

Article 600 Special Uses

601 Intent.

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of all public use facilities, and (2) create, and from time to time amend, a list of Special Uses within Article 200, District Regulations, which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The City Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which, now or in the future, may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

Subject to the specific procedures established for reviewing public use facilities, the City Council intends that the general standards, established in Article 200, and the more specific requirements established below shall be used by the City Council to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the City Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

602 General Standards.

602.1 Except as provided in Section 602.2 of this Ordinance, the City Council shall find that the following general standards shall be met by all applicants for approval of Special Uses:

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

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

602.2 Public Use Facilities shall be reviewed by utilizing one of the following options in all zoning districts:

- a.) 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.
- b.) 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 602.1 of this Ordinance. For the limited purpose of evaluating public use facilities under General Standard No. 2 of Section 602.1, a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Section 1005 of this Ordinance.
- c.) Notwithstanding the preceding provisions of Section 602.2 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:
 1. The uses shall be restricted to waste treatment plants, water treatment plants, pumping stations, lift stations, telephone exchanges, electrical transmission 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.
 2. Buffers and screens shall be installed and maintained per Article 304A.
 3. Signs will be regulated as per Article 500.
 4. Off street parking shall be provided as per Article 400.
 5. 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.
 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.

Any lot created for a Public Facility that is to be in Public ownership is shall not be required to meet lot area and width regulations as established in Table 200-1. All such lots shall abut a dedicated public street.

603 Procedure for Submission and Consideration of Applications for Approval of Special Uses.(4/6/00)

A. Application Submitted to Zoning Administrator.

Application for a Special Use shall be filed with the Planning Department, who shall, before accepting any application, ensure that it contains all required information, as specified in Section 605.

The deadline for filing of applications for a Special Use will normally be 5:00 PM on the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set.

The City Manager, acting as agent for the City Council, shall schedule each complete application for a public hearing. Hearings dates may be established for a regular or special meeting of the City Council; however, the Manager shall not schedule a combined total of more than five (5) hearings on amendments to this Ordinance, Special Use Permits and Conditional Use Permits at any meeting of the City Council.

Applications which are not complete, or otherwise do not comply with the provisions of this Article, shall not be accepted by the Zoning Administrator, but shall be returned forthwith to the applicant, with a notation by the Planning Department of the deficiencies in the application. A site plan meeting the requirements of Section 1005 shall be submitted at time of application. However, revisions can be made to this site plan 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. (10/2001)

B. Planning Director Prepares Analysis

The Director of Planning shall cause an analysis to be made of the application for consideration by the City Council. The analysis shall be a written report which shall be submitted to the City Council prior to the meeting at which the public hearing described in Section E is to be held.

C. Reserved

D. Public Hearing Required; Notice Specified.

Prior to consideration of the application for approval of a Special Use, a public hearing thereon shall be held by the City Council to receive evidence in the form of

testimony, exhibits, documents, models, plans and the like to support the application for approval of a Special Use.

The Zoning Administrator shall give public notice of the date, time and place of the public hearing.

E. Action on the Application.

After completion of the public hearing, the City Council shall take action upon the application. This action shall be one of the following:

- (1) Approval;
- (2) Approval with conditions attached;
- (3) Denial.

In every case, the action of the City Council shall include a summary of the evidence supporting the action taken by it on the application.

F. Action Subsequent to the Decision.

The Zoning Administrator shall cause notice of the disposition of the application to be sent to the applicant and a copy of the decision to be filed in the office of the Zoning Administrator.

The Zoning Administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Council's action. The permit shall include and be based upon plans as approved by the City Council.

604 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 all requirements and conditions are accepted by the applicant, the City Council shall authorize the issuance of the Special Use Permit, otherwise the permit shall be denied. (4/6/00)

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.

604A. Discontinuance of Permitted Activity or Failure to Act on a Special Use Permit(7/97)

If any Special Use is discontinued for a period of 180 days; or the permit is not initiated within 180 days; 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 180 days; the project has been started; or has not been replaced by a use otherwise permitted to maintain a valid Special Use Permit.

605 Contents of Application for A Special Use.

The application for a Special Use shall be submitted on forms provided by the Zoning Administrator. Such forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. A site plan shall be included with the application which details how requirements of Section 1005 of this Ordinance will be met along with such information needed to indicate compliance with the specific Special Use requested. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, the name(s) and address(es) of the applicant, if different from the owner(s) and all relevant information needed to show compliance with the general and specific standards governing the Special Use which is the subject of the application.

606 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 Zoning Administrator shall use the following criteria in determining whether a proposed action is a minor change or a modification:

- A. Reserved for future amendments.
- B. Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units, and/or an increase in outside land area devoted to sales, displays, or demonstrations.
- C. Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by the City Council shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by the ordinance.
- D. Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan shall be considered a modification.

E. Substantial change in the amount and/or location of open space, recreation facilities or landscape screens shall constitute a modification.

F. A change in use shall constitute a modification.

G. Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.

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.

607 General Compliance with this Ordinance

In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the City Council deems reasonable and appropriate, Special Uses shall comply with all regulations set forth in this Ordinance.

608 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 Article 800 of this Ordinance; provided however, that the City Council shall not be prevented from thereafter rezoning said property for its most appropriate use.

609 Withdrawal of Application.

An applicant may withdraw his or her application at any time by written notice to the City Manager.

610 Effect of Denial on Subsequent Petitions.

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.

611 Appeals

No appeal may be taken to the Board of Adjustment from the action of the City Council in granting or denying a Special Use Permit. Every final decision of the City Council shall be subject to review by the Superior Court of Randolph County by proceedings in the nature of certioraris.

612 Fees.

Fees for filing applications for Special Uses shall be set by resolution of the City Council.

613 Standards Applicable to Individual Special Uses.

In addition to the general standards contained in Section 602, the following specific standards for individual Special Uses shall be used in deciding upon applications for Special Uses.

614 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:

- 614.1 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.
- 614.2 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.
- 614.3 Facilities permitted in any residential district shall maintain the character and appearance of a residential use.
- 614.4 All facilities shall meet the standards of the N. C. Building Code.
- 614.5 Offstreet parking shall be provided in accordance with Article 400.
- 614.6 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.

615 Airport/Heliport

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

- 615.1 Airport/heliport developments shall meet the requirements of the FAA.
- 615.2 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.
- 615.3 Airports/heliports shall be so located and designed as to minimize disturbance of residential areas located outside of approved noise cone contours.
- 615.4 No structures, runways, taxiways, tiedown areas, parking lots, towers, beacons, etc., shall be located within 50 feet of any property line.
- 615.5 No petroleum storage tanks or refueling facilities shall be located within 100 feet of any property line.
- 615.6 All outdoor lighting except navigational, safety, and other lighting related to aircraft operations, shall be so designed as to not disturb adjoining properties.
- 615.7 Signs shall be regulated as per Article 500.
- 615.8 Offstreet parking shall be as per Article 400.

616 Child Day Care Facilities in Districts where such facilities require a Special Use Permit.

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

- 616.1 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.
- 616.2 Child Day Care Facilities may be permitted in Industrial Districts provided they are operated as an accessory use to a legal permitted use.
- 616.3 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.

- 616.4 Facilities permitted in any residential district shall maintain the character and appearance of a residential use.
- 616.5 All facilities shall meet the standards of the N. C. Building Code.
- 616.6 Offstreet parking shall be provided in accordance with Article 400.
- 616.7 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.

617 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.

- 617.1 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.
- 617.2 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.
- 617.3 Any playgrounds or playfields shall be located not closer than 50 feet to any property line.

617.4 Buffering and screening shall be installed and maintained as set forth in Article 304A.

617.5 Off-street parking and loading shall be provided in accordance with Article 400.

618 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.

618.1 The requirements of the NFPA Standards shall be met.

618.2 All storage tanks and loading facilities shall be located at least twenty-five (25) feet from any exterior property line.

618.3 All storage tanks and loading facilities shall be located at least one hundred (100) feet from any exterior property line bordering a residential district.

618.4 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.

618.5 Off-street parking and loading shall be provided in accordance with Article 400.

618.6 Buffers and screening shall be installed as required by Article 304A.

619 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.

619.1 The requirements of the NFPA Standards shall be met.

619.2 All storage tanks and loading facilities shall be located at least fifty (50) feet from any exterior property line.

- 619.3 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.
- 619.4 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.
- 619.5 Off-street parking and loading shall be provided in accordance with Article 400.
- 619.6 Buffers and screening shall be installed as required by Article 304A.

620 Congregate Living Facilities (Amended 8-2010)

Congregate Living Facilities shall be permitted in R40, R10, R7.5, RA6, OA6 and O & I districts subject to the following requirements:

- 620.1 Such facilities may be developed, provided the development is located on a minimum of 2 acres.
- 620.2 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.
- 620.3 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.
- 620.4 The Performance Standards established in Article 300A 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.

621 Cultural Facility

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

- 621.1 Such facilities shall have a minimum of two acres within the zoning lot.
- 621.2 No structures or parking areas may be located within 50 feet of any zoning lot line.
- 621.3 Buffers and screens shall be installed and maintained as per Article 304A.
- 621.4 Signs shall be regulated as per Article 500.
- 621.5 Offstreet parking shall be regulated as per Article 400.
- 621.6 The parking areas and walkways shall be illuminated for public safety at night. However, such lighting shall be designed so as not to disturb adjacent properties.

622 Reserved

623 Extraction of Earth Products

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

- 623.1 In addition to the information required for all applications for approval of Special Uses, the following shall be submitted as part of the application.
 - (a) Three copies of Site Plan, prepared by a North Carolina Registered Land Surveyor or Engineer, which shall contain the following:
 - 1. North Point, scale and date.
 - 2. Extent of area to be excavated or mined.
 - 3. Locations, width and elevation of all easements and rights-of-way within or adjacent to the extraction site.
 - 4. Location of all existing or proposed structures on site.
 - 5. Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
 - 6. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.

7. Actual field topography survey at a contour interval of five feet based on mean sea level datum.
8. Proposed handling and storage areas for overburden, byproducts and excavated materials.
9. Proposed fencing, screening and gates; parking, service and other areas.
10. Any areas proposed for ponding.
11. 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:

1. The date proposed to commence operations and their expected duration.
2. Proposed hours and days of operations.
3. Estimated type and volume of extraction.
4. Description of method of operation, including the disposition of topsoil, overburden and byproducts.
5. Description of equipment to be used in the extraction process.
6. Any phasing of the operation and the relationship among the various phases.
7. Operating practices which will be followed to comply with the performance standards applicable to the operation.

(c) A Rehabilitation Plan, which shall include:

1. A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
2. 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.

3. 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.
4. The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
5. The name, address and signatures of land owners and applicants.
6. A written legal description of survey of the property, prepared by a North Carolina Registered Land Surveyor or Engineer.
7. A fee, as set by the City Council.

623.2 Standards for Evaluation

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:

1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
2. 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

3. 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.

624 Golf Course

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

- 624.1 If the proposed development includes development lots or housing, the requirements of the Asheboro Subdivision Ordinance shall be met.
- 624.2 No building other than residential structures shall be located within 100 feet of any property line.
- 624.3 No green shall be located within 150 feet of any property line.
- 624.4 Lighting shall be so shielded as to cast no direct light upon adjacent property.
- 624.5 Signage shall be per Article 500.
- 624.6 Offstreet parking shall be as per Article 400.
- 624.7 Buffers and screening shall be as per Article 304A.

625 Home Occupations

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

- 625.1 The approval of a home occupation shall be for a specific use as requested in the application.
- 625.2 The outside appearance of the dwelling unit shall not change due to the home occupation.
- 625.3 The home occupation shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
- 625.4 The home occupation shall not create a hazard to persons or property or as a nuisance per se or per accident.
- 625.5 The home occupation shall not utilize any accessory structure.
- 625.6 The home occupation shall not be permitted any outdoor storage or display of anything.
- 625.7 No advertising signs shall be permitted.
- 625.8 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 Article 400 shall be met.

625.9 In addition to site plan required by this article, information or plans indicating compliance with the above regulations shall be submitted with the SUP application.

626 Junkyards

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

626.1 The site shall have direct access to a major or minor thoroughfare as shown on the Asheboro Thoroughfare Plan.

626.2 No such activities shall be permitted within 200 feet of any residential district.

626.3 Buffers and screens shall be provided as per Article 304A.

626.4 No materials shall be stored closer than 30 feet from the zoning lot lines.

626.5 Plans for handling hazardous materials shall be submitted along with the application for a Special Use Permit which indicates compliance with all applicable regulations.

626.6 Signage shall be regulated as per Article 500.

626.7 No materials shall be permitted to accumulate outside of screened areas or within any public right-of-way.

626.8 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.

627 Landfills, Sanitary

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

627.1 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.

- 627.2 The site shall be fenced by a six-foot high fence or masonry wall.
- 627.3 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;
- 627.4 The developer shall provide the following information, in addition to the general information required in Subsection 602:
- (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.

628 Manufacturing, Processing and Assembly, Light

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

- 628.1 Off-street parking and loading spaces provided in accordance with Article 400.
- 628.2 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.

- 628.3 The activity shall not endanger, damage, or have any other undesirable effects upon nearby non-industrial development by reason of its existence and operation.
- 628.4 Buffering and screening shall be required as set forth in Article 304A.
- 628.5 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.
- 628.6 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.

629 Manufactured Home Parks (Amended 8/2010):

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 200-1 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. (4/6/00)

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

- 629.1 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.
- 629.2 A manufactured home lot shall be a least sixty (60) feet in width, and shall contain at least 6,000 square feet of area.
- 629.3 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.

- 629.4 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.
- 629.5 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.
- 629.6 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.
- 629.7 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.
- 629.8 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.
- 629.9 Buffering and screening shall be installed and maintained as required by Article 304A.
- 629.10 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.
- 629.11 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.
- 629.12 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.

- 629.13 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 Section 1005 Contents of Application for Zoning Compliance Permit.
- 629.14 Manufactured home parks shall be subject to the regulations within Article 700 - Flood Damage Prevention Ordinance.
- 629.15 Signs shall be regulated by Article 500 for the district in which the park is located.
- 629.16 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 Article 500.
- 629.17 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.
- 629.18 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.
- 629.19 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.
- 629.20 All manufactured homes shall conform to the “Manufactured/Mobile Home” definition as established in Article 1100.

- 629.21 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.
- 629.22 All manufactured homes shall conform to supplemental regulations of Article 300A, Section 326A.1.

630 Planned Unit Development

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

A. Residential Planned Unit Developments

1. Residential Planned Unit Developments may be permitted in any R40, R15, R10 R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.
2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a “major” subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council’s consideration at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a “minor” subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council. (9/02)
3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common area, parks and other permanent open spaces, there

shall not be less than the required area per dwelling unit for the district in which such development is located.

6. Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.

7. Provisions and plans for garbage and waste collection shall be included with the application.

8. Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.

9. Signs will be regulated as per Article 500.

10. Off street parking shall be provided as per Article 400.

11. General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.

B. Commercial and Industrial Planned Unit Developments

1. 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 Use 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 Section 1005 of this Ordinance as each lot develops.

2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a “major” subdivision the Sketch

Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council’s consideration at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a “minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council. (9/02).

3. Commercial and Industrial PUDs shall be located so that they have direct access to major or minor thoroughfares as shown on the Asheboro Thoroughfare 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.

4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.

5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public 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.

6. Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.

7. Provisions and plans for garbage and waste collection shall be included with the application. All solid waste facility screening as specified by Section 307A shall be screened not only from public right-of-ways and adjacent property but also from view of all private streets and public areas.

8. Buffers and screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.

9. Signs will be regulated as per Article 500.

10. Off street parking shall be provided as per Article 400.

11. 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).

12. 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:

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.

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 Article 200A.

The requirements of Section 308A.6 (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.

Maintenance of the street tree planting strip shall be the responsibility of the property owners' association.

13. 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.

14.) The rear or service façade of any structure shall not front any existing public street.

15.) All design standards shall apply to all structures within a PUD.

632 Reserved for Future Use

633 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:

- 633.1 Parks/camps shall have a minimum area of two acres.
- 633.2 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.
- 633.3 A clearance of at least twenty feet shall be maintained between each recreational vehicle, camping structure and/or building within the park.
- 633.4 Buffers and screening shall be provided as per Article 304A.
- 633.5 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.
- 633.6 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.
- 633.7 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.
- 633.8 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:
 - 1. Male toilets to include one commode, one urinal, one lavatory and one shower.
 - 2. Female toilets to include two commodes, one lavatory and one shower.

3. 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.

633.9 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.

634 Schools, Public, Private Elementary & High Schools

A public or private elementary or high school shall be permitted in any district except the I1, I2, and I3 districts, 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.

634.1 The site for any private or public K to 5 school 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.

634.2 The site for any public or private 6 to 12 school 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.

634.3 All buildings shall be located at least 50 feet from street lines 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%.

- 634.4 A school site shall contain suitable designed and improved outdoor playground or playfield areas.
- 634.5 Such playgrounds or playfields shall be located not closer than 50 feet to any property line.
- 634.6 Buffering and screening shall be installed and maintained as set forth in Article 304A.
- 634.7 Off-street parking and loading shall be provided in accordance with Article 400.
- 634.8 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.
- 634.9 Temporary modular classrooms may be located at an existing public school for a period of 18 months without amendment to 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. Eighteen month time limit from the time of the first unit placement.
 - B. Units shall be “skirted” with opaque vinyl or metal material specifically designed for skirting manufactured structures. 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 shall submit an application for a Special Use Permit amendment within the 18 month time period.

635 Signs, Off Premise

Off premise signs may be permitted in I1, I2, and I3 Districts in accordance with Article 500: Sign Regulations, provided the following additional regulations are met.

- 635.1 Off premise signs may only be located along existing major thoroughfares or freeways as identified by the adopted Asheboro Thoroughfare Plan.

- 635.2 The zoning district shall have at least 1,000 linear feet frontage along the major thoroughfare or freeway in question.
- 635.3 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.
- 635.4 Off premise signs shall not exceed thirty-five (35) feet in height.
- 635.5 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.
- 635.6 No portion of the off premise sign supporting structure shall be visible above the rectangular sign face.
- 635.7 Off premise signs shall be limited to freestanding ground signs, only.
- 635.8 No additional signs shall be permitted on any part of the supporting structure or bracing of an off premise sign.
- 635.9 A billboard sign face area shall not exceed three-hundred (300) square feet in size.
- 635.10 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 Subsection 638.9.
 - (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.
- 635.11 Landscaping and screening shall be provided subject to the approval of the Planning Department. No undue undercutting of existing vegetation shall be permitted.
- 635.12 No billboard shall be permitted within 100 linear feet of any residential district (R40, R15, R10, R7.5, and RA6).

- 635.13 Off premise signs as provided for under subsection 504.10 shall not be required to comply with the provisions set forth in Section 600.
- 635.14 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.
- 635.15 An application for a Special Use Permit as required under this Article 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 subsection 638.12.
 - (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.

636 Adult Establishment with Live Entertainment and On Premise Consumption of Alcoholic Beverages

LOCATION STANDARDS

- 636.1 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.
- 636.2 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.
- 636.3 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.

636.4 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.

636.5 No use permitted under this section shall be located on the same zoning lot as any other such use or Adult Establishment General.

SETBACKS

636.7 Minimum setbacks as per Table 200-1

BUILDING DESIGN

636.8 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.

636.9 The minimum gross floor area shall be 1,500 square feet.

636.10 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 Sections 316A (for Industrial uses), 317A (for Commercial uses) and 318A (for Residential uses) of this ordinance are prohibited.

636.11 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).

- 636.12 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.

LANDSCAPING

- 636.13 Property Lines Not Abutting a Street: Screen D shall be provided in accordance to Article 304A, with the exception that a wooden fence or berm and planting combination is not permitted.
- 636.14 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 Article 300A.

SIGNS

- 636.15 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.
- 636.16 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.
- 636.17 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 Article 1100) 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.
- 636.18 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.
- 636.19 The exterior signage permitted for an Adult Establishment General is strictly limited to the ground sign and wall sign described above.

LIGHTING

- 636.20

- 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:
 - 1. Wall mounted lighting shall consist of full cut-off fixtures (in which no light from the fixture occurs above 90 degrees).
 - 2. Pole mounted lighting shall consist of full cut-off fixtures.
 - 3. Canopy lighting shall consist of full cut-off fixtures.
 - 4. 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.

PARKING

636.21

Off-street parking and loading shall be provided in accordance with Article 400.

636.22

Parking shall be located only in front and/or to the side of the building within which an adult establishment is located

CHANGE OF USE

636.23

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.

637 Non-Conforming Situations

637.1 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.

637.2 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 Section 804 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 Section 803.8 of the Ordinance;
- (d) A Building Permit for the repair or renovation must be obtained from the Building Inspector.

637.3 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 Section 804.2 of this Ordinance, that change will constitute a discontinuance of the nonconforming use with consequences as stated in subsection 805 of this Ordinance.

(c) The above 637.3 (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.

637.4 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.

637.5 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.

638 Mental Institution/Sanitarium

638.1 All mental institutions/sanitariums shall have direct frontage onto a collector or arterial street, as shown on the Thoroughfare Plan.

638.2 The minimum lot size shall be five acres with a minimum frontage of 200 feet.

- 638.3 The structures shall be located a minimum of 200 feet from any zoning lot boundary.
- 638.4 Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. No other external evidence of the mental institution/sanitarium for identification or advertising purposes shall be permitted.
- 638.5 At the time of the Special Use request, the operator of such a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.
- 638.6 Buffering and screening shall be as required by Article 300A.
- 638.7 Parking shall be provided as required by Article 400.
- 638.8 The facility shall comply with all applicable Federal, State and local requirements.

639 Professional Residential Facility (Structured Environment)

- 639.1 All professional residential facilities shall have direct frontage onto a collector or arterial street, as shown on the Thoroughfare Plan.
- 639.2 No such use shall be established with one-half mile of another such use.
- 639.3 No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.
- 639.4 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.
- 639.5 Buffering and screening shall be as required by Article 300A.
- 639.6 Parking shall be provided as required by Article 400.
- 639.7 The facility shall comply with all applicable Federal, State and local requirements.

640 Church/Synagogue in Residential Districts

Church/Synagogues may be permitted in R40, R15, R10, R7.5, and RA6 Districts subject to the following regulations.

- 640.1 Church/Synagogue sites shall contain a minimum of one acre.
- 640.2 Church/Synagogue shall maintain the character and appearance of a residential use and meet the requirements of Design Standards for Residential Districts.
- 640.3 Church/Synagogue shall provide screening around parking areas to avoid any nuisance to adjoining residential property.
- 640.4 Parking shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Offstreet parking shall be provided in accordance with Article 400.
- 640.5 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.
- 640.6 Any Church or Synagogue 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 Church or Synagogue that was a legal use prior to October 2000 shall be permitted to apply for a Special Use Permit as set forth in this Section regardless of non-compliance with Subsections 640.1, 640.2, 640.3 and 640.4. In reviewing such request all new construction shall comply with Subsections 640.2, 640.3 and 640.5. (6/02)

641 Gamerooms

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

- 641.1 The site shall have direct access to a major or minor thoroughfare as shown on the Thoroughfare plan.
- 641.2 Off street parking shall be provided as required in Article 400.
- 641.3 A site plan showing compliance with the requirements for a Zoning Compliance Permit, as required by Article 1005, shall be submitted.

- 641.4 Signage shall be limited to one ground sign and not more than two wall signs. No portable signs shall be permitted.
- 641.5 The requirements of 317A Performance Standards for all Commercial Districts (noise and light) shall be met and maintained.
- 641.6 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.
- 641.7 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.
- 641.8 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 Article 608.
- 641.9 Gamerooms approved under this Special Use Permit shall be supervised and operated by a person over 18 years of age who;
 - 1. 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**
 - 2. is a resident of NC or does have a registered agent in North Carolina who is authorized to accept service of process.

642 Storage of Hazardous Material within Balance of Watershed

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 the absence or improper implementation of a spill containment plan for hazardous materials or any other situation found to pose a threat to water quality.

- 642.1 Application of this SUP shall demonstrate that the proposed hazardous materials which are to be stored cannot pose a threat of contamination to the watersupply
- 642.2 All spill containment structures and plans shall be designed by a North Carolina registered professional engineer or architect.

- 642.3 All spill containment structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance. Financial assurance shall be in the form of a Security Performance Bond. The bond shall be in an amount equal to 1.25 times the total cost of the spill containment structure. *(The total cost shall include the value of all materials; design and engineering; and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.)*
- 642.4 The applicant shall enter into a binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the spill containment structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Randolph County Register of Deeds by the Watershed Review Board.
- 642.5 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:
1. A certification sealed by an engineer or architect stating that the spill containment structure is complete and consistent with the approved plans and specifications.
 2. The Watershed Administrator shall approve the materials submitted by the developer and the inspection report.
 - a. A Watershed Protection Occupancy permit shall not be issued for any building within the permitted development until the spill containment structure and/or plan is approved.
 - b. All spill containment structures shall be inspected **at least on an annual basis** to determine whether the controls are performing as designed and intended.

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 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 improvements.

643. Transfer Stations

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

- 643.1 A site plan meeting the requirements of Section 1005 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.
- 643.2 The use shall be located on a major or minor thoroughfare or within an industrial development with direct access to such thoroughfare (direct access shall mean without having to travel residential streets).
- 643.3 Actual transfer activities shall be conducted within an enclosed structure.
- 643.4 All access and maneuvering areas shall have a paved surface meeting the requirements of Article 400.
- 643.5 Stormwater control meeting all local, State and Federal requirements shall be submitted as part of the required plans.
- 643.6 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.
- 643.7 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.
- 643.8 Evidence of compliance with all applicable requirements of the Zoning Ordinance shall be submitted as part of the application.

644. Country, Racquet, Tennis & Swim Clubs

- 644.1 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.

644.2 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.

645 Airport Overlay Zone

645.1 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.

645.2 Any structure permitted to exceed maximum heights permitted in Table 200-1 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.

646 Telecommunications Towers

- 646.1 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 Section 302.8 and 319A.

647 Watershed SNIA (12/02)

647.1 All applications for a SNIA shall include the following:

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

648 Residential Townhome Developments in the B3 District

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

648.1 Review of an application for a Townhome development SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the Townhome development requires review as a “major” subdivision the Sketch Design plat shall be properly submitted, reviewed, and recommended by the Planning Board for the City Council’s consideration at the same meeting as the SUP. The Sketch Design plat and the site plan required for the Sup may be combined on one plat so long as the requirements for each are met. If the Townhome development requires a “minor subdivision” the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the SUP and granted only after the approval of the SUP by City Council.

648.2 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 townhome 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 townhomes.
- E. Additional parking for nonresidential uses shall not be required.

648.3 Streets within a Townhouse development may be public or private according to the regulations of the Asheboro Subdivision Ordinance.

648.4 The yard and height regulations set forth in Table 200-1 and Article 200A shall be met for Townhome developments permitted by this Section.

648.5 Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.

648.6 Provisions and plans for garbage and waste collection shall be included with the application.

648.7 Street landscaping shall be installed and maintained as per Article 200A. Buffers and screening shall be installed and maintained as required for multi-family developments per Article 304A.

648.8 Signs shall be regulated as per Articles 200A and 500.

648.9 Off street parking shall be provided as per Article 400.

648.10 General landscaping shall be installed and maintained. Plans indicating all required and nonrequired landscaping shall be submitted as part of the application.

649 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” subdivision, the Sketch Design Plat shall be properly submitted, reviewed, and recommended by the Planning Board for the City Council’s consideration at the same meeting as the Recreational Vehicle Resort SUP. 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. If the Recreational Vehicle Resort requires a “minor” subdivision, the required Subdivision Plat shall be properly submitted for approval. 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 200-1 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 they have direct access to major or minor thoroughfares as shown on the Asheboro Thoroughfare 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 Article 304A 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 Article 400. Required parking for accessory uses shall have a paved surface as per Article 400.
- .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 Article 500.
- 27 Recreational Vehicle Resorts shall be subject to the regulations within Article 700 - Flood Damage Prevention Ordinance and Article 300B - 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 Section 1005 Contents of Application for Zoning Compliance Permit 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.

650 Agricultural Tourism Facility (Revised 8/2010)

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

- 650.1 An agricultural tourism facility shall contain at least five (5) acres.
- 650.2 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.
- 650.3 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.
- 650.4 Buffering and screening shall be provided to screen any parking areas, structures and facilities related to the operation of the agricultural tourism facility. Such screening shall consist of opaque screening equivalent to or exceeding a Type D screen as defined by Article 300A, Section 304A.
- 650.5 When located within two hundred (200) feet from a public right-of-way, parking shall be located to the rear or side, but not in front of, the principal structure utilized for an agricultural tourism facility. Parking

located more than two hundred (200) feet from a public right-of-way may be located on any side of the principal structure as long as the requirements of Section 650.4 above are met.

- 650.6 Signage shall be limited to one identification sign no more than six (6) feet in height and twenty-five (25) square feet in area when located less than forty feet from the public right-of-way and forty (40) feet in area when located more than forty feet from the public right-of-way.
- 650.7 Applications for permits under this Section shall be accompanied by a site plan or plat in accordance with Article 1000.

651 Whole Block Redevelopment Utilizing a Special Use Permit

651.1 Intent

It is the intention of the City Council to (1) establish the procedure for reviewing and regulating the extent, location and design of whole block redevelopments that have a deficiency in meeting the requirements of Article 200A (Subsections (D)(10)). These

alternative whole block redevelopment proposals require special care in the control of their location, design and methods of operation because of their inherent nature, extent and external effects. The City Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain development proposals for whole block redevelopments are appropriately handled as Special Uses.

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

651.2 General Standards

Whole block redevelopment proposals shall be reviewed by utilizing one of the following options in all zoning districts:

- 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 block 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 Section 602.1 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 602.1, a whole block redevelopment shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Section 1005 of this Ordinance.

652 Solar Farms

- 652.1 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.

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

(i) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 200-1, as modified by Front Yard Averaging requirements (Article 300, Section 305). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (ii) below.

(ii) 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 Article 300A, Section 304A. In lieu of this screen and consistent with Section 304A.6 (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.

(iii) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).