-of-ways. No landscaping shall be permitted which interferes with the sight distance required at any roadway or driveway intersection.

(3) Use of Buffer

A buffer may be used for passive recreation and may contain picnic tables and bicycle, pedestrian or equestrian trails, provided that no plant material is eliminated, the total width of the buffer is maintained, and all other regulations are met. A buffer shall not be used for parking, accessory buildings, or any other use except where required and permitted for pedestrian or vehicular access to adjoining property.

(4) Screen Plant Material Specifications

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. Refer to Appendix A and Table for Minimum Plant Sizes for listing of approved plant materials and sizes. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards. Plant materials shall be evergreen. Existing plant

materials meeting these requirements and locational requirements may be utilized towards screening requirements.

(5) Use Of Screens

A screen shall not be used for recreation, parking, accessory buildings, or any other use except where required and permitted for pedestrian or vehicular access to adjoining property.

(6) Maintenance of Landscaping

All landscaping and screening which provides required buffering and screening shall be maintained so as to continue their effectiveness. Periodic inspections may be made to determine continued effectiveness of the required landscaping and screening. Any deficiencies shall be treated as a violation of this Ordinance and subject to regulations in Chapter 2.

(F) Buffer Standards

The following descriptions list the specifications of each buffer. The requirements are minimum and the developer may increase the buffer at his option. The number of plant materials required per 100 L.F. is represented by a whole or decimal number. Both the type and number of plants is specified. All mathematical rounding shall be upwards and shall be applied to the total amount of plant material required in the buffer, not to each 100 L.F. Smaller plant sizes may be permitted adjacent to undeveloped land.

(1) Buffer "A"

Minimum 15 feet wide strip with 1 canopy tree, 3 understory trees, and 6 shrubs per 100 L.F

(2) Buffer "B"

Minimum 20 feet wide strip with 2 canopy trees, 4 understory trees, and 8 shrubs per 100 L.F

(3) Buffer "C"

Minimum 25 feet wide strip with 2 canopy trees, 6 understory trees, and 10 shrubs per 100 L.F.

(4) Buffer "D"

Minimum 30 feet wide strip with 2 canopy trees, 6 understory trees per 100 L. F. and a row of evergreen shrubs placed along the property boundary not more than five feet apart on center to form a continuous opaque hedge of six feet in height at the time of planting.

(5) Modification of Buffer Standards in Certain Districts

When a protective yard contiguous to residentially zoned property is required on a lot zoned OA6, O&I, B1, M, or TH, the buffer standards shall not be utilized to satisfy protective yard requirements. Screen standards shall be utilized.

(G) Screen Standards

Screening shall be required along the property boundaries of the zoning lot with the exception that screening such as hedges, fences or walls, as described in this section, shall not be over four feet tall within the required front yard(s). Screening is not required to separate uses located across public streets. All screening walls and fences shall be located on the interior side of required plantings unless existing or proposed topography results in ineffective screening. In such case, the Zoning Administrator may make determination of alternative, effective screening. Exterior building walls may serve as the required screening wall if no openings (windows, doors etc.) are located within the wall and provided the building wall is permitted to be located in such a manner as to meet the screening requirements below:

(1) Screen "A"

The following requirements shall be met for screen A by providing a 5 foot minimum screening yard with lawn, low-growing evergreen shrubs, evergreen ground cover, or mulch covering the balance of the screening yard and one of the following:

- (a) A row of evergreen shrubs placed not more than five feet apart on center to form a continuous opaque hedge a minimum of six feet in height above finished grade; **or**
- (b) A masonry (brick, block, rock, texture block, cast blocks or concrete) wall a minimum height of six feet, above finished grade; and, if a concrete block or concrete wall, it shall be finished with a masonry coating or finish on all exposed exterior sides; **or**
- (c) A solid wooden a minimum of six feet in height constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar or a vinyl fence, which is a minimum of six feet in height, that is constructed in a workmanlike manner in accordance with generally accepted industry standards; **or**
- (d) A berm and planting combination, with the berm an average height of three feet above finished grade as measured from the exterior side of the berm and dense plantings which will, when combined with the berm, achieve a minimum height of six feet and seventy-five percent opacity

(2) Screen "B"

The following requirements shall be met for screen B by providing a 10 foot minimum screening yard and the following:

- (a) The requirements of A. above; **and**

- (b) A staggered row of evergreen trees, which are not less than six feet in height at the time of planting and are spaced not more than thirty feet apart on center which at maturity will form an intermittent visual barrier from above the opaque screen to a height of fifteen feet.

(3) Screen "C"

The following requirements shall be met for screen C by providing a 10 foot minimum screening yard and the following:

- (a) The requirements of A. above; **and**
- (b) A staggered row of evergreen trees, which are not less than six feet in height at the time of planting and are spaced not more than twenty feet apart on center which at maturity will form an intermittent visual barrier from above the opaque screen to a height of fifteen feet.

(4) Screen "D"

The following requirements shall be met for screen D by providing a 15 foot minimum screening yard and the following:

- (a) The requirements of A. above; **and**
- (b) A staggered row of evergreen trees, which are not less than six feet in height at the time of planting and are spaced not more than fifteen feet apart on center which at maturity will form an intermittent visual barrier from above the opaque screen to a height of twenty feet.

(5) Modification of Screen Standards in Certain Districts

When a protective yard contiguous to residentially zoned property is required on a lot zoned OA6, O&I, B1, M, or TH, screen standard 6.06(G)(1)(a) shall not be utilized to satisfy protective yard requirements.

(H) Alternative Protective Yards

In lieu of compliance with the above buffer or screening requirements, an applicant may submit to the Zoning Administrator for review and approval a detailed plan and specifications for landscaping, buffering and or screening. The Zoning Administrator may approve the alternative buffering and or screening upon finding that the proposal will afford a degree of buffering and or screening equivalent to or exceeding that provided by the above requirements.

- (1) A minimum of a fifty percent (50%) increase in the depth of a proposed alternate buffer yard shall be required. Existing significant plants and trees may be substituted for the above plant and tree requirements, if no reduction in the total number of required plants and trees results

and they afford an equal degree of separation in terms of height and opacity. Otherwise additional plantings, berms, walls or fences, or a combination thereof shall be required.

- (2) A reduction in buffer yards is not permitted since the developer may choose the screen alternative which requires less yard. A reduction in the required screen yard may be approved if it can be demonstrated to the Zoning Administrator that full compliance with the requirement is impractical and creates an undue restriction on the use of the property. If such a plan is approved, it shall include screening measures which will provide an increase in the height and opacity of the screening required.

(I) Protective Yards for Additions or Expansions

If physical alteration resulting in an increase of floor area of existing structures or the erection of new structures or the expansion of open uses of land occurs, buffering and screening shall be required as following.

- (1) If the combined total of all expansions is 50% or less of the existing building footprint or land available for open uses as of date of adoption, a screen meeting screen category A shall be required. Such screen shall be provided on a 1.5 to 1 ratio of the linear length of the building parallel to lot line which requires buffering and screening. The location of the required screening shall be determined by the Planning Department. Such location shall be based on site evaluations to determine the best protection to adjoining properties.
- (2) If the combined total of all expansions is greater than 50% of the existing building footprint or land available for open uses as of date of adoption buffers or screening shall be provided according to the requirements for new uses. In such cases, the use of provisions in Section 6.06(C)(4) shall be considered appropriate.

6.07 SCREENING OF MECHANICAL EQUIPMENT

(A) Purpose

To encourage a satisfactory visual appearance for the City of Asheboro's built environment.

(B) Applicability

- (1) All non-residential uses, except for Manufacturing Processing, and Assembly uses.
- (2) The installation of new mechanical equipment associated with new construction, addition, expansion or change of use.
- (3) A change of use alone does not trigger the requirements of this section
- (4) Mechanical equipment includes, but is not limited to, air conditioners, compressors, gas and fuel storage tanks, ventilation and other air handling systems, grease traps and separators and pumps. Industrial process equipment and mechanical equipment that depends on

unobstructed access or sources of wind and solar power for alternative energy generation are not included within this definition.

- (5) Mechanical equipment shall be required to be screened from ground-view, as seen from any street lot line of the lot, only.
- (6) No use shall be required to comply with this requirement on more than two street lot lines

(C) Roof-Mounted Mechanical Equipment Screening

Roof-mounted mechanical equipment shall be screened from view by a parapet wall, false façade, or similar structural feature that is an integral part of the building's architectural design. When the elevation of a street lot line is higher than the elevation of the mechanical equipment being screened, the screening wall or feature shall only be required to be equal to the height of the mechanical equipment. The painting of mechanical equipment, the use of dense landscaping, or the installation of rooftop fencing shall not be acceptable methods of mechanical equipment screening.

(D) Ground-Mounted Mechanical Equipment

Ground-mounted mechanical equipment shall be screened from view by a decorative wall, dense evergreen landscaping, or a decorative fence. Screening features shall be compatible with the development's architectural and landscaping design. The height of screening features shall be equal to or greater than the height of the mechanical equipment being screened.

(E) Installation or Guarantee Required

Prior to the issuance of Certificate of Occupancy, screening of mechanical equipment shall be installed or its installation guaranteed as per Chapter 2.

6.08 SOLID WASTE STORAGE FACILITIES AND SCREENING

(A) Purpose

To encourage a satisfactory visual appearance for the City of Asheboro's built environment.

(B) Applicability

- (1) All uses, except Dwelling, Single Family and Dwelling, Two Family
- (2) The installation of new facilities for solid waste storage that are visible from the public right-of-way shall be made in strict compliance with this ordinance.
- (3) A change of use does not trigger the requirements of this section.
- (4) Solid waste storage facilities shall be required to be screened from ground-view, as seen from any street lot line of the lot, only.

(C) Standards

- (1) Solid waste facilities for the central storage of solid waste shall be provided
- (2) Facilities shall be located outside of all required setbacks and Protective Yards.
- (3) Facilities shall be screened by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
- (4) Such screening shall begin at ground level with no open space between the ground and the bottom of the screening material(s).
- (5) Prior to the issuance of Certificate of Occupancy, screening of required solid waste storage areas shall be installed or its installation guaranteed as per Chapter 2.
- (6) Nothing in this Ordinance shall be construed to prevent the joint use of central solid waste storage (dumpsters) for two or more structures. An agreement for such joint use, in the form of a reciprocal easement acceptable to the office of the City Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

6.09 SCREENING OF OPEN STORAGE

(A) Purpose

To encourage a satisfactory visual appearance for the City of Asheboro's built environment.

(B) Applicability

- (1) All uses, except Dwelling, Single Family and Dwelling, Two Family
- (2) All new open storage areas and expansions of existing open storage areas.
- (3) A change of use does not trigger the requirements of this section.
- (4) Open storage areas shall be required to be screened from ground-view, as seen from any public street lot line and any lot line that abuts a residential zoning district.

(C) Standards

(1) Open Storage Area Abuts A Public Street

When an open storage area abuts a public street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six feet in height (constructed of materials and finishes as permitted in section 6.06), or opaque chain link fence at least 6 feet in height with access from said street only through solid gates which shall be closed except when in use. Screening shall run at least 100 feet back from the street property line, unless an existing permanent structure shields the storage area.

(2) Open Storage Area Abuts A Residentially Zoned District

When an open storage area abuts a residentially zoned district, the method of screening shall consist of solid wooden fences or masonry walls at least six feet in height (constructed of materials and finishes as permitted in Section 6.06) or opaque chain link fence at least 6 feet in height along the boundary of the storage areas and the residential district.

(3) Open Storage Area Does Not Abut Public Street And Is Not Within 200 Feet Of A Residential District

When an open storage area is not within 200 feet of a residential district but is in view of a residential district, the method of screening from said residential district shall consist of walls or fences at least six feet in height (constructed of materials and finishes as permitted in Section 6.06) which shall be seventy-five percent opaque.

(4) Alternate Methods

In lieu of compliance with the above screening methods, an applicant may submit to the Planning Board for their review and approval a detailed plan and specifications for landscaping and screening. The Planning Board may approve the alternative screening, in writing, upon finding that the proposal will afford a degree of screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by the above methods.

(5) Installation or Guarantee Required

Prior to the issuance of Certificate of Occupancy, screening of open storage shall be installed or its installation guaranteed as per Chapter 2.

6.10 FRONT YARD LANDSCAPING

(A) Purpose

To encourage a satisfactory visual appearance and provide natural vegetative areas throughout the City of Asheboro's built environment.

(B) Applicability

- (1)** Dwelling, Single Family and Dwelling, Two Family uses shall be exempt from the provisions of this Section.
- (2)** All new development, new construction associated with existing uses, and additions and expansions shall be made in strict compliance with this ordinance.
- (3)** A change of use shall be made in strict compliance with this ordinance only in cases where the installation of front yard landscaping will not create a new nonconforming situation.
- (4)** Properties located within the Center City Planning Area shall be regulated by Section 4.07

(C) Standards for Residential, Industrial, B2 and B3 Districts

No parking shall be permitted within the first 10 feet of required front yard of any zoning lot. Such required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted) and driveway access and the following required landscaping materials. To provide flexibility in achieving a high standard of development, front yard landscaping options are provided.

- (1) There shall be planted and maintained one tree (as listed in Appendix B of this Chapter), 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. At least one such tree shall be of a flowering type. The balance of the first 10 feet of the required front yard shall be covered with evergreen ground cover, or mulch, or
- (2) There shall be planted and maintained one evergreen shrub as defined in Table of Minimum Plant Size Section 6.06 for each ten linear feet of street frontage or portion thereof. See Appendix A.D Shrubs for Evergreen Screening for a listing of specific permitted evergreen shrubs. The balance of the first 10 feet of the required front yard shall be covered with evergreen ground cover or mulch, or
- (3) A combination of A and B with one tree equal to 2 shrubs.

The front yard landscaping requirements of (1) – (3) (above) are intended to specify the minimum number of plantings required in the first ten (10) feet of required front yard based on the linear feet of street frontage and are not intended to specify or limit the flexibility of spacing or arrangement of plantings within these ten (10) feet. For example, trees do not have to be planted exactly 20 feet apart and shrubs do not have to be planted exactly 10 feet apart.

(D) Standards for OA6, O&I, B1 and M Districts

No parking shall be permitted within the required front yard of any zoning lot. This section may be modified when, due to specific property constraints (i.e. steep slopes, inadequate lot size, etc.), handicapped parking cannot be provided outside of the area between the building and the street, such parking can be located within the setback area, provided that:

- (1) The number of handicapped parking spaces provided does not exceed the number prescribed by the building code, and;
- (2) No such handicapped parking shall be located within 10' of the street right-of-way; and
- (3) All other relevant requirements of the Zoning Ordinance, including but not limited to landscaping and buffering, are satisfied.

Such required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted) and driveway access and required landscaping materials. Front yard landscaping shall be as follows:

- (4) At least one tree of 3 – 3 1/2-inches caliper minimum, measured 6 inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet. Trees shall be located in the required front yard. 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 B; **and**
- (5) There shall be planted and maintained one evergreen shrub (as defined in Table of Minimum Plant Size Section 6.06) 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.

(E) Standards for TH District

- (1) No parking shall be permitted within the first 10 feet of required front yard of any zoning lot. Such required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted), and driveway access and the following required landscaping materials.
- (2) Parking may be located in the required front yard between 10 feet and 30 feet from the right-of-way line if a wall or fence as described below is constructed:
 - (a) Masonry walls, ornamental split-face block, or concrete block covered with stucco or synthetic stucco between three and four feet in height. Any portion of such a wall above three feet in height above grade shall be at least 60 percent open. In addition there shall be masonry piers providing a visual break in the wall, and placed at increments of not less than one for each 12 feet of wall length, and one on any corner of such a wall. Where there are driveway openings in the wall, the height shall be reduced to not more than three feet for the first 12 feet on either side of the driveway.
 - (b) Masonry piers at intervals of between eight and 12 feet, supporting vertically oriented wrought-iron or aluminum fencing panels. The height of this design shall be between three and four feet. Aluminum fencing panels shall have a medium or dark finish. Street trees otherwise required by this subsection (4) shall not be required under this provision.

- (c) Stucco or synthetic stucco, or ornamental split-face block wall, or concrete block wall covered with stucco or synthetic stucco, four feet in height above grade.
- (3) The wall or fence above does not have to be constructed when parking is located between 10 and 30 feet from the right-of-way line for the limited purpose of providing handicapped parking if due to specific property constraints (i.e. steep slopes, inadequate lot size, etc.) handicapped parking cannot be provided outside of the area between the building and the street. Such parking can be located within the setback area, provided that:
 - (a) The number of handicapped parking spaces provided does not exceed the number prescribed by the building code, and;
 - (b) No such handicapped parking shall be located within 10' of the street right-of-way; and
 - (c) All other relevant requirements of the Zoning Ordinance, including but not limited to landscaping and buffering, are satisfied.
- (4) Front yard landscaping shall be as follows:
 - (a) At least one tree of 3 – 3 1/2-inches caliper minimum, measured 6 inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet. Trees shall be located in the required front yard. 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 B; **and**
 - (b) There shall be planted and maintained one evergreen shrub (as defined in Table of Minimum Plant Size Section 6.06) 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.

(F) Additional Front Yard Landscaping Standards for Multifamily Projects Of Less Than 45,000 Sq Ft Lot

In multifamily projects of less than 45,000 sq ft lot area, parking shall not be permitted within any of the required front setback area as indicated in Table 4-1. The area shall be considered open space and in addition to the landscaping required above, landscaping shall be installed which meets section 3.01(N).

(G) Modification of Front Yard Landscaping Width with Regards to Location of Parking

Nonresidential Uses - Setbacks and Parking for nonresidential uses.

- (1) The minimum front yard setback for all new buildings shall be as per Table 4-1 for all OA6, O& I, M, B1, B2, TH, I1, I2 and I3 districts when parking is not located between the street and the building. In these cases, parking shall be at the side or the rear of the building. Ingress and egress is permitted within the front yard setback.
- (2) For all new buildings the minimum front yard setback shall be 50 feet when parking is located between the street and the building. Parking or maneuvering of vehicles (except for ingress and egress at permitted driveway(s)) is not permitted within the first 25 feet of this setback.

(H) Alternative Front Yard Landscaping

In lieu of compliance with the above Front Yard Landscaping requirements, an applicant may submit to the Zoning Administrator for review and approval a detailed plan and specifications for Alternative Front Yard Landscaping. The Zoning Administrator may approve Alternative Front Yard Landscaping upon finding that full compliance with the requirement is impractical and creates an undue restriction on the use of the property, and that the proposal will afford a comparable and rational degree of landscaping given site constraints.

(I) Front Yard Landscaping Materials Location and Selection

All required plantings and any other landscaping shall be so arranged that it does not impair visibility when exiting the lot into a public street. 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, draught, insects, and diseases and which require little maintenance. Refer to Appendices A and B for listing of approved plant materials.

(J) Front Yard Landscaping Installation or Guarantee Required

Prior to the issuance of Certificate of Occupancy, screening of required front yards shall be installed or its installation guaranteed as per Chapter 2.

(K) Existing significant Trees

Existing significant trees, over six feet in height, or planted trees, which are not less than six feet in height at the time of planting, that are located within the required front yard of any zoning lot shall be permitted to count towards the total number of trees as required above on a one to one basis.

(L) Non-conforming Front Yard Landscaping

Existing uses which on the date of adoption of this ordinance are using the designated front yard landscaping area of their lot for parking shall not be considered non-conforming for the purposes of Chapter 8.

6.11 BUILDING FORM

(A) Purpose

To encourage a satisfactory visual appearance for the City of Asheboro's built environment.

(B) Applicability

- (1)** All uses, except Dwelling, Single Family and Dwelling, Two Family
- (2)** All new development, new construction associated with existing uses, and additions and expansions shall be made in strict compliance with this ordinance.
- (3)** All accessory structures larger than 12x12 or 144 square feet in area.

(C) Industrial Standards

(1) Building Materials

Structures which front any major thoroughfare or higher classification street, with the exception of freeways, shall meet the requirements of section 6.11(E) for the façades fronting said thoroughfares. All other industrial structures shall meet the following: any code approved material including metal facade covering and other synthetic materials shall be allowed for any wall. Where such walls are visible from adjoining residentially zoned property, such walls shall be screened or buffered according the requirements of this section.

(2) Nonconforming Uses and Exemptions

- (a)** Expansions including cumulative additions of nonconforming situations which result in an increase of over fifty (50) percent in the linear street fronting footage of a structure shall comply in all respects to the development standards of this Section. This section shall apply to all expansions or additions permitted after March 8, 2001.
- (a)** Interior remodeling, repairs, or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.
- (b)** Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(D) OA6, O&I, B1, M and TH Districts

(1) General

- (a)** When a public sidewalk is present or required to be constructed, all principal structures shall have at least one entrance connected to the sidewalk.
- (b)** Gasoline pumps, where permitted, shall be located to the rear of any principal structure in the B1 district, and to the rear or side of any principal structure in the M and TH districts.

- (c) Drive through sales or services shall not be permitted, and ATMs shall be designed for walk-up service only in the B1 District.
- (d) Drive through sales or services shall not be permitted, except for bank teller windows, ATMs and similar uses in the M District.

(2) Building Size

- (a) Maximum gross floor area for all permitted uses shall be 3,000 square feet, and maximum dining room area for eating establishments shall be 1,000 square feet in the B1 District.
- (b) Maximum gross floor area for all permitted uses shall be 6,000 square feet, and maximum dining room area for eating establishments shall be 1,500 square feet in the M District.

(3) Building Materials for All Facades in OA6 and O&I Districts

- (a) One hundred percent of the area below the fascia of any structure including doors and windows shall be finished with any Building Code approved material except:
 - (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 material. (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 shall not be permitted for any portion of the front face, except architectural metal panels secured to substrate with concealed fasteners are a permitted material.
- (b) Trim and similar architectural detailing may be composed of any code approved materials.

(4) Building Materials for Facades Fronting Streets and Roads in B1 District

- (a) One hundred percent of the area of all street fronting facades of any non- residential structure including doors and windows shall be finished with any Building Code approved material except:
 - (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 material. (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 shall not be permitted for any portion of the front face, except architectural materials (such as alucobond) are a permitted material.
 - (b) Trim and similar architectural detailing may be composed of any code approved materials.
- (5) Building Materials for Facades Fronting Streets and Roads in M District**
- (a) Eighty percent of the area of all street fronting facades of any non- residential structure including doors and windows shall be finished with any Building Code approved material except:
 - (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 material. (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 shall not be permitted for any portion of the front face, except metal laminated architectural materials (such as alucobond) are a permitted material.
 - (b) Trim and similar architectural detailing may be composed of any code approved materials.
- (6) Building Materials for All Facades in TH District**
- (a) Eighty percent of the area of all facades of any non- residential structure including doors and windows shall be finished with any Building Code approved material except:
 - (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 material. (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 shall not be permitted for any portion of the front face, except metal laminated architectural materials (such as alucobond) are a permitted material.
 - (b) Trim and similar architectural detailing may be composed of any code approved materials.

(7) Amenity Area for TH District

A designated area(s) shall be provided for amenities that create an inviting atmosphere enhancing the tourism and hospitality designation of the TH district. This area shall add character and interest to the development and offer a pedestrian friendly experience to visitors on the site. The designated areas shall incorporate amenities including but not limited to, fountains and pools, works of art, arbors, trellises, walking trails and patios with benches. The area(s) shall be delineated from the other features of the site by landscaping that is coordinated with the overall landscaping design and plantings of the site. This area shall be connected by a sidewalk to the rest of the development including the principal structure, parking areas and public street(s). This area shall contain at least one percent of the land area of the development. Features that are required by other portions of this Ordinance shall not count towards the one percent land area requirement.

(8) Nonconforming Uses and Exemptions

- (a) Expansions of nonconforming uses shall comply in all respects to the development standards of this section.
- (b) Interior remodeling, repairs, or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.
- (c) Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(E) B2 and B3 Districts

(1) Building Materials - Facades Fronting Streets and Roads

- (a) Eighty percent of the area of all street fronting facades of any non-residential structure, including doors and windows, shall be finished with any Building Code approved material except:
 - (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 shall not be permitted for any portion of the front face, except metal laminated architectural materials (such as alucobond) are a permitted material.
- (b) Trim and similar architectural detailing may be composed of any code approved materials.

- (c) All principal structures shall have at least one entrance oriented towards the street.

(2) Building Materials - Facades Other Than Fronting Streets and Roads

- (a) Any code approved material except metal panels with galvanized, aluminum, or aluminum finishes, shall be allowed for any wall not fronting streets and roads. Where such walls are visible from adjoining residentially zoned property, such walls shall be screened or buffered according to the requirements of this section.
- (b) Trim and similar architectural detailing may be composed of any code approved materials.

(3) Nonconforming Uses and Exemptions

- (a) Expansions including cumulative additions of nonconforming situations which result in an increase of over fifty (50) percent in the linear street fronting footage of a structure shall comply in all respects to the development standards of this Section. This section shall apply to all expansions or additions permitted after March 8, 2001.
- (b) Interior remodeling, repairs, or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.
- (c) Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(F) Residential

(1) Building Materials - All Facades

- (a) One hundred percent of the area below the fascia of any non single-family or two-family building including doors and windows shall be finished with any Building Code approved material except:
 - (i) Unfinished wood, concrete block (except split-faced block), 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) Horizontal vinyl siding with an apparent board width of more than 6 inches.
- (b) Trim and similar architectural detailing may be composed of any code-approved materials.
- (c) All multifamily structures less than 3 stories in height using a sloped roof shall have a minimum slope of 5 in 12 on the principal roof.

- (d) All multifamily structures not using a sloped roof shall have a parapet wall above the roof of at least three (3) feet in height.

(2) Nonconforming Uses and Exemptions

- (a) Expansions of nonconforming uses shall comply in all respects to the development standards of this section.
- (b) Interior remodeling, repairs, or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.
- (c) Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(G) Definitions

For the purpose of this section, the following words shall be defined as:

- (1) Appearance: The outward aspect visible to the public.
- (2) Facade: The exterior wall of a building exposed to public view.
- (3) Facia: (board) A horizontal piece covering the joint between the top of a wall and the projecting eaves. Facia shall be considered as facade.
- (4) Parapet Wall: That portion of any building wall that rises above the level of the roof line and made of the same material and thickness as the building wall.
- (5) Elevation Plan: Building profiles to scale showing the architectural style, design, and arrangement of the exterior of a building or other structures, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, roofs, and other appurtenant fixtures.

6.12 SIDEWALKS

(A) Purpose

To create a multimodal, interconnected transportation network within the City of Asheboro.

(B) Applicability

- (1) Sidewalks are required of all new buildings, except single family and duplex, located in RA6, OA6, O & I, B1, M, B2, TH and B3 districts. However, they are not required for additions, extensions or enlargements of existing buildings nor to expansions of existing multi use situations, nor for the addition of an accessory structure. Additions, extensions or enlargements of existing buildings and expansions of existing multi use situations shall install sidewalks when such buildings have street frontage with an existing sidewalk which

does not extend the entire frontage of the lot. For lots with more than one street frontage, additions, extensions or enlargements of existing buildings and expansions of multi-use situations shall require the installation of sidewalks along only that frontage where the existing sidewalk does not extend along the length of that frontage.

- (2) Sidewalks are required of all new buildings located in I1, I2, and I3 districts when such building is located on a major or minor thoroughfare. However, they are not required for additions, extensions or enlargements of existing buildings nor to expansions of existing multi use situations, nor for the addition of an accessory structure. Additions, extensions or enlargements of existing buildings and expansions of existing multi use situations shall install sidewalks when such buildings have street frontage with an existing sidewalk which does not extend the entire frontage of the lot. For lots with more than one street frontage, additions, extensions or enlargements of existing buildings and expansions of multi-use situations shall require the installation of sidewalks along only that frontage where the existing sidewalk does not extend along the length of that frontage.

(C) Standards

When required in (1) or (2) above, sidewalks shall be installed along all street frontages that possess curb and gutter. Sidewalks shall be constructed if a minimum of 8.5 feet of public right-of-way exists as measured from the back of curb to the outer boundary of the public right-of-way. In the event that a minimum of 8.5 feet of public right-of-way does not exist as measured from the back of the curb to the outer boundary of the public right-of-way, the provisions of this section shall not apply. For the purposes of this Section, a street frontage shall be defined as a right-of-way or fee simple tract of land that has been set aside for public travel, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina. Sidewalks shall be constructed in accordance with City of Asheboro sidewalk design standards as established by the City of Asheboro Engineering Department or the North Carolina Department of Transportation and shall be subject to the approval of an encroachment agreement by the applicable permitting authority. The inability to obtain said approval shall be considered a waiver of the requirements of this Section. The City of Asheboro sidewalk design standards shall be made available for public inspection in the office of the City Clerk.

6.13 PARKING

(A) Purpose

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

(B) Applicability

- (1) All districts, except the A and B-3 Districts
- (2) All uses, except Dwelling, Single Family
- (3) All parking areas required for new construction shall be developed in strict compliance of this section
- (4) All new parking areas required by additions and expansions shall be developed in strict compliance of this section
- (5) Change of Use:
 - (a) Where the required number of parking spaces for a new use according to this section is less than 125% of the parking spaces required for the existing use, no additional parking spaces, nor compliance with parking design, building separation, and landscaping standards of this section, shall be required.
 - (b) Where the required number of parking spaces for a new use according to this section exceeds 125% of the parking spaces required for the existing use, parking spaces shall be provided to meet the minimum number of parking spaces. All new parking areas required shall be developed in strict compliance with this section
- (6) All non-required parking and loading areas shall be exempt from the parking design, building separation, and landscaping standards but built and maintained to prevent problems due to erosion, runoff and dust.

(C) Parking General

(1) Compliance with Regulations

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

(2) Methods of Providing Required Parking

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

- (a) Off-Site Parking Area

- (i) The use being served by the off-site parking shall be a permitted principal use as established in Table 5-1, in the zoning districts within which the zoning lot containing such parking is located;
 - (ii) The off-site parking area shall be located within five hundred (500) feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route
 - (iii) The continued availability of off-site parking areas, necessary to meet the requirements of this Section, shall be ensured by an appropriate reciprocal easement, satisfactory to the Office of the City Attorney and recorded with the Register of Deeds of Randolph County.
 - (iv) For purposes of determining applicable minimum and maximum land use intensities (in districts where FAR applies), the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by such parking and shall be subtracted from the area of the zoning lot containing the off-site parking.
 - (v) The provision of off-site required offstreet parking shall not apply to any residential use located within the R-40, R-15, R-10 and R-7.5 zoning districts.
 - (vi) Off-site required offstreet parking shall not be separated from the use it serves by major or minor thoroughfare, as shown on the current City of Asheboro Thoroughfare Plan Map, or other similar physical barriers to convenient access between the parking and the use.
- (b) Joint Use Facilities
- (i) Nothing in this Ordinance shall be construed to prevent the joint use of offstreet parking area or offstreet loading space-for two or more structures or uses, if the total of such spaces, when used together, will not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this Ordinance.
 - (ii) An agreement for such joint use, in the form of a reciprocal easement acceptable to the office of the City Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.
- (c) Shared Parking
- (i) No part of an offstreet parking area or offstreet loading area required for any structure or use for the purpose of complying with the provisions of this

Ordinance shall be included as a part of an offstreet parking area or offstreet loading area similarly required for another structure or use, unless the Zoning Administrator determines that the period(s) of demands for offstreet parking for such structures or uses will not be simultaneous with or overlap each other.

- (ii) An agreement, with the City of Asheboro as one of the parties with a right of enforcement, for such joint use, in the form of a reciprocal easement acceptable to the Office of the City Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.
- (iii) The Zoning Compliance Permit covering such approval shall include the requirements that the permit is valid only so long as the conditions described in the application for the permit exist.

(D) Number and Calculation of Required Offstreet Parking Spaces

- (1) The number of required offstreet parking spaces shall be as set forth in Table 6-1.
- (2) Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches, or the like, twenty lineal inches shall be construed to be equal to one seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, ten square feet of net floor area shall be construed to be equal to one seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.
- (3) The Zoning Administrator shall make a determination, in the cases of uses not listed in Table 6-1, of the minimum required offstreet parking spaces. In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed uses and studies of the parking requirements of such uses in other jurisdictions.

(E) Street and Driveway Access

Ingress-egress openings in concrete or asphalt or other curbing provisions, commonly referred to as "curb cuts" shall be regulated by the following requirements for city maintained streets. Issuance of a City of Asheboro Driveway Permit by the Asheboro Engineering Department may serve to approve modifications to requirements. Approval of street and driveway access on streets maintained by the North Carolina Department of Transportation (NCDOT) shall be determined by NCDOT.

- (1) The number of Curb Cuts and all other access points shall be limited to one cut on each street where a lot has less than 120 feet of street frontage, two cuts on each street where a lot has between 120 feet and 400 feet of street frontage, or three cuts on each street where a lot has 400 feet or more of street frontage.

- (2) No residential curb cut shall be less than 12 feet in width or more than 16 feet in width.
- (3) Where two curb cuts are permitted for a single lot, a distance of no less than 36 feet shall separate them. Where three cuts are permitted for a single lot, no less than 100 feet shall separate the third cut from the other two. On streets maintained by the NCDOT, the 100-foot separation requirement may be reduced upon written approval by the NCDOT and in accordance with driveway permitting requirements.
- (4) No curb cut or other access point shall be located closer than 36 feet to any street intersection. The intersection is determined by the intersecting point of the two street right-of-way lines (or such lines extended in the case of a rounded corner).
- (5) Width of Commercial Driveway curbcuts: The width of commercial driveways measured parallel to the edge of traveled way and from edge of pavement to edge of pavement at the narrowest width shall be within the minimum and maximum limits specified. An urban driveway with two way operation shall have a minimum of 20 feet and a maximum of 36 feet. A two-way operation for rural driveways shall be within a minimum width of 20 feet and a maximum width of 50 feet. For one-way operation, a 12-foot minimum and 24 foot maximum apply for both urban and rural locations. These values are based on edge of pavement dimensions not including the width of gutter if curb and gutter section is proposed.

(F) Parking Design Standards

- (1) The minimum dimensions for required offstreet parking spaces and aisles shall be in accordance with Diagram 6-1.
- (2) Parking for the handicapped shall be provided as per North Carolina Building Code Requirements.
- (3) All off street parking facilities shall be designed with permanent means of access to a street or alley and designed to provide all necessary maneuvering lanes and areas. Access drives shall be designed to provide for two-way traffic with a minimum width of 22 feet. Drives of less than 50 feet where the view of on-coming traffic is not blocked or impaired, may be single lane of not less than 11 feet in width.
- (4) Parking facilities shall observe a minimum setback of ten (10) feet from any public street right-of-way unless the Ordinance provides otherwise. Parking areas for two-family/duplex dwellings located in the R-40, R-10 and R-7.5 zoning districts shall not be permitted in the required front yard setbacks. Two-family dwelling parking shall not be subject to front yard averaging.
- (5) All required offstreet parking areas shall be paved with concrete, asphalt, or an alternative paving material (cobblestones, brick, turf-stone, or similar material) which exhibits equivalent load bearing and wear characteristics as asphalt or concrete (spaces in

stacking/waiting lanes shall be considered as required parking). Alternative paving materials shall be approved by the Planning Director upon determination that such characteristics are met. Any specifications required to make such determinations shall be provided by the applicant. All surfaces shall be maintained in a safe, sanitary and neat condition. Prior to the issuance of a Certificate of Occupancy, required paving must be installed or its installation guaranteed as per Chapter 2.

- (6) All offstreet parking lots shall be graded and drained so as to dispose of all surface water accumulated within the area. Curbed areas and islands may be required where necessary for traffic control and or drainage as necessary to comply with erosion control laws.
- (7) Lighting shall be required if night time parking is necessary or permitted. If a facility is lighted, such lighting shall be directed away from and or shielded from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street.
- (8) Parking areas shall be used for parking of vehicles, only, with no sales, displays, dead storage, repair work, dismantling, or service of any kind including the service of motor vehicles permitted.
- (9) All offstreet parking spaces, including all areas for maneuvering, shall be located solely on private property, and shall not use public property or public rights-of-way. Parked vehicles in offstreet parking areas shall be prevented from intruding on travel lanes, walkways, streets, buffer and screen yards, front yard parking setbacks, or adjacent properties by means of walls, curbs, wheel stops or other appropriate means.
- (10) All offstreet parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices and subject to the review and approval of the Zoning Administrator in accordance with said engineering practices.
- (11) All required paved spaces, access, and maneuvering areas shall be clearly marked and such markings shall be maintained.

(G) Parking Lot Building Separation and Landscaping

- (1) Parking areas, unless located on or within a structure, shall be separated from the exterior walls of any structure by providing a buffer strip at least four feet in width that shall be landscaped and covered with a ground cover or shall be paved to be utilized as a pedestrian walkway. The pedestrian walkway shall not be paved with asphalt and shall provide (a) or (b) below:
 - (a) A grade separation a minimum of 4 inches to be utilized as a pedestrian walkway or a grade separated landscaped area a minimum of 4 inches in height or;

- (b) In lieu of the 4 inch vertical grade separation of the pedestrian walkway, bollards and a pedestrian walkway (at least 4 feet in width) shall be provided. Bollards shall be at least 4 feet in height. When parking spaces are adjacent to bollards, two bollards shall be provided in front of each parking space no closer than two and half feet from the inside edge of the parking space (perpendicular to vehicle as shown on Conceptual Illustration: Diagram 6-2), and shall be located no more than 6 feet apart. In cases in which bollards are utilized in lieu of vertical grade separation, and the pedestrian walkway is located between the building and parking areas other than parking spaces (i.e. access, drives, or maneuvering areas), bollards shall be located no more than 6 feet apart adjacent to the pedestrian walkway between the building and parking areas (as shown on Conceptual Illustration: Diagram 6-3).
 - (c) Pedestrian entrance(s) or loading access way(s) (as necessary to provide access to the structure) that span a distance greater than 6 feet shall provide bollards in addition to the horizontal grade separation required in (a) above. Bollards shall be spaced according to whether the pedestrian walkway is adjacent to parking spaces (Diagram 6-2), or other parking areas (Diagram 6-3). In no case, shall bollards adjacent to loading or access ways be located more than 6 feet apart.
 - (d) When bollards are utilized in conjunction with a pedestrian walkway, a change in color and/or texture of the pedestrian walkway shall be provided.
- (2) All parking facilities designed for 10 or more vehicles (required spaces in stacking/waiting lanes shall be counted as spaces for determination of total required spaces) shall provide a minimum of 8.1 sq.ft. of landscaped area per parking space. Such landscaped areas shall contain at least 162 sq.ft. with no dimension less than 9 feet and shall be reasonably dispersed throughout the interior areas of the parking facility. Each landscaped area shall contain a canopy tree, ground cover and or mulch (see Appendix 1 for approved materials lists).
 - (3) In providing the vegetation required above, the retention of existing significant vegetation shall be encouraged.
 - (4) All landscaped areas shall be maintained in healthy and growing condition, dead or damaged materials shall be replaced, and areas shall be kept free of trash, refuse and debris.
 - (5) Prior to the issuance of a Certificate of Occupancy, required landscaping must be installed or its installation guaranteed as per Chapter 2.

(H) Required Offstreet Loading Space

- (1) Every use requiring the receipt or distribution, by vehicles, of materials and merchandise shall have one or more loading spaces for standing, loading and unloading on the same zoning lot. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Required loading

space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet offstreet parking requirements, or in conducting the use.

- (2) The requirements in Table 6-2 shall not be considered to make any existing structure nonconforming for lack of such offstreet loading.

(3) Determination of Unlisted Uses

For any land use which is not listed in Table 6-2, the Zoning Administrator, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

(4) Offstreet Loading Space Standards

All offstreet loading spaces shall meet the following standards:

- (a) Each required offstreet loading space shall have a minimum width of twelve feet and a minimum vertical clearance of sixteen feet above the finished grade of the space. The length shall be a minimum of thirty feet for local delivery and sixty feet for semitrailers. A maximum of two-thirds of the required loading spaces can be used for local delivery vehicles.
- (b) Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such spaces.
- (c) Loading space shall not be permitted within any required yard setback or Buffer or Screening yard as established by this ordinance.
- (d) All required loading space and necessary maneuvering space shall be paved and shall be maintained in a safe, sanitary, and neat condition.
- (e) No loading space shall be located so that a vehicle using such space intrudes on or hinders the use of the public right-of-way, or adjacent properties.

Table 6-2 Offstreet Loading Requirements

Land Use Classification	Space Requirements
Office and hotel uses (larger than 1500sqft)	One loading space for every 10,000 square feet of floor area, up to a maximum of 5 spaces.
Industrial and commercial uses as follows:	
Under 8,000 square feet	1 Space
8,000 - 25,000 square feet	2 Spaces
25,000 - 50,000 square feet	3 Spaces
50,000 - 100,000 square feet	4 Spaces
100,000 - Over square feet	5 Spaces

6.14 APPENDIX A

A. Understory Trees

- | | |
|------------------------|---------------------------|
| a. American Hornbeam | k. Carolina Cherry-Laurel |
| b. Eastern Redbud | l. Kousa Dogwood |
| c. Flowering Dogwood | m. Fringe Tree |
| d. Washington Hawthorn | n. Star Magnolia |
| e. Russian Olive | o. Sweet Bay Magnolia |
| f. Mountain Silverbell | p. Stewartia |
| g. American Holly | q. Amelandier |
| h. Golden Rain Tree | r. Styrax |
| i. Crape Myrtle | j. Sourwood |

B. Evergreen Trees

- | | |
|----------------------|--------------------|
| a. Deodar Cedar | d. Cryptomeria |
| b. Southern Magnolia | e. Red Cedar |
| c. Carolina Hemlock | f. Leyland Cypress |

C. Canopy Trees

- | | |
|----------------------|-------------------|
| a. Sugar Maple | h. Willow Oak |
| b. Norway Maple | i. Scarlet Oak |
| c. Red Maple Variety | j. Laurel Oak |
| d. Ginko (male) | k. River Birch |
| e. Honeylocust | l. Zelkova |
| f. Chinese Elm | m. Bradford Pear |
| g. Eastern Red Oak | n. Cleveland Pear |

D. Shrubs for Evergreen Screening

- | | |
|------------------------------|--------------------------|
| a. Glossy Abelia | l. Yaupon Holly |
| b. Wintergreen Barberry | m. Japanese Privet |
| c. Dwarf Horned Holly | n. Fortune Tea Olive |
| d. Convexa Japanese Holly | o. Red Photinia |
| e. India Hawthorn | p. Laurentinus Virburnum |
| f. Azaleas and Rhododendrons | q. Northern Bayberry |
| g. Japanese Yew | r. Gold Thread Cypress |
| h. Compacta Holly | s. Crippsii Cypress |
| i. Southern Wax Myrtle | t. Virburnum Chindo |
| j. Thorny Elaeagnus | u. Mahonia Bealei |
| k. Burford Holly | |

E. Buffer Shrubs

- | | |
|-----------------------|-------------------------|
| a. Japanese Barberry | i. Winter Honeysuckle |
| b. Border Forsythia | j. Juddi Viburnum |
| c. Vernal Witch Hazel | k. Doublefile Virburnum |
| d. Common Witch Hazel | l. Carlesi Virburnum |
| e. Pfitzer Juniper | m. Helleri Holly |
| f. Parsori Juniper | n. Butterfly Bush |
| g. Cotoneaster | o. Nandina domestica |
| h. Drooping Leucothoe | p. Inkberry Holly |

6.15 APPENDIX B: TREES FOR FRONT YARD LANDSCAPING

Large Trees (Mature Height Greater than 50 feet):

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

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

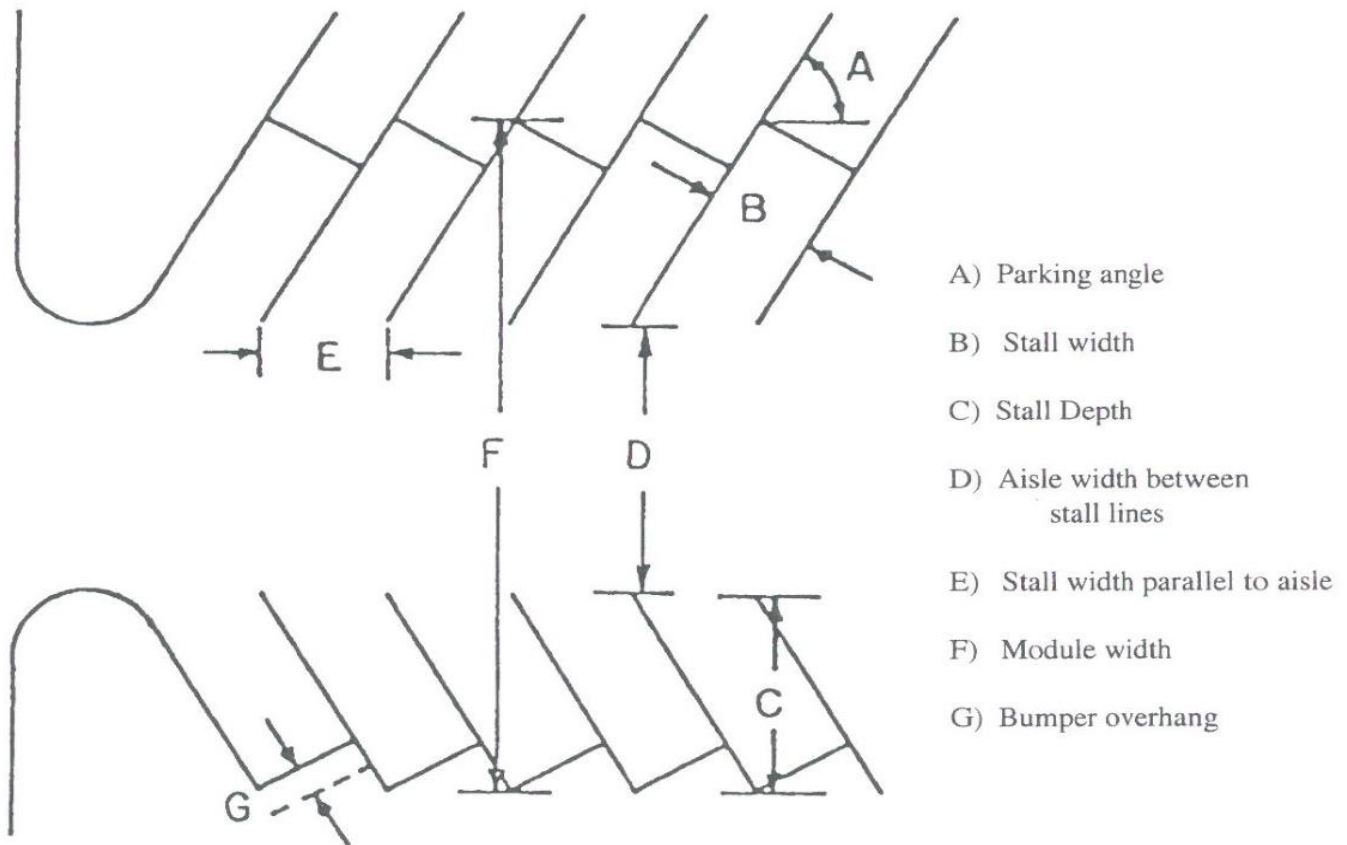
-Red Maple	-American Hornbeam	-Golden Raintree
-Horse chestnut	-Sugar Hackberry	-Amur Corktree
-Red Horse chestnut	-Turkish Filbert	-Sargent Cherry
-European Hornbeam	-Easter Redcedar	

Small Trees (Mature Height less than 35 feet)

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

Diagram 6-1

A	B	C	D*	E	F	G
0	9.5'	N/A	11.0'	23.0'	30.0'	N/A
45°	9.0'	17.5'	11.0'	12.7'	46.2'	2.0'
60°	9.0'	19.0'	15.0'	10.4'	53.0'	2.5'
75°	9.0'	19.5'	22.0'	9.3'	61.0'	2.5'
90°	9.0'	18.0'	22.0'	9.0'	58.0'	3.0'



*A minimum of 22 feet shall be provided for any aisle used for two-way traffic.

Diagram 6-2

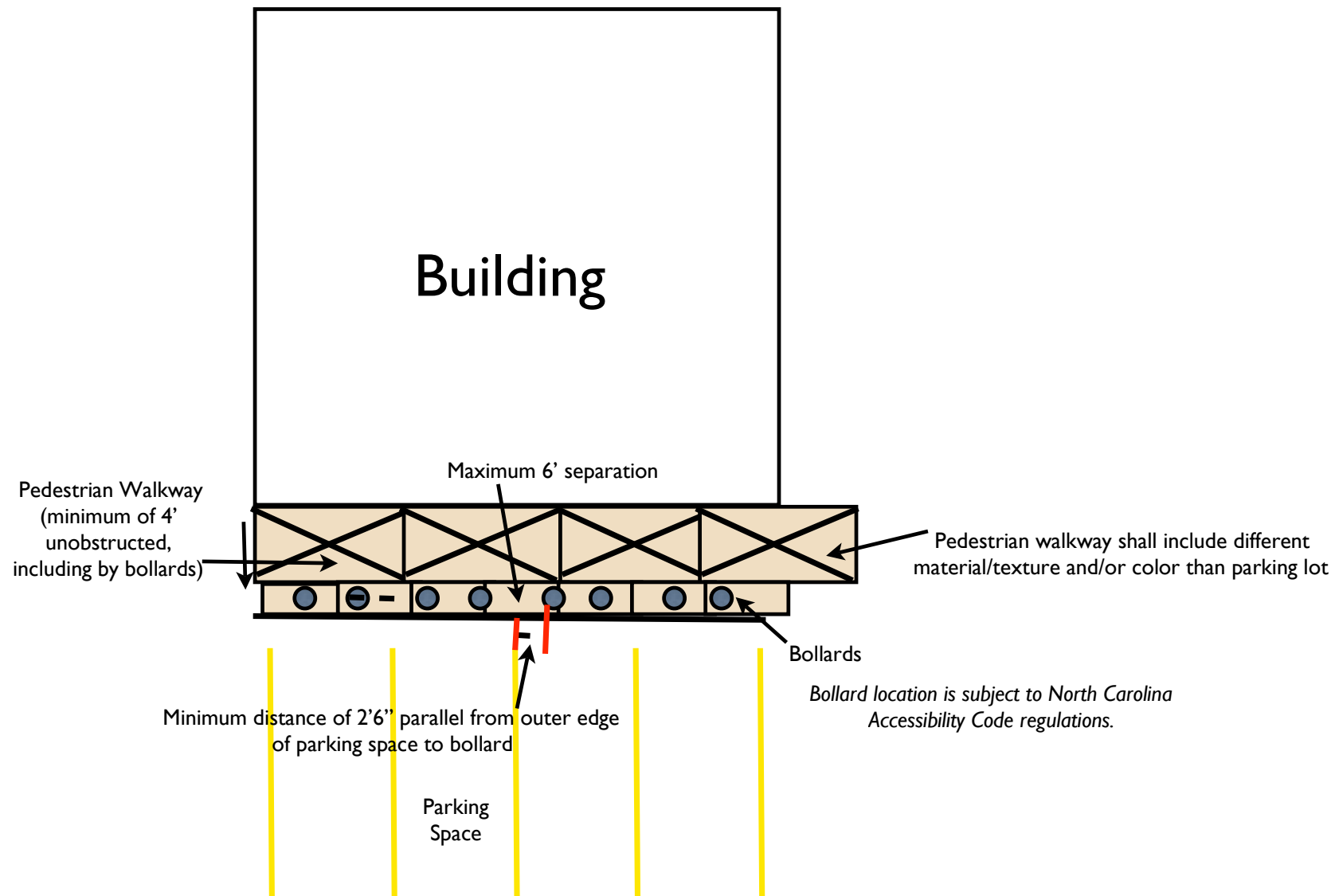


Diagram 6-3

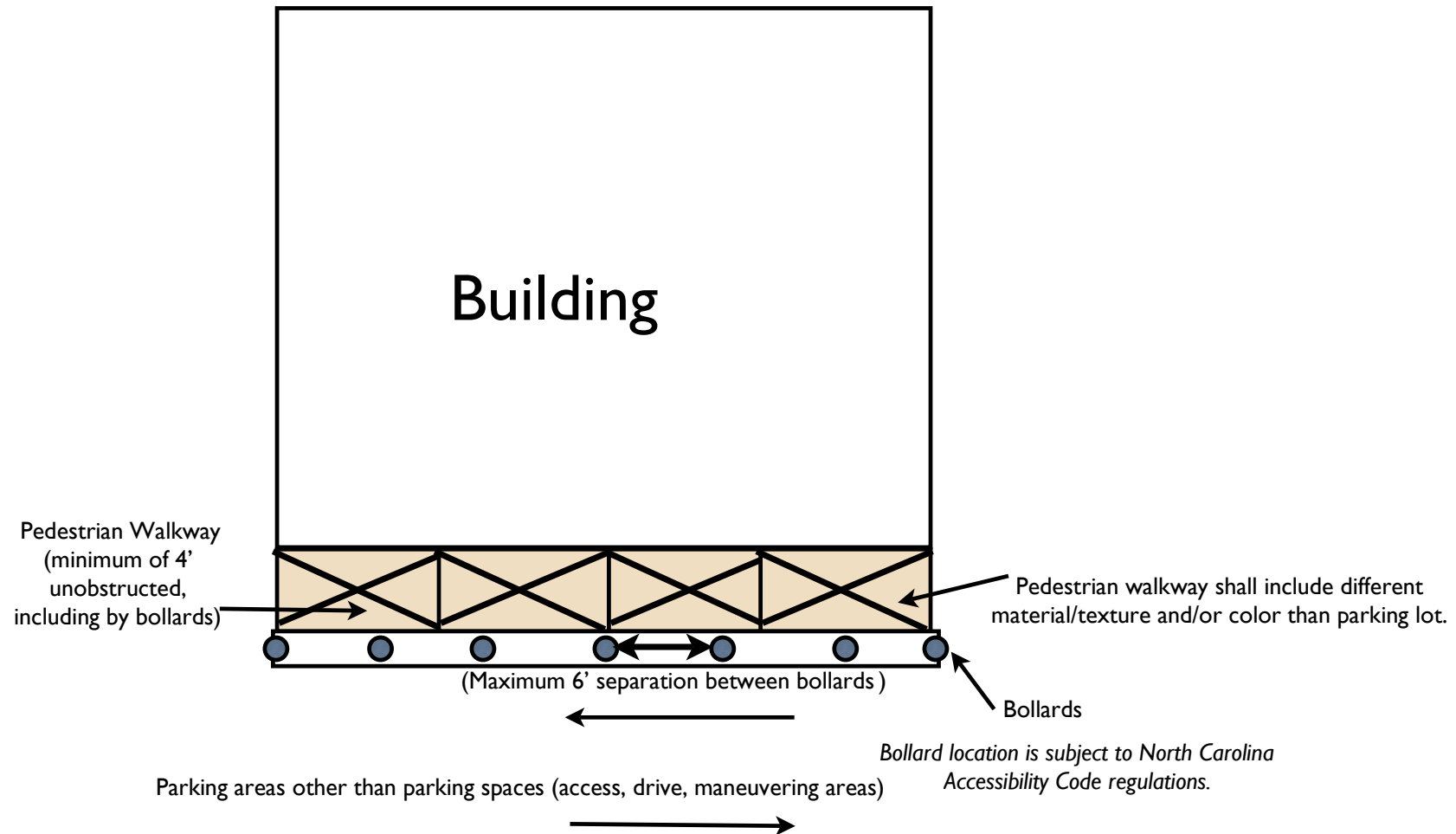


Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

Use	# of Spaces
Dry Cleaners - Small	1 per 350 sq ft GFA
Dry Cleaning Plant	1.0 per employee on largest shift plus 1.0 per facility vehicle
Dwelling for Caretaker/Security Guard on premise where employed	1 per employee per shift
Dwelling Multiple Family for Elderly	1.0 per dwelling unit
Dwelling Multiple Family Units up to .17 FAR -- One Bedroom Two or more Bedrooms	1.5 per unit 2.0 per unit
Dwelling Multiple Family Units up to .22 FAR by CUP/SUP -- One Bedroom Two or more Bedrooms	1.5 per unit 2.0 per unit except as modified by Chapter 4
Dwelling Single Family Units	2.0 per dwelling unit
Dwelling Two Family Units	2.0 per dwelling unit
Dwelling within Mixed Use Structure	2.0 per dwelling unit except as modified by Chapter 4

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

Use	# of Spaces
Microbrewery	4 spaces per 1,000 sq ft GFA of retail space plus 1 per employee of largest shift; and 1 per facility vehicle
Mini-warehouse	1.0 per 100 storage units plus 1.0 per employee
Mobile Home Sales Lots	3 per 1,000 sq ft GFA
Motor Vehicle Repair -Major	3.0 per bay/work area plus 2.0 per 3 employees plus 1 per vehicle used directly in the conduct of such use. (Amend. 9-8-05)
Motor Vehicle Repair- Minor	3.0 per bay/work area plus 2.0 per 3 employees plus 1 per vehicle used directly in the conduct of such use. (Amend. 9-8-05)
Nightclub/Cabaret	5 spaces per 1,000 sq. ft. GFA.
Nursing, Convalescent & Extended Care Facilities	1.0 per employee of largest shift plus 1.0 per facility vehicle, plus 0.35 per bed
Office Development with Multi use and/or structures	5.0 per 1,000 sq. ft. GFA
Personal Services	1.0 per 350 sq ft GFA

Table 6-1 Minimum Parking

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

Table 6-1 Minimum Parking

Use	# of Spaces
Public Facility	.3 per seat for activities where seating provided or 1 per 3 persons expected as average attendance. Previous attendance records shall be provided as required for documentation. Plus 2 spaces per 3 employees
Public Use Facility	1.0 per employee .
Railroad Classification Yard	1.0 per employee
Recreation, Commercial Indoor	1.0 per 150 sq ft of GFA devoted to such use
Recreation, Commercial Outdoor	1.0 per tee, green, court, cage, and/or other method of participation however styled, plus 1.0 per employee
Recreational Vehicle / Travel Park/Camp	2.0 per site plus 1.0 per employee of largest shift, plus 1.0 per facility vehicle
Recycling Plant	1.0 per employee of largest shift
Recycling Center	1 .0 per employee plus 1.0 per facility vehicle used in conduct of such use
Rehabilitation Center	4.0 per 1,000 sq ft GFA

Table 6-1 Minimum Parking

Use	# of Spaces
Rental/Sales of Commercial Vehicles & Heavy Equipment	3.0 per 1,000 sq ft gross retail area plus 1.0 space per bay / work area plus 2 spaces per 3 employees plus 1 space per vehicle used directly in the conduct of such use (Amended June 8, 2006)
Rental/Sales of Domestic Vehicles	3.0 per 1,000 sq ft GFA
Repair Services	4.0 per 1,000 sq ft GFA
Research Activities	1.4 per employee
Residential Townhouse Development in the B3 District	1.5 spaces per unit (Inserted 2-9-06)
Retail Convenience Goods	4.0 per 1,000 sq ft GFA
Retail Shoppers Goods	4.0 per 1,000 sq ft GFA
School - Business	1.6 per classroom, 0.33 per student , plus1.0 per staff member
School - Technical/Vocational	1.6 per classroom, 0.33 per student , plus1.0 per staff member

Table 6-1 Minimum Parking

Use	# of Spaces
Schools Public, Private, Charter (4-2013) High	1.6 per classroom, 0.33 per student , plus 1.0 per staff member
Schools Public, Private, Charter (4-2013) Elementary, Middle	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 children (7/97)
Schools, Nursery/Pre Schools etc.	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 children
Seasonal Sales, Temporary	3.0 per 1,000 sq ft GFA or outdoor area devoted to sales The following sections do not apply: 408E, 408F, 409, 410
Service Station	1.0 per 4 pumps plus 3.0 per repair bay
Sign Painting	4.0 per 1,000 GFA
Solar Farm	0.6 per employee of largest shift (if employees are part of regular operations plus 1 space per vehicle used directly in conduct of such use)
Stable - Commercial	1.0 per 5 stalls
Taxi Stand	1.0 per employee

Table 6-1 Minimum Parking

Use	# of Spaces
Transfer Station	1.0 per employee, plus 1 per facility vehicle used in conduct of such use
Truck Terminal	1.0 per employee
Vehicle Towing Operation	1.0 per employee, plus 1 per facility vehicle used in conduct of such use, plus 2
Warehouse	0.6 per employee of largest shift
Wholesale Distribution	0.6 per employee of largest shift

CHAPTER 7
SIGNS
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CHAPTER 7

SIGNS

7.01 FINDINGS OF FACT AND PURPOSE

- (A) Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Chapter is to further the objectives of the city's adopted land development plan and regulate the size, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this Chapter which can be given effect without the invalid provision.
- (B) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Chapter is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this Chapter.
- (C) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, are compatible with the landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (D) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (E) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

- (F) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by state government, the federal government or this City. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.
- (G) These regulations are not intended to and do not apply to traffic control sign devices whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of road users onto and off of streets and roadways, and that provide the guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream.
- (H) Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial speech, it shall allow a sign containing noncommercial speech to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign’s owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

7.02 DEFINITIONS

- (A) **Commercial Speech.** Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.
- (B) **Dilapidated Sign.** Any sign that contains or exhibits broken panels, visible substantial rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose, or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise unsightly or unkempt.
- (C) **Election Period Sign.** A portable or temporary sign erected for the limited time period beginning on the 30th day before the beginning date of "one-stop" early voting established by state law and ending on the 10th day after the primary or election day.
- (D) **Electronic Changeable Copy Sign.** A sign such as an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lampbank. Changeable copy signs are not classified as flashing signs.
- (E) **Flashing Sign.** Any illumined sign, except electronic changeable copy signs, on which the artificial light is not maintained stationary or constant in intensity at all times when such sign is in use.
- (F) **Freestanding Sign.** A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including monument signs. All such signs must be permanently affixed to or constructed upon the lot where they are located.

- (G)** Government Sign. A sign constructed, placed or maintained on behalf of the federal, state or local government or a sign constructed, placed or maintained under the auspices of the federal, state or local government.
- (H)** Monument Sign. A sign which is permanently mounted on an enclosed base or has support which places the bottom of the sign face less than one foot from the ground.
- (I)** Multi-Use Development Monument Sign. A monument sign erected on property containing development with five or more businesses.
- (J)** Multi-Use Development Freestanding Sign. A freestanding sign erected on property containing development with five or more businesses.
- (K)** Noncommercial Speech. Any message that is not commercial speech, which includes but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- (L)** Off-Premise Billboard Sign. Any sign authorized by Chapter 5 of this Ordinance which directs attention to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located. Signs meeting the standards of this Chapter that direct attention to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located shall not be considered an off-premise billboard sign.
- (M)** Outdoor Inventory Sign. A temporary on premise sign associated with a business that maintains 95 percent of its standard inventory outdoors.
- (N)** Portable Sign. Any structure, inclusive of an automotive frame, without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability. Temporary Signs shall not be considered Portable Signs.
- (O)** Projecting Sign. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- (P)** Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia, and extending above the highest portion of the roof.
- (Q)** Sign. A name, identification, description, display illustration or structure, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs not exposed to view or legible from a street, public right-of-way, or public place shall not be considered a sign.

- (R)** Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure, or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure, the sign areas shall be computed by the measurement of one of the faces.
- (S)** Sign Face. The entire display surface area of a sign upon, against or through which copy is placed.
- (T)** Sign Height. Sign Height shall be computed as 1) the distance from the base of the sign at finished lot grade or 2) from the crown of the nearest adjacent street to which the sign is oriented, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (U)** Suspended Sign. A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surfaces.
- (V)** Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time. National flags, state or municipal flags, or the official flag of any institution or business, or signs painted or engraved on any canopy or awning structure shall not be considered Temporary Signs.
- (W)** Wall Sign. A sign affixed directly to, or painted on or otherwise inscribed on an exterior wall, canopy, awning or marquee and confined within the limits thereof of any building and which projects from that surface less than eighteen (18) inches at all points. For multiple occupancy nonresidential buildings, the building face or wall and maximum sign area shall be calculated separately for each separate occupancy.

7.03 SPECIFIC SIGN STANDARDS BY TYPE

Signage shall be permitted subject to the standards in Table 7-1. Additional standards are provided according to zoning district, beginning in Section 7.06.

TABLE 7-1

SIGN TYPE	ZONING DISTRICT	MAXIMUM AREA (SQ FT)	MAXIMUM HEIGHT (FT)	SUPPLEMENTAL REGULATIONS
Freestanding	B2, TH	150	30	Section 7.08
Monument	Residential	50	6	Section 7.06
	OA6, O&I, B1, B3, M	75	6	Section 7.07
	B2, TH, Industrial	125	10	Section 7.08 or 7.09
Multi-Use Development Freestanding or Monument	B2, TH, Industrial	200	30	Section 7.08 or 7.09
Multi-Use Development Monument	OA6, O&I, B1, B3, M	125	10	Section 7.07
Projecting and Suspended	OA6, O&I, B1, B3, M	25	Top of wall	Section 7.07
	B2, TH, Industrial	75	Top of wall	Section 7.08 or 7.09
Wall	Residential	7.5% of wall area (40 min., 100 max.)	Top of wall	Section 7.06
	OA6, O&I, B1, B3, M	10% of wall area (40 min., 200 max.)	Top of wall	Section 7.07
	B2, TH, Industrial	15% of wall area (40 min.)	Top of wall	Section 7.08 or 7.09

7.04 PROHIBITED SIGNS

- (A)** Signs are prohibited in all Districts unless authorized under this Chapter.
- (B)** Subject to all applicable federal and state laws, only government signs are authorized in public rights-of-way. Except as specifically permitted by this subsection, all signage is prohibited in public rights-of-way.
- (C)** Signs attached to any utility pole, tree, rock or other natural object.
- (D)** Flashing signs.
- (E)** Portable signs that do not comply with the restrictions of this Chapter.
- (F)** Roof signs.
- (G)** Signs erected so that any part intrudes into a sight preservation triangle established.
- (H)** Signs erected that tend to be confused with the warning lights of an emergency or public safety vehicle or obstruct the view of traffic signals or signs.
- (I)** Dilapidated signs.
- (J)** Signs not competently constructed of durable materials and made to withstand expected wind velocities and resist damage and deterioration from the weather.

7.05 SIGN PERMIT REQUIREMENTS

- (A)** In general. A sign permit is required prior to the display and erection of any sign except as provided in this Chapter.
- (B)** Application for permit.
 - (1)** An application for a sign permit must be filed with the Zoning Administrator on forms furnished by the Planning and Zoning department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this Chapter and other applicable laws, regulations, and ordinances.
 - (2)** The Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application. Any application that complies with all provisions of this Chapter, the zoning ordinance, and other applicable laws, regulations, and ordinances must be approved.

- (3) If the application is rejected, the Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this Chapter, the zoning ordinance or other applicable law, regulation, or ordinance.
- (4) A nonrefundable fee as set forth in the fee schedule adopted by the City Council must accompany all sign permit applications.
- (5) Appeals. If the Zoning Administrator denies a permit the applicant may appeal under Chapter 2 of the Asheboro Zoning Ordinance.

7.06 SUPPLEMENTAL SIGN REGULATIONS FOR RESIDENTIAL DISTRICTS

The following sign regulations must apply to all residential zoning districts as indicated.

- (A) Residential Districts. R40, R15, R10, R7.5, RA6.
- (B) Uses. Legal nonconforming uses and the following uses permitted in residential districts by right, conditional zoning, or special use permit are authorized to erect signage consistent with this Chapter unless specific land use restrictions related to signs are imposed by the City Council: Agricultural Tourism Facility; College/University; Congregate Living Facility; County, Racquet, Tennis & Swim Club; Cultural Facility; Dwelling, Multiple Family; Golf Course; Manufactured Home Park; Place of Assembly – Non-Commercial; Planned Unit Development, Public Use Facility; Recreational Vehicle/Travel Park/Camp; Recreational Vehicle Resort; Schools; Subdivision, Major.
- (C) Number not to exceed. A parcel containing a principal use identified in Section 7.06 (B) is eligible for one monument sign permitted per parcel street frontage.
- (D) Temporary Signs. A parcel containing a principal use identified in Section 7.06 (B) is eligible for Temporary Signage. Temporary signs, banners, pennants, flags, streamers, balloons or other windblown devices may be erected on parcels containing a principal use identified in Section 7.06 (B) for not more than 60 days in a calendar year. Windblown devices are objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means. A zoning compliance permit shall be issued that identifies the days covered by the permit and shall be on display at the establishment. The cumulative total of all sign area shall not exceed 50 square feet, no sign shall exceed eight feet in height, and all signs shall be located outside of the public right-of-way and shall not impede visibility from a street, alley or driveway. Signs described in this section that will be displayed for a period of less than 48 hours shall not require a Zoning Compliance Permit.
- (E) Election Period Sign. All uses permitted in residential districts shall be allowed to erect election period signage. Signs shall be no larger than 16 square feet and height no higher than six feet. No permit shall be required for such signs.

- (F) In addition to signs otherwise authorized under this Chapter, all uses permitted in residential districts shall be allowed two signs of any type expressing noncommercial speech per parcel street frontage with a sign face no larger than twelve square feet and a height no higher than six feet on the property at any time; no permits are required.

7.07 SUPPLEMENTAL SIGN REGULATIONS FOR OFFICE, NEIGHBORHOOD BUSINESS, CENTRAL BUSINESS AND MERCANTILE DISTRICTS

The following sign regulations must apply to all office, neighborhood business, central business, and mercantile zoning districts as indicated.

- (A) Districts. OA6, O&I, B1, B3 and M.
- (B) Uses. All uses permitted in office, neighborhood business, and mercantile zoning districts by right, conditional zoning, or special use permit are authorized to erect signage consistent with this Chapter unless specific land use restrictions related to signs are imposed by the City Council.
- (C) Number not to exceed. A parcel is eligible for either monument or, if permitted, multi-use development signage. One monument or multi-use development sign is permitted per parcel street frontage.
- (D) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of 33 percent of the sign face area and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.
- (E) Projected and Suspended Signs. No part of such sign shall be less than eight feet above the ground or other surface that it overhangs.
- (F) Temporary Signs. Temporary signs, banners, pennants, flags, streamers, balloons or other windblown devices may be erected for not more than 60 days in a calendar year. Windblown devices are objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means. A zoning compliance permit shall be issued that identifies the days covered by the permit and shall be on display at the establishment. The cumulative total of all sign area shall not exceed 100 square feet, no sign shall exceed ten feet in height, and all signs shall be located outside of the public right-of-way and shall not impede visibility from a street, alley or driveway. Signs described in this section that will be displayed for a period of less than 48 hours shall not require a Zoning Compliance Permit.
- (G) Election Period Sign. Signs shall be no larger than 32 square feet and height no higher than eight feet. No permit shall be required for any such sign.

- (H) In addition to signs otherwise authorized under this Chapter, a property owner may place up to two signs of any type expressing noncommercial speech per parcel street frontage with a sign face no larger than 32 square feet and a height no higher than eight feet on the property at any time; no permits are required.

7.08 SUPPLEMENTAL SIGN REGULATIONS FOR GENERAL BUSINESS AND TOURISM-HOSPITALITY DISTRICTS

The following sign regulations must apply to all general business and tourism-hospitality districts.

- (A) Districts. B2 and TH.
- (B) Uses. All uses permitted in general business and tourism-hospitality districts by right, conditional zoning, or special use permit are authorized to erect signage consistent with this Chapter unless specific land use restrictions related to signs are imposed by the City Council.
- (C) Number not to exceed. A parcel is eligible for either monument, freestanding, or if permitted, multi-use development signage. Two monument, freestanding or multi-use development signs are permitted for each parcel with a third sign permissible for a parcel possessing frontage on more than one street; there shall be at least 100 feet of separation between signs oriented towards the same street.
- (D) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of 50 percent of the sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.
- (E) Projecting and Suspended Signs. No part of such sign shall be less than eight feet above the ground or other surface that it overhangs.
- (F) Temporary Signs. Temporary signs, banners, pennants, flags, streamers, balloons or other windblown devices may be erected for not more than 90 days in a calendar year. Windblown devices are objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means. A zoning compliance permit shall be issued that identifies the days covered by the permit and shall be on display at the establishment. The cumulative total of all sign area shall not exceed 150 square feet, no sign shall exceed twenty feet in height, and all signs shall be located outside of the public right-of-way and shall not impede visibility from a street, alley or driveway. Signs described in this section that will be displayed for a period of less than 48 hours shall not require a Zoning Compliance Permit.

- (G) Outdoor inventory sales signs. Professionally made signs, banners, pennants, flags, streamers, balloons or other windblown devices may be displayed on a lot where 95 percent of the standard inventory is located out of doors. Such signs shall not be located in the public right-of-way and there is no limit to the numbers of such signs. All outdoor inventory sales signs, except strings of pennants and streamers, shall not exceed 150 square feet per device. The height of such signs is limited to the restrictions of the zoning district where they are located. Balloons must be firmly attached to a stationary object, but may have a maximum tether height of thirty feet.
- (H) Election Period Sign. Signs shall be no larger than 32 square feet and height no higher than eight feet. No permit shall be required for any such sign.
- (I) In addition to signs otherwise authorized under this Chapter, a property owner may place up to two signs of any type expressing noncommercial speech per parcel street frontage with a sign face no larger than 64 square feet and a height no higher than 10 feet on the property at any time; no permits are required.

7.09 SUPPLEMENTAL SIGN REGULATIONS FOR INDUSTRIAL DISTRICTS

The following sign regulations must apply to all industrial districts.

- (A) Districts. I1, I2, and I3.
- (B) Uses. All uses permitted in industrial districts by right, conditional zoning, or special use permit are authorized to erect signage consistent with this section unless specific land use restrictions related to signs are imposed by the City Council.
- (C) Number not to exceed. A parcel is eligible for either monument, or if permitted, multi-use development signage. One monument or multi-use development sign is permitted per parcel street frontage.
- (D) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of 50 percent of the sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.
- (E) Projecting and Suspended Signs. No part of such sign shall be less than eight feet above the ground or other surface that it overhangs.
- (F) Temporary Signs. Temporary signs, banners, pennants, flags, streamers, balloons or other windblown devices may be erected for not more than 60 days in a calendar year. Windblown devices are objects designed to inform or attract attention, all or part of which is set in motion by

or remains inflated by wind, mechanical, electrical or any other means. A zoning compliance permit shall be issued that identifies the days covered by the permit and shall be on display at the establishment. The cumulative total of all sign area shall not exceed 150 square feet, no sign shall exceed twenty feet in height, and all signs shall not impede visibility from a street, alley or driveway. Signs described in this section that will be displayed for a period of less than 48 hours shall not require a Zoning Compliance Permit.

- (G) Outdoor inventory sales signs. Professionally made signs, banners, pennants, flags, streamers, balloons or other windblown devices may be displayed on a lot where ninety-five (95%) percent of the standard inventory is located out of doors. Such signs shall not be located in the public right-of-way and there is no limit to the numbers of such signs. All outdoor inventory sales signs, except strings of pennants and streamers, shall not exceed 150 square feet per device. The height of such signs is limited to the restrictions of the zoning district where they are located. Balloons must be firmly attached to a stationary object, but may have a maximum tether height of thirty feet.
- (H) Election Period Sign. Signs shall be no larger than 32 square feet and height no higher than eight feet. No permit shall be required for any such sign.
- (I) In addition to signs otherwise authorized under this Chapter, a property owner may place up to two signs of any type expressing noncommercial speech per parcel street frontage with a sign face no larger than 64 square feet and a height no higher than 10 feet on the property at any time; no permits are required.

7.10 SUPPLEMENTAL SIGN REGULATIONS FOR THE CENTER CITY PLANNING AREA

All signs in the Center City Planning Area shall meet the requirements of this Chapter except as modified by Chapter 4 of this Ordinance.

CHAPTER 8
NONCONFORMITIES
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CHAPTER 8

NONCONFORMITIES

8.01 GENERAL

Nonconformities that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections (8.02) through (8.07) of this Chapter.

8.02 NONCONFORMING LOTS

When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that

- (A) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and
- (B) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare.

8.03 NONCONFORMING USES

(A) Extensions

- (1) Subject to paragraph (3) of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- (2) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 percent or more of the earth products had already been removed at the effective date of this ordinance.
- (3) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in use and no violations of other paragraphs of this subsection occur.

- (4) Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 - (a) An increase in the total amount of space devoted to a nonconforming use;
 - (b) Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - (c) The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming use. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.
- (5) Notwithstanding any part of 803(A)(4), any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. For illustration purposes, a manufactured home may be replaced with a larger manufactured home, and a "single-wide" manufactured home may be replaced with a "double-wide." The replacement manufactured home must meet the criteria for manufactured/mobile homes as listed in Chapter 5. This paragraph is subject to the limitations stated in subsection 803(C) on abandonment and discontinuance of nonconforming uses.
- (6) Manufactured home parks for which the City Council has not issued a Special Use Permit shall be permitted to replace existing manufactured homes with similar manufactured homes.

(B) Change of Use

- (1) A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
- (2) A nonconforming use may be changed to another nonconforming use only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining a Special Use Permit pursuant to this paragraph, such a change shall constitute a discontinuance of the nonconforming use, with consequences as stated in subsection 803(C).
- (3) If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may not be changed substantially (except to a conforming use), only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding

neighborhood than the use or combination of uses in operation at the time the permit is applied for.

(C) Abandonment and Discontinuance

- (1)** When a nonconforming use is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in Section 803(C)(2).
- (2)** The City Council may issue a Special Use Permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated if it finds that (1) the nonconforming use has been discontinued for less than two years, and (2) the discontinuance resulted from factors that, for all practical purposes were beyond the control of the person maintaining the nonconforming use.
- (3)** When a use made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180 day period for purposes of this subsection begins to run at the effective date of the ordinance.

8.04 NONCONFORMING SITUATIONS

(A) Extensions

- (1)** Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (2)** The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
- (3)** Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 - (a)** Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - (b)** The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming situation. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.

- (4) Notwithstanding Section 804(A)(3), expansion of a legal non-conforming single-family or two-family principal and/or accessory structure that encroaches into a required setback may be permitted as long as the following criteria are met:
- (a) The expansion is related to a conforming use; and
 - (b) The expansion of the legal nonconforming structure does not bring any portion of the structure closer to the zoning lot line.
 - (c) The expansion of the legal nonconforming structure does not exceed an increase of more than fifty (50) percent of the linear footage of the existing encroachment. Expansions permitted after the effective date of this ordinance shall cumulatively count towards this calculation; and
 - (d) Outside of the context of required yards, the expansion does not create or increase the extent of existing nonconformities, including but not limited to, height and floor area ratio.
 - (e) The applicant shall submit a site plan drawn to scale and with sufficient detail to determine property boundaries, measurements, existing structures and other information as necessary to determine compliance of the proposed expansion with this subsection.

These provisions shall not apply to new structure(s). For purposes of determining the extent of an existing encroachment described in subsection (b) above and allowable expansion of the structure is based on the setback of the structure being expanded and independent of any other structure(s) located on the zoning lot.

(B) Abandonment and Discontinuance

- (1) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be use only in conformity with all of the regulations applicable to the district in which the property is located, unless the City Council issues a Special Use Permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation. The Council shall issue such a permit if it finds that (1) the nonconforming situation cannot be corrected without undue hardship or expense, and (2) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.
- (2) For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment

in a nonconforming apartment building or one space in a nonconforming mobile home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a mobile home is used as a nonconforming use on a residential lot where a conforming residential structure is also located, removal of that mobile home for 180 days terminates the right to replace it.

- (3) When a situation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180 day period for purposes of this subsection begins to run at the effective date of the ordinance.

8.05 NON-CONFORMING SIGNS

- (A) All signs except those specifically addressed below shall be regulated according to 806 Repairs and Reconstruction of Nonconforming Uses, Situations and Signs.
- (B) All signs that are nonconforming because of location within public right-of-way shall, where permitted, comply with this Chapter. All others shall be considered as a violation and subject to Chapter 2.

8.06 REPAIRS AND RECONSTRUCTION OF NONCONFORMING USES, SITUATIONS AND SIGNS

- (A) Minor repairs to and routine maintenance of property not required by the partial or total destruction of a structure where a non-conforming use, situations or sign exists are permitted and encouraged. Except for single-family residential structures (including mobile homes), if the estimated cost-of the renovation work exceeds 10 percent of the appraised value of the structure, the work may be done only after issuance of a Special Use Permit by the City Council. The Council shall issue the permit if it finds that the work will not result in a violation of any other paragraphs of this section or make the property more incompatible with the surrounding neighborhood.
- (B) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
 - (1) The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one.

- (2) The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;
- (3) The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent or more of the perimeter of the area is marked by a permanently constructed wall or fence.
- (4) Except for single-family residential structures (including mobile homes), if the estimated cost of the reconstruction work exceeds 10 percent of the appraised value of the structure, the work may be done only after issuance of a Special Use Permit by the City Council. The Council shall issue the permit if it finds that the work will be done in accordance with this paragraph and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

8.07 NONCONFORMING SITUATIONS WITHIN FLOOD DAMAGE PREVENTION ZONE

All foregoing sections shall apply to nonconformities within Flood Prevention Zones except in a case where conflict with Chapter 9 occurs. In a case of conflict with Chapter 9 regulations therein shall govern.

Chapter 9: FLOOD DAMAGE PREVENTION ORDINANCE

901 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

901.1 STATUTORY AUTHORIZATION.

As a North Carolina municipal corporation, the City of Asheboro is authorized to adopt regulations designed to promote the public health, safety, and general welfare. Article 21, Part 6 in Chapter 143 of the General Statutes of North Carolina specifically authorizes the city to adopt ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas.

Therefore, the City Council of the City of Asheboro, North Carolina, does ordain as follows:

901.2 STATUTORY AUTHORIZATION.

- (1) The flood prone areas within the jurisdiction of the City of Asheboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

901.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

901.4 OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

902 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 903.2 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure

before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 904 and 905 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

903 GENERAL PROVISIONS.

903.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of City of Asheboro and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

903.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Randolph County dated January 2, 2008, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
Randolph County Unincorporated Area and the City of Asheboro, dated July 16, 1981.

903.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 903.2 of this ordinance.

903.4 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

903.5 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

903.6 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

903.7 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Asheboro or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

903.8 PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Asheboro from taking such other lawful action as is necessary to prevent or remedy any violation.

904 ADMINISTRATION

904.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

904.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 903.2, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 903.2;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 903.2.

- (v) the Base Flood Elevation (BFE) where provided as set forth in Section 903.2; Section 904.3; or Section 905.4;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 905.2(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 905.2, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 903.2.
 - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (d) The regulatory flood protection elevation required for the protection of all public utilities.

- (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (3) Certification Requirements.
- (a) Elevation Certificates
 - (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - (iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 905.2(3)(b).
 - (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of

the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Section 905.2(6)(a);
 - (ii) Temporary Structures meeting requirements of Section 905.2(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Section 905.2(8).

904.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 905.6 are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 904.2(3)
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 904.2(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 904.2(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 904.2 and Section 905.2.
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 903.2, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 905.4(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 903.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area

data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Section 904.4.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 903.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

904.4 CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten

(10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

- (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

904.5 VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the City of Asheboro hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependent facilities if determined to meet the definition as stated in Section 902 of this ordinance, provided provisions of Section 904.5(9) (b)(c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Section 902 of this ordinance as a functionally dependent facility, where applicable;

- (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.

- (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
- (d) The use complies with all other applicable Federal, State and local laws.
- (e) The City of Asheboro has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

905 PROVISIONS FOR FLOOD HAZARD REDUCTION

905.1 GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 904.5(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 904.2(3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

905.2 SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 903.2, , or Section 905.4, the following provisions, in addition to the provisions of Section 905.1, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 902 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 902 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 905.7. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 904.2(3) along with the operational and maintenance plans..
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 902 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 905.2(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such

enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- (b) shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be

submitted in writing to the Floodplain Administrator for review and written approval:

- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Section 905.1(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Section 905.1(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 905.2(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 904.2(3).

905.3 RESERVED.

905.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 903.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 905.1, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial

improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 905.1 and 905.2.

- (b) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 905.2 and 905.6.
- (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 903.2 and utilized in implementing this ordinance.
- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 902. All other applicable provisions of Section 905.2 shall also apply.

905.5 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Sections 905.1 and 905.2; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

905.6 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 903.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 905.1 and 905.2, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Section 905.6(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Section 905.2(3); and
 - (b) the no encroachment standard of Section 905.6(1).

905.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 903.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 905.1 and 905.2 all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of (4) feet, above the highest adjacent grade; or at least (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 905.7(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 904.2(3) and Section 905.2(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

906 LEGAL STATUS PROVISIONS

906.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted (April 10, 1975) as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Asheboro enacted on April 10, 1975, adoption date of the community's initial flood damage prevention ordinance), as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Randolph County is May 4, 1987.

906.2 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

906.3 EFFECTIVE DATE.

This ordinance shall become effective January 2, 2008

906.4 ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the City Council of the City of Asheboro, North Carolina, on the 6th day of December, 2007.

WITNESS my hand and the official seal of City of Asheboro, this the 13th day of December, 2007

Holly H. Doerr
City Clerk

CHAPTER 10
WATERSHED PROTECTION REGULATIONS
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CHAPTER 10

WATERSHED PROTECTION REGULATIONS

10.01 INTENT

The intent of the Water Supply Watershed Ordinance is to protect surface water supplies whose watersheds are located within the jurisdiction of the City of Asheboro.

10.02 AUTHORITY AND ENACTMENT

Under the authority of N. C. G. S. 143-214.5, the City Council of the City of Asheboro, North Carolina, to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, the City Council of the City of Asheboro does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of the City of Asheboro.

10.03 JURISDICTION.

- (A)** The provisions of this chapter shall apply within the corporate limits of the City of Asheboro and to such extraterritorial areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of the City of Asheboro, North Carolina (the watershed map), which is adopted simultaneously herewith. The Watershed Protection District shall be considered an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Chapter. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Chapter. This chapter shall be permanently kept on file in the office of the City Clerk.
- (B)** The following Public Water Supply Watersheds designated by the N. C. Environmental Management Commission and the City Council of the City of Asheboro are:

WATERSHED CLASSIFICATION RIVER BASIN

Back Creek Lake WS-II Yadkin
UT to Cedar Creek WS-II Yadkin

10.04 EXCEPTIONS TO APPLICABILITY

- (A)** Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this chapter amend, modify, or restrict any provisions of the Zoning Ordinance of the City of Asheboro; however, the adoption of this Chapter shall and does amend any and all ordinances, resolutions and regulations in effect in the City of

Asheboro at the time of the adoption of this Chapter that may be construed to impair or reduce the effectiveness of the Ordinance or to conflict with any of its provisions.

- (B)** It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- (C)** Existing development, as defined in this chapter, is not subject to the requirements of this Chapter. Expansions to structures classified as existing development must meet the requirements of this chapter, however, the built-upon area of the existing development is not required to be included in the density calculations.
- (D)** A preexisting lot owned by an individual prior to the effective date of this chapter, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this chapter. However, this exemption is not applicable to multiple contiguous lot under single ownership. See Section 10.15(A)(3) regarding the recombination of existing lots.

10.05 CRIMINAL PENALTIES

Any person violating any provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with N. C. General Statutes 14-4. The maximum fine for each offense shall not exceed \$500. Each day that the violation continues shall be constitute a separate offense.

10.06 REMEDIES

- (A)** If any subdivision, development and/or land use is found to be in violation of this chapter, the City Council of the City of Asheboro may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$50.00 action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N. C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.
- (B)** If the Watershed Administrator finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized this chapter to ensure compliance with or to prevent violation

of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

10.07 SEVERABILITY

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this chapter as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

10.08 EFFECTIVE DATE

This ordinance shall take effect and be in force on July 1, 1993.

10.09 SUBDIVISION REGULATIONS

(A) General Provisions

- (1) No subdivision plat of land within the Public Water Supply Watersheds shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Chapter. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Chapter.
- (2) All applications to subdivide land in a designated water supply watershed shall comply with the application, review and mapping requirement of the City of Asheboro Subdivision Ordinance, including specifications in Appendices A, B, and C for mapping.
- (3) If the City Council approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Watershed Administrator.

Certificate of Approval for Recording Minor Subdivision

I certify that the plat shown hereon complies with the Subdivision Regulations for the City of Asheboro, North Carolina and any supplemental regulations that may apply and that such plat has been approved according to the procedures for approval of minor subdivisions.

Date

Watershed Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

Certificate of Approval for Recording Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro provided that it is recorded in the Office of the Register of Deeds within 60 days of final approval by the City Council.

Watershed Administrator

Date Approved by City Council

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

(B) Subdivision Standards and Required Improvements

- (1) Subdivisions in any designated drinking supply watershed shall comply with Article IX, Required Improvements and Design Standards of the City of Asheboro Subdivision Ordinance as well as the requirements specified below.
- (2) All lots shall provide adequate building space in accordance with the development standards contained in Chapter 4. Lots which are smaller than the minimum required for residential lots shall be identified on the plat as "NOT FOR RESIDENTIAL PURPOSES".
- (3) For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- (4) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- (5) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved either the City of Asheboro or by the N. C. Division of Land Quality.
- (6) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

10.10 DEVELOPMENT REGULATIONS

(A) Establishment of Watershed Overlay Districts

To provide an additional layer of protection for drinking water supply watersheds, the following watershed overlay districts are established. Within each watershed shall be two tiers of control. The area nearest the water supply -- critical area -- shall have the higher level of regulation because proximity to the intake creates higher risk of contamination. The remaining part of the watershed -- balance of the watershed -- shall have less restrictions because the greater distance from the point of intake lowers risk of contamination.

The following overlay districts shall apply to the watersheds of the City of Asheboro:

Back Creek Lake WS-II-CA (Critical Area)

Back Creek Lake WS-II-BW (Balance of Watershed)

UT to Cedar Creek WS-II-CA (Critical Area)

UT to Cedar Creek WS-II-BW (Balance of Watershed)

(B) Back Creek Lake WS-II-CA (Critical Area) UT to Cedar Creek WS-II-CA (Critical Area)

(1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per 2 acres. All other residential and nonresidential development shall be allowed a maximum of 6% built-upon area.

(2) Allowed Uses

- (a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in (3) Prohibited Uses.
- (b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.
- (c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(3) Prohibited Uses

- (a) Storage of hazardous materials.
- (b) landfills or incinerators
- (c) sites for land application of sludge/residuals or petroleum contaminated soils
- (d) commercial uses which sell, store or distribute motor fuels or other hazardous materials
- (e) airports
- (f) industrial uses
- (g) metal salvage facilities including junkyards

- (h) manufacture, use or storage of any hazardous materials including waste as listed on the EPA hazards material list or determined by the City Council of the City of Asheboro.
- (i) private sewage disposal systems except for subsurface septic tanks. Public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

(4) Density and Built-upon Limits:

- (a) Single family Residential -- development shall not exceed one dwelling unit per two (2) acres on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.
- (b) All other residential and nonresidential development shall not exceed six (6%) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) Back Creek Lake Watershed -- Balance of Watershed UT to Cedar Creek -- Balance of Watershed WS-II-BW

(1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and nonresidential development shall be allowed a maximum of 12% built-upon area. In addition, new development may occupy ten percent (10%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built upon area when approved as a special intensity allocation (SIA).

The City Council is authorized to consider a Special Use Permit for SIAs consistent with the provisions of this Ordinance.

(2) Allowed Uses

- (a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in (2) Prohibited Uses.
- (b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- (c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

- (d) Non-discharging landfills and sludge application sites are allowed.

(3) Prohibited Uses:

- (a) discharging landfills
- (b) new underground fuel or chemical storage tanks
- (c) storage of hazardous materials except as provided in (4), Hazardous Material Storage Requirements.

(4) Hazardous Material Storage Requirements

- (a) The applicant shall submit a spill prevention, containment, and control plan (SPCC) prepared by a professional competent in SPCC development.
- (b) The SPCC shall demonstrate that the proposed hazardous materials which are to be stored cannot pose a threat of contamination to the water supply
- (c) All spill containment structures shall be designed by a North Carolina registered professional engineer or architect.
- (d) The applicant shall enter into a binding Operation and Maintenance Agreement between the City of Asheboro and all interests in the development. Said agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct any spill containment structure in accordance with the operation and management plan or manual provided. The Operation and Maintenance Agreement shall be filed with the Randolph County Register of Deeds by the Watershed Review Board.
- (e) The spill containment structure shall be inspected by the Watershed Administrator, or his designated representative, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide a certification sealed by an engineer or architect stating that any spill containment structure is complete and consistent with the approved plans and specifications.
- (f) A Watershed Protection Occupancy permit shall not be issued for any building within the permitted development until the SPCC is approved and any spill containment structure's construction has been properly certified approved.
- (g) The property owner shall have all spill containment structures inspected at least on an annual basis to determine whether the controls are performing as designed and intended.
- (h) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the

needed improvements and the date by which the corrective action is to be completed. All corrective action or improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed corrective action or improvements.

(5) Density and Built-upon Limits

- (a) Single family Residential -- development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.
- (b) All other residential and nonresidential development shall not exceed twelve (12%) percent built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed at up to seventy percent (70%) built upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

10.11 CLUSTER DEVELOPMENT

Clustering of development is allowed in all Watershed Areas except WS-I under the following conditions:

- (A)** Minimum lot sizes are not applicable to single family cluster development projects; however the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 10.10 Development Regulations. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- (B)** All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (C)** The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
- (D)** Cluster development shall comply with all requirements of Article X of the Asheboro Subdivision Ordinance, and Section 5.05(16) of the Asheboro Zoning Ordinance except as modified above.

10.12 BUFFER AREAS REQUIRED

- (A)** A. A minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U. S. G. S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- (B)** No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.
- (C)** Around water supply reservoirs, there shall be maintained a one hundred (100) foot vegetative buffer, measured from the normal pool line outward.
- (D)** Septic tank fields shall extend no closer than two hundred (200) feet from reservoirs, measured in the same manner. Lots abutting the reservoir shall measure two hundred (200) feet in width at the building line.

10.13 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES.

Where uncertainty exists as to the boundaries of the watershed area, as shown on the Watershed Map, the following rules shall apply:

- (A)** Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- (B)** Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the City of Asheboro as evidence that one or more properties along these boundaries do not lie within the watershed area.
- (C)** Where the watershed area boundaries lie at a scaled distance more than twenty five feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- (D)** Where the watershed boundaries lie at a scaled distance of twenty five feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- (E)** Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

10.14 APPLICATION OF REGULATIONS

- (A)** No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- (B)** No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.
- (C)** Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified except as permitted in Section 10.15.
- (D)** If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

10.15 EXISTING DEVELOPMENT

Any existing development as defined in this Ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(A) Vacant Lots

This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Randolph County. Lots may be used for any of the uses allowed in the watershed area in which it is located provided the following:

- (1)** Where the lot area is below the minimum specified in this ordinance the Watershed Administrator is authorized to issue a watershed protection permit.
- (2)** Where the buffer standard needs to be modified due to the shape and/or size of a residential or nonresidential lot, the Watershed Administrator is authorized to issue a watershed protection permit provided the buffer requirement is complied with to the maximum extent practicable. This modification shall not be greater than ten feet in relief.
- (3)** Notwithstanding the foregoing, whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one or more lots that meet the standards of this ordinance, or if this is impossible, reduce to the extent possible the nonconformity of the lots.

(B) Occupied Lots

This category consists of lots, occupied for residential purposes at the time of the adoption of this ordinance. These lots may continue to be used provided that whenever two or more adjoining lots

of record, one of which is occupied, are in single ownership at any time after the adoption of this ordinance, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

(C) Uses of Land

This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

- (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (2) Such use of land shall be changed only to an allowed use.
- (3) When such use ceases for a period of at least one year, it shall not be reestablished.

(D) Reconstruction of Buildings or Built-upon areas.

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost or bulk, exclusive of foundations and land value may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- (1) Repair or reconstruction is initiated within twelve months and completed within two years of such damage.
- (2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

10.16 WATERSHED PROTECTION PERMIT

- (A)** No building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.
- (B)** Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Watershed Administrator.

- (C) Prior to the issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
- (D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within 12 months from the date of issuance.

10.17 BUILDING PERMIT REQUIRED

After receiving a Watershed Protection Permit, a Building Permit shall be obtained from either the City of Asheboro or Randolph County Inspections Department for construction or alteration of any building or structure pursuant to the procedures of the City of Asheboro and Randolph County.

10.18 WATERSHED PROTECTION OCCUPANCY PERMIT

- (A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.
- (B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten days after the erection or structural alterations of the building.
- (C) When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.
- (D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.
- (E) No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

10.19 PUBLIC HEALTH REGULATIONS

(A) Public Health, in General

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for hazardous

materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

(B) Abatement

The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(C) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

(D) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

10.20 ADMINISTRATION, ENFORCEMENT AND APPEALS

The City of Asheboro's Zoning Administrator shall serve as the Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

(A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

(B) The Watershed Administrator shall serve as clerk to the Board of Adjustment which sits as the Watershed Review Board.

(C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.

(D) The Watershed Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of ten percent (10%) of the noncritical area of WS-II-BW may be developed to a maximum of seventy percent built upon surface area. Records for each watershed shall include the total acres of noncritical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable. As of July 1, 1993 there are 3,500.8 acres in the Back Creek BW and 350.08 acres eligible for the 10% provision; in the UT to Cedar Creek there are 940.8 acres in the BW and 94.08 acres eligible for the 10% provision in the City of Asheboro's jurisdiction.

- (E) The Watershed Administrator is granted the authority to administer and enforce the provisions of this ordinance, exercising in the fulfillment of his responsibility the full police power of the City of Asheboro. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this ordinance.
- (F) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance.

10.21 APPEAL FROM THE WATERSHED ADMINISTRATOR

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Board of Adjustment sitting as the Watershed Review Board as specified in Chapter 2 of the Asheboro Zoning Ordinance.

10.22 CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE.

- (A) The City Council of the City of Asheboro may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.
- (B) No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty five days after submission of the proposal to the Chairman of the Watershed Review Board, the City Council may proceed as though a favorable report had been received.
- (C) Under no circumstances shall the City Council adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N. C. Environmental Management Commission. All amendments must be filed with the N. C. Division of Environmental Management, N. C. Division of Environmental Health, and the N. C. Division of Community Assistance.

10.23 PUBLIC NOTICE AND HEARING REQUIRED

Before adopting or amending this ordinance, the City Council of the City of Asheboro shall hold a public hearing on the proposed change. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be

published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.

10.24 ESTABLISHMENT OF WATERSHED REVIEW BOARD

The members of the Asheboro Board of Adjustment shall serve as the Watershed Review Board. The same rules of procedure as specified in the Asheboro Zoning Ordinance shall apply.

10.25 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD

(A) Administrative Review.

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

(B) Variances.

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition the City of Asheboro shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered. Any entity using the watershed for water consumption where the variance is being considered is also to be notified and allowed a reasonable comment period.

- (1)** Applications for a minor variance shall be made on the proper form obtainable from the Watershed Administrator. The procedures for applying for, hearing, granting or denying a variance are those spelled out in Chapter 2 of the Asheboro Zoning Ordinance.
- (2)** If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - (a)** The variance application;
 - (b)** The hearing notices;
 - (c)** The evidence presented;
 - (d)** Motions, offers of proof, objections to evidence, and rulings on them;
 - (e)** Proposed findings and exceptions;
 - (f)** The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record of the hearing for a major variance shall be sent to the Environmental Management Commission for its review. If the Commission approves the variance as proposed, the Watershed Review Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Watershed Review Board shall prepare a final decision including such conditions and stipulations, granting the proposed variance.

If the Commission denies the variance as proposed, the Watershed Review Board shall prepare a final decision denying the variance as proposed.

10.26 WATERSHED DEFINITIONS

Agricultural Use

The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit

A unit of measurement developed by the U. S. Environmental Protection Agency that is used to compare different types of animal operations.

Best Management Practices (BMP)

A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building

Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area

Built-upon acres shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development

The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single family residential subdivisions and multifamily development that do not involve the subdivision of land.

Composting Facility

A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Critical area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one half mile.

Customary Home Occupations

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purpose and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty five percent of the total floor space of any structure is used for the occupation No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill

A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Dwelling Unit

A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (A) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (B) having an outstanding valid building permit as authorized by the General Statutes.
- (C) having expended substantial resources (time, labor, money,) and having an approved site specific or phased development plan as authorized by the General Statutes.

Hazardous Material

Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Development

Any nonresidential development that requires and NPDES permit for an industrial discharge and/or requires the use of storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

Lot

A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance

A variance that results in any one or more of the following:

- (A) the complete waiver of a management requirement;
- (B) the relaxation by a factor of more than ten percent of any management requirement that takes the form of a numerical standard;
- (C) the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.

Minor Variance

A variance that does not qualify as a major variance.

Nonresidential Development

All development other than residential development, agriculture and silviculture.

Plat

A map or plan of a parcel of land which is to be, or has been subdivided.

Residential Development

Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as storage buildings, gazebos, etc., and customary home occupations.

Single Family Residential

Any development where:

- (A) no building contains more than one dwelling unit;
- (B) every dwelling unit is on a separate lot;
- (C) where no lot contains more than one dwelling unit.

Street (Road)

A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure

Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider

Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;
- (B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets;

- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;
- (E) the division of a tract into plots or lots used as a cemetery.

Variance

A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed

The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

Watershed Administrator

An official or designated person of the City of Asheboro responsible for administration and enforcement of this ordinance.

10.27 WORD INTERPRETATION.

For the purpose of this ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building".

The word "lot" shall include the words, "plot", "parcel", or "tract".

The word "shall" is always mandatory and not merely directory.

The word "will" is always mandatory and not merely directory.