



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, February 1, 2016
7:00 PM
AGENDA

- I. Call to Order
- II. Approval of Minutes from January 4, 2016 meeting
- III. Review of Cases
- IV. Organizational Items:
 - a.) Oath of Office for Mr. Rich
 - b.) Election of Board Officers
 - c.) Appointment of Board Secretary
- V. Old Business: RZ-16-01: General Text Amendments to the Zoning Ordinance
- VI. RZ-16-02: Rezone property located at 1112 South Cox Street from O & I (Office and Institutional) to R7.5 (Medium-Density Residential)
- VII. Subdivision Case SUB-15-01: Olde Towne Village Section II (Preliminary Plat)
- VIII. Items Not on the Agenda
- IX. Adjournment

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MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, JANUARY 4, 2016
7:00 p.m.

This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

- Van Rich) - Chair
- James Lindsey) - Vice Chair
- Ritchie Buffkin)
- Lynette Garner)
- David Henderson) - Members Present
- Thomas Rush)
- Dave Whitaker)

John Evans, Assistant Community Development Division Director
Justin Luck, Zoning Administrator/Planner
Bradley Morton, Planning Technician/Deputy City Clerk
Jeff Sugg, City Attorney

No citizens were present at this meeting.

I. CALL TO ORDER

Mr. Van Rich called the Asheboro Planning Board to order.

II. APPROVAL OF MINUTES FROM DECEMBER 7, 2015 MEETING

Mr. Rich inquired if there were any corrections to be made to the minutes of the December 7, 2015 regular meeting. There being no corrections, the minutes were approved as presented.

III. REVIEW OF CASES

Mr. Justin Luck informed the board of the zoning related cases that the City Council heard in December.

IV. RZ-16-01: GENERAL TEXT AMENDMENTS TO THE ZONING ORDINANCE: CITY OF ASHEBORO

Mr. John Evans presented text amendments to Articles 200, 200A, 300A, 600, 800, 1000, and 1100 as well as Tables 200-2 and 400-1. He also mentioned that Article 500 (Sign Regulations) will be proposed in a later text amendment due to an ongoing review of sign regulations to ensure compliance with the recent Supreme court case *Reed vs. Gilbert*. He briefly went over the sections in some detail, highlighting major changes and also stating that some proposals would be in place to clean up redundant references and address clerical issues. Highlights of the proposed amendments include:

- Article 200: Remove Redundant, unnecessary requirement for the Clerk to certify the Table of Uses.
- Table 200-2: Amend child care related reference that involve # of children to be consistent with state statutes.
- Article 200A: Proposal concerning street fronting facades in Tier 1 of the Center City Planning Area.
- Article 300A: Make clerical changes and remove redundant references.
- Table 400-1: Update terminology related to parking for places of worship.
- Article 600: Update references to Comprehensive Transportation Plan, update language concerning receipt of applications, clarity concerning which provisions apply to existing manufactured home parks needing Special Use Permit.
- Article 800: Improve general organization & clarity distinguishing between non conforming situations and uses.
- Article 1000: Clarify administrative provisions concerning who receives applications, update cost prompting zoning permit requirement, reflect abolishment of protest petition by state statutes, and improve enforcement process.
- Article 1100: Update various definitions to improve clarity, reflect changes in state legislation and more precisely define certain uses.

There were no questions from the board at this time. He stated that staff's recommendation was to continue the case until the February 1, 2016 meeting to allow additional time for public comment and review, and that revisions would likely be included in the proposal at that time. Upon motion by Mr. Whitaker and seconded by Ms. Garner, the Planning Board unanimously voted to continue the request to the February 1, 2016 meeting.

V. ITEMS NOT ON THE AGENDA

Mr. Luck mentioned that the City Council would vote to re-appoint Mr. Van Rich as Planning Board member for another five year term at their January 7, 2016 meeting.

VI. ADJOURNMENT

There being no further business to discuss, Mr. Rich declared the meeting adjourned.

Bradley Morton, Secretary, Planning Board

Van Rich, Planning Board Chairman



RZ-16-01: Text Amendments to the Zoning Ordinance
(City of Asheboro)

Staff Report

Rezoning Staff Report

RZ Case # RZ-16-01

Date 2/1/2016 PB
2/4/2016 City Council

General Information

Applicant City of Asheboro
Address 146 North Church Street
City Asheboro NC 27203
Phone 336-626-1201
Location N/A

Requested Action General Text Amendments to the Zoning Ordinance (see description in "Analysis" section)

Existing Zone N/A **Existing Land Use** N/A
Size N/A **Pin #** N/A

Applicant's Reasons as stated on application

The amendments are part of a phased program of updating and improving the zoning ordinance. The amendments are to make corrections to various sections of the Zoning Ordinance that no longer apply due to changes in state legislation, correction of clerical errors, updates to terminology, and to improve the development review process. The proposed text amendments will address ongoing situations that staff has encountered, and will improve the public health, safety, and general welfare.

Surrounding Land Use

North N/A **East** N/A
South N/A **West** N/A

Zoning History The proposed text amendment reflect language in place since a major reorganization of the zoning ordinance in the early 1990s and some provisions were in place prior to that.

Legal Description

See attached legal description

Analysis

1. Updates are proposed to Articles 200 through 400 (including Table 400-1), 600, 800, 1000, and 1100.
2. A draft text amendment package was presented during the January 4, 2016 Planning Board meeting.
3. New information being presented that was not presented during the January, 2016 Planning Board meeting includes the following (with zoning ordinance section numbers italicized):
 - Revised proposal concerning covering/painting facades within Tier 1 of Center City Planning Area (200A(C)(4)(c))
 - Minor additions to schools located in districts requiring a Special Use Permit (634) can be reviewed by staff.
 - Update of language referencing Comprehensive Transportation Plan for Transfer Station (643), Recreation Vehicle Resort (649)
 - Additional clerical corrections in Article 800 (Non Conforming Situation)
 - Update list of contents required on zoning compliance permit application (1005)
 - Clarification concerning who may initiate a zoning amendment (1011.1)
 - Remove requirement that applicant must provide notice for zoning amendments (although applicant will continue to be advised to do this) (1011.4.B) & authorize scheduling & publication of notice by zoning administrator (1011.3)
4. Possible revisions to Article 500 and other sections of the Zoning Ordinance related to signs are under review to reflect changes that are necessary due to a recent US Supreme Court case (*Reed vs. Gilbert*).

Rezoning Staff Report

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Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Goal 2.2: Development that is located in appropriate locations

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

Rezoning Staff Report

RZ Case # RZ-16-01

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LDP Goals/Policies Which Do Not Support Request

Recommendation **Approve**

Reason for Recommendation

The proposed amendments are necessary to ensure consistency with current state legislation, better reflect current operational practices, better define ambiguous terminology, improve clarity of the zoning ordinance and its review processes, and preserve the character of the historic core of Asheboro. The Land Development Plan supports each of these actions.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering these factors, staff believes that the proposed text amendments are supported by the Land Development Plan, correct references to other adopted comprehensive plans, such as the 2014 Asheboro Comprehensive Transportation Plan, and are therefore in the public interest in supporting a reasonable use of property.



Legal Description for Text Amendments to Zoning Ordinance

RZ-16-01: General Text Amendments to Articles 200 through 400 (including Table 400-1), 600, 800, 1000, and 1100 (definitions, to address consistency with statewide legislation & more precisely define certain uses). Proposed amendments include, but are not limited to, procedural requirements for Table of Permitted Uses amendments, terminology for child care facilities, covering/painting of street fronting facades within Tier 1 of Center City Planning Area, updates to terminology involving road types to reflect current Comprehensive Transportation Plan, landscaping requirements for parking facilities, update of terminology related to places of worship, required improvements for expansion of manufactured homes parks, staff review of certain additions to places of worship and schools located in districts requiring Special Use Permit, non conforming uses and situations, administrative provisions (including receipt of applications for zoning map amendments & conditional/special use permits, enforcement procedures, who may file zoning amendment, required zoning compliance permit application contents & improvement cost prompting requirement for such permit), correction of various clerical errors, & updates reflecting state legislation (including, but not limited to, legal advertising requirements, child care & abolishment of rezoning protest petition).



RZ-16-01: Text Amendments to the Zoning Ordinance
(City of Asheboro)

Proposed Draft Text
Updated for 2-1-2016 Planning Board meeting

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2015-2016 Zoning Ordinance Amendments (RZ-16-01): Phase 2

ARTICLE 200

202 Authentication ~~(Reserved)~~

Each sheet of the Official Schedules of District Regulations shall be authenticated by the signature of the City Clerk and shall bear the seal of the City under the following words:

~~— "This is to certify that this is page _____ of the Official Schedule of District Regulations referred to and adopted by reference by Ordinance No. _____ of the City Council approved _____, 19____."~~

Reason: The City Clerk maintains a Zoning Ordinance in its entirety. Its redundant and unnecessary for the Clerk to make special certification of the Schedule of District Regulations (Table of Permitted Uses).

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Table of Uses 200-2

Use	Buffer/Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
<u>Family</u> Child Day Care Large Home (9 - 12 children)	1	S		S	S	S	P										Note 4; Section 616
Child Day-Care Center - Medium (30 - 79 children)	2								S		S		S	A	A	A	Note 4; Section 616
Child Day Care Center - Large (80+ children)	2										S		S	A	A	A	Note 4; Section 616
Child Day-Care Center - Small (13 - 29 children)	1						S	S		S	P		P	A	A	A	Note 4; Section 616
<u>Family</u> Child Day Care Home (8 or less children)		P	P	P	P	P	P										Note 4

Reason: Consistency with terminology in state statutes and other sections of zoning ordinance

ARTICLE 200A

(C)(4)(c) Existing Street Fronting Facades:

(i) For existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete (unable to be utilized for entry into the building) or inhibit transparency.

(ii) Security bars, panels, curtains, and like devices, whether retractable or permanent, shall not be constructed or used on the exterior portion of any building wall oriented toward a public street. Such devices may be installed on the interior of the building.

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(iii) A zoning compliance permit shall be obtained prior to painting, staining, or covering any street front facade. Any street front facade of masonry buildings that has historically been left in a natural, uncovered state shall not be painted, stained or otherwise covered; this prohibition shall apply only to the masonry portion of the building and not to any non-masonry building trim or accents. This subsection shall not apply to single-or two family dwellings and/or decorative murals.

Reason: Preserve and enhance the visual appeal and historic integrity of Asheboro's core

ARTICLE 300

317A Performance Standards for all Commercial Districts

Delete standards related to an Existing Residential or Commercial Front Setback Line, including Sections 317A.D.g, 317A.E.l and 317A.F.l.

Reason: Previously approved amendments (August 2015) modified how front setback averaging is determined.

317A, Subsection G.1.a (Design Standards for B2 Commercial Districts)

All principal structures shall have at least one entrance oriented towards the street

317A, Subsection H.1 (Design Standards for B3 Commercial Districts)

All principal structures shall have at least one entrance oriented towards the street

Reason: Correction of clerical error inadvertently omitting word "entrance" and consistent with requirements in other commercial districts.

ARTICLE 400 OFF-STREET PARKING REQUIREMENTS

Place of Worship Church / Synagogue *NOT Places of Assembly 0.3 per seat in sanctuary/main assembly area

Reason: The use "church/synagogue" was recently changed to "Place of Worship" in Table of Uses 200-2. Staff also proposes more precisely clarifying the interpretation that the parking requirement is based on seating within the sanctuary/main assembly area, which reflects the interpretation that has been made since this provision's inception. Staff also notes that Section 406B also guides staff in determining parking requirements for places of worship and other uses without fixed seating.

409, Subsection B.2 Landscaping Standards for Off Street Parking: Correct reference to approved materials list for landscaping (change from "Appendix 1" to "Article 300A, Appendix A").

ARTICLE 600 SPECIAL USES

602.2 Public Use Facilities

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.~~

Reason: Previously approved amendments (August 2015) establishing Special Purpose Lot standards, which can be created for Public Use Facilities, exempt such lots from abutting public streets.

603 Procedure for Submission and Consideration of Applications for Approval of Special Uses

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~~ Zoning Administrator, 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~~ Administrator 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.

Reason: Updates language to reflect operational practices.

609 Withdrawal of Application

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

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Reason: Updates language to reflect operational practices.

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.

Reason: Consistency with terminology in state statutes and other sections of zoning ordinance

617.1 Colleges/Universities

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 or higher classification street as shown on the Asheboro Thoroughfare Comprehensive Transportation Plan.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

618.4 Combustible Liquid Storage in Quantities Greater than 2,000 but less 100,000 Gallons Aggregate

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~~ minor thoroughfares or higher classification streets and will not require the use of residential streets for access to the site.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

626.1 Junkyards

The site shall have direct access to a ~~major or~~ minor thoroughfare or higher classification street as shown on the Asheboro Thoroughfare Comprehensive Transportation Plan.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

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627.1 Landfills, Sanitary

The site shall have direct access to a major/minor thoroughfare or higher classification street ~~or a state secondary road~~ as shown on the Asheboro Thoroughfare Comprehensive Transportation Plan, or a road designed for commercial vehicles which connects directly to such street. No access shall be through local residential streets.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014. Amendment ensures access will be from street designed to move higher volume and weight traffic.

629 Manufactured Home Parks

629.3

An engineering study of storm water runoff shall be made for new parks as well as existing parks proposing new built-upon area exceeding one acre. 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.

Reason: Ensures new parks and significant expansions of existing parks control stormwater runoff while permitting minor additions to existing parks without a standard requirement to prepare an engineering analysis or construct stormwater controls.

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~~ manufactured home lot with a minimum of 720 square feet to be provided. Such area(s), when visible from the public right-of-way, shall have screening consisting of landscaping and/or fencing compatible with the development's architectural and landscaping design and compliant with applicable design standards. ~~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.

Reason: Previously approved amendments (August 2015) changed how and when recreational vehicle storage is to be provided for multi-family developments. Proposal aligns manufactured home park and multi-family development standards for recreational vehicle storage areas.

630 Planned Unit Developments

3. Commercial and Industrial PUDs shall be located so that they have direct access to ~~major or minor~~

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thoroughfares or higher classification streets as shown on the Asheboro Thoroughfare Comprehensive Transportation Plan. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

634 Schools, Public, Private, Charter Elementary, Middle & Schools

634.10 Notwithstanding Article 800, a legal non-conforming School is permitted to make minor changes permitted by Section 606 whether or not a Special Use Permit has been granted by the Asheboro City Council.

Reason: Clarification of when a Special Use Permit is required for a Place of Worship that is a legal non-conforming use.

635.1 Signs, Off Premise

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

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

Article 600- SPECIAL USES

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.

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

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The exterior signage permitted for an Adult Establishment General is strictly limited to the ground sign and wall sign described above.

Reason: Clerical correction

638 Mental Institution/Sanitarium

All mental institutions/sanitariums shall have direct frontage onto a collector or ~~arterial street~~ higher classification street, as shown on the Thoroughfare Comprehensive Transportation Plan.

Reason: Update reflecting new CTP.

640 Church/Synagogue Place of Worship in Residential Districts

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

- 640.1 Church/Synagogue Place of Worship sites shall contain a minimum of one acre.
- 640.2 Church/Synagogue Places of Worship shall ~~maintain the character and appearance of a residential use and~~ meet the requirements of Design Standards for Residential Districts.
- 640.3 Church/Synagogue Places of Worship shall provide screening around parking areas to avoid any nuisance to adjoining residential property.
- 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.

Notwithstanding Article 800, a legal non-conforming Place of Worship is permitted to make minor changes permitted by Section 606 whether or not a Special Use Permit has been granted by the Asheboro City Council.

- 640.6 Any Church or Synagogue Place of Worship 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 Place of Worship 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)

Reason: Update reflecting change in term for use and clarification of when a Special Use Permit is required for a Place of Worship that is a legal non-conforming use.

643 Transfer Stations

643.2 The use shall be located on a ~~major or~~ minor thoroughfare or higher classification street or within an industrial development with direct access to such street ~~thoroughfare~~ (direct access shall mean without having to travel residential streets).

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014. Amendment ensures access will be from street designed to move higher volume and weight traffic.

649 Recreational Vehicle Resort

Subsection 5: A Recreational Vehicle Resorts shall be located so that they have it has direct access to ~~major or~~ minor thoroughfares or higher classification street as shown on the Asheboro Comprehensive Transportation ~~Thoroughfare~~ Plan.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

Article 700- FLOOD DAMAGE PREVENTION ORDINANCE- NO CHANGES ARE PROPOSED.

ARTICLE 800- ~~NON-CONFORMING SITUATIONS~~ NONCONFORMITIES

Reason: Amendments to Article 800 are to improve the organization of the entire chapter and also more clearly distinguish between non-conforming uses and non-conforming situations.

~~801: Continuation of Nonconforming Situations~~

~~801.1:~~ Nonconforming situations Nonconformities that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Subsections ~~802 through 805~~ (A) through (F) of this Section.

(A) ~~802:~~ Nonconforming Lots

- (1) ~~802.1:~~ When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that
- (a) ~~A:~~ the proposed use is one permitted by the regulations applicable to the district in which the property is located, and
 - (b) ~~B:~~ the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare. In

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issuing the permit authorized by this paragraph, the Council may allow deviations from applicable dimensional requirement (such as set-back lines and yard size minimums) if it finds that no reasonable use of the property can be made without such deviations.

- (2)** ~~802.2:~~ If an undeveloped (a lot that has no substantial structures upon it) nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this subsection, except as provided in (a) through (c) below.
- (a)** This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming.
- (b)** The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.
- (c)** **EXCEPTION:** This subsection shall not apply where ~~Where~~—the nonconforming lots were created by the exercise of the power of eminent domain or threat thereof or as a result of a court order, combination of the lots shall not be required.

(B) Nonconforming Uses

(1) Extensions

- (a)** ~~803.2:~~ Subject to paragraph (4) **(c)** of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- (b)** ~~803.3:~~ A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 percent or more of the earth products had already been removed at the effective date of this ordinance.

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- (c) 803.4: The volume, intensity, or frequency of use of property where a nonconforming ~~situation~~ use exists may be increased and the equipment or processes used at a location where a nonconforming ~~situation~~ use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in ~~kind~~ use and no violations of other paragraphs of this subsection occur.
- (d) 803.5: Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
- (i) A. An increase in the total amount of space devoted to a nonconforming use;
 - (ii) B. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - (iii) C. The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming use activity. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.
- (e) 803.7: Notwithstanding any part of ~~800(B)(1)(d)~~ Section 803.5, any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. For illustration purposes, a manufactured home may be replaced with a larger manufactured home, and a "single-wide" manufactured home may be replaced with a "double-wide." The replacement manufactured home must meet the criteria for manufactured/mobile homes as listed in Article 300A, Section 326A.1. This paragraph is subject to the limitations stated in subsection ~~805~~ 800(B)(3) on abandonment and discontinuance of nonconforming ~~situations~~ uses.
- (f) 803.9: Manufactured home parks for which the City Council has not issued a Special Use Permit shall be permitted to replace existing manufactured homes with similar manufactured homes. ~~A manufactured home shall not be deemed similar, for purposes of this Ordinance, if the date of manufacture of the replacement home is earlier than July 1, 1979 or the date of manufacture of the original home, whichever date is later.~~

(2) Change of Use

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- (a) 804.1: A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
- (b) 804.2: A nonconforming use may be changed to another nonconforming use only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining a Special Use Permit pursuant to this paragraph, that changes shall constitute a discontinuance of the nonconforming use, with consequences as stated in subsection 805 800(B)(3).
- (c) 804.3: If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may not be changed substantially (except to a conforming use), only in accordance with a Special Use Permit issued by the City Council. The Council shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

(3) Abandonment and Discontinuance

- (a) 805.1: When a nonconforming use is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in Section 805.2 800(B)(3)(b) of this subsection.
- (b) 805.2: The City Council may issue a Special Use Permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated if it finds that (1) the nonconforming use has been discontinued for less than two years, and (2) the discontinuance resulted from factors that, for all practical purposes were beyond the control of the person maintaining the nonconforming use.
- (c) 805.5: When a ~~structure or operation~~ use made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180 day period for purposes of this subsection begins to run at the effective date of the ordinance.

(C) Nonconforming Situations

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(1) Extensions

- (a)** 803.1: Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (b)** 803.4 The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
- (c)** Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:

 - (i)** Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - (ii)** The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming situation. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.

(2) Abandonment and Discontinuance

- (a)** 805.3: If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be use only in conformity with all of the regulations applicable to the district in which the property is located, unless the City Council issues a Special Use Permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation. The Council shall issue such a permit if it finds that (1) the nonconforming situation cannot be corrected without undue hardship or expense, and (2) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.
- (b)** 805.4: For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as

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a whole. For example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming mobile home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a mobile home is used as a nonconforming use on a residential lot where a conforming residential structure is also located, removal of that mobile home for 180 days terminates the right to replace it.

- (c) ~~805.5:~~ When a situation ~~structure or operation~~ made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180 day period for purposes of this subsection begins to run at the effective date of the ordinance.

(D) 806: Non-conforming Signs

~~806.1: This article and Article 500 shall regulate non-conforming signs. Where a value is required to be determined, fifty percent (50%) of current value shall be used.~~

- (1) All signs except those specifically addressed below shall be regulated according to 800(E) Repairs and Reconstruction of Nonconforming Uses, Situations and Signs.
- (2) All signs that are nonconforming because of location within public right-of-way shall, where permitted, comply with this Article. All others shall be considered as a violation and subject to Section 1014.

(E) Repairs and Reconstruction of Nonconforming Uses, Situations and Signs

- (1) ~~803.6:~~ Minor repairs to and routine maintenance of property not required by the partial or total destruction of a structure (~~see 803.8~~) where a non-conforming use, situations or sign exists are permitted and encouraged. Except for single-family residential structures (including mobile homes), if the estimated costs of the renovation work exceeds 10 percent of the appraised value of the structure, the work may be done only after issuance of a Special Use Permit by the City Council. The Council shall issue the permit if it finds that the work will not result in a violation of any other paragraphs of this subsection (~~particularly part 803.5~~) or make the property more incompatible with the surrounding neighborhood.

- (2) ~~803.8:~~ A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

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- (a) A. The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one.
- (b) B. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;
- (c) C. The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent or more of the perimeter of the area is marked by a permanently constructed wall or fence.
- (d) Except for single-family residential structures (including mobile homes), if the estimated cost of the reconstruction work exceeds 10 percent of the appraised value of the structure, the work may be done only after issuance of a Special Use Permit by the City Council. The Council shall issue the permit if it finds that the work will be done in accordance with this paragraph and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

(F) 807: Nonconforming Situations within Flood Damage Prevention Zone

807.1: All foregoing sections shall apply to nonconformances within Flood Prevention Zones except in a case where conflict with Article 700 occurs. In a case of conflict with Article 700 regulations therein shall govern.

803: Extension or Enlargement of Nonconforming Situations:

804: Change in Kind of Nonconforming Use

~~804.4: Notwithstanding any other provisions of this ordinance, a legally nonconforming mobile home may be relocated on the same lot provided that such relocation does not further encroach upon the side, front, or rear yard required for a single family dwelling on said lot. Any legally nonconforming mobile home may be replaced by another mobile home provided that, (1) it is Owner Occupied; (2) the total number of nonconforming mobile homes is not increased; and (3) all side, rear, and lot area requirements for a single family dwelling are met. Any person or persons desiring to relocate or~~

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~~replace a legally non-conforming mobile home shall first make or have made an application to the Building Inspector for permission to do so.~~

~~805: Abandonment and Discontinuance of Nonconforming Situations~~

ARTICLE 900- BOARD OF ADJUSTMENT WATERSHED REVIEW BOARD- NO CHANGES ARE PROPOSED.

ARTICLE 1000- ADMINISTRATIVE PROVISIONS

1004 Zoning Compliance Permit Required.

It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than ~~\$100.00~~ \$250.00 or exceeding one hundred square feet in area, until the Zoning Administrator has issued for such work a Zoning Compliance Permit which includes a determination that plans, specifications and the intended use of such structure do, in all respects, conform to the provisions of this Ordinance.

Reason: Proposed to reflect inflation since at least 5/1991 when this provision was in place.

1005 Contents of Application for Zoning Compliance Permit.

Every application for a Zoning Compliance Permit for site clearance, excavation, grading, filling, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with the provisions of this Ordinance:

- a. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient data to locate the lot on the ground.
- b. The shape, size, and location of all buildings, or other structures, to be erected, altered, or moved, and of any other buildings, or other structures already on the lot.
- c. The existing and intended use of the lot and of all structures upon it.
- d. Location and size of any required buffers, screens, front yard landscaping, and/or interior landscaping as required by Article 200A and/or Article 300 A.(Show on site plan.)
- e. ~~Location and type of any required screening as required by Article 200A and/or Article 300A.(Show on site plan.)~~

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- ~~f.e.~~ Location and type of screening used to screen mechanical equipment as ~~required by Article 300A. (Show on site plan.)~~
- ~~g.f.~~ Location, access to and screening of central solid waste area as required by Article 300A.
- ~~h.g.~~ Location and dimensions of off street parking and loading spaces as required by Article 400. ~~(No parking shall be located within the first 10 feet of any required front yard (Section 308A.)~~
- ~~l.h.~~ Grade separation of building and parking areas as required by Section 409 B.1.
- ~~j.i.~~ Paving material for parking as required by Section 408 E.
- ~~k.~~ Interior landscaping of parking lots designed for more than 10 spaces as required by Section 409 B.2. ~~(Show on site plan.)~~
- ~~l.j.~~ Curb cuts as required by Section 408 L.
- ~~m.~~ Landscaping as required by Article 300A within first 10 feet of any required front yard. ~~(Show on site plan.)~~
- ~~n.k.~~ Location, size and height of any signs as permitted by Article 500.
- ~~o.l.~~ Compliance with Performance Standards for this district ~~(Section 316A and/or Section 317A and/or Section 318A).~~
- ~~p.m.~~ Location of any flood zones if applicable.
- ~~q.n.~~ Location of watershed if applicable.
- o. Sidewalks, when required
- p. Information concerning permitting from other regulatory agencies, including but not limited to, NC Department of Transportation, NC Department of Environment and Natural Resources, and/or other local, state, and/or federal agencies as necessary, depending on the specific proposal

In addition, such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance are being observed.

Reason: This is proposed to reflect operational practice, consolidate certain items, and avoid potential errors in cross referencing specific ordinance sections.

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1011.1 Amendment Initiation.

Subject to the limitations of the foregoing Statement of Intent, an amendment to this Ordinance may be initiated by:

- A. The City Council on its own motion;
- B. The Planning Board;
- C. Application by any property owner or his or her agent, a citizen or his or her agent.
- D. **City Manager and/or designee**

Reason: Reflect operational practice

1011.2 Filing and Contents of Amendment Application.

- A. Filing of Applications
All applications for amendments to this Ordinance shall be in writing, signed and filed, ~~one copy with the City Manager for presentation to the City Council and one copy with the Zoning Administrator.~~

~~1011.3 Referral of Application to Planning Board and Zoning Administrator~~

~~—The City Manager acting as agent for the City Council, shall upon receipt of an application to amend this Ordinance, examine and approve as to form the application and shall refer the same to the Planning Board for study and report. The City Manager, concurrently with the referral to the Planning Board, shall require the Zoning Administrator to prepare a report on the application.~~

~~The Zoning Administrator shall prepare and submit a written report to the Planning Board for study. Such report shall be submitted prior to the meeting at which the Board will consider the application. The administrator shall also submit a copy of the report, to the City Council prior to the public hearing described in Section 1011.4.~~

~~1011.4 Public Hearing and Notice Thereof.~~

~~A. —A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. Notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in Asheboro, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than 10 days nor more than 15 days before the date set for the public hearing.~~

~~B. In addition to the notice required by A. above, where the proposed amendment involved a change in the designation of any parcel of land, the applicant shall, by first class mail,~~

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give notice of the public hearing to the owner(s) of parcel(s) involved in the proposed amendment, if the owner(s) are different from the applicant(s), as well as the owners, as shown on the tax rolls of Randolph County, of all land abutting the parcel(s) involved in the proposed amendment. The applicant(s), at the beginning of the public hearing on the proposed amendment, shall certify to the City Council that such notice has been made.

1011.5 — Receipt of Applications and Public Hearings Thereon:

The City Manager, acting as agent for the City Council, shall receive applications for amendments to this Ordinance and shall refer them for recommendation as stated in 1011.3.

The deadline for filing of applications for changes and amendments and Special Use Permits and Conditional Use Permits 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.

1011.3 Authorization to Schedule & Publish Notice of a Public Hearing

(A) The Zoning Administrator shall coordinate with the City Manager's office the placement of the application on the City Council's consent agenda for approval to schedule and advertise a public hearing on the requested amendment.

(B) The deadline for filing of applications for changes and amendments 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.

(C) Hearing dates may be established for a regular or special meeting of the City Council; however, a combined total of more than five (5) hearings on amendments to this ordinance, Special Use Permits and Conditional Use Permits shall not be heard at any meeting of the City Council.

Reason: The language above is proposed to better reflect current practice and is consistent with the proposal for Special Use Permit applications.

1011.4 Publication of Notice of the Public Hearing

In accordance with NC General Statute 160A-364(a), a notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in Asheboro. The notice shall be published the first time not less than 10 days nor more than 25

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days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

Reason: The above language is proposed to reflect current state statutes.

1011.4 Public Hearing and Notice Thereof.

- A. A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. Notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in Asheboro, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than 10 days nor more than 15 days before the date set for the public hearing.
- ~~B. In addition to the notice required by A. above, where the proposed amendment involved a change in the designation of any parcel of land, the applicant shall, by first class mail, give notice of the public hearing to the owner(s) of parcel(s) involved in the proposed amendment, if the owner(s) are different from the applicant(s), as well as the owners, as shown on the tax rolls of Randolph County, of all land abutting the parcel(s) involved in the proposed amendment. The applicant(s), at the beginning of the public hearing on the proposed amendment, shall certify to the City Council that such notice has been made.~~

Reason: While staff will continue to advise applicants to mail a letter to adjoining property owner(s) notifying them of a proposed amendment, a separate mailed notice by an applicant is not required by state law, therefore, this provision is unnecessary.

1011.5 Reports Prepared by Zoning Administrator

In addition to taking the action prescribed by division 1011.3 of this section, the Zoning Administrator shall prepare and submit a written report to the Planning Board for study. Such report shall be submitted prior to the meeting at which the Board will consider the application. The administrator shall also submit a copy of the report, along with the report summarizing the study of the proposed amendment by the Planning Board, to the City Council prior to the public hearing that is to be conducted by the City Council.

Reason: Proposed to reflect operational practice.

1011.7 Protest Petition; Vote Required, Form, Contents and Timing; ~~Written~~ Comments Received from Citizen(s) Prior to Public Hearing

~~In case, however, of a protest against an amendment to the Zoning Atlas, signed by the owners of twenty percent or more either of the area of the lots included in a~~

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~~proposed amendment, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three fourths of all the members of the City Council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise.~~

~~No protest against any change in or amendment to a zoning ordinance or zoning Atlas shall be valid or effective for the purposes of this section unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed amendment, and unless it shall have been received by the City Clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.~~

In accordance with NC General Statute 160A-385(a)(1), if any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the City Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

Reason: State statutes recently abolished the protest petition provisions. The language above reflects amendments to the statute which now only provides that a written statement may be presented to the City Clerk and subsequently to the City Council if certain conditions are met.

1013 Conditional Use Permits

1013.1 Procedure for Submission

A. Application Submitted to Zoning Administrator.

Application for a Conditional Use Permit shall be filed with the Planning Department Zoning Administrator, who shall, before accepting any application, ensure that it contains all required information.

The deadline for filing of applications for a Conditional Use Permit 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.

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The ~~City Manager~~ Zoning Administrator, 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~~ Administrator 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 ~~Planning Department~~, but shall be returned forthwith to the applicant, with a notation by the Zoning Administrator of the deficiencies in the application.

Change references of "Planning Director" and "Director of Planning" to "Community Development Director" throughout Article 1000 including Sections 1009 and 1013.B.

Reason: Reflect Operational practice

1014 Enforcement and Review.

1014.3 Procedures Upon Discovery of Violations.

- A. If the administrator, or his authorized designee, finds that any provision of this Ordinance is being violated, a written notice shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's, or his authorized designee's, discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the administrator, or his authorized designee, intends to take if the violation is not corrected and shall advise that the decision or order may be appealed to the Board of Adjustment as provided in Article 900 Board of Adjustment.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the administrator, or his authorized designee, may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this section.
- D. A notice of violation shall not be required where a notice of the same violation has been issued to the same violator at the same property within the previous two years. In such cases, the violator may be charged with an continuing violation without further notice.

1014.4 Penalties and Remedies for Violations.

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- A. Violations of the provisions of the Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable as provided in General Statutes *160A-175*
- B. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of up to five hundred (\$500) dollars for each day the violation continued unabated. The amount of the civil penalty will be based on the following criteria:
- (1) Whether the violator has been notified of similar violations in the past;
 - (2) The potential profit to the violator in continuing the violation;
 - (3) The degree and duration of noncompliance; and
 - (4) The City's cost to investigate and pursue abatement of the violation.

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 1014.3 B and did not take an appeal to the Board of Adjustment within the prescribed time. The Enforcement Officer has the discretion to waive the penalty if the violator worked to correct the violation in good faith.

- C. This section may also be enforced by any appropriate equitable action.
- D. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- E. Any permit, certificate, or other authorization for property on which there is an uncorrected violation may be withheld, or may be conditioned on the correction of the violation and/or payment of a civil penalty.
- ~~F.~~ Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

1014.5

Permit Revocation.

- A. A zoning, building, sign, special use, or Conditional Use Permit may be

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revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit issuing board.

- B. Before a Conditional Use or Special Use Permit may be revoked, all requirements of ~~Article 1000- Administrative and Legal Provisions~~ this Ordinance shall be complied with. The notice of violation shall inform the permit recipient of the alleged grounds for the revocation.
- C. Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten days notice of the intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.
- D. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, Special Use or Conditional Use Permit after such permit has been revoked in accordance with this section.

Reason: Proposed amendments to Section 1014 are designed to result in more effective enforcement and address ongoing issues that have been identified in the enforcement process.

ARTICLE 1100- DEFINITIONS

~~Adult Day Care Center~~ Facility:

~~Institutions for the care or instruction of nonpreschool aged persons.~~

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

This is to match the use in Table 200-2.

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

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

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

Reason: "Airport", "Amusement Park" and "Bank-Automatic Teller" lack definitions.

~~Child Day Care: Any child care arrangement wherein three or more children less than 13 years old receive care away from their own home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care. GS 110-86(2)~~

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

- a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- b. Recreational programs operated for less than four consecutive months in a year;
- c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- d1. Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room;
- e. Public schools;
- f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by national or regional accrediting agencies with early childhood standards and that operate (i) a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site or (ii) a child care facility for more than six and one-half hours per day, but do not receive NC Pre-K or child care subsidy funding;
- g. Bible schools conducted during vacation periods;

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- h. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
- j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

~~Child Day Care Home: Any day care program or child care arrangement wherein any person not excluded in the above provides day care on a regular basis of at least once per week for more than four hours per day for more than two children under 13 years of age and fewer than nine children at any one time, wherever operated, and whether or not operated for profit. The four hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included. To determine whether a child care arrangement is a child day care home, all children shall be counted except the operator's own school-age children and school-aged children who reside at the location of the day care home. Notwithstanding the limitation to five children prescribed above, the day care home operator may care for three additional school-aged children. GS 110-86(4)~~

Church/Synagogue (Change name to Place of Worship)

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

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

Reason: Update child care related definitions are proposed to reflect current state statutes.

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

Reason: Updated to reflect districts that have been added since definition was last updated.

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

Reason: This use lacks a definition.

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

Reason: This definition is to clarify any references to density.

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

Drive through is a use referenced in different sections of zoning ordinance (including Table 200-2), but isn't defined.

~~Drinking Establishment An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered an Eating Establishment.~~

Reason: Drinking establishments were removed from the Table of Uses after 2008 alcohol referendum when "bar" replaced this use.

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

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

Reason: Dwelling within mixed use structure and exterminator lack definitions.

Flood Damage Prevention related definitions: See Section 700

Reason: In order to be avoid conflict with Article 700 (Flood Damage Prevention Ordinance), staff recommends deleting the following definitions since they are already referenced in Art. 700. Definitions to be deleted from Article 1100 include:

~~Area of Special Flood Hazard-~~

~~Base flood elevation~~

~~Flood or flooding~~

~~Flood control works~~

~~Flood fringe area~~

~~Flood insurance study~~

~~Flood proofing~~

~~Flood way~~

~~Regulatory flood~~

~~Regulatory Flood Elevation~~

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

Industrial Developments with Multi Uses and/or Structures:

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

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

The preceding three uses (Golf Course, Industrial Development with Multi Uses and/or Structures, Interior Cleaning Services) lack a definition.

Massagists (and related definitions) See Chapter HH111, Section HH111.02, of the Asheboro City Code.

Reason: Corrects a clerical error that incorrectly references a section of the Asheboro City Code.

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

Reason: This use isn't defined.

Mental Institutions/Sanitariums: An institution providing mental health and physical care services for inpatient medical or surgical care for the mentally ill who are dangerous to others as defined in G. S. ~~122-58.2(1)~~ 122C-3 or the physically sick.

Reason: This references the correct section of North Carolina General Statutes.

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

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

Open Air Sales Accessory: Sales in open air that are accessory directly subordinate to the operations of the permittee engaging the principal use on the zoning lot (i.e. outdoor sales of auto parts at an auto parts store, clothing brought outside a clothing store, etc.).

DRAFT AS OF 1-26-16

The preceding uses (mini warehouse, mobile home sales lot and open air sales accessory) are uses in Table 200-2 that aren't defined.

The open air sales accessory definition is currently in Article 300A.

Parking Lot as Principal Use: The use of a zoning lot for a parking lot, without a building, located on the same zoning lot.

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

Photographic Mini Lab Facility (one hour type): A facility in which photographs, taken off-site, are processed, developed, printed and duplicated for individuals or businesses.

Photography studio- with lab for inhouse use only: A facility in which photography occurs on the premises.

Reason: The above uses (Parking Lot as Principal Use, Photographic Lab Facility Commercial, Photographic Mini Lab Facility (one hour type), Photography studio- with lab for inhouse use only are uses with no definition).

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

Reason: The update is proposed to accommodate public transportation facilities.

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

School (Technical/Vocational): A school, whether privately or publicly owned, that trains persons in specific trades or occupations.

Reason: These two uses (railroad classification yard, school (technical/vocational)) lack definitions.

Sign, Church **Place of Worship** Directory or Identification A sign used to announce meetings or programs to be held on the premises of a place of worship church. ~~Such sign shall not exceed 25 square feet.~~

DRAFT AS OF 1-26-16

Reason: Sign area should be eliminated from definition to avoid conflict with Article 500.

Staff Note: *Depending on information discovered during the review to update sign requirements in an upcoming text amendment, this definition may need further modification.*

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

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

Reason: Above uses (sign painting, taxi stand) lack definitions.



RZ-16-02: Rezone from O&I (Office and Institutional) to R7.5 (Medium-Density Residential)

(1112 South Cox Street)

Staff Report

Rezoning Staff Report

RZ Case # **RZ-16-02**

Date 2/1/2016 PB
3/10/2016 City Council

General Information

Applicant Tina Asbill
Address 1736 Ken Lee Court
City Asheboro NC 27203
Phone 626-3771
Location 1112 South Cox Street

Requested Action Rezone from O & I (Office and Institutional) to R-7.5 (Medium-Density residential)

Existing Zone O&I (Office & Institutional) **Existing Land Use** Single-family residential
Size 19,264 square feet +/- **Pin #** 7750876592

Applicant's Reasons as stated on application

More useful for residential purposes. Property is adjacent to residential properties which is a good fit to the area. Residential zoning will allow continued viable use of the property.

Surrounding Land Use

North Single-Family/Office **East** Single/multi-family residential
South Office/single & Multi-family (townhomes) **West** Single-Family residential

Zoning History RZ--07-28: The property was rezoned from R7.5 (Medium Density Residential) to O&I (Office & Institutional)

Legal Description

The property of Paul Shane and Tina Asbill, located at 1112 South Cox Street, totaling approximately 19,264 square feet (+/-) and identified by Randolph PIN 7750876592.

Analysis

1. South Cox Street is a state-maintained minor thoroughfare.
2. The property is in the city limits and all city services are available.
3. The property is within the Center City Planning Area (Tier 3).
4. The surrounding area is characterized by a mix of uses including single family and multi-family residential, and offices.
5. There is currently a single-family residence located on the property, which tax records indicate was built in 1955.
6. Once the property was rezoned to O&I, the current single-family use of the property became a legal non conforming use. Subject to the Asheboro Zoning Ordinance, the single-family residential use may continue in the O&I district. However, expansion, such as additions to the dwelling or new accessory structure(s), is restricted.
7. The requested R7.5 district allows a single-family residence and two-family residential uses.
8. The proposed land use designation of the property is for a City Activity Center. No changes were made to this property's designation during the recent 2014 Land Development Plan update.

Rezoning Staff Report

RZ Case # RZ-16-02

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item 6: Existing infrastructure is adequate to support the desired zone. (*water, sewer, roads, schools, etc.*)

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items #12, #13, #14, and #15: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. 15.) Rezoning is not located on poor soils

Rezoning Staff Report

RZ Case # RZ-16-02

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation Approve

Reason for Recommendation

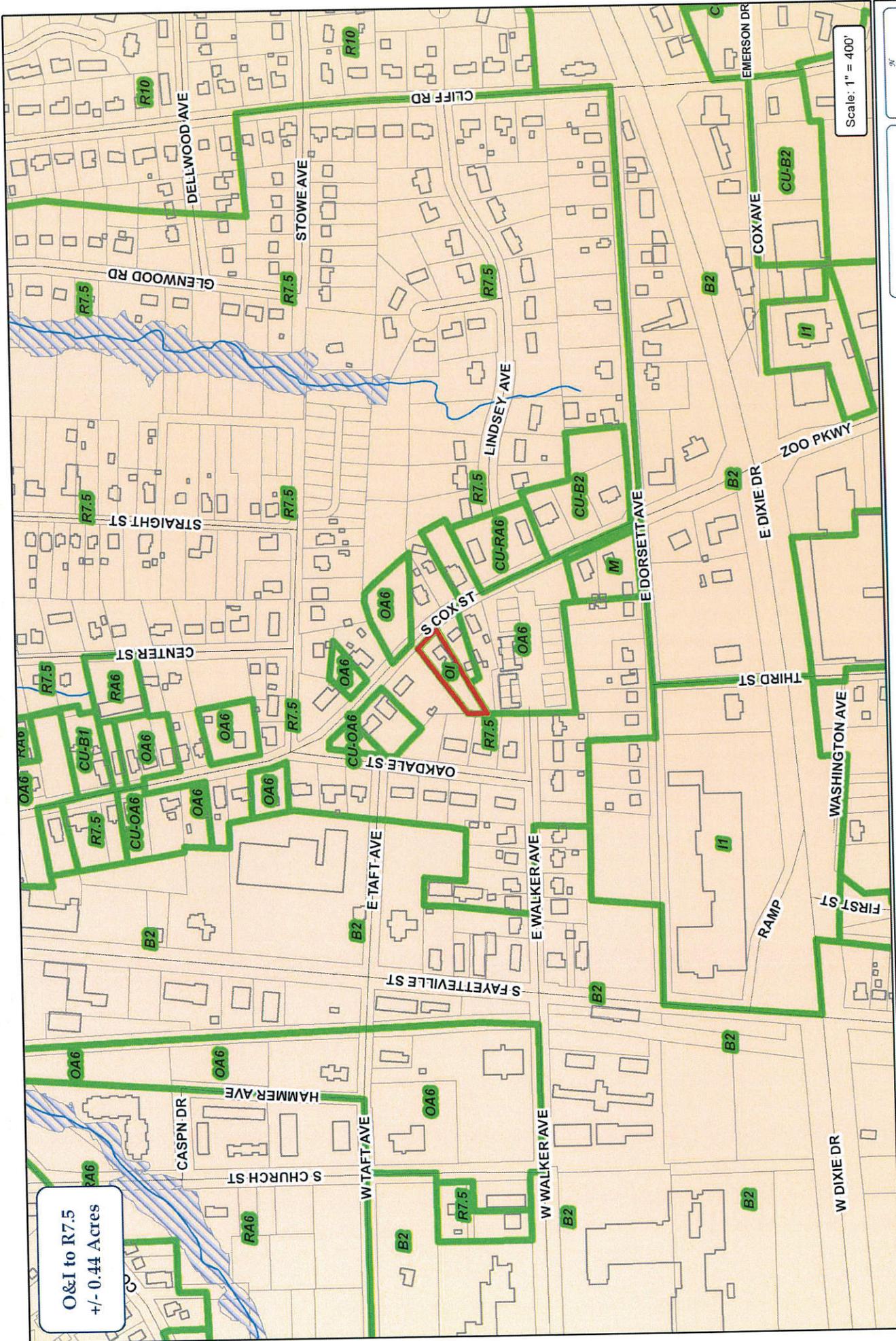
The property is designated by the proposed land use map as part of the City Activity Center, which is described as the historic core of Asheboro, with a mix of compatible commercial, office/institutional, and residential uses.

Specifically, the property is located in a transitional location, which includes a mix of residential uses alongside office/institutional and lighter commercial uses. In this case, the proposed R7.5 (Medium-Density Residential) district can be an appropriate designation by accommodating a long-standing residential use that abuts other established residential uses.

Furthermore, rezoning the property to the R7.5 district is supported by the LDP Central Small Area Plan and its intent to encourage preservation of existing residential neighborhoods.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the proposed R7.5 district will allow a reasonable use of the property, reflecting its residential use and history, and ensuring consistency with the Land Development Plan.



O&I to R7.5
+/- 0.44 Acres

Scale: 1" = 400'



Subject Property

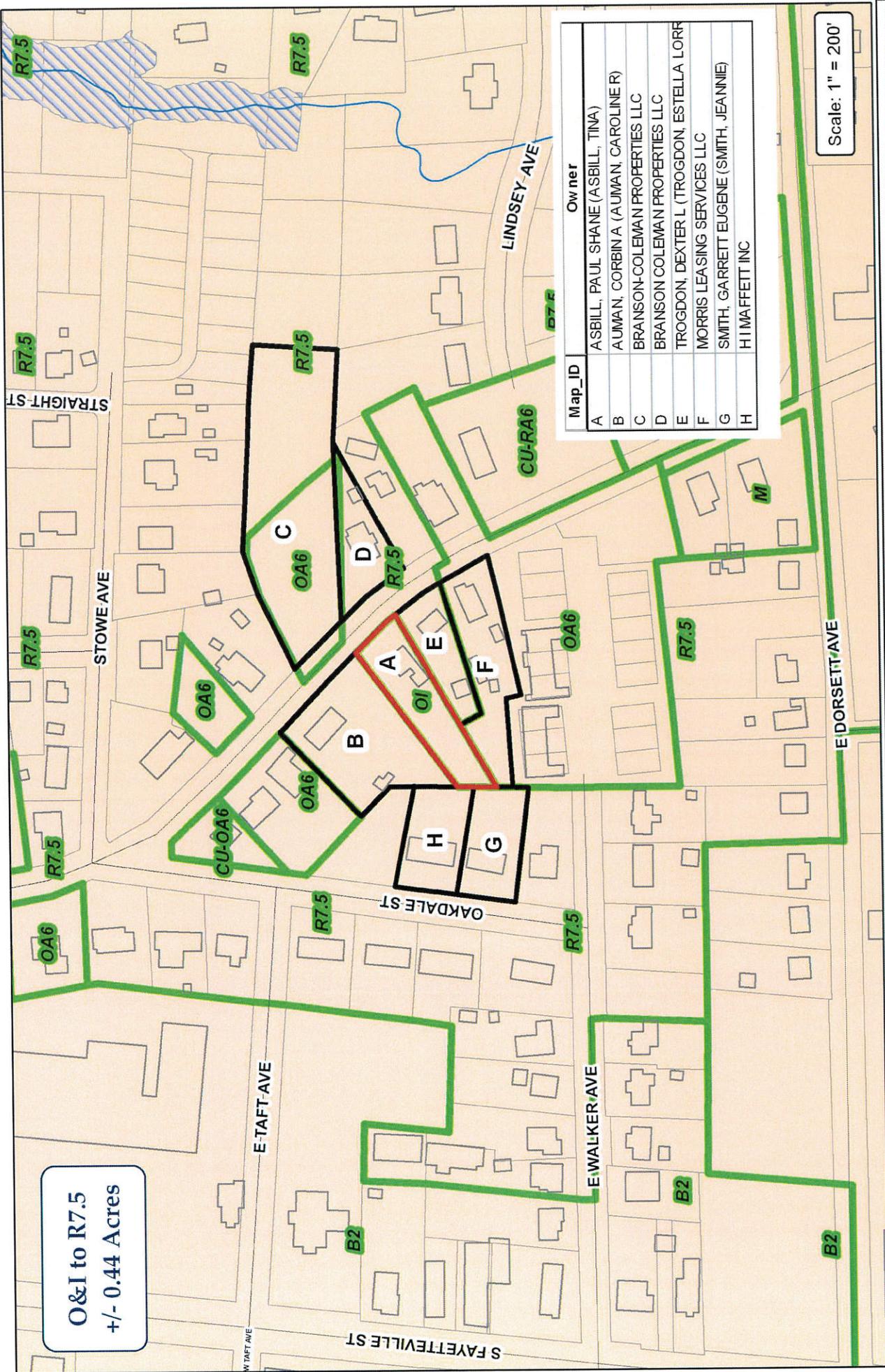
Zoning

City Limits

ETJ

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-02
 Parcels: 7750876592





Scale: 1" = 200'

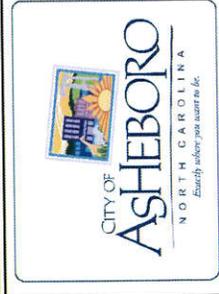
Map_ID	Owner
A	ASBILL, PAUL SHANE (ASBILL, TINA)
B	AUMAN, CORBIN A (AUMAN, CAROLINER)
C	BRANSON-COLEMAN PROPERTIES LLC
D	BRANSON COLEMAN PROPERTIES LLC
E	TROGDON, DEXTER L (TROGDON, ESTELLA LORR)
F	MORRIS LEASING SERVICES LLC
G	SMITH, GARRETT EUGENE (SMITH, JEANNIE)
H	H I MAFFETT INC

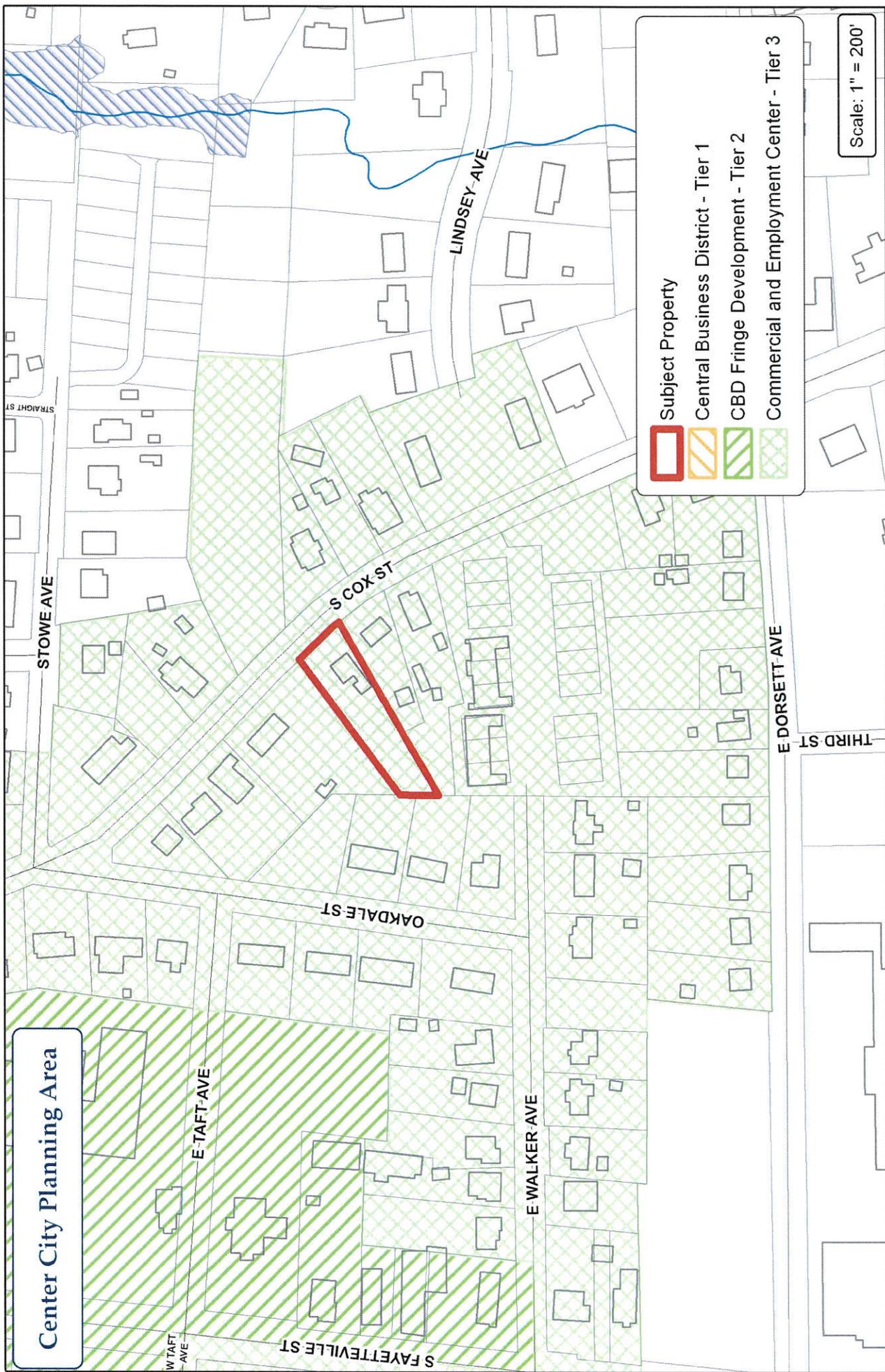
O&I to R7.5
+/- 0.44 Acres



Subject Property
 Adjoining Properties
 Zoning
 City Limits

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-02
 Parcels: 7750876592





Center City Planning Area

Subject Property

Central Business District - Tier 1

CBD Fringe Development - Tier 2

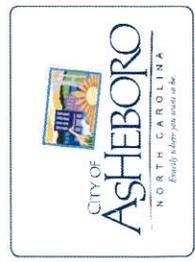
Commercial and Employment Center - Tier 3

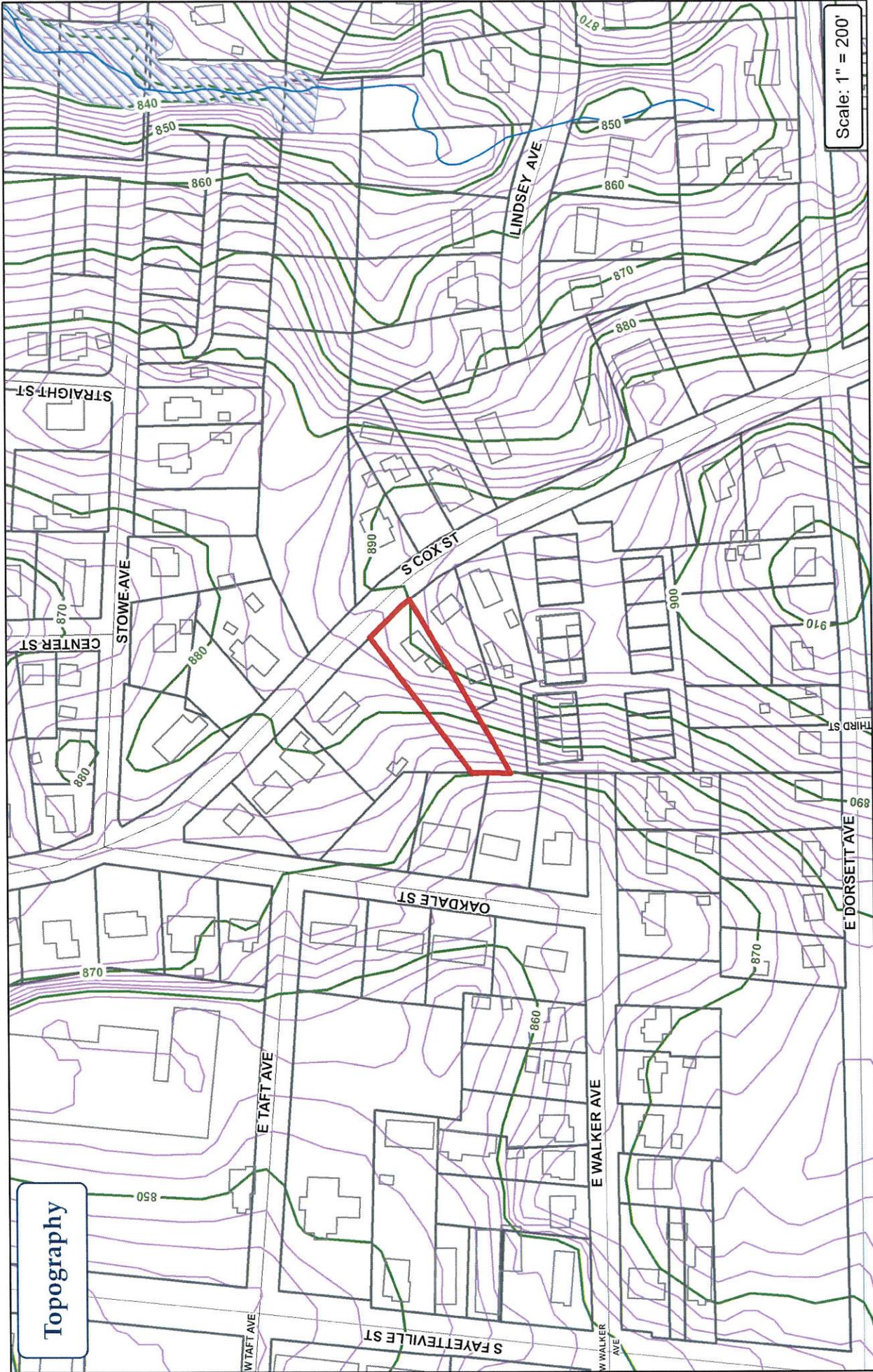
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City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-02

Parcel: 7750876592





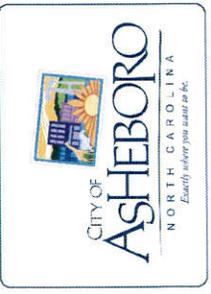
Topography

Scale: 1" = 200'



Subject Property

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-02
Parcels: 7750876592



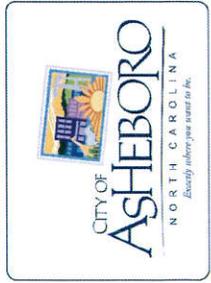


Scale: 1" = 200'



Subject Property
 Zoning

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-02
 Parcels: 7750876592



Aerial



SUB-12-01: Olde Towne Village, Phase 2

Preliminary Plat: modified from approved 2012 Preliminary Plat

Staff Report

SUBDIVISION STAFF REPORT
Preliminary Plat

CASE # SUB-12-01

Date 2-1-2016 PB
2-4-2016 CC

GENERAL INFORMATION

Subdivision Name Olde Towne Village Section II
Requested Action Preliminary Plat Approval
Applicant Olde Towne Village, LLC
Address 317 Faith Road; Gibsonville, NC 27249
Phone 614-496-6415
Location South side of Old Lexington Road

PARCEL INFORMATION

PIN 7741981618 (portion)
Size 8.89 acres +/- **Number of Lots** 16 + common area

Existing Zoning CU-R10 **Average Lot Size** 3,646 square feet (+/-)
Existing Land Use Residential PUD

Surrounding Land Use

North	Low-density residential	East	Low-density residential
South	Undeveloped	West	Low-density residential

LAND DEVELOPMENT PLAN

Growth Strategy Map Long-Range Growth
Proposed Land Use Map Suburban Residential
Small Area Plan Map Northwest
Identified Activity Center? No

Development Issues

1. The development includes detached single-family and attached single-family dwellings (two dwellings per structure).
2. City Council approved a Conditional Use Permit request for this development in June, 2012, and a preliminary plat in July, 2012.
3. The previous preliminary plat included 18 attached dwellings (9 structures with 2 dwellings each). The current proposal includes 4 attached dwellings (2 structures with 2 dwellings each) and 12 detached dwellings.
5. A new preliminary plat is being reviewed due to this substantial modification to the number and ratio of detached/attached dwellings.
6. A subdivision variance was granted during the sketch design review allowing reduced right-of-way widths for public streets within the subdivision. No reduction in street widths is proposed.

SUBDIVISION STAFF REPORT
Preliminary Plat

DEPARTMENT COMMENTS

Engineering Minor plat correction are pending as of 1-26-16.

Public Works Comments are pending as of 1-26-16.

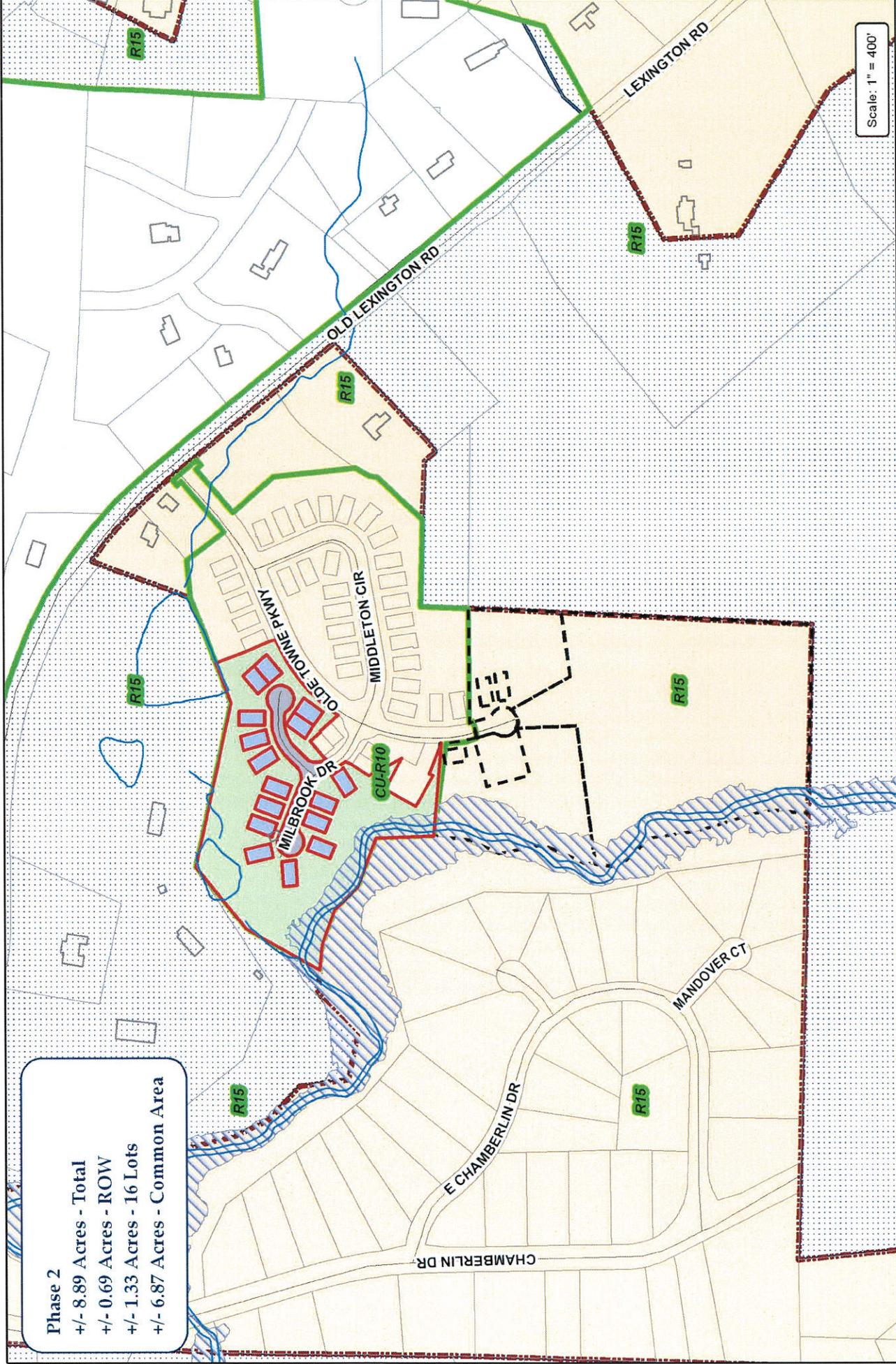
Planning Minor plat corrections are pending as of 1-25-16

Homeowners' documents restricting RV parking as required by the Ordinance shall be submitted and recorded with the final plat.

Other N/A

Staff Recommendation Approve pending staff approval of outstanding map and / or checklist items.

Planning Board Recommendation The Planning Board will consider this request during its regular February 1, 2016 meeting and make a recommendation at that time.



Phase 2
 +/- 8.89 Acres - Total
 +/- 0.69 Acres - ROW
 +/- 1.33 Acres - 16 Lots
 +/- 6.87 Acres - Common Area



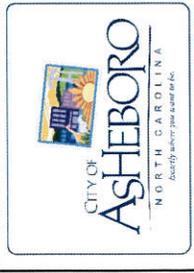
Legend for Subject Property:

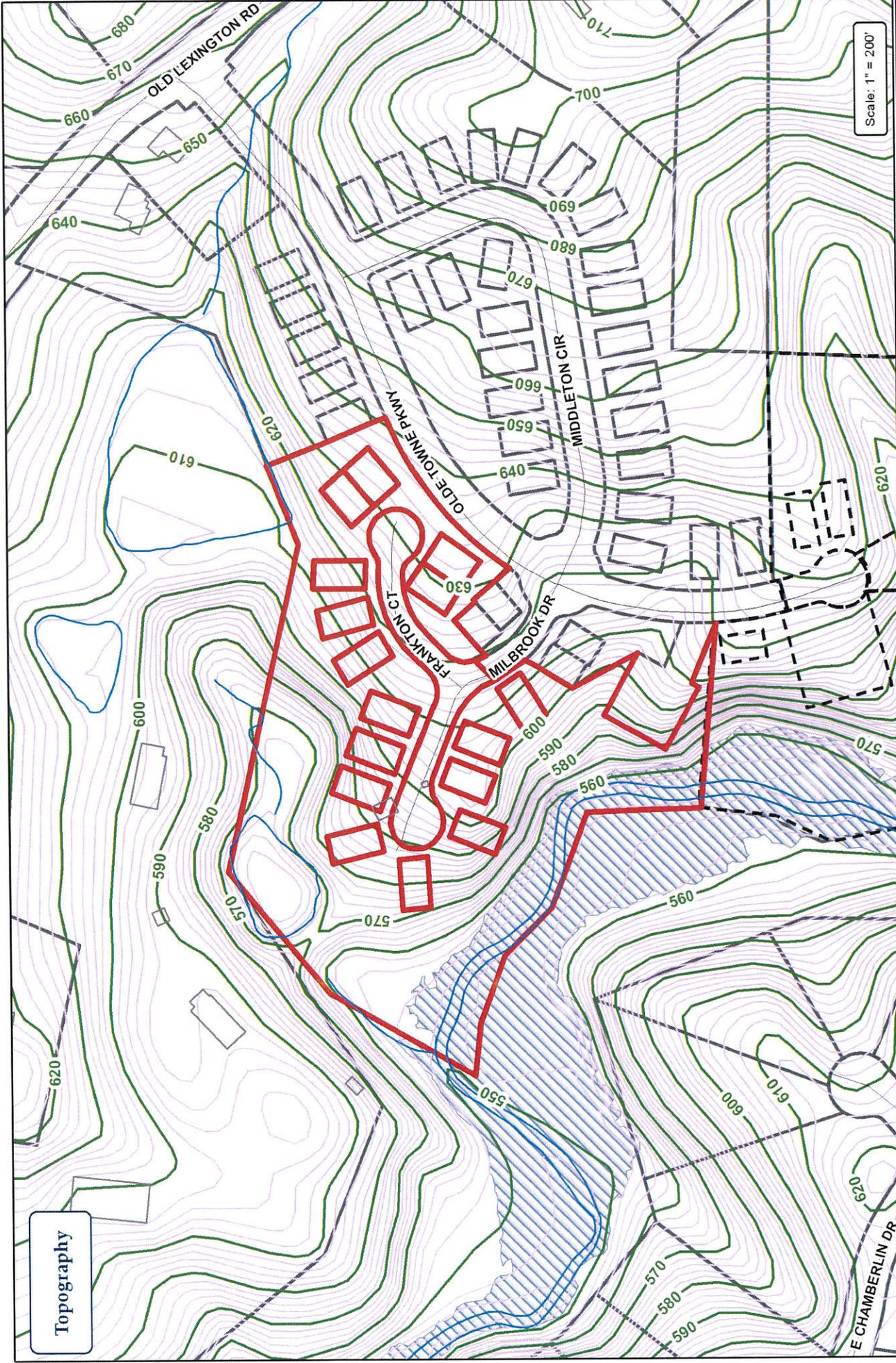
- Subject Property: Red outline
- Zoning: Green outline
- City Limits: Dashed red line
- ETJ: Blue dotted area

City of Asheboro
 Planning & Zoning Department
 Subdivision Case: SUB-12-01
 Parcel: 7741981618 (pt)

Legend for Common Area:

- Lot: Blue hatched area
- ROW: Grey hatched area
- Common Area: Green hatched area
- SUB-15-01: Dashed black line





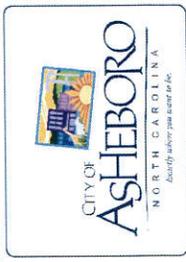
Scale: 1" = 200'



Subject Property

City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-12-01
Parcel: 7741981618 (pt)

Topography





Aerial

Scale: 1" = 200'



Subject Property
Zoning

City of Asheboro
 Planning & Zoning Department
 Subdivision Case: SUB-12-01
 Parcel: 7741981618 (pt)

