UNIFIED DEVELOPMENT ORDINANCE

RANDOLPH COUNTY
NORTH CAROLINA

Published by Order of the Board of County Commissioners
Adopted July 6, 1987

Latest Amendment April 5, 2010

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE
(Adopted July 6, 1987)

January 4, 1988

September 6, 1988

December 3, 1990

December 2, 1991

March 7, 1994

November 7, 1994

January 6, 1997

October 6, 1997

March 23, 1998

August 3, 1998

February 1, 1999

August 2, 1999

December 6, 1999

September 4, 2001

February 4, 2002

May 6, 2002

November 3, 2003

October 3, 2005

February 6, 2006

September 5, 2006

October 2, 2006

December 3, 2007

April 6, 2009

March 1, 2010

April 5, 2010

ADOPTING ORDINANCE

Section 1. The Randolph County Unified Development Ordinance consisting of the Randolph County Zoning Ordinance, the Randolph County Subdivision Ordinance, the Watershed Protection Ordinance, and the Randolph County Flood Damage Prevention Ordinance is hereby adopted and enacted.

Section 2. All provisions of the Unified Development Ordinance and its component elements as above mentioned shall be in full force and effect from and after this date of adoption. The Randolph County Zoning Ordinance (adopted January 8, 1979, revised June 1985) and any amendments thereto, the Randolph County Zoological Land Use District Ordinance (adopted December 4, 1972) and any amendments thereto, the Randolph County Subdivision Ordinance (adopted April 23, 1974) and any amendments thereto, the Randolph County Mobile Home Park Ordinance (adopted May 5, 1986) and any amendments thereto and the Randolph County Flood Damage Prevention Ordinance (adopted May 4, 1987) are hereby repealed from and after the date of adoption of this Ordinance. The Randolph County Watershed Protection Ordinance, being a new ordinance, is hereby adopted and enacted.

Section 3. This Ordinance and its various components are hereby declared to be separable. If any provision of this Ordinance is judged by a court of competent jurisdiction to be invalid or unconstitutional, such a decision shall not affect the validity of the remainder of the Ordinance. If any provision of this Ordinance is judged by a court of competent jurisdiction to be invalid or unconstitutional as applied to a particular property, structure or situation, such a decision shall not affect the validity of the Ordinance in application to other cases.

Section 4. It is not intended that this Ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule, or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.

Section 5. No structure shall be constructed, erected, modified, converted, placed or maintained, and no land use commenced or modified except as specifically, or by necessary implication, authorized by this Ordinance. Except as herein provided, no building, structure, or premises shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this Ordinance.

Section 6. This Ordinance is enacted pursuant to the authority granted by N.C.G.S. 153A-322(d). Unless expressly provided otherwise, Randolph County may apply any of the definitions and procedures authorized by law to any or all aspects of the unified ordinance and may employ any organizational structure, board, commission, or staffing arrangement authorized by law to any or all aspects of the ordinance.

Section 7. This Ordinance shall take effect and be in force from and after this date of adoption, July 6, 1987.

Adopted by roll call vote as follows:

Aye: Commissioner Floyd Langley, Commissioner Kenyon Davidson, Commissioner Darrell Frye, Commissioner Richard Petty, Commissioner D. Clinton Comer.

Alice B. Dawson

Clerk to the Board

TABLE OF CONTENTS

CHAPTER I. DEFINITIONS

Article I ..... Definitions I-1

CHAPTER II. ZONING

Article I ..... Authority and Enactment Clause II-1

Article II.....Title..... II-1

Article III ..... Jurisdiction II-1

Article IV ..... Interpretation of Words and Terms II-2

Section 1.....Word and Term Interpretations.....II-2

Article V ..... Establishment of Districts II-3

Section 1..... District Names II-3
Section 2.....District Boundaries on Zoning Map II-4
Section 3..... Rules Governing Interpretation of District Boundaries II-4

Article VI .....Application of Regulations..... II-5

Section 1.....Zoning Affects Every Building and Use.....II-5
Section 2..... Reduction of Lot and Yard Areas Prohibited II-5
Section 3..... Relationship of Building to Lot II-5
Section 4.....Required Open Space Not Used for Other Building.....II-5
Section 5..... Road Access II-5
Section 6.....Buffer Standards II-6

Article VII..... District Regulations II-8

Section 1..... Intent of Zoning Districts II-8
Section 2.....Conditional Districts.....II-14
Section 3.....Overlay Districts.....II-15
Section 4..... Table of Permitted Uses II-38
Section 5..... Special Uses II-57
Section 6.....Small Area Plans.....II-102

Article VIII ..... Dimensional Regulations II-106

Section 1.....Table of Area, Yard and Height Requirements.....II-106
Section 2..... Notes to the Table of Area, Yard and Height Requirements II-108

Article IX .....Off-Street Parking and Loading Requirements..... II-110

Section 1..... Off-Street Parking Standards II-110
Section 2.....Lighting.....II-114
Section 3.....Safety Barriers.....II-114
Section 4..... Parking Areas Adjacent to Public Alleys II-114
Section 5.....Improvement, Design and Location Standards.....II-114

Article X.....Signs II-116

Section 1.....Intent.....II-116
Section 2..... Classification and Structural Type II-116
Section 3..... General Regulations II-117
Section 4..... Signs Permitted in All Districts II-118
Section 5.....Sign Regulations Applicable to Residential and E-1 Districts.....II-120
Section 6.....Sign Regulations Applicable to Commercial & Industrial Districts.....II-120

Article XI .....Non Conformances II-122

Section 1.....Purpose and Intent.....II-122
Section 2.....Non-conforming Lots of Record.....II-122
Section 3..... Non-conforming Uses of Open Land II-122
Section 4.....Non-conforming Uses of Structures.....II-123
Section 5.....Non-conforming Structures.....II-123
Section 6..... Repairs and Maintenance II-124
Section 7.....Non-conformances Created by Changes in Zoning Boundaries.....II-124
Section 8..... Special Uses are Conforming II-124

Article XII..... Board of Adjustment II-125

Section 1.....Board of Adjustment Created.....II-125
Section 2..... Number of Members; Appointment II-125
Section 3..... Length of Terms II-125
Section 4..... Vacancies II-125
Section 5.....Officers, Rules and Regulations II-126
Section 6.....Conduct of Hearing.....II-126
Section 7.....Conflicts of Interest.....II-126
Section 8.....Disposition of Appeals II-126
Section 9..... Appeals from Decisions of Zoning Administrator II-126

Section 10.....Appeal Stays All Proceedings.....II-126
Section 11..... Powers of the Board of Adjustment II-127
Section 12.....Re-hearings.....II-128
Section 13.....Review by Certiorari.....II-128

Article XIII ..... Administrative and Legal Provisions II-129

Section 1..... Administration of the Zoning Ordinance II-129
Section 2..... Zoning Permits II-129
Section 3..... Determination of Exact Location of Zoning District Boundary Lines II-129
Section 4..... Changes and Amendments II-129
Section 5.....Moratoria.....II-133
Section 6.....Interpretation, Purpose and Conflict.....II-134
Section 7.....Separability.....II-134
Section 8.....Enforcement Procedure.....II-134
Section 9..... Remedies; Enforcement Action II-136

Article XIV .....Impact Analysis (Major Residential Subdivision)..... II-139

Section 1..... General II-139
Section 2..... Impact Elements II-139

Article XV .....Abandoned, Nuisance and Junked Motor Vehicles..... II-140

Section 1.....Authority.....II-140
Section 2..... Administration II-140
Section 3..... Purpose II-140
Section 4..... Jurisdiction II-141
Section 5.....Definitions.....II-141
Section 6..... Abandoned Motor Vehicle Unlawful; Removal Authorized II-143
Section 7..... Nuisance Motor Vehicle; Removal Authorized II-143
Section 8..... Junked Motor Vehicle Regulated; Removal Authorized II-143
Section 9.....Right of Access to Inspect Motor Vehicles.....II-144
Section 10.....Indemnification Against Loss.....II-144
Section 11..... Removal of Abandoned, Nuisance of Junked Motor Vehicle II-144
Section 12.....Exceptions to Prior Notice Requirements.....II-145
Section 13..... Removal of Motor Vehicles; Post-Towing Notice Requirements II-145
Section 14.....Probable Cause Hearing Procedure.....II-146
Section 15.....Redemption of Motor Vehicle During Proceedings.....II-146
Section 16..... Sale and Disposition of Unclaimed Motor Vehicle II-146
Section 17.....Conditions on Removal of Motor Vehicles from Private Property II-147
Section 18.....No Liability.....II-147
Section 19.....Exceptions.....II-147
Section 20.....Personal Classic Vehicle Storage Exemption.....II-147

Section 21.....Unlawful Removal of Impounded Motor Vehicles.....II-147
Section 22..... Fines II-148
Section 23.....Penalty.....II-148
Section 24.....Severability.....II-148
Section 25.....Effective Date.....II-148

Article XVI .....Litter Ordinance.....II-149

Section 1.....Authority.....II-149
Section 2..... Administration II-149
Section 3.....Jurisdiction II-149
Section 4.....Purpose II-149
Section 5.....Definitions.....II-149
Section 6.....Litter Regulations II-150
Section 7.....Exceptions.....II-151
Section 8.....Civil Penalties.....II-151
Section 9.....Penalty.....II-151
Section 10.....Severability.....II-151

CHAPTER III. SUBDIVISIONS

Article I ..... Short Title III-1

Article II.....Purpose.....III-1

Article III .....Authority and Jurisdiction.....III-1

Section 1.....Authority..... III-1
Section 2.....Jurisdiction III-1

Article IV ..... Legal Provisions III-2

Section 1..... Application of Ordinance III-2
Section 2..... Subdivision Definition and Exceptions III-2
Section 3.....Plat Approval Not to Constitute Acceptance of Street or Public Utility III-3
Section 4..... Approval Required for Building Permit III-3
Section 5.....Variances Due to Site Conditions..... III-3
Section 6.....Penalties for Transferring Lots in Unapproved Subdivision..... III-3
Section 7.....Conflicting Ordinances..... III-3
Section 8.....Separability..... III-4
Section 9.....Effective Date..... III-4
Section 10..... Amendment Procedure III-4

Section 11..... State Platting and Disclosure State Requirement III-4
Section 12..... Pre-sale Contracts GS 153A-334(b) III-4
Section 13..... Enforcement III-5

Article V .....Procedure for Approval of Preliminary and Final Plats.....III-6

Section 1..... Review and Approval Process For Major Subdivisions III-6
Section 2..... Minor Subdivisions III-7

Article VI .....General Requirements and Minimum Standards of Design.....III-8

Section 1..... General III-8
Section 2..... Compliance with Official Plans and Ordinances III-8
Section 3..... Road Frontage III-8
Section 4..... Streets and Roads III-8
Section 5..... Private Roads III-9
Section 6..... Blocks III-9
Section 7..... Lots III-10
Section 8..... Water and Sewer Facilities Serving Lots III-10
Section 9..... Easements III-11
Section 10..... Recreation Areas and Sites for Public Facilities III-11
Section 11..... Water Courses III-11
Section 12..... Buffer Strips - Streams III-11
Section 13..... Planned Unit Development III-12
Section 14..... Mobile Home Subdivisions III-12

Article VII..... Improvements Required Prior to Approval of Final Plats III-12

Section 1..... Installation of Improvements III-12
Section 2..... Guarantee of Improvements III-13
Section 3..... Submission Requirements III-13
Section 4..... Required Improvements III-13

Appendix A ..... Specifications for Preliminary Plat III-20

Appendix B .....Specifications for Final Plat.....III-22

Appendix C ..... Specifications for Minor Subdivision Plat III-23

Appendix D ..... Design Standards for Private Streets III-24

Appendix E ..... Approval of Water Supply and Waste Treatment Systems III-25

Appendix F ..... Required Certifications III-26

CHAPTER IV. WATERSHED PROTECTION ORDINANCE

Article I ..... Authority and General Regulations IV-1

Section 1.....Intent.....IV-1
Section 2..... Authority and Enactment IV-1
Section 3.....Jurisdiction IV-1
Section 4.....Exceptions to Applicability.....IV-2
Section 5.....Repeal of Existing Watershed Ordinance.....IV-3
Section 6.....Criminal Penalties.....IV-3
Section 7.....Remedies.....IV-3
Section 8.....Severability.....IV-4
Section 9.....Effective Date.....IV-4

Article II.....Subdivision Regulations.....IV-4

Section 1..... General Provisions IV-4
Section 2..... Subdivision Standards and Required Improvements IV-5

Article III .....Development Regulations.....IV-6

Section 1.....Establishment of Watershed Overlay Districts.....IV-6
Section 2.....Back Creek Watershed - Critical Area IV-6
Section 3.....Back Creek Watershed - Balance of Watershed.....IV-8
Section 4.....Polecat Creek, Sandy Creek, Lake Reese
and Randleman Lake Watersheds - Critical Area IV-9
Section 5.....Bear Creek, Polecat Creek, Rocky River, Sandy Creek,
and Lake Reese Watersheds - Balance of Watershed.....IV-10
Section 5b . . . . . Randleman Lake Critical Watershed - Protected Area IV-12
Section 6..... Badin Lake and Big Alamance Creek Watershed - Protected Area IV-13
Section 7..... Cluster Development IV-14
Section 7b . . . . . Cluster Development-Randleman Lake Watershed IV-14
Section 8..... Buffer Areas Required IV-15
Section 8b . . . . . Buffer Areas Required-Randleman Lake Critical Watershed. IV-16
Section 9.....Rules Governing the Interpretation of Watershed Area Boundaries.....IV-21
Section 10.....Application of Regulations.....IV-22
Section 11.....Existing Development.....IV-22
Section 12..... Watershed Protection Permit IV-23
Section 13.....Building Permit Required.....IV-23
Section 14.....Watershed Protection Occupancy Permit.....IV-23

Article IV ..... Public Health Regulations IV-24

Section 1..... Public Health, in General IV-24

Section 2.....Abatement.....IV-24

Article V ..... Administration, Enforcement and Appeals IV-24

Section 1..... Watershed Administrator and Duties Thereof IV-24
Section 2.....Appeal from the Planning Director.....IV-25
Section 3.....Changes and Amendments to the Watershed Protection Ordinance.....IV-25
Section 4..... Public Notice and Hearing Required IV-26
Section 5.....Establishment of Watershed Review Board.....IV-26
Section 6.....Powers and Duties of the Board of Adjustment.....IV-26
Section 7..... Appeals from the Board of Adjustment IV-29

Article VI ..... Definitions IV-30

Section 1.....General Definitions.....IV-30
Section 2.....Word Interpretation.....IV-34

CHAPTER V. FLOOD DAMAGE PREVENTION ORDINANCE

Article I.....Statutory Authorization, Findings of Fact, Purpose & Objectives.....V-1

Section A ..... Statutory Authorization V-1
Section B .....Findings of Fact.....V-1
Section C .....Statement of Purpose.....V-1
Section D .....Objectives V-2

Article II .....Definitions.....V-2

Article III.....General Provisions.....V-9

Section A .....Lands to Which Ordinance Applies.....V-9
Section B ..... Basis for Establishing Areas V-9
Section C ..... Establishment of Development Permit V-10
Section D ..... Compliance V-10
Section E..... Abrogation and Greater Restrictions V-10
Section F..... Interpretation V-10
Section G .....Warning and Disclaimer of Liability.....V-10
Section H .....Penalties for Violation.....V-11

Article IV.....Administration.....V-11

Section A ..... Designation of Floodplain Administrator V-11
Section B .....Floodplain Application, Pemit & Certification Requirements V-11
Section C ..... Duties and Responsibilities of the Floodplain Administrator V-15
Section D ..... Corrective Procedures V-18
Section E.....Variance Procedures V-19

Article V .....Provisions for Flood Hazard Reduction V-21

Section A ..... General Standards V-21
Section B .....Specific Standards.....V-23
Section C .....Building Restrictions.....V-27
Section D ..... Standards for Floodplains Without Established Base Flood Elevations V-27
Section E... Standards for Riverine Floodplains with BFE but Without Est. Floodways.....V-28
Section F.....Floodways and Non-Encroachment Areas.....V-28

Article VI.....Legal Status Provisions.....V-29

Section A .Effect on Rights & Liabilities Under the Existing Flood Damage Ordinance.....V-29
Section B .....Effect Upon Outstanding Floodplain Development Permits.....V-30
Section C .....Effective Date V-30
Section D .....Adoption Certification.....V-30

DEFINITIONS

For the purpose of interpreting the zoning, subdivision and watershed protection provisions of the Randolph County Unified Development Ordinance, certain words and terms used herein are defined.

NOTE: Definitions in the Flood Damage Prevention Ordinance are not included in this section, as they are defined in the Code of Federal Regulations and may vary from these definitions adopted by the Randolph County Commissioners for interpretation of the zoning subdivision and watershed ordinances.

Access Lot: A lot having lake or river frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lake front subdivisions.

Access Corridors: A strip of land lying between the side lot boundary lines of lake front lots offering access to lots one lot depth away from the water's edge.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and location on the same lot with such principal use or building.

Adult Entertainment Establishment: The definition of "adult entertainment establishment" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the North Carolina General Statutes as currently written or hereafter amended. Adult entertainment establishments include adult video/book stores, adult motion picture theaters, adult mini motion pictures, adult live entertainment business and massage businesses as those terms are defined by G.S. 14-202.10, and adult motels and adult cabarets. "Adult motel" is defined as a hotel, motel or similar commercial establishment that:

a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or

b. offers a sleeping room for rent for a period of time that is less than ten hours; or

c. allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

a. persons who appear nude or seminude, or

b. live performances which are characterized by the exposure of “specific anatomical areas” or by “specified sexual activities,” or

c. films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe “specified anatomical areas.”

Adult Theater: An enclosed building or outdoor premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas.

Adult Video/Book Store: (See G.S. 14-202-10(I)) A video/book store:

a. which receives a majority of its gross income during any calendar year from the sale or rental of publications (including but not limited to books, magazines, VHS cassettes, and DVD’s) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or

b. having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

Airport Hazards: Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft landing or taking off at the airport.

Alley: A roadway which affords only a secondary means of access to abutting properly.

Alterations: The word "alteration" shall include any of the following:

a. Any addition to the height or depth of a building;

b. Any change in the location of any of the exterior walls of a building;

c. Any increase in the interior accommodations of a building.

Apartment: A room or suite of one (1) or more rooms in a multi-family residence (three or more dwelling units) intended for use as a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Automobile Service Station: A building or other structure or a tract of land where gasoline or other similar fuel, stored in tanks, is dispensed directly to users of motor vehicles. The following activities are included as accessory uses to a service station; the dispensing of oil, grease, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and

repair to the extent of installation of the items listed above; washing of automobiles, provided that no chain conveyor, blower, steam cleaner, or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling and auto sales.

Board of Adjustment: A quasi judicial board composed of residents of Randolph County empowered to hear appeals from decisions of the Zoning Administrator and grant minor variances from provisions of the Zoning Ordinance. In Randolph County, the Board of Adjustment and the Planning Board are comprised of the same individuals, functioning as separate bodies according to the stated function and purpose of the meeting.

Buffer (and screen): A horizontal distance between uses that provides a functional separation and/or a visual separation.

Buffer strip: A solid fence or wall, or a planted strip at least ten (10) feet in width composed of living deciduous and/or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property when a buffer is required under the terms and provisions of this ordinance.

Building: Any structure having a roof supported by columns or by wall; and intended for shelter, housing or enclosure of animals.

Building, Accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, Principal: A building in which is conducted the principal use of the lot on which said building is situated.

Building Setback Line: A line establishing the minimum allowable distance between the main portion of any building and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches, patios and carports, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into the required yard.

Certificate of Occupancy: A statement, signed by an administrative officer, setting forth that the building, structure or use compiles with this ordinance and that the same may be used for the purposes stated therein.

Clerk of Superior Court: Clerk of Superior Court of Randolph County, North Carolina.

Citation: An order to pay a civil penalty for a violation, delivered to a violator by the Zoning Administrator or designated Code Enforcement Officer, issued after the time period set out in the notice of violation for taking corrective measures has expired.

Civil Penalty: Remedial monetary penalties assessed as partial reimbursement to Randolph County for the enforcement of this ordinance.

Concrete Monuments: Concrete monuments shall be as described on page 20 of the Manual of Practice for Land Surveying, with the exception that they may have a 611 center steel pin extending 1/21' above the surface of the top of the monument. At least one monument in the boundary of each subdivision should contain a metal plat.

Condominium Development: Two (2) or more single units in a multi-unit structure with common areas and facilities on one tract of land. Unit owners own only the interior portion or their unit and accessory space, and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments.

Dedication: A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

Development Impact Analysis: Information necessary for the Board of County Commissioners; County Planning Board and appropriate staff to determine the feasibility of a development proposal based its impact to the Community and the capacity of county government to provide adequate public facilities. Information comprising the Development Impact Analysis shall be on an outline as provided by the County Planning Department.

Driveway: An access, with no specified development standards, to a *single* lot from either a public or private roadway.

Dwelling Unit: A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities.

Dwelling, Single Family: A detached building containing one (1) dwelling unit.

Dwelling, Two Family: A detached building containing two (2) dwelling units.

Dwelling, Multi-Family: A building containing three (3) or more dwelling units.

Family: Any number of related persons living together as a single housekeeping unit.

Family Care Home: A home defined and described in Article 3 of GS 168 as having support and supervisory personnel, that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is

defined as person with a temporary or permanent physical emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mental ill persons who are dangerous to others as defined in GS 122-58.2(l)(b).

Flea Market: Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

Frontage: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

Garage, Private: An accessory structure used for storage, primarily of motor vehicles.

Garage, Repair: A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles.

Greenways: A series of independent and interconnected paths, officially designated by a County Open Space Plan, that will allow bikers, walkers, joggers, etc., to go from one area of the County to another without driving their car or using County roads.

Gross Floor Area: The interior floor area of a binding exclusive of stairways, storage, closets, and elevators shafts.

Group Home: A residential facility for not more than 12 persons licensed by the State of North Carolina, by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home" as defined by this ordinance, which has support and supervisory personnel and which provides room, board and personal care in a family or group setting. Refer to GS 131D-2.

Growth Management Area: Specific growth areas identified as Primary Growth, Secondary Growth, Rural Growth, Zoological Park Environmental, Municipal and Watershed Overlay and identified through broad policy statements in the Randolph County Growth Management Plan.

Growth Management Plan: A document designed as a guide for development by identifying growth areas and establishing broad policy statements and growth management philosophy for each area. This plan is designed to provide flexibility when allowing for changing circumstances and community desires while providing for an overall growth management philosophy for Randolph County.

Guest Home (Tourist Home): Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display and no more than one (1) person, not a resident on the premises, is employed specifically in connection with the home occupation. Uses for a Home Occupation shall include only the following:

a. The office or studio of a physician or surgeon, dentist, artist, crafts person, musician, lawyer, architect, teacher, or other like professional person residing on the premises;

b. Workshops not conducted for profit;

c. Customary home occupations such as millinery, dressmaking and hairdressing, conducted by a person residing on the premises.

Provided that no show window or sales room is installed on the premises and no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes and provided further that not over 25% of the total actual floor area or 500 square feet, whichever is less, of any structure shall be used for home occupations or professional purposes. Off-street parking shall meet the standards and requirements as set forth in this ordinance.

Hotel and Motel: A building, or other structure which is used, kept maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodation of such guests; and having or not having one (1) or more dining rooms, restaurants, or cafes where meals or lunches are served to such transients or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

Impervious Area: Is a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt or compacted gravel surface. Public roads are excluded from computations of impervious area.

Junked Motor Vehicle: A motor vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in the manner originally intended and does not display a current license plate.

Junkyard: The use of more than six-hundred (600) square feet of any lot for the storage of junk, including scrap metals or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery.

Land Development Plan: A long range plan for the desirable use of land in Randolph County which has been adopted by the Randolph County Commissioners. The purpose of the plan is to

serve as a guide in the zoning of land, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as parks, public buildings, streets.

Landfill, Sanitary: A place where trash and garbage are disposed of by compacting and covering with earth at the end of each day of operation.

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word "lot" includes the words "peat" or "parcel."

> Corner Lot: A lot abutting upon two streets at their intersections. The street line forming the least frontage shall be deemed the front of the lot.
>
> Double-Frontage Lot: A continuous (through) lot which is accessible from both of the parallel street upon which it fronts.
>
> Lot Depth: The depth of a lot is the mean distance of the lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.
>
> Lot Front: That part of the lot adjacent to the street or land access.
>
> Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Randolph County, or a lot described by metes and bounds, the description of which has been so recorded.
>
> Lot Width: The distance between side lot lines measures at the building setback line.
>
> Reverse Frontage Lot: A continuous (through) lot which is accessible from only one of the parallel streets upon which it fronts.

Major Arterials, Roads, and Highways: Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the North Carolina Department of Transportation, or that may hereafter be approved by the North Carolina Department of Transportation.

Manufactured Home (also known as a mobile home): A residential dwelling unit, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers and campers shall not be considered mobile homes.

Manufactured Home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and, Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

(a) The manufactured home has a length ratio exceeding four times its width (e.g. a "doublewide" unit);

(b) The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.21 in 121) and the roof is finished with shingles;

(c) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard;

(d) A continuous, permanent masonry foundation, unpierced except for ventilation and access is installed under the manufactured home;

(e) The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site; and

(f) A minimum of 1,200 square feet of interior space.

Manufactured Home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home.

Manufactured Home, Class C: A manufactured home that does not meet the definition of either a Class A or a Class B manufactured home.

Mobile Home Park: A plot of ground which has been planned or improved for the placement of three or more mobile homes for dwelling or sleeping purposes.

Modular Home, Conventional: A manufactured home which is constructed in accordance with the North Carolina State Building Code with wood frame construction and set-up on a brick foundation.

Modular Home, On-Frame: A manufactured home which is constructed in accordance with the North Carolina State Building Code on a metal frame and is set-up on block piers with brick underpinning.

Nonconforming Use: A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance, or as a result of subsequent amendments to this ordinance.
Notice of Violation: A written notification of a violation of this ordinance, delivered to a violator by the Zoning Administrator or designated Code Enforcement Officer, indicating the nature of the violation and prescribing a time period for taking corrective measures.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

Open Space: The land used for passive recreation, natural resource protection, amenities and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, playgrounds, wooded areas, greenways and water courses.

Parking Space: A surfaced area not less than nine (9) feet wide and eighteen (18) feet long either within a structure or in the open, exclusive of driveways or access drives.

Planned Business Development: An area of land under unified control; developed for business, commercial or industrial uses; consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets or lots. The minimum acreage for a planned business development shall be 3 acres in the E-1 zone, 1 acre in CS, HC, LI and HI. (See Special Use provisions of Randolph County Zoning Ordinance for further requirements).

Planned Unit Development: An unconventional subdivision of land not subsequently to be subdivided into conventional streets and lots and designated for ownership by separate property owners. A PUD may include within it a variety of farms of residential occupancy and ownership such as single-family detached housing, single-family attached housing and some multi-family units. Significant areas of common properties which may include private streets are owned and maintained by private ownership associations. The minimum acreage for a PUD shall be 10 acres in the E-1 zone and 5 acres in the RA, RR and RM zones. (See Zoning Ordinance for Special Use permit requirements).

Planning Board: The County Planning Board appointed by the Randolph County Board of Commissioners to carry out the duties set forth in GS 153A-321. In Randolph County the Planning Board and the Board of Adjustment are the same individuals, which function as separate bodies according to the stated function and purpose for which a meeting is called.

Residence: Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, tourist home, or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes, or other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

Road, Private: A vehicular right-of-way indicated on an approved survey plat and recorded in the Office of the Register of Deeds intended to serve residential subdivision of lots or tracts and not offered for dedication as a public road. Private roads shall require a subdivision road disclosure statement in accordance with G.S. 136-102.6, shall be privately maintained and meet the design standards for private roads in the County Subdivision Ordinance.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Rooming House: A building which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

Scenic Corridor Plan: A site plan that describes unique qualities, conditions, boundaries and requirements of a road corridor that creates a visually pleasing impression.

Septage: As defined by NCGS 130A-290a32 meaning solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a septic tank system.

Septage Land Application Site: As regulated under the State requirements set forth in NCGS 130A-291.1; NC Septage Management Rules, and meaning the area of land on which septage is applied.

Sewage Disposal System: An approved sewage disposal system which, depending upon ownership and/or capacity may be:

a. a municipal system

b. a "community" system designed for surface discharge and/or a 300+ gallon capacity (approved by the Department of Natural Resources and Community Development, Division of Environmental Management)

c. a small capacity underground collection system (approved by the Randolph County Health Department)

Signs: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

Sign Area: Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area including architectural trim. In computing area, only one (1) side of a double-faced sign shall be considered.

Sign, Electronic Changeable Face: A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composted of a series of lights, including light emitting diodes, fiber optic, or other similar new technology where the message change sequence is accomplished immediately. Electronic Changeable Face signs include computer programmable, microprocessor controlled electronic digital displays that show electronic, static images, static graphics, or static pictures. Electronic Changeable Face signs shall not dim, flash, fade, or scroll messages; has no moving, rotating, or flashing elements; no animation, video, audio pyrotechnic components, or similar technology. Electronic Changeable Face signs continuously show one message a minimum of 5 seconds in time before switching to another message.

Sign, Flashing: A sign that uses intermittent or flashing light sources or mechanically moved reflective material to attract attention is prohibited, except for those signs otherwise in compliance with this ordinance that show messages continuously a minimum of 5 seconds in time before switching to another message

Streets and Roads

Rural Roads

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

Minor Arterial. A rural link in a network joining cities and larger towns an providing intrastate and inter-county service at relatively high (85 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Major Collector. A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

Local Road. A local road primarily serves to provide access to adjacent land and for travel over relatively short distances.

Major Thoroughfares. Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in urban systems and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

Local Street. A local street is any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

Specific Types of Rural and Urban Streets:

Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or site of properties otherwise abutting on a street.

Expressway. An expressway is a street or road usually with a median which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

Freeway. A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at all intersections.

Public Street. A street located on a right-of-way dedication under the requirements of this Ordinance.

Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with GS 136-102. 6. Emergency and other public services may not be provided over such private streets, and they shall be privately maintained.

Subdivider: Any person, firm, corporation or official agent thereof, who subdivides or develops any land deemed to be a subdivision.

Subdivision: "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets with certain exceptions which are listed hereafter in Article IV, Sec. 2 Subdivision Definition and Exceptions.

> Major Subdivision. A subdivision with four (4) or more owner occupied lots created for the purpose of sale or building development.
>
> Minor Subdivision. A subdivision with three (3) or fewer owner occupied lots created for the purpose of sale or building development with all lots having access to an existing state maintained road. The Planning Director is authorized to approve minor subdivisions upon review and determination that the subdivision meets the standards of this Ordinance.

Swine Farm: Any tract or contiguous tract of land in Randolph County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 pounds Steady State Weight (SSLW) or greater regardless of the actual numbers of swine on the farm. For purposes of this definition contiguous property includes property on opposite sides of a street right-of-way, utility right-of-way or in common ownership or management.

Technical Review Committee: A committee to review and provide analysis of Development Impact Statements and other planning and development projects as may be required. This committee shall meet on a regular basis and shall consist of appropriate Planning Department staff and senior staff from related agencies as may be appointed by the Planning Director.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erectly solely for a residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Townhouse: Two or more attached single family residences contained within one or more residential structures with each unit located on a separate plot.

Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

Use-Principal Permitted: A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Administrator.

Use-Special: A use which is permitted in a district only if a permit therefore is expressly authorized by the Planning Board.

Variance: A modification of the dimensional requirements of the Zoning Ordinance by the Board of Adjustment when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Violator**:** Any person or entity that owns, leases, rents, occupies, manages, or builds any structure or engages in any land development activity in violation of this ordinance and any person or entity that owns, leases, rents, or occupies a use in violation of this ordinance.

Water Quality Critical Area (WQCA): Land located adjacent to the shoreline of a public water supply reservoir, so designated by a Governmental authority, and is located from normal pool level extending from ½ to 1 mile from the reservoir high water mark depending on the size of the watershed, and specifically delineated on the official watershed map.

Water Supply System: An approved water supply system which, depending upon ownership and/or number of hook-ups, may be:

a. a municipal system

b. a privately owned system serving an extended geographic area (extensions approved by the Department of Human Resources, Division of Health Services)

c. a private well serving up to 14 hook-ups in a mobile home park (approved by the County Health Department)

d. a "community" system with 15 or more connections (approved by the Department of Human Resources, Division of Health Services)

Watershed: All other parts of the watersheds in Randolph County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

Yard, Front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Administrator shall determine the front yard for purposes of this Ordinance.

Yard, Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot.

Yard, Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Lot: A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic tank repair area.

Zoning Permit: A permit issued by the Zoning Administrator which must be obtained prior to establishment of a use within a zoning district.

ZONING ORDINANCE

RANDOLPH COUNTY, NORTH CAROLINA

An ordinance establishing zoning regulations in Randolph County, North Carolina, and providing for the administration, amendment and enforcement of the ordinance and providing for and defining the duties and powers of a Board of Adjustment in accordance with the provisions of North Carolina General Statutes Chapter 153A, Part 3, and for the repeal of all ordinances in conflict herewith.

This ordinance is designed to encourage the protection and development of the various physical elements of the county in accordance with a comprehensive plan of land use and population density and for the purpose of promoting the public health, safety, morals and general welfare; promoting the orderly development of the county, preventing the overcrowding of land; and regulating the location and use of structures and land for trade, industry, residences or other purposes except farming.

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

The Board of County Commissioners of Randolph County, North Carolina, pursuant to the authority granted by Article 18, Chapter 153A of the General Statutes of North Carolina, does hereby ordain and enact into law the following Articles and Sections.

ARTICLE II

TITLE

The ordinance shall be known as The Zoning Ordinance of Randolph County, North Carolina and may be cited as the Zoning Ordinance.

ARTICLE III

JURISDICTION

This ordinance shall apply to all lands within the areas designated as zoning districts on the official zoning map(s) by the Board of County Commissioners of Randolph County.

The provisions of this ordinance shall not apply to bona fide farms with the exception of swine farms as defined by County Zoning enabling authority provided by G.S. 153-A-340. This ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, idle or other farm lands, nor over any farm house, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms, as long as such houses shall be in the same

ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this ordinance.

ARTICLE IV

INTERPRETATION OF WORDS AND TERMS

For the purpose of interpreting this ordinance, certain words and terms used are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

Section 1. Word and Term Interpretations.

Words used in the present tense include the future tense, and words used in the future tense include the present tense.

Words used in the singular number include the plural and words used in the plural number include the singular.

The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

The word "lot" includes the word "plot," "parcel," or "tract."

The word "building" includes the word "structure."

The word "shall" is always mandatory.

The word "may" is permissive.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

The term "zoning map" shall mean the official zoning map(s) of Randolph County, North Carolina.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

Section 1. District Names.

For the purpose of this ordinance the County of Randolph is hereby divided into county zoning districts with the designations as listed below:

RA	-	Residential Agricultural District
RA-CD	-	Residential Agricultural Conditional District
RR	-	Residential Restricted District
RR-CD	-	Residential Restricted Conditional District
RM	-	Residential Mixed Residential District
RM-CD	-	Residential Mixed Residential District Conditional District
RE	-	Residential Exclusive District
RE-CD	-	Residential Exclusive Conditional District
E-1	-	First Environmental District
E-1-CD	-	First Environmental Conditional District
CS	-	Community Shopping District
CS-CD	-	Community Shopping Conditional District
OI	-	Office and Institutional District
OI-CD	-	Office and Institutional Conditional District
HC	-	Highway Commercial District
HC-CD	-	Highway Commercial Conditional District
LI	-	Light Industrial District
LI-CD	-	Light Industrial Conditional District
HI	-	Heavy Industrial District
HI-CD	-	Heavy Industrial Conditional District
MAO	-	Municipal Airport Overlay District
MAO-CD	-	Municipal Airport Overlay Conditional District
CLO	-	Cluster Subdivision Overlay District
CLO-CD	-	Cluster Subdivision Overlay Conditional District
RLO	-	Rural Lot Subdivision Overlay District
RLO-CD	-	Rural Lot Subdivision Overlay Conditional District
CVO	-	Conventional Subdivision Overlay District
CVO-CD	-	Conventional Subdivision Overlay Conditional District
CEO	-	Commercial Environmental Overlay District
CEO-CD	-	Commercial Environmental Overlay Conditional District
RBO	-	Rural Business Overlay District
RBO-CD	-	Rural Business Overlay Conditional District
RIO	-	Rural Industrial Overlay District
RIO-CD	-	Rural Industrial Overlay District Conditional District

IO	-	Industrial Overlay District
SCO	-	Scenic Corridor Overlay District
SEO	-	Special Entertainment Overlay District

Section 2. District Boundaries Shown on Zoning Map.

The boundaries of the districts are shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Randolph County, North Carolina." The zoning map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is posted at the County Planning Department in Asheboro and is available for inspection by the public.

Section 3. Rules Governing Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

a) Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries.

b) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

c) Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map.

d) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

ARTICLE VI

APPLICATION OF REGULATIONS

Section 1. Zoning Affects Every Building and Use.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 2. Reduction of Lot and Yard Areas Prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 3. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

Section 4. Required Open Space Not Used for Other Building.

No part of any yard, other open space, or off-street parking or loading space required for any building, structure, or other use shall be considered to be a part of a required yard, open space, off-street parking or loading space for any other buildings, structures or use except as provided in Article IX, Section 5.

Section 5. Road Access.

No building shall be erected on a new lot created after adoption of this amendment which does not have access, directly or by easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained in accordance with the specifications set forth in the Subdivision Ordinance.

> *No private road within Randolph County shall be longer than 1320 feet. In addition, no private road, created after adoption of this ordinance and as defined by the Subdivision Ordinance, within the county shall serve more than six (6) lots. All private roads shall connect to a public road. Private roads require a subdivision road disclosure statement in*

accordance with G.S. 136-120.6 indicating the manner in which they shall be privately maintained. This provision shall not apply to driveways or planned unit developments as specified by other provisions of this ordinance.

Section 6. Buffer Standards.

1) **Buffer and Screens**

Purpose and Intent. Buffering and screening standards are optional and designed to provide flexibility in providing additional protective measures to exposed areas vulnerable to accelerated erosion and stormwater runoff that could damage adjoining properties, streams, and other water resources of Randolph County. In addition, buffers and undisturbed natural areas provide landscaping, and screening that help preserve the scenic and rural character of a community.

To accomplish this purpose, there are three levels of buffer standards designed to provide flexibility and innovation in considering the uniqueness of each land development project.

2) **Buffer Levels**

a) Level 1.

35 ft. of existing natural vegetation.

b) Level 2.

Single row of fast growing evergreen trees evenly spaced ten (10) feet apart within a 35 ft. buffer.

c) Level 3.

35 ft. buffer consisting of the following:

1. Two (2) staggered rows of fast growing evergreen trees evenly spaced ten (10) feet apart (rows shall also be spaced 10 feet apart), and

2. one (1) row of mixed vegetation including evergreen trees and shrubs, canopy trees, and under story trees. This row shall include no less than 4 trees and 14 shrubs per each 100 linear feet.

3) **Size of Plant Material.** The following plant heights shall be required at the time of planting:

a) Evergreen trees shall be a minimum of four (4) feet,

b) Canopy and under story trees shall be a minimum of eight (8) feet, and
c) Evergreen shrubs shall be a minimum of three (3) gallon size.

4) **Uses or Activities Permitted in Buffer Areas.** The following uses are permitted within the buffer areas provided no required planted material is eliminated and all other requirements of this Ordinance are met:

a) Buffers may be used to satisfy minimum setback requirements,

b) Passive recreation, and

c) Installation of underground utilities.

5) **Uses or Activities Prohibited in the Buffer Areas.**

e) Cutting of healthy trees, re-grading, topsoil removal, altering, diverting or modifying water courses or bodies, except in compliance with a land management plan or watershed management plan for the property conforming to the customary standards of forestry, erosion control and engineering;

e) Active recreation to include but not limited to play fields, stables, swimming pools, or tennis courts;

e) Buildings, storage or parking facilities.

6) **Maintenance of Buffer Area.**

a) All buffer areas will be permanently restricted through recorded private deed restrictions and annotated on the final recorded subdivision plat.

b) Natural features are to be maintained in their natural condition but may be modified to improve their appearance, function or overall condition. Permitted modifications may include:

1) Reforestation,
2) Woodland Management,
3) Landscaping,
4) Stream-bank Protection, and
5) Wetlands Management.

ARTICLE VII

DISTRICT REGULATIONS

Section 1. Intent of Zoning Districts.

RA Residential Agricultural District

The purpose of this district is to provide a place for agricultural operations; forestry; scattered non-farm residences on traditional rural lots while preserving rural open space and natural heritage assets. To maintain rural character only minor conventional residential subdivisions are allowed in this District. Requests for higher intensity residential use are considered through standards established in this Ordinance and found to be in accordance with the Randolph County Growth Management Plan.

RA-CD Residential Agricultural Conditional District

Identical to the Residential Agricultural District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RR Residential Restricted District

The purpose of this district is to provide a place for single-family residential uses (site built homes, Class A manufactured housing).

RR-CD Residential Restricted Conditional District

Identical to the Residential Restricted District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RM Mixed Residential District

The purpose of this district is to provide a place for residential uses of all types (single family residences; multi-family dwellings; mobile home parks; Class A, B or C Manufactured housing).

RM-CD Mixed Residential Conditional District

Identical to the Residential Medium Density District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RE Residential Exclusive District

The purpose of this zoning district is to allow only major single family residential subdivisions intended to accommodate site built residential dwellings (to include conventional modular homes as defined by this Ordinance).

RE-CD Residential Exclusive Conditional District

Identical to the Residential Exclusive District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

E-1 First Environmental District

The purpose of this district is to provide an area around the North Carolina Zoological Park for low density mixed land uses, where environmental sensitivity, retention of natural features, and preservation of heritage assets combine to maintain the rural setting. The uses permitted in this district are intended to enhance and preserve the character of the zoo site.

E-1-CD First Environmental Conditional District

Identical to the First Environmental District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

CS Community Shopping District

The purpose of this district is to provide a place for crossroads shopping and community center shopping establishments.

CS-CD Community Shopping Conditional District

Identical to the Community Shopping District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

O-I Office and Institutional District

The OI District is established primarily for office and institutional uses.

OI-CD Office and Institutional Conditional District

Identical to the Office and Institutional District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

HC Highway Commercial District

The purpose of this district is to provide a place in which the principal use of land is for the retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

HC-CD Highway Commercial Conditional District

Identical to the Highway Commercial District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

LI Light Industrial District

The LI District is established as a place for light industrial, warehousing, and distribution and sales of large-item products.

LI-CD Light Industrial Conditional District

Identical to the Light Industrial District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

HI Heavy Industrial District

The HI District is designed to accommodate those industries whose normal operations include dust, noise, odor, or other emissions which may be deemed objectionable.

HI-CD Heavy Industrial Conditional District

Identical to the Heavy Industrial District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

MAO Municipal Airport Overlay District

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

MAO-CD Municipal Airport Overlay Conditional District

Identical to the Municipal Airport Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

CLO Cluster Subdivision Overlay Districts

The Cluster Subdivision Overlay District is hereby established to accommodate major residential subdivision developments designed to preserve rural character by the preservation of open space and significant environmentally sensitive areas. The district permits open space, recreational, residential, and limited rural neighborhood business uses that are part of a unified design. The Cluster Subdivision Development provides for the grouping of lots and buildings to conserve open space land resources and promotes innovation in the design of the development to minimize stormwater runoff impacts and other adverse rural environmental impacts. Housing characteristics with the CLO district will be designated Exclusive (CLOE), Restricted (CLOR), or Mixed (CLOM), in conformance with other major subdivision zoning districts.

CLO-CD Cluster Subdivision Overlay Conditional District

Identical to the Cluster Subdivision Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RLO Rural Lot Subdivision Overlay District

The purpose of the Rural Lot Subdivision Overlay District is to create a development option where subdivided residential lots, because of their size, offer opportunities for preserving unique and sensitive environmental features, as well as the scenic and historic character of areas. Rural Lot Subdivisions offer to maximize infiltration of precipitation to a private well water field in order to insure sustainable well water supplies. Housing characteristics with the RLO district will be designated Exclusive (RLOE), Restricted (RLOR), or Mixed (RLOM) in conformance with other major subdivision zoning districts.

RLO-CD Rural Lot Subdivision Overlay Conditional District

Identical to the Rural Lot Subdivision Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

CVO Conventional Subdivision Overlay Districts

The Conventional Subdivision Overlay District is hereby established to accommodate single-family residential subdivisions with four (4) or more owner occupied lots created for the purpose of sale or building development. This district is predominantly residential and suburban in

character where current water and sewer needs are met primarily by individual wells and septic tanks. Some public infrastructure may be available in the foreseeable future. Housing characteristics with the CVO district will be designated Exclusive (CVOE), Restricted (CVOR), or Mixed (CVOM), in conformance with other major subdivision zoning districts.

CVO-CD Conventional Subdivision Overlay Conditional District

Identical to the Conventional Subdivision Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

CEO Commercial Environmental Overlay District

The commercial uses in this overlay district are designed to provide retail and service uses to the traveling public with emphasis on vacation recreation needs created by the immediate presence of the North Carolina Zoological Park. This overlay district is designed for location along major highways so that they can be conveniently reached by the traveling public.

CEO-CD Commercial Environmental Overlay Conditional District

Identical to the Commercial Environmental Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RBO Rural Business Overlay District

The Rural Business Overlay District is hereby established to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.

RBO-CD Rural Business Overlay Conditional District

Identical to the Rural Business Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

RIO RURAL INDUSTRIAL OVERLAY DISTRICT

This overlay district is designed for Rural Growth Areas and in rare instances Secondary Growth Areas as reflected on the Growth Management Plan where such a district would provide for the location of sites which would increase economic activity, job creation, and the tax base of

Randolph County. This specialized district is intended to accommodate industrial activities and uses requiring proximity to rural resources where the use of site specific development plans, natural buffers and landscaping, would lesson adverse impact upon the general growth characteristics anticipated by the Growth Management Plan. Examples of permitted uses in this district are the processing and manufacturing of forest related products; agricultural goods; minerals and aggregates; special trade contractors; maintenance and repair of mechanical equipment; agri-business research and development; alternative energy facilities; and similar activities requiring proximity to rural resources.

RIO-CD RURAL INDUSTRIAL OVERLAY DISTRICT

Identical to the Rural Industrial Overlay District except site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the CD.

IO Industrial Overlay Districts

This overlay district is designed for Secondary Growth Areas and in rare instances for Rural Growth Areas in the County where such a district would provide for the location of sites which would substantially increase economic activity, job creation, and the tax base of the County. This specialized district is intended to accommodate manufacturing, wholesaling, warehousing, research and development, and related activities which, through the acquisition of large acreage, the use of natural buffers, and extensive landscaping would not have substantial adverse impact upon the general growth characteristics anticipated by the Growth Management Plan in that area.

SCO Scenic Corridor Overlay Districts

The Scenic Corridor Overlay district is designed to support the arrangement of land uses along a specified corridor which shall create a visually pleasing impression. The permitted uses within a SCO district shall be the same as allowed within the underlying district unless otherwise prohibited on the Scenic Corridor Plan.

SEO Special Entertainment Overlay Districts

The Special Entertainment Overlay District is designed primarily to supplement the underlying general use districts by permitting, in addition to all other permitted uses in the underlying district, retail operations which specialize in legally operated adult entertainment establishments. The intent of this district is to prevent the concentration of adult entertainment establishments within the County of Randolph regulatory jurisdiction. The Overlay District is established to ensure that the adverse effects created by adult entertainment establishments are minimized and controlled so as not to adversely affect adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, hospitals, churches, day-care facilities, youth camps, civic facilities, other adult entertainment establishments, and residentially zoned areas.

For a complete list of permitted uses and uses allowed under prescribed conditions, please refer to Article V, Section 1 of this Ordinance.

Section 2. Conditional Districts

It will be noted that a Conditional District (bearing the designation CD) corresponds to each of the other districts authorized in this Zoning Ordinance. It is recognized by Randolph County that certain types of zoning districts would be inappropriate at particular locations in the absence of clearly defined conditions. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general use districts; and conditional zoning districts, in which site plans and individualized development conditions are imposed.

Property may be placed in a conditional district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the county and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to County ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

The authorization of a Conditional Zoning District for any use which is permitted only through a Special Use Permit in the zoning district which corresponds to the CD shall preclude any requirements for obtaining a Special Use Permit for any such use from the Board of Adjustment.

The procedure for granting Conditional Zoning Districts shall be the same legislative process required of the Board of County Commissioners as outlined in Article XIII, Section 4, and as authorized by Section 6 of S.L. 2005-426 (S.814) amendments to G.S. 153A-342.

Section 3. Overlay Districts

The overlay zoning district is established to provide greater flexibility for certain areas of the County's zoning jurisdiction. All uses and regulations for an overlay district are supplement to those uses and regulations in the underlying district, except where such regulations conflict. In cases of conflict, the more stringent regulations shall apply.

A. (MAO) Municipal Airport Overlay Districts

Purpose and Uses Permitted. The purpose of this overlay zoning districts is to establish height regulations within Asheboro Municipal Airport approach zones located within the County of Randolph's jurisdiction. The Municipal Airport Overlay District is also designed to prohibit other obstructions that have the potential for endangering the lives and property of users of the Asheboro Municipal Airport and property or occupants of land within the district. Such approach areas shall be depicted on the Official Zoning Maps of Randolph County. The Municipal Airport Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Airport Approach Zones. In order to carry out the provision of this District there are established zones which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as shown on the Asheboro Municipal Airport Approach and Vicinity Plan. Such approach areas shall be depicted on the Official Zoning Maps of Randolph County**.**

Restrictions. Within the Municipal Airport Overlay District the maximum height of any structure shall not exceed thirty-five (35) feet. A Special Use Permit may be issued for a structure to exceed thirty-five (35) feet if this Ordinance would otherwise permit the structure to do so and review by the Asheboro Airport Authority indicating that no airport approach would be affected by the structure.

Notwithstanding any other provisions of this District, 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 making it difficult for pilots to distinguish between airports light and other, result in glare in the eyes of pilots using the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. Public landfills, septage application sites used for anything other than agricultural operations involved in the production of crops or other agricultural products for sale or consumption, and similar activities shall be prohibited within 20,000 feet of the runway.

In determining the possibility of adverse impact to navigation of structures over thirty-five (35) feet in height, the calculation of one foot above the runway for each 100 feet distance from the runway within 20,000 feet of the runway shall be considered.

Other. Prior to Planning Board and Board of Commissioners review, plans shall be submitted to the Municipal Airport Authority for review and comment.

B. **(CLO) Cluster Subdivision Overlay Districts**

The Cluster Subdivision Overlay District is hereby established to accommodate major residential subdivision developments designed to preserve rural character by the preservation of open space and significant environmentally sensitive areas. The district permits open space, recreational, residential, and limited rural neighborhood business uses that are part of a unified design. The Cluster Subdivision Development provides for the grouping of lots and buildings to conserve open space land resources and promotes innovation in the design of the development to minimize stormwater runoff impacts and other adverse rural environmental impacts. Housing characteristics with the CLO district will be designated Exclusive (CLOE), Restricted (CLOR), or Mixed (CLOM), in conformance with other major subdivision zoning districts.

The Cluster Subdivision Overlay District is designed for those areas of Randolph County where the requirement of such an Overlay District can help achieve the policies and objectives of the Randolph County Growth Management Plan. This district is specifically designed for Secondary Growth Areas and Rural Growth Areas as reflected on the Randolph County Growth Management Plan.

Purpose and Uses Permitted. The Cluster Subdivision Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Cluster Subdivision Development Standards *(Development Intensity)*.

The number of housing units, which may be built in a Cluster Subdivision Development, varies according to the amount of open space, as defined herein, which is to be preserved and additional amenities that are to be included.

The total number of building lots or dwelling units in a Cluster Subdivision Development shall be calculated based on the total land area in the tract minus the required 50% open space and any proposed rights-of-ways. **Fifty percent (50%) of the total area located within a Federally designated Class A Flood Zones may be utilized when calculating required Open Space.**

Project Area	Base Density	Minimum Open Space Required
Secondary Growth Area	1 residence per 40,000 sq. ft.	50%
Rural Growth Area	1 residence per 3 acres	50%

Density Bonuses. A developer may be granted density bonuses to increase the density within a Cluster Subdivision Development. These bonuses may be granted within a Cluster Subdivision Development only if the developer meets the required standards described below.

Bonus Allowances:

One additional residential lot may be given for each of the following:

- Each additional 5% Open Space
- Preservation of County Designated Natural Heritage Site
- 200 ft. setback for each 500' of existing road frontage maintained as Open Space
- Maintain forestation and natural buffers along existing parcel lines
- Approved forestation plan for open space
- Develop and maintain connector trails to a designated County Greenway Plan within the Open Space

When granting density bonuses, lot sizes may be flexible with a minimum of 20,000 square feet in size within a Secondary Growth Area and 1 acre minimum within a Rural Growth Area. However, density within Cluster Subdivision Developments located in specially designated Watershed or Water Quality Critical Areas shall not exceed mandated requirements.

Open Space: is defined as the land use for passive recreation, natural resource protection, amenities and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, playgrounds, wooded areas, greenways, water courses and groundwater recharge areas.

Uses or Activities Permitted in Open Space Areas.

a) Conservation of land in its natural state (for example, woodland, fallow field or managed meadow).

b) Agricultural uses, including raising of crops or livestock.

c) Passive recreation, including but not limited to trails, picnic areas, golf courses and community gardens.

d) Pasture for recreational horses.

e) Easements for drainage, access, sewer or water lines, or other public purposes.

f) Storm water management facilities for the proposed development or for a larger area in compliance with a watershed management plan.

g) Other uses consistent with Open Space preservation and as approved through the appropriate zoning process.

Uses or Activities Prohibited In Open Space Area.

a) Uses or activities prohibited in open space areas are cutting of healthy trees, re-grading, topsoil removal, altering, diverting or modifying water courses or bodies, except in compliance with a land management plan or watershed management plan for the tract in question conforming to the customary standards of forestry, erosion control and engineering.

b) Private driveway connections prohibited within Open Space Areas.

Ownership and Maintenance of Open Space.

a) Ownership of open space may be handled through one (1) or more of the following and all open space land will be permanently restricted from future development through deed restriction.

    1) A homeowner's association;

    2) Transfer to a private conservation organization; or

    3) Ownership retained by developer.

b) Natural features are generally to be maintained in their natural condition but may be modified to improve their appearance, function or overall condition. Permitted modifications may include:

    1) Reforestation;

    2) Woodland Management;

    3) Meadow Management;

4) Buffer Area Landscaping;

5) Stream-bank Protection; and

6) Wetlands Management.

In no event will a radical change in open space be permitted so as to destroy what may have been an initial sales feature for surrounding homeowners, for example, the removal of all timber, etc. The cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowners association.

Siting on Public Roadways and Adjacent Rural Zoning Districts. Cluster neighborhoods should be sited in such a way as to be not fully visible from the primary thoroughfare. Natural features such as tree stands and slight rises in topography should be retained to afford a rural landscape to adjoining Residential Zoning Districts and existing roads.

Development Considerations.

a) Preserve scenic views and elements of the county's rural character by minimizing perceived density by minimizing views of new development from existing roads by use of natural buffers and open space.

b) Preserve open land, including those areas that contain unique and sensitive features such as natural areas, streams, wetlands and flood plains.

c) Minimize site disturbance and erosion through retention of existing vegetation.

d) Encourage creativity in design of residential subdivisions by allowing for greater flexibility and creativity in the design provided that the development is not greater than that normally allowed in the district.

e) Create compact neighborhoods accessible to open space amenities and with a strong community identity.

f) Open space subdivision design shall be encouraged to maintain the special features that contribute to the rural character such as woodland preservation, preservation of scenic views and farmland preservation.

g) New driveway connections shall be designed in a way to minimize new locations on existing public roads.

h) The development shall be designed to limit disturbance in the following areas:

1) Land within a floodway;
2) Wetlands;
3) Groundwater recharge areas; and
4) Critical ecological areas.

Procedures.

Development Pre-conference: The applicant shall meet with designated Randolph County Planning Staff on site to discuss the over-all design of the development and identify Open Space Areas that should be incorporated into the plan prior to filing for rezoning.

Technical Review: When submitting an application for a zoning change to Cluster Subdivision Overlay (CLO) the applicant shall submit a Preliminary Plan prepared in accordance with the Randolph County Subdivision Ordinance Preliminary Plat requirements including:

a) The proposed type of housing, amount of land proposed as Open Space, proposed location of private wells and individual septic tanks, recreational areas, and existing streets;

b) Residential density in dwelling units/areas;

c) The location of internal streets;

d) The location and amount of land in flood hazard areas, areas designed to enhance groundwater recharge areas, and any other lands not suitable for development; and

e) Proposed watershed and stormwater protection measures.

The Planning Staff shall prepare a Development Impact Analysis in accordance with the requirements of the Randolph County Zoning Ordinance.

Neighborhood Information Meeting: The County shall sponsor a Neighborhood Information Meeting involving the developer, county staff, and adjacent property owners. The informal meeting is designed to provide a time where adjoining property owners might meet with the developer and the county planning staff to review preliminary residential subdivision proposals prior to formal presentation at Public Hearings to the Planning Board and the Board of County Commissioners. The Neighborhood Information Meeting shall be held by the County Planning Department prior to scheduling the County Planning Board hearing. Notices of this meeting shall be sent by

First Class mail at a minimum to all adjoining property owners. The Neighborhood Information Meeting does not take the place of final decisions and review at public hearing by the County Planning Board and County Board of Commissioners.

Planning Staff Recommendations: The Planning Staff shall review the proposal for consistency with all applicable standards in this Ordinance. The planning staff shall make recommendations in writing to the applicant, at which time the applicant may choose to revise and resubmit the preliminary plan.

Zoning Change Procedures: The applicant shall follow those procedures set forth in this Ordinance within Article XIII, Section 4 Changes and Amendments.

C. **(RLO) Rural Lot Subdivision Overlay District**

The purpose of the Rural Lot Subdivision Overlay District is to create a development option where subdivided residential lots, because of their size, offer opportunities for preserving unique and sensitive environmental features, as well as the scenic and historic character of areas. Rural Lot Subdivisions offer to maximize infiltration of precipitation to a private well water field in order to insure sustainable well water supplies. Housing characteristics with the RLO district will be designated Exclusive (RLOE), Restricted (RLOR), or Mixed (RLOM) in conformance with other major subdivision zoning districts.

This district is primarily designed for Rural Growth Areas as reflected on the Randolph County Growth Management Plan.

Purpose and Uses Permitted. The Rural Lot Subdivision Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Rural Lot Subdivision Development Standards.

a) Minimum lot size - three (3) acres.

b) Lot Depth to Width Ratio - no lot fronting on an existing road shall have a depth greater than four (4) times the width at the minimum front street setback.

c) Rural residential lots shall be restricted against further subdivision.

Siting on Public Roadways and Adjacent Rural Zoning Districts. Rural Lot Subdivisions should be sited in such a way as to be not fully visible from the primary thoroughfare. Natural features such as tree stands and slight rises in topography should be

retained to afford a rural landscape to adjoining Residential Zoning Districts and existing roads.

Development Considerations.

a) Preserve scenic views and elements of the county's rural character by minimizing perceived density by minimizing views of new development from existing roads by use of natural buffers and open space.

b) Preserve open land, including those areas that contain unique and sensitive features such as natural areas, streams, wetlands and flood plains.

c) Minimize site disturbance and erosion through retention of existing vegetation.

d) New driveway connections shall be designed in a way to minimize new locations on existing public roads.

e) The development shall be designed to limit disturbance in the following areas:

    1) Land within a floodway;
    2) Wetlands;
    3) Groundwater recharge areas; and
    4) Critical ecological areas.

Procedures.

Development Pre-conference: The applicant shall meet with designated Randolph County Planning Staff on site to discuss the over-all design of the development and identify Open Space Areas that should be incorporated into the plan prior to filing for rezoning.

Technical Review: When submitting an application for a zoning change to Rural Lot Subdivision Overlay (RLO) the applicant shall submit a Preliminary Plan prepared in accordance with the Randolph County Subdivision Ordinance Preliminary Plat requirements including:

a. The proposed type of housing, amount of land proposed as Open Space, proposed location of private wells and individual septic tanks, recreational areas, and existing streets;

b. Residential density in dwelling units/areas;

c. The location of internal streets;

d. The location and amount of land in flood hazard areas, areas designed to enhance groundwater recharge areas, and any other lands not suitable for development; and
e. Proposed watershed and stormwater protection measures.

The Planning Staff shall prepare a Development Impact Analysis in accordance with the requirements of the Randolph County Zoning Ordinance.

Neighborhood Information Meeting: The County shall sponsor a Neighborhood Information Meeting involving the developer, county staff, and adjacent property owners. The informal meeting is designed to provide a time where adjoining property owners might meet with the developer and the county planning staff to review preliminary residential subdivision proposals prior to formal presentation at Public Hearings to the Planning Board and the Board of County Commissioners. The Neighborhood Information Meeting shall be held by the County Planning Department prior to scheduling the County Planning Board hearing. Notices of this meeting shall be sent by First Class mail at a minimum to all adjoining property owners. The Neighborhood Information Meeting does not take the place of final decisions and review at public hearing by the County Planning Board and County Board of Commissioners.

Planning Staff Recommendations: The Planning Staff shall review the proposal for consistency with all applicable standards in this Ordinance. The planning staff shall make recommendations in writing to the applicant, at which time the applicant may choose to revise and resubmit the preliminary plan.

Zoning Change Procedures: The applicant shall follow those procedures set forth in this Ordinance within Article XIII, Section 4 Changes and Amendments.

D. (CVO) Conventional Subdivision Overlay Districts

The Conventional Subdivision Overlay District is hereby established to accommodate single-family residential subdivisions with four (4) or more owner occupied lots created for the purpose of sale or building development. This district is predominantly residential and suburban in character where current water and sewer needs are met primarily by individual wells and septic tanks. Some public infrastructure may be available in the foreseeable future. Housing characteristics with the CVO district will be designated Exclusive (CVOE), Restricted (CVOR), or Mixed (CVOM), in conformance with other major subdivision zoning districts.

The Conventional Subdivision Overlay District is designed for those areas of Randolph County where the requirement of such an Overlay District can help achieve the policies and objectives of the Randolph County Growth Management Plan. This district is

specifically designed for Primary Growth Areas and Secondary Growth Areas as reflected on the Randolph County Growth Management Plan.

Purpose and Uses Permitted. The Conventional Subdivision Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Conventional Subdivision Standards.

a) All Standards as required by the Randolph County Zoning & Subdivision Ordinances.

b) Minimum lot sizes as specified by this Ordinance. Lot sizes may need to be increased as required by soils and other factors relevant to the location.

c) Designed in accordance with policies and guidelines outlined in the Randolph County Growth Management Plan.

d) Subdivision layout and use of land will assure safe and convenient circulation patterns while minimizing the negative impacts on established residential areas.

Siting on Public Roadways. Conventional subdivisions should be designed in such a ways as to minimize the number of private driveway accesses to existing public roads.

Procedures.

Development Pre-conference: The applicant shall meet with designated Randolph County Planning Staff on site to discuss the over-all design of the development and identify Open Space Areas that should be incorporated into the plan prior to filing for rezoning.

Technical Review: When submitting an application for a zoning change to Conventional Subdivision Overlay (CVO) the applicant shall submit a Preliminary Plan prepared in accordance with the Randolph County Subdivision Ordinance Preliminary Plat requirements including:

a) The proposed type of housing, amount of land proposed as Open Space, proposed location of private wells and individual septic tanks, recreational areas, and existing streets;

b) Residential density in dwelling units/areas;

c) The location of internal streets;

d) The location and amount of land in flood hazard areas, areas designed to enhance groundwater recharge areas, and any other lands not suitable for development; and

e) Proposed watershed and stormwater protection measures.

The Planning Staff shall prepare a Development Impact Analysis in accordance with the requirements of the Randolph County Zoning Ordinance.

Neighborhood Information Meeting: The County shall sponsor a Neighborhood Information Meeting involving the developer, county staff, and adjacent property owners. The informal meeting is designed to provide a time where adjoining property owners might meet with the developer and the county planning staff to review preliminary residential subdivision proposals prior to formal presentation at Public Hearings to the Planning Board and the Board of County Commissioners. The Neighborhood Information Meeting shall be held by the County Planning Department prior to scheduling the County Planning Board hearing. Notices of this meeting shall be sent by First Class mail at a minimum to all adjoining property owners. The Neighborhood Information Meeting does not take the place of final decisions and review at public hearing by the County Planning Board and County Board of Commissioners.

Planning Staff Recommendations: The Planning Staff shall review the proposal for consistency with all applicable standards in this Ordinance. The planning staff shall make recommendations in writing to the applicant, at which time the applicant may choose to revise and resubmit the preliminary plan.

Zoning Change Procedures: The applicant shall follow those procedures set forth in this Ordinance within Article XIII, Section 4 Changes and Amendments.

E. (CEO) Commercial Environmental Overlay District

The commercial uses in this overlay district are designed to provide retail and service uses to the traveling public with emphasis on vacation recreation needs created by the immediate presence of the North Carolina Zoological Park. This overlay district is designed for location along major highways so that they can be conveniently reached by the traveling public.

The Commercial Environmental Overlay District is designed for that area of Randolph County designated First Environmental District where the requirement of such an Overlay District can help achieve the policies and objectives of the Randolph County Growth Management Plan.

Purpose and Uses Permitted. The Commercial Environmental Overlay District shall be considered as an overlay district to the First Environmental District. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Buffer Requirements. Where the property adjoins a residential use, the boundary shall be planted with evergreens and other trees/hedges which will grow a height of 5 feet or more after one full year and which will normally grow to a height of 10 feet. This greenbelt planting strip shall not be less than 25 feet in width.

Site Considerations. Minimum front yard depth shall be 50 feet. Yards shall be used only for driveways, landscaping and screening.

Signage. One ground sign per street front shall be permitted with a maximum area of 24 square feet. Sign may be indirectly lighted, non-flashing illumination and motionless and located off the road right-of-way.

Required Plans. Plans shall be submitted with the following information:

a) Dimensions of the Property and adjacent lots and streets.

b) Location and proposed use of all buildings, with dimensions and ground area.

c) Proposed points of ingress and egress with traffic circulation and parking areas with spaces.

d) Service areas, off-street loading facilities, service drives and dimensions thereon.

e) A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.

f) Proposed landscaping, with property buffers between other uses.

g) Location of flood hazard areas and any other lands not suitable for development.

h) Size and location of signs.

i) Lighting plan.

j) Water resource and stormwater management provisions.

F. **(RBO) Rural Business Overlay District**

The Rural Business Overlay District is hereby established to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.

Purpose and Uses Permitted. The Rural Business Overlay District shall be considered as an overlay district to the Residential Agricultural District. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Buffer Requirements. Where the property adjoins a residential use, the boundary shall be planted with evergreens and other trees/hedges which will grow a height of 5 feet or more after one full year and which will normally grow to a height of 10 feet. This greenbelt planting strip shall not be less than 25 feet in width.

Site Considerations. Minimum front yard depth shall be 50 feet. Yards shall be used only for driveways, landscaping and screening.

Signage. One ground sign per street front shall be permitted with a maximum area of 24 square feet. Sign may be indirectly lighted, non-flashing illumination and motionless and located off the road right-of-way.

G. (RIO) RURAL INDUSTRIAL OVERLAY DISTRICT

Purpose and Intent. This overlay district is designed for Rural Growth Areas and in rare instances Secondary Growth Areas as reflected on the Growth Management Plan where such a district would provide for the location of sites which would increase economic activity, job creation, and the tax base of Randolph County. This specialized district is intended to accommodate industrial activities and uses requiring proximity to rural resources where the use of site specific development plans, natural buffers and landscaping, would lesson adverse impact upon the general growth characteristics anticipated by the Growth Management Plan. Examples of permitted uses in this district are the processing and manufacturing of forest related products; agricultural goods; minerals and aggregates; special trade contractors; maintenance and repair of mechanical equipment; agri-business research and development; alternative energy facilities; and similar activities requiring proximity to rural resources.

PERMITTED USES:

The following uses which require proximity to rural resources shall be permitted in the Rural Industrial District:

1: Production, processing, assembling, packaging, storage, treatment of farm or forest

products

2: Sawmills, lumber manufacturing, and processing of forest products
3: Manufacturing of stone, clay, glass, and concrete products
4: Mineral and aggregate materials manufacturing
5: Asphalt and concrete plants
6: Farm and forest related machinery repair, truck and incidental automobile repair, welding and service part facilities
7: Special trade contractors, including excavating, septic installers, construction, concrete, distribution, trucking, and electrical
8: Recycling facilities
9: Alternative energy facilities (i.e. wind, solar, biofuels, geothermal)
10: Research and development facilities (new products and technologies for farm, forest, and renewable products)

CONDITIONS:

1: Minimum lot size 3 acres.
2: Minimum State Road Frontage 100 ft.
3: Setback Standards - Front (Road Right-of-ways): 50 ft.
Side: 20 ft.
Rear: 40 ft.

Front setback areas shall only be used for driveways, landscaping, and screening - Side and Rear setback areas shall only be used for landscaping and screening.

4: The site shall have a minimum open space requirement of 30%.
5: The use shall not exceed the capacity of the site to provide adequate water and wastewater absorption.
6: All areas shown on the site plan not devoted to development (i.e. building, storage, driveways, parking, etc.) shall include retention of natural growth or an approved landscaping plan.
7: New development shall be located in areas of the site that would lesson noise and operations impact to adjoining residential and agricultural land uses.
8: External lighting shall be directed and designed so as to reduce glare for adjoining residences.
9: Site specific buffers (i.e. vegetation, berms, fencing) may be required to lesson impact to adjoining land uses.
10: No new development is allowed within Class A Flood Zones or within 50 ft. of a perennial stream.
11: Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer areas.

COMPLIANCE MONITORING

As a condition of final rezoning approval, the applicant shall agree to furnish the County Planning Department, on an annual basis, information showing that it is in compliance with all applicable state and federal guidelines pertaining to dust, noise, and related issues.

MINIMUM SITE PLAN REQUIREMENTS

1: Dimensions of the property and adjacent lots and streets
2: Location, use and ownership of all existing and proposed buildings, and there dimensions
3: Streets, traffic circulation and parking areas with spaces
4: Services areas, off-street loading facilities, service drives and dimensions thereon
5: Location of all proposed landscaping, with property buffers between other uses and open spaces
6: Location of all flood zones and streams
7: Stormwater drainage and sanitary sewer where applicable
8: Size and location of signs
9: Erosion and sedimentation control plan
10: Lighting plan
11: Signage

H. **(IO) Industrial Overlay Districts**

This overlay district is designed for Secondary Growth Areas and in rare instances for Rural Growth Areas in the County where such a district would provide for the location of sites which would substantially increase economic activity, job creation, and the tax base of the County. This specialized district is intended to accommodate manufacturing, wholesaling, warehousing, research and development, and related retail or commercial activities, through the acquisition of large acreage, the use of natural buffers, and extensive landscaping would not have substantial adverse impact upon the general growth characteristics anticipated by the Growth Management Plan in that area.

Purpose and Uses Permitted. The Industrial Overlay District shall be considered as an overlay district to the Residential Agricultural District. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Buffer Requirements. Buffers and landscaping shall be designed to accommodate manufacturing, wholesaling, warehousing, research and development, and related activities, in a manner where the use will not have a substantial adverse impact upon the general growth characteristics of the area.

Site Considerations. Minimum front yard depth shall be 50 feet. Yards shall be used only for driveways, landscaping and screening.

Signage. One ground sign per street front shall be permitted with a maximum area of 24 square feet. Sign may be indirectly lighted, non-flashing illumination and motionless and located off the road right-of-way.

I. (SCO) Scenic Corridor Overlay Districts

Purpose and Uses Permitted. The Scenic Corridor Overlay district is designed to support the arrangement of land uses along a specified corridor which shall create a visually pleasing impression. The permitted uses within a SCO district shall be the same as allowed within the underlying district unless otherwise prohibited on the Scenic Corridor Plan.

Supplementary District Requirements. Scenic Corridor Plans may include additional guidelines to the underlying zoning district, such as:

a) Development. The specific development requirements of a particular scenic corridor overlay district shall apply uniformly to all property within said district, as specified in the officially adopted corridor plan.

b) Signage. Additional guidelines for all signage with the Scenic Corridor Overlay will be specified in the corridor plan so as to support the issues and objectives of the Scenic Corridor Overlay District.

c) Tree Preservation and Landscaping. One of the unique characteristics of a scenic corridor in Randolph County is that of natural growth, such as trees. Guidelines for the preservation of natural growth and adequate landscaping within the Scenic Corridor Overlay will be specified in the corridor plan.

Scenic Corridor Plan. Before a Scenic Corridor Overlay District is established for any particular road, a corridor plan shall be prepared by the County Planning Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor Overlay District. The plan shall address the following issues:

a) the arrangement of land uses along the corridor which shall create a visually pleasing impression;

b) the unique qualities of the corridor, such as landmark buildings, views and vistas, and natural features which lend themselves to special consideration; and

c) the value of the corridor as an entryway to the county which can influence the perception of individuals or firms considering investment in the county, and individuals visiting the county for those historical, cultural, and natural sites normally associated with Heritage Tourism.

A corridor plan, from the County Planning Department, shall be forwarded, with the recommendations of the Planning Board, to the Board of County Commissioners for approval.

Adopted Plans.

a) **N.C. Highway 705 Scenic Business Overlay District**

The purpose of the N.C. Highway 705 Scenic Business Overlay District is to establish a set of guidelines for new development and rezoning requests along the N.C. Highway 705 (Little River Road) Corridor from its intersection with I-73/74 to the city limits of Seagrove. The Scenic Business Corridor Overlay would affect only rezoning requests that are within 500 feet along each side of the Highway 705 right-of-way. The Overlay District is designed to strengthen the value of the corridor as a special entryway to the Seagrove area's unique pottery, crafts, and related heritage assets. The District is also designed to create visually pleasing and pedestrian-friendly land use standards that will help retain the scenic neighborhood characteristics long associated with the Highway 705 community.

Purpose and Uses Permitted. The Scenic Business Overlay District shall be considered as an overlay district to the Highway Commercial District. To accomplish the objectives of the Scenic Business Overlay District Corridor Plan, the following land use issues shall be considered:

1. Appealing streetscapes with trees, natural buffers, and provisions for pedestrian-friendly land-use standards that can enhance walkability and accessibility.

2. Provision for specific retail options that support locally made crafts, pottery, and related activities that enhance and promote the natural heritage of the Seagrove community.

3. The absence of large parking lots facing the street with related new building setback standards.

4. Building designs and sign standards. The design of buildings, roof lines, colors, and landscaping is critical to the environment that supports safety and a sense of community. Lighting and signs have a big impact on the

appearance of a neighborhood. Standards will limit the type, size, color, and brightness.

5. Limit of maximum square footage and lot coverage of new commercial buildings to encourage retail options that support locally made products.

Development Guidelines.

Structural Architecture

1. Buildings shall not be stylized or designed as advertising signage or corporate symbols.

2. Muted and naturally occurring earth tone colors are required as predominant building colors. Bright and highly reflective or extremely shiny finishes are prohibited unless used sparingly with an approved architectural plan.

3. A single large, dominant building mass shall be avoided. Structures shall not exceed 4,000 sq. ft. of heated space, and the total footprint of the building may not exceed 4,000 sq. ft. The building mass shall be broken with the use of setbacks, projecting and recessed elements, and similar design techniques. Changes in mass shall be recessed elements and similar design techniques. Hotels, motels, and restaurants shall be exempt from this requirement.

4. All exterior walls visible from a parking lot or public right-of-way shall be architecturally designed to complement the front of the building.

5. Building construction using man made materials (e.g. block) with an unfinished appearance shall not be used.

6. Roof materials shall be architectural shingles, metal, tin, tile, slate, or shakes, with a roof pitch varied to reduce the scale of structure. Roof pitches and overhangs (no less than 6/12 pitch and 24" overhang) shall be architecturally compatible with the rest of the building.

7. All windows shall have grids with clear, stained, or obscure glass.

8. Exterior lighting should be assessed for compatibility with the community in terms of antique design, material, use, size, scale, color, and brightness.

9. Buildings shall use traditional materials such as wood, stucco, stone, old-style brick, or a Board-approved simulation.

10. Exterior front door shall have wood grain surface and any glass used shall be stained or obscure glass. Clear glass may be used if the glass has grids.

11. Service areas and loading docks shall not be sited on the major pedestrian side of a building, and must be screened from pedestrian view by landscaping or with architecture elements.

Site development

1. All on-site utilities shall be installed underground where possible for new development.

2. Signs shall not be designed to be in visual competition with other signs in the area.

3. Chain link fencing (with or without any type of inserts), razor wire, and barbed wire are not permitted.

4. Dumpsters shall be located away from the streetscape. If possible, they should be internal to an architectural wall and enclosed with screening to reduce their conspicuous visual presence.

5. Service areas and unsightly and noisy elements shall be located at the rear of buildings, out of pedestrian view, and shall be screened with landscaping or architectural elements. Elements to be screened include, but are not limited to, loading areas, dumpsters, outdoor storage, utility meters, and satellite equipment. HVAC systems shall be located to the rear or the side of structures, with proper screening of landscape and architectural elements.

6. All utility cabinet pad areas must be completely enclosed with exterior landscaping. Site and construction plans must be approved prior to installation.

Landscaping, Buffers & Screens

1. Landscape materials shall be appropriate in scale and nature to the site and architecture.

2. 30 feet landscape front setback shall be required as a buffer between adjacent buildings and streets, and to create an attractive view to and from the building. This setback would allow for grassed and landscaped areas

and a sidewalk for pedestrian traffic.

3. Landscaping used to buffer noise and views shall be evergreen for adequate year-round screening.

4. Landscape buffer height shall effectively obscure the elements to be screened.

5. Refuse enclosures shall be screened from view on all sides with a six to eight foot high opaque screen of coordinated building materials or landscaping.

6. All utility ground boxes (electrical, cable, telephone, etc.) must be landscaped.

7. Side and rear yard areas adjoining a residence must maintain a minimum buffer of two alternating rows of high-rowing evergreen trees, interspersed with a single row of medium-to high-growing evergreen shrubbery.

8. There shall be a natural flow of landscaping from one commercial lot to another.

Signs

1. All signs must be constructed and installed in accordance with N.C. Building Codes.

2. All signs shall be of a color compatible and consistent with the buildings and landscaping. Lettering style should be of old character and compatible with structures.

3. Signs shall be constructed using traditional materials such as wood, stucco, stone, or old-style brick. Metals, glass, and plastics may be used but must be constructed with a simulated appearance compatible with the architecture, using natural and earth tone colors.

4. Only one ground sign per tract shall be allowed. No ground sign shall be larger than 24 square feet and should be styled in such a way to be sensitive to and consistent with the heritage and integrity of the community.

5. Directional flood lights for signs shall be of low amperage, directed only to the immediate signage area. Internal lighting may be also be used.

Flashing and moving lights are not permitted.

6. No free-standing sign, except a planned business development sign, shall be larger than 24 sq. ft. nor taller than 15 ft. in height. The height of the sign is to be measured from the highway street level. Planned business developments are permitted one ground sign no larger than 64 sq. ft. in size and no taller than 25 ft. in height.

7. Off-premise signs are not permitted.

8. Wall signs shall not measure more than 10% of any wall area. No exterior wall may be used for off-premise advertising.

9. All signs shall be set back a minimum of 5 ft. from the right-of-way.

10. Small free standing signs advertising any commercial products are not permitted.

11. Address number signs must be of quality production and materials compatible with the architectural structure.

12. All signs erected since July 6, 1987, shall come into compliance with the above standards within sixty (60) days of the enactment of this scenic corridor (unless a zoning permit has been issued for the sign in question.).

Parking

1. On-site parking shall be located to the rear or side of new development, except where unique topographical conditions of the site would not allow practical implementation of this standard.

2. Parking lots may be accessible and visible from the street, but their street frontage must be minimized.

3. Loading/unloading zones shall be located away from pedestrian view.

Site Plan

1. A site plan, including building drawings, shall be submitted with the rezoning application for review by the County Technical Review Committee.

2. Site plan shall clearly indicate buffers, setbacks, and a minimum 5-ft. wide pedestrian walkway fronting Hwy 705 and providing connectivity with adjoining properties as they are requested for rezoning.

3. Detail sign plans shall be part of the required site plans.

4. Detail landscaping plans shall be part of the required site plans.

Permitted Uses.

Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning district are allowed **except** those listed below:

Accessory structures in front yard area
adult establishments
auto paint and body shops
automotive repair, sales, or storage
billboards (off-premise signs)
carwashes
car wrecker service
inert debris landfills
junk yards
mini-warehouse storage facilities
mobile home, camper, marine, or RV sales
outdoor flea markets
outdoor storage

J (SEO) Special Entertainment Overlay District

The Special Entertainment Overlay District is designed primarily to supplement the underlying general use districts by permitting, in addition to all other permitted uses in the underlying district, retail operations which specialize in legally operated adult entertainment establishments. The intent of this district is to prevent the concentration of adult entertainment establishments within the County of Randolph regulatory jurisdiction. The Overlay District is established to ensure that the adverse effects created by adult entertainment establishments are minimized and controlled so as not to adversely affect adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, hospitals, churches, day-care facilities, youth camps, civic facilities, other adult entertainment establishments, and residentially zoned areas. For a complete list of permitted uses and uses allowed under prescribed conditions, please refer to Article V, Section 1 of this Ordinance.

Purpose and Uses Permitted. The Special Entertainment Overlay District shall be considered as an overlay district to the Highway Commercial District. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Site Considerations. Minimum front yard depth shall be 50 feet. Yards shall be used only for driveways, landscaping and screening.

Supplementary District Requirements.

a) No adult entertainment establishment shall be located within a radius of 1500 feet of any other adult entertainment establishment.

b) No adult entertainment establishment shall be located within a radius of 1500 feet of any portion of a residentially zoned lot.

c) No adult entertainment establishment shall be located within a radius of 1500 feet of any lot upon which a school, hospital, church, day-care facility, youth camp, community center, or community recreational facility is located.

d) The Special Entertainment Overlay District may be applied only to lots which are zoned for Highway Commercial.

Signage. One ground sign per street front shall be permitted with a maximum area of 24 square feet. Sign may be indirectly lighted and must be located off the road right-of-way. No sign shall be located on premises which flashes, revolves, rotates, or swings by mechanical means (lights must be motionless) or which uses a change of lighting to depict action or to create a special effect or scene. Nude, semi-nude, or vulgar depictions on signs are not permitted. In addition, all signs are subject to provisions of Article X.

Light and Noise.

a) Flashing lights or fluttering devices designed and used to attract attention are not permitted.

b) Amplification of sound directed outside of the building used by the establishment is not permitted.

Required Plans. Plans shall be submitted with the following information:

a. Dimensions of the Property and adjacent lots and streets.

b. Location and proposed use of all buildings, with dimensions and ground area.

c. Proposed points of ingress and egress with traffic circulation and parking areas with spaces.

d. Service areas, off-street loading facilities, service drives and dimensions thereon.

e. A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.

f. Proposed landscaping, with property buffers between other uses.

g. Location of flood hazard areas and any other lands not suitable for development.

h. Size and location of signs.

i. Lighting plan.

j. Water resource and stormwater management provisions.

Nonconforming Adult Entertainment Establishment. Any adult entertainment establishment lawfully operating on May 6, 2002, that is in violation of this article shall be deemed a nonconforming use. **Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed one (1) year.** Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for period of thirty (30) days or more it many not be reestablished. An adult entertainment establishment lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, daycare center, school, playground, public swimming pool or public park within 1,500 feet of the adult entertainment establishment.

Section 4. Table of Permitted Uses.

Districts in which particular uses are permitted as a Use By Right are indicated by "X." Districts in which particular uses are prohibited are indicated by a blank. Districts in which particular uses are permitted as a Special Use upon approval by the Randolph County Planning Board are indicated by "S." See Special Uses, Section 5, for further information.

TABLE OF PERMITTED USES

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Accessory uses	X	X	X	X	X	X	X	X	X	X	X	X
Adult Entertainment Establishment										SEO		
Adult Theater										SEO		
Adult Video/Book Store										SEO		
Agricultural uses (not regulated with the exception of swine farms)	X	X	X	X	X	X	X	X	X	X	X	X
Air fields (general aviation)	S						S			S	S	S
Amusements, indoor commercial (e.g. bowling alleys, skating rinks)							S	X	X	X		
Amusements, out-of-doors commercial (e.g. roller coasters, fairgrounds)								X	S	X		

Notes to the Table of Permitted Uses

1. All uses listed in these charts for the E-1 district are permitted in individual lots. Other uses, permitted only as part of a Planned Business Development are noted in Section 5, Special Uses, under Planned Business Development.

2. Bona fide farms and similar agricultural uses are exempt from zoning controls of this Ordinance, See Article III.

3. Commercial outdoor storage (with the exception of junkyards as defined and regulated by this Ordinance) including contractor's yards, building supple sales, and coal sales and storage are permitted in the zones where indicated only if the storage yard in enclosed by a fence not less than 8 feet in height which completely screens from view the stored materials.

4. New junkyards, permitted only by special use permit in LI and HI must be a minimum of 3 acres in size. Junkyards existing in other districts at the time of adoption of this ordinance are made nonconforming uses, subject to the provisions of Article XI of this ordinance. Outdoor storage of more than 4 wrecked or immobilized motor vehicles is expressly prohibited in the RR and RM districts.

5. Forest harvested properties (clear-cut properties) planned for major residential subdivision development shall maintain a minimum 35 feet of existing uncut natural buffer along all existing state maintained roads.

Special Height Review Note: Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 feet in height above ground level at its site will require a "Notice of Proposed Construction or Alteration" submitted to the Federal Aviation Administration and will require a finding of "No Adverse Impact to Navigation" from the Federal Aviation Administration prior to granting a final building permit.

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Apparel and accessory sales							X	X	X	X		
Athletic fields, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)	X	X	X	X		X			X			
Auction sales, yards, permanent									X		X	X
Auction sales, temporary, one-time use	X	X	X	X	X	X	X	X	X	X	X	X
Automobile body shops (excluding open storage of wrecked vehicles)									X	X	X	X
Automobile car-wash, drive through, requiring vehicle stacking							X	X		X	X	X
Automobile parts sales							X	X	X	X		
Automobile race tracks												X
Automobile sales							X	X	X	X	X	

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Automobile service stations							X	X	X	X	X	X
Automobile storage (excluding wrecked & junked vehicles)									X	X	X	X
Automobile and truck rental							X	X		X		
Banks & Savings and Loans					X		X	X		X		
Barber & Beauty Service							X	X	X	X		
Boats, Recreational Vehicles Sales & Service							X		X	X	X	
Bottling Plants										X	X	X
Brick, Tile & Cement Manufacturing												X
Builders Supply Sales									X	X	X	X

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Bus Station										X		
Cabinet Making								X	X	X	X	
Cemetery	X	X	X	X		X						
Chemical manufacturing												X
Churches and their customary uses including child care on premises	X	X	X	X	X	X	X	X	X	X	X	
Clinics, medical, dental					X		X	X	X	X		
Clubs and lodges, private, non-profit	X	X	X	X		X	X	X	X	X		
Clubs and places of entertainment (commercial)							S	X	X	X		
Community centers, public or private non-profit, for assembly and recreation	X	X	X			S	S	X	X	X		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Compartmentalized storage for individual storage of residential and commercial goods									X	X	X	
Coal sales and storage												X
Concrete and asphalt products plant												X
Contractor's yard and outdoor storage area									X	X	X	X
Day care facility	X	X	X			S	X	X	X	X		
Dairy products, wholesale and processing									X		X	
Drive-in window services (banks, laundries, fast-food, etc.) where use is permitted in district					X		X	X		X		
Dry Cleaning and laundry								X		X		
Exterminating services								X	X	X		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Family care home	X	X	X				S					
Farm machinery sales							X		X	X	X	X
Farm supplies sales (feed, seed, fertilizer, etc.)	X						X		X	X		
Fire, sheriff and emergency services	X	X	X	X	X	X	X	X	X	X	X	X
Flea markets (indoors)								X	X	X		
Flea markets (out-of-doors)								X	X	X		
Florists							X	X	X	X		
Food freezer operations									X	X	X	
Foundries, metal												X

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Funeral homes					X			X	X	X		
Furniture manufacturing												X
Gift Shops							X	X	X	X		
Golf, Miniature							X	X		X		
Golf Courses	X	X	X	X		X	X					
Governmental Offices					X		X	X	X	X		
Grocery stores							S	X	X	X		
Group homes	S		S		S		S					
Hardware, Paint & Garden Supplies								X	X	X		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Home Occupations	X	X	X	X	X	X	X	X	X	X	X	X
Hotels & Motels							S	X		X		
Home Furnishings & Appliance Sales								X	X	X		
Hospital or Sanatoriums	S	S	S		S	S	S					
Health and Social Services Centers					X			X	X	X		
Industrial Equipment Sales & Service										X	X	
Junk yards (3 acres or more in size)											S	S
Kennels	X								X		X	
Laboratory, Medical & Dental					X			X		X		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Laboratory, Research										X	X	
Laundry or Dry Cleaning, Self-Service								X	X	X		
Library, Public					X	X	X	X	X	X		
Livestock Sales	X								X			X
Locksmith, Gunsmith							S	X	X	X		
Machine shop, welding shop									X	X	X	X
Manufacturing, machine tools, chemicals, fertilizer, paving materials, wood products, paper												X
Manufacturing, apparel, soft goods, textiles												X
Meat packing and poultry processing												X

Notes to the Table of Permitted Uses

1. All uses listed in these charts for the E-1 district are permitted in individual lots. Other uses, permitted only as part of a Planned Business Development are noted in Section 5, Special Uses, under Planned Business Development.

2. Bona fide farms and similar agricultural uses are exempt from zoning controls of this Ordinance, See Article III.

3. Commercial outdoor storage (with the exception of junkyards as defined and regulated by this Ordinance) including contractor's yards, building supple sales, and coal sales and storage are permitted in the zones where indicated only if the storage yard in enclosed by a fence not less than 8 feet in height which completely screens from view the stored materials.

4. New junkyards, permitted only by special use permit in LI and HI must be a minimum of 3 acres in size. Junkyards existing in other districts at the time of adoption of this ordinance are made nonconforming uses, subject to the provisions of Article XI of this ordinance. Outdoor storage of more than 4 wrecked or immobilized motor vehicles is expressly prohibited in the RR and RM districts.

5. Forest harvested properties (clear-cut properties) planned for major residential subdivision development shall maintain a minimum 35 feet of existing uncut natural buffer along all existing state maintained roads.

Special Height Review Note: Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 feet in height above ground level at its site will require a "Notice of Proposed Construction or Alteration" submitted to the Federal Aviation Administration and will require a finding of "No Adverse Impact to Navigation" from the Federal Aviation Administration prior to granting a final building permit.

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot							S	X	X	X	X	
Mobile home park			S									
Mobile home (manufactured housing on individual lot)												
Class A, B or C	X		X									
Class A	X	X	X		X	X						
Class A or B	X		X			X						
Mobile home (manufactured housing) in major subdivision												
Class A		X										
Class A or B			X									

Notes to the Table of Permitted Uses

1. All uses listed in these charts for the E-1 district are permitted in individual lots. Other uses, permitted only as part of a Planned Business Development are noted in Section 5, Special Uses, under Planned Business Development.

2. Bona fide farms and similar agricultural uses are exempt from zoning controls of this Ordinance, See Article III.

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Mobile home (manufactured housing) in minor subdivision												
Class A	X	X	X									
Class A or B	X		X									
Mobile home, travel trailer, camper, marine, recreational vehicle sales										X	X	
Modular home, conventional	X	X	X	X		X						
Modular home, on-frame	X	X	X			X						
Monument and Cut Stone Manufacture and Sales									X	X	X	
Nursery and plant cultivation and sales	X					X	X	X	X	X	X	X
Nursing and rest homes	S		S		S	S	S					

Notes to the Table of Permitted Uses

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Office Supplies Sales								X		X		
Outdoor storage yard									X	X	X	X
Planned Business Development						S	S	S	S	S	S	
Planned Rural Development	S											
Planned Unit Development		S	S	S		S						
Pharmacy and drug store								X		X		
Post Office					X	X	X	X	X	X		
Pottery Manufacture and Sales	X					X			X	X	X	X
Printing and Reproduction								X	X	X	X	

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Professional and business offices					X		X	X	X	X		
Public utility substations	S	S	S	S	S	S	S	S	S	S	S	S
Quarry operations												X
Radio or television studio							S	X	X	X	X	
Radio or television tower	S	S	S				S	S	S	S	S	S
Railroad yard												X
Retail sales, not listed elsewhere							S	X	X	X		
Rooming house	X	X	X									
Repair, rental and service of products sold at retail in same district								X	X	X		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Residence, apartments, condominiums			X									
Residence, duplex	X		X		X	X						
Residence, mobile home (manufactured housing) on individual lot												
Class A	X	X	X		X	X						
Class A, B or C	X		X									
Residence, single family detached	X	X	X	X	X	X						
Residence, townhouses			X									
Restaurant							S	X	X	X		
Retail stores and shops (excluding vehicle sales) not otherwise listed herein							S	X	X	X		

Notes to the Table of Permitted Uses

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Riding academy, commercial stables	X						S		X			
Rural family occupation of commercial/industrial nature	S	S	S	S		S						
Sanitary landfill	S											X
Sawmills, planing mills - permanent												X
Sawmills, planing mills - temporary	X											X
Schools, academic	S	S	S	S	S	S		S	S	S		
Schools, business/trade	S		S	S	S	S		S	S	S		
Septage Land Application Site	S											
Service stations							S	X	X	X	X	

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Service establishments including but not limited to barber and beauty shops, small item repair and rental							S	X	X	X		
Sheet metal fabrication											X	X
Sign, directional gateway	S	S	S	S		S				X	X	X
Sign, outdoor advertising (off-premises)									X	X	X	X
Sign, on-premise	X	X	X	X	X	X	X	X	X	X	X	X
Storage, flammable liquids above ground in quantities for distribution											S	S
Subdivisions, Major												
Conventional home, Class A manufactured housing, modular home		O	O			O						
Conventional home, Class A & B manufactured housing, modular home			O									

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Conventional homes (site built) and conventional modular		O	O	O		O						
Subdivisions, Minor	X	X	X	X		X						
Swine Farm Operation	S											
Tailor Shop								X	X	X		
Taxi Stand								X		X		
Telecommunications Tower	S	S	S	S	S	S	S	S	S	S	S	S
Temporary buildings, incidental to development	X	X	X	X	X	X	X	X	X	X	X	X
Temporary carnivals, rides, ferris wheels									X	X	X	X
Theater, Drive-In										X	X	X

Notes to the Table of Permitted Uses

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Tobacco sales and warehousing											X	X
Trading Stamp redemption								X		X		
Trailer rentals									X	X	X	
Travel trailer parks	S		S			S	S					
Truck terminal											X	X
Upholstering and furniture refinishing								X	X	X	X	
Veterinary clinics	X						X		X	X	X	
Warehouses, sales or service									X	X	X	
Wholesale sales, not otherwise listed									X	X	X	
Zoological park						X						

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2. Bona fide farms and similar agricultural uses are exempt from zoning controls of this Ordinance, See Article III.

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Section 5. Special Uses.

5.1 Objectives and Purposes

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in the chart preceding this section. Detailed description of the procedures which must be followed in the issuance of each permit are contained in the following pages. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit.

5.2 Procedures

Special Use Permits shall be granted by the Randolph County Planning Board as permitted by GS 153A-345 (and authorized by resolution of the Randolph County Commissioners) for all the uses enumerated in the Regulations for Special Uses with the exception of Swine Farms as defined by County Zoning enabling authority provided by G.S. 153A-340 in which case such Special Use Permits shall be issued by the Board of County Commissioners.

All requests for special use permits shall begin processing within 90 days from submission to the Planning Department. However, this requirement is not intended to prevent the Planning Board or Board of Commissioners from delaying action after review by either body.

The Planning Director shall set and advertise a date and time for a public hearing before the Planning Board. Notice of such hearing shall run in a newspaper of general local circulation at least 10 days before the date set for the public hearing, but not more than 25 days before the public hearing. The second notice must appear in a separate calendar week. At the public hearing all interested persons shall be permitted to testify. The Planning Director shall also cause to be mailed at least 10 days before the hearing a first class letter to all adjoining property owners the names of whom he has made a good faith effort to obtain notifying them of the Special Use Permit request. The person mailing such notice shall certify that such notices have been mailed. In addition, the property for which the special use is proposed shall be posted before the public hearing.

The Planning Board shall consider the application and comments at the public hearing and may grant or deny the Special Use Permit requested.

No vote greater than a majority vote shall be required for the Board of Commissioners or Planning Board to issue such permits. For the purposes of this section, vacant positions on the

board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. When deciding special use permits, the Planning Board shall follow quasi-judicial procedures. The Board Chairman, Planning Director, or Clerk to the Planning Board shall be authorized to administer the required oath prior to receiving testimony.

The Special Use Permit, if granted, shall include approval of plans as may be required. In granting the permit, the Planning Board shall find:

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 Land Development Plan for Randolph County.

The Planning Board or the Board of Commissioners may issue special use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

In addition to the conditions specifically imposed in this paragraph and such further conditions as the Planning Board may deem reasonable and appropriate, Special Uses shall comply with the height and area regulations for the zoning district in which they are located unless the provisions for the special use provide to the contrary.

In the event of failure to comply with the plans approved by the Planning Board, or with any other 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 certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be

regarded as nonconforming uses subject to the provisions of this ordinance; provided, however, that the County Board of Commissioners shall not be prevented from thereafter rezoning said property for its most appropriate use.

Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be authorized by the Planning Board.

No appeal may be taken from the action of the Planning Board in granting or denying a Special Use Permit except through the Randolph County Superior Court.

5.3 Regulations for Special Use Permits

Special Use Permits shall be granted by the Randolph County Planning Board as permitted by G.S. 153A - 345 for all the uses enumerated in the Regulations for Special Uses with the exception of Swine Farms as defined by County Zoning enabling authority provided by G.S. 153A - 340 in which case such Special Use Permits shall be issued by the Board of County Commissioners. When issuing or denying a Swine Farm Special Use Permit the Board of County Commissioners shall follow the procedure for Board of Adjustment except that no vote greater than a majority vote shall be required for the Board of County Commissioners. The Board of County Commissioners may issue a Swine Farm Special Use Permit in accordance with the principles, conditions, safeguards, outlined in this Ordinance and may impose such additional conditions and safeguards that the Board of County Commissioners may deem as reasonable and appropriate.

The Special Use Permit, if granted, shall include approval of plans as may be required. In granting the permit, the Board of County Commissioners in Swine Farm requests, shall make the following findings:

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 proposed Swine Farm use meets all required conditions and specifications;

3) that the use will not substantially injure the value of properties that adjoin, abut, or fall within the impact area of the use; 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 Land Development Plan for Randolph County.

Detailed regulations for the Special Uses subject to this section are set forth in the following Regulations for Special Uses and the notes related to those provisions.

Use:	**Airfield, general aviation**
Special Use Districts:	RA, CEO, HC, LI, HI
Plans Required, Must Show:	Approval from all required state and federal agencies. Scaled drawings of location and size of landing strips, all existing and proposed structures. Location and type of lighting. Anticipated type of and extent of use. Map of all property within 500 feet of proposed airfield, including names of property owners.

Use:	**Amusements (Commercial, Indoor)** (Skating rinks, bowling alleys, game rooms, etc.)
Special Use District:	E-1
Screening and Fencing:	Where the property adjoins a residential use, the boundary shall be planted with evergreens and other trees and hedges which will grow to a height of 5 feet or more after one full year and which will normally grow to a height of 10 feet. The planting shall be done in such a manner as to form a solid visual barrier between the business and adjoining property.
Parking:	1 space for each 150 sq. ft. of gross floor area devoted to recreational use, or 1 space per 4 seats or facilities available for patron use, whichever is greater.
Signs:	Signs on premises shall be regulated as follows: Type of sign: Identification. Permitted number of signs: One (1) ground sign per entrance to property. Maximum area of ground sign: Ten (10) square feet. Permitted illumination: Indirect lighting, non-flashing illumination, motionless. Permitted location: Within the bounds of the property.
Required Plans:	Topography of the site, at contour interval no greater than five (5) feet. Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet adjacent thereto. Proposed points of ingress and egress together with the proposed pattern of internal circulation. Proposed parking areas. Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

Use:	**Day Care Facility**
Special Use Districts:	E-1
Minimum Lot Area:	As prescribed by State regulations where applicable.
Parking and Loading:	One and one-half (1 ½) spaces for each five (5) enrollees.
Screening and Fencing:	Play space shall be enclosed by a fence at least four (4) feet high.
Plans Required, Must Show:	Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto Circulation - Proposed points of access and egress and pattern of internal circulation Parking and Loading - Layout of parking spaces Other Details - Location and extent of open play area Other Requirements - Day care centers shall not be operated between the hours of 7 p.m. and 6 a.m. All required state licenses and permits must be obtained.

Use:	**Directional Gateway Sign**
Special Use District:	RA, RM, RR, RE, E-1
Site Considerations:	One (1) directional gateway sign shall be permitted for the same business. Landscaping of the site around the sign using appropriate plantings and shrubs is required.
Sign Requirements:	Directional gateway signs shall not exceed 16 sq. ft. for a single business and 16 sq. ft. for the name of the street and/or development with a maximum total sign size of 75 sq. ft. No directional gateway sign shall exceed eight (8) ft. in height. Non-flashing or indirect illumination is required. All lighting must be motionless. Sign must be a ground mounted sign constructed of metal, brick, or fiberglass. Any directional gateway sign shall be subject to approval by the N.C. Department of Transportation. No directional gateway sign shall be placed where it may cause a hazard, or obstruct the view of any driver.
Plans:	A construction plan shall be required prior to issuance of a zoning permit.

Use:	**Group Home**
Special Use Districts:	RA, RM, OI, CEO
Minimum Lot Area:	In accordance with district where located.
Parking and Loading:	One space for every five (5) temporary residents or fraction thereof, plus one parking space for each employee on the premises.
Other Requirements:	One sign permitted, not to exceed three square feet in area. All group homes shall be licensed and/or sponsored by the appropriate state or local agency. The zoning lot on which one rehabilitation residence is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.

Use:	**Hospitals, rest homes, homes for the aged, nursing homes**
Special Use Districts:	RA, RR, RM, OI, E-1, CEO
Minimum Lot Area:	Minimum lot area of district in which located plus one thousand (1,000) square feet for each person to be accommodated
Parking and Loading:	Nursing homes, rest homes, homes for aged: One space for each 3 patient beds. Hospitals: One space per each 3 patient beds, plus 1 space for each staff or visiting doctor plus 1 space for each 2 employees on shift of average greatest employment.
Plans Required, Must Show:	Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto Circulation - Proposed points of access and egress and pattern of internal circulation Parking and Loading - Layout of parking spaces
Other Requirements:	Must meet all requirements for licensing by the State of North Carolina. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping, to the character of the neighborhood so that its residential nature will be preserved.

Use: **Hotels, Motels**

Special Use District: E-1

Site Considerations: Locations for motels or hotels shall abut a major highway or collector street and shall have access thereto

Minimum front yard depth shall be 100 feet. Yards shall be used only for driveways, landscaping and screening.

Points of ingress and egress shall consist of a driveway or roadway at least 20 feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked.

Screening, Buffer: Where the property adjoins a residential use, the boundary shall be planted with evergreens and other trees and hedges which will grow to a height of 5 feet or more after one full year and which will normally grow to a height of 10 feet. The planting shall be done in such a manner as to form a solid visual barrier between the business and adjoining property.

Required Plans: Plans shall be submitted as may be required:

a) Topography of the site, at contour interval no greater than five (5) feet.

b) Dimensions of the property and adjacent lots and streets.

c) Location and proposed use of all buildings, with dimensions and ground area thereof.

d) Traffic circulation and parking areas with spaces.

e) Service areas, off-street loading facilities, service drives and dimensions thereon.

f) A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.

g) Proposed landscaping, with property buffers between other uses.

h) Size and location of signs.

i) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.

j) Erosion and sedimentation control plan.

k) Lighting plan where applicable.

Parking: Off-street parking shall be provided with a minimum of 1 space per guest room and 1 space per employee on shift of average greatest employment

Signs: Signs on premises shall be regulated as follows:

Type of sign permitted: Identification

Permitted number of signs: One (1) ground sign per street front.

Maximum area of ground sign: Fifteen (15) square feet.

Permitted illumination: Indirect lighting, non-flashing illumination, and motionless.

Permitted location: Within the boundaries of the property

Use:	**Junkyard, Scrap Processor, Auto Wrecking Establishments**
Special Use District:	LI, HI
Required Area:	Junkyards and scrap processors as defined in Article IV, Sec. 2 of this Ordinance must be located on a minimum of three (3) acres acre of land.
Screening:	Screening is required which completely screens from view the stored items. Such screening shall be a durable wall or fence at least 8 feet high.
Plans:	The Planning Board may require the submission of plans showing the location of existing and proposed structures within the site and existing structures and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this ordinance.
Parking:	Off-street parking and loading shall be provided in accordance with Article IX.
Signs:	1) Type of sign: Identification. 2) Permitted number of signs: One (1) ground sign per entrance to the storage yard. 3) Maximum area of ground sign: 50 square feet. 4) Permitted illuminations: Indirect lighting, non-flashing illumination and motionless. 5) Permitted locations: Within the bounds of the property.

Use:	**Mobile Home Park**	
	(A plot which has been planned or improved for (3) or more mobile homes for dwelling or sleeping purposes)	
Special Use District:	RM	
Minimum Lot Size:	a)	40,000 sq. ft. with individual well and septic tank; 40,000 sq. ft. inside watershed
	b)	15,000 sq. ft. with individual septic tank and public or community water system; 40,000 sq. ft. inside watershed
	c)	7,500 sq. ft. with individual well and public community sewer; 12,500 sq. ft. inside watershed
	d)	7,500 sq. ft. with public or community water and sewer system; 12,500 sq. ft. inside watershed
	e)	Any and all lot sizes may be increased by the Planning Board to protect public health, safety and welfare
Setbacks and Buffers:	a)	20 ft. minimum setback for all mobile homes from front lot line of park. This area may be used for required parking
	b)	20 ft. minimum clearance between mobile homes
	c)	25 ft. minimum setback from adjoining property lines
Site Development and Parking:	a)	Off street parking spaces shall be provided with each mobile home park at a ratio of at least two (2) spaces per lot, the minimum of which shall be at least nine (9) feet by eighteen (18) feet
	b)	Mobile homes shall be located so that there is at least twenty (20) feet clearance between mobile homes
	c)	Each mobile home parks shall have located at its primary entrance a permanent non-lighted sign, not to exceed twelve (12) square feet, indicating the park name.

d) Each proposed lot in a mobile home park shall be clearly marked by a permanent lot number sign or marker that identifies each mobile home lot. The lot number shall be such that the location is readily identifiable by emergency personnel and inspectors. The lot number sign or marker shall be located on each mobile home park lot or on each mobile home, but the method must be consistent throughout the park. Numbers shall be at least three (3) inches high and one-half (½) inch wide, with a reflective surface.

e) Mobile home park lots shall be properly staked.

Roads and Street Systems:

Roads shall be constructed to N.C. Dept. of Transportation, Division of Highway, minimum standards. The March 1, 1983 pamphlet "Subdivision Roads, Minimum Construction Standards," can be used as a guideline with the following exceptions:

a) Roads do not have to be paved

b) The base can be reduced to 4 inches of stabilized material. All roads within new parks or additions to existing parks shall have a 45 ft. minimum right-of-way and a 4-inch minimum stabilized base.

Application Process, Plans Required:

a) The developer shall submit an application for a Special Use Permit and sketch plan to the County Planning Director

b) The developer shall submit the sketch plat to the Health Department for preliminary property evaluation. Modifications to the sketch plat may be necessary

c) The developer shall take the modified sketch plat to a registered surveyor for preparation of a survey plat. The plat shall be drawn to scale on a map no larger than 18" x 24" and shall clearly set out the following, and may be required:

1) The name of the proposed park, the names and addresses of the owner(s) and the name and address of the surveyor.

2) The plat shall contain a smaller general location map which indicates the township and school district of the proposed park.

3) Date, graphic scale and approximate north arrow.

4) Boundaries of the tract shown with bearings and distances.

5) Site plan showing streets, driveways, open areas, parking spaces, service buildings, water courses, easements and all structures to be located on the park site and all existing structures.

6) Surface water drainage plans for topography of site, where new roads may require it.

7) The number, size and location of all mobile home spaces.

8) The plat shall state the source of water and sewer supply and type of distribution system.

9) If appropriate, the plat shall show the location and specifications of water taps, sewage disposal connections and other facilities on each mobile home park space, if required by the Health Department.

10) The plat shall indicate the names and addresses of all adjoining property owners or residents of adjoining occupied residences.

d) The developer shall take the survey plat to the Health Department for individual lot evaluations.

e) The Health Department shall issue a letter of survey plat approval to the developer. Before issuing this letter of approval, the Health Department may require letters of approval from state and/or federal agencies.

f) The developer shall submit the Health Department's letter of survey plat approval, six (6) copies of the survey plat and

a One Hundred Dollar ($100.00) application fee to the Planning Director.

g) The Planning Director shall set and advertise (at least 15 days before the hearing) a date and time for a public hearing before the Planning Board for the purpose of considering the Special Use Permit application. At least fifteen (15) days prior to the hearing, the Planning Director shall also mail to adjoining property owners notice of date, time and place of the hearing.

h) At the hearing the Planning Board shall consider evidence as to whether proposed development complies with regulations of this ordinance and whether the proposed development would be detrimental to the public safety, health and welfare. If no such evidence is found, the Planning Board shall issue a Special Use Permit.

Procedures After Permit is Granted:

a) The Planning Director shall send a copy of the survey plat to the Soil Erosion Control Section, North Carolina Department of Natural Resources, and Community Development, when it is deemed necessary.

b) Following the issuance of the Special Use Permit, the Health Department shall release improvement permits to the developer, who may then begin development.

c) After road construction has been completed, County enforcement personnel shall notify by letter to the County Planning Director that all new roads have been built to all North Carolina Department of Transportation standards as a public road, with the exception of paving.

d) When all improvements as required by this ordinance have been completed, a Certificate of Mobile Home Park Operation shall be issued. The Certificate of Mobile Home Park Operation shall be signed by the County Planning Director and the Health Director certifying that the mobile home park is in compliance with all county and state regulations. This shall apply to new parks or expansions to existing parks. The mobile home park developer may then begin placing mobile homes in the park.

e) The mobile home park developer may begin placing mobile homes in the park before all improvements have been completed and a Certificate of Mobile Home Park Operation has been issued if the Planning Board grants a waiver allowing the posting of a performance bond that insures completion of improvements. In granting this waiver, the Planning Board shall find that the public welfare, safety and health will not be endangered. In those cases where a performance bond has been posted and required improvements have not been installed within the terms set by the Planning Board, the Board may declare the bond in default and require all improvements to be installed. The County may take such actions necessary to collect on the defaulted bond and provide for completion of the required improvements.

General Requirements Applicable to Mobile Home Park Owners

A) Erosion Control

An erosion control plan which provides information as specified in the regulations of Land Quality Section of the North Carolina Department of Natural Resources and Community Development shall be submitted to the state agency for all mobile home parks where one or more acres of land is disturbed.

B) Mobile Home Park Ownership

Mobile home park operators shall be required under this ordinance to specifically comply with GS 105-316(a)(1), which requires that each year mobile home park operators furnish the County Tax Supervisor with the name of the owner and a description of each mobile home located in the park.

C) Sale of Parks or Lots

Mobile home parks may not be sold or transferred unless the existing water and sewer systems meet Health Department standards. Individual spaces in a mobile home park may not be sold unless the individual lot size and road construction meet all county and state regulations.

D) Animal Control

Mobile home park owners shall establish park regulations to insure adequate control of animals.

E) Garbage Disposal

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. Junked vehicles, appliances, furniture, and similar materials shall not be allowed to accumulate on mobile home park premises.

F) Fencing of Private Sewage Treatment Plants

Private sewage treatment plants as approved by the North Carolina Division of Environmental Management shall be required to be enclosed with a chain link fence a minimum of seven feet in height and locked when the plants are unattended. These requirements shall be retroactive to include existing private sewage treatment plants within Randolph County areas of jurisdiction within 180 days from adoption of this amendment.

G) Water Supply

All Mobile Home Parks with less than 15 spaces or less than 25 people, shall provide a safe, potable and adequate water supply. Safe shall be defined as free of bacteria and chemicals that are detrimental to public health; and adequate being defined as providing enough water for normally accepted standards of domestic use.

Use: **Planned Business Development**

(An area of land under unified control developed for business commercial or industrial uses, consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets and lots).

Special Use District: E-1, CEO, CS, RBO, HC, LI, HI

Minimum Area: 1 acre, 250' minimum plot width in CS, HC, LI, HI

3 acres, 250' minimum plot width in E-1

Site Considerations: Such developments shall abut a major highway or a collector street and shall have direct access thereto.

Minimum front yard depth of 50' in CS and HC; 100' in E-1. Yards shall be used only for driveways, landscaping, and screening.

Points of ingress and egress shall consist of a driveway or roadway at least twenty (20) feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.

The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked.

Required buffers when Planned Business Development is located in E-1, or adjoins E-1 or a residential zone:

a) Facing street- a greenbelt planting strip, not less than 20 feet in width shall be planted, prior to opening of the business, along the street side of the property. Such a greenbelt shall be planted at random with evergreens and other trees which eventually will grow to a height not less than twelve (12) feet and which will include a minimum of eleven (11) plants per one hundred (100) linear feet of greenbelt. Topographic or other natural features offering screening shall be acceptable in lieu of

foliage. The greenbelt, at the front of the property, shall be located so as to provide reasonable continuity in alignment with greenbelts of adjacent property.

b) Interior boundaries - Interior lots located along residential or E-1 boundaries shall be planted with evergreens and other trees and hedges which will grow to a height of five (5) feet or more after one full year and which will normally grow to a height of ten (10) feet. The planting shall be done in such a manner as to form a solid visual barrier between the business and adjoining property.

Required Plans: Plans shall be submitted as may be required, showing:

a) Topography of the site, at contour interval no greater than five (5) feet.

b) Dimensions of the property and adjacent lots and streets.

c) Location and proposed use of all buildings with dimensions and ground area thereof.

d) Streets, traffic circulation and parking areas with spaces.

e) Service areas, off-street loading facilities, service drives and dimensions thereon.

f) All pedestrian ways.

g) A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.

h) Proposed landscaping, with property buffers between other uses.

i) Size and location of signs.

j) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.

k) The location and heights of all fences, walls, and hedges shall be shown.

l) Profiles of publicly maintained water and sewer lines.

m) Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff.

n) Erosion and sedimentation control plan.

o) Lighting plan where applicable.

Uses: Uses shall be limited to those permitted by right in the district in which the development will be located, except that in the E-1 district only the following uses shall be permitted in a Planned Business Development:

Any non-residential use permitted by right in the E-1 district
Bakeries, retail, including manufacturing of goods for sale on the premises only
Banks and lending institutions
Barber shops and beauty shops
Drive-in windows associated with permitted use
Flowers, shrubbery and trees, display and sales
Food stores, grocery stores, meat markets, bakeries and delicatessens, provided that all goods produced on the premises shall be sold at retail on the premises where produced.
Frozen food stores, including locker rental
Garden supply and seed stores
Laundries and dry cleaning establishments operated in conjunction with customer service counters, provided that laundering and dry cleaning permitted on the premises shall be limited to articles delivered to the premises by customers. Self-service “laundromats” are permitted
Locksmiths and gunsmiths
Motels and motor hotels
Photographic studios, including the developing of film and pictures when conducted as incidental to the studio

Places of indoor entertainment
Professional and business offices
Public and private clubs
Radio, television, and appliance repairs and rental service
Retail sales of consumer goods, all sales and products to be located within the retail shop
Shoe repair shops
Specialty shops
Tailor shops
Restaurants, not to include curb service restaurants

Parking: Off-street parking and loading shall be provided in accordance with Article VII, Section 5.

Signs: Signs on premises shall be regulated as follows:

Type of sign permitted: Identification

Permitted number of signs: One (1) ground sign per entrance to the development. There shall be no limitation of signs attached to and flat against the principal building or structure.

Maximum area of ground sign: Fifteen (15) square feet.

Permitted illumination: Indirect lighting, non-flashing illumination, and motionless.

Permitted location: Within the bounds of the property.

Use:	**Planned Rural Development**
	An area of land under single ownership to be developed for a number and variety of single-family dwelling units primarily for family use. The plan for which shall conform with established Growth Management Policies for the area.
Special Use District:	RA, RM, RR, RE, E1
Maximum Number of Dwellings:	No more than 4 dwelling units one of which shall be the property owner. There shall not be less than the required area per dwelling unit for the district in which such development is located.
Site Considerations:	Points of ingress and egress shall consist of a driveway or roadway with a minimum width of twenty (20) feet and shall be located in such a way to minimize traffic hazards, inconvenience and congestion.
	Stormwater and sanitary sewerage shall be provided as approved by the Planning Board and County Health Department.
Required Plans:	Plans as may be required shall be submitted showing:
	Dimensions of the property
	Location, use and ownership of all existing and proposed buildings
	Public and private roads, parking areas
	Stormwater drainage and sanitary sewer where applicable
	Location and heights of all fences, hedges and natural buffers shall be shown
	Location of all flood zones and streams

Use: **Planned Unit Development**

An area of land under unified control to be developed as a single entity for a number and variety of site built dwelling units (both attached and detached housing). The plan for which will encourage flexibility in placement of buildings and common space that can better utilize special site characteristics such as topography, size and shape, and conform with established Growth Management Policies for the area. Planned Unit Developments are specifically designed for Primary Growth Areas and Secondary Growth Areas as reflected on the Randolph County Growth Management Plan.

Special Use Districts: RA, RR, RM, RE, E-1

Minimum Area: Five (5) acres in RA, RR, RM, and RE; ten (10) acres in E-1, provided development is consistent with requirements for water and septic tank installations. There shall not be less than the required area per dwelling unit for the district in which such development is located.

Modifications of Dimensional Requirements and Density: The yard regulations and height regulations set forth in Article VII may be modified for a planned unit development, provided that, for such development as a whole, excluding streets, easements and required buffers 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. The development itself shall have a minimum frontage of 100 feet in all permitted districts which shall be used only for driveways, landscaping, and screening.

Site Considerations: Points of ingress and egress shall consist of a driveway or roadway with a minimum paved width of twenty (20) feet and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.

The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked.

Storm and sanitary sewerage shall be provided as approved by the Planning Board and the Randolph County Health Department.

A greenbelt planting strip, not less than twenty (20) feet in width shall be planted, prior to opening of the housing, along the street side of the property. Such greenbelt shall be planted with evergreens and other trees, at least eleven (11) plants per one hundred (100) linear feet planted at random, which eventually will grow to a height not less than twelve (12) feet. Topographic or other natural features offering screening shall be acceptable in lieu of foliage. The greenbelt at the front of the property shall be located so as to provide reasonable continuity in alignment with greenbelt of adjacent property.

Adequate screening, shall be provided by means of planting or fencing as needed to protect adjacent property.

Homeowners' Association: The developer shall submit a draft of the Articles of Incorporation for the Homeowners' Association. The Articles of Incorporation shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including recreation areas, open space, private streets, etc.) The automatic membership rights and assessment obligations of all owners of property within the PUD shall be so covered by covenants running with the land and other contractual provisions as to insure the property maintenance of all commonly owned areas, and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before grant of a Special Use permit, the Articles of Incorporation shall be approved by the County Attorney.

Required Plans: Plans as may be required shall be submitted showing:

Topography of the site, at contour interval no greater than five (5) feet

Dimensions of the property and adjacent lots and streets

Location, use and ownership of all buildings, with dimensions and ground area thereof

Public and private streets, parking areas with spaces and channelization

All pedestrian ways

A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan
Proposed landscaping, with property buffers between other uses
Storm drainage and sanitary sewer where applicable
Size and location of signs

Proposed water system and fire fighting facilities such as hydrants or sprinkler connections

The location and heights of all fences, walls, and hedges shall be shown

Profiles of publicly maintained water and sewer lines

Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff

Erosion and sedimentation control plan

Lighting plan where applicable

Location and amount of recreation area

Common Areas: Land not shown as lots or reserved for residential development shall be commonly owned land. Such land shall be designated on the development plan as common area to be held in separate ownership for the use and benefit of residents of the PUD.

Parking: Off-street parking and loading shall be provided in accordance with Article IX.

Signs: Signs on premises shall be regulated as follows:

Type of sign: Identification.

Permitted number of signs: One (1) ground sign per entrance to the development.

Maximum area of ground sign: Fifteen (15) square feet.

Permitted illuminations: Indirect lighting, non-flashing illumination, and motionless.

Permitted location: Within the bounds of the property.

Use:	**Public Utilities, (Substations, Transformers, etc.)**
Special Use Districts:	Public Utility Substation - Any district.
Screening and Fencing:	Substations and transformer stations shall be enclosed by a fence not less than six (6) feet in height which shall be approved by the Planning Director
Plans Required, Must Show:	Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet Circulation - Proposed points of access and egress Parking and Loading - Location and arrangement of all proposed off-street parking Other Details - a) Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property. b) The anticipated service area of the facility to be constructed.

Use:	**Rural Family Occupations of Commercial Nature**
Special Use District:	RA
Minimum Lot Size:	Half acre
Other Requirements:	Owner must reside on property on which business is located (Note: Unlike home occupations, Rural Family Occupations of Commercial Nature may be conducted within an accessory building) Business use must be set back at least 50 ft. from road right-of-ways Business use shall not create any noxious fumes, odors, traffic congestion or other nuisance factors Restrictions as to fencing, indoor storage and other appearance criteria may be added as necessary
Signs:	Type sign: Identification Permitted number: 1 ground sign per road frontage <u>or</u> 1 wall sign affixed to front of business use structure Permitted sign area: 9 sq. ft. for ground sign; 12 sq. ft. for wall sign Permitted illumination: None.

Use:	**Sanitary Landfill**
Special Use District:	RA
Screening:	Screening is required which completely screens the landfill from view along road frontages and property boundaries which border residential uses. Screening shall be thickly planted evergreens in a border at least 10 feet wide. Trees shall be of such height when planted that they shall reach a height of 10 feet in 2 years.
Plans:	All plans and environmental clearances shall be approved by the N. C. Department of Human Resources, the N.C. Department of Natural Resources and Community Development and the Randolph County Health Department.
Signs:	Type of sign: Identification Permitted number: 1 ground sign per entrance Maximum area of sign: 9 sq. ft. Permitted illumination: None

Use:	**Schools, Academic and Building/Trade**
Special Use Districts:	Academics schools - All districts where permitted by special use Business/Trade - RA, RM, OI, E-1, CS, HC
Parking and Loading:	Two spaces for each regular employee for non-academic schools. See Article IX, Off-Street Parking, for academic school parking requirements.
Plans Required, Must Show:	Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto Circulation - Proposed points of access and egress and pattern of internal circulation Parking and Loading - Layout of parking spaces Other Details - a) Location and extent of open recreation or training area b) Estimated number of students c) Subjects to be taught outside of regular classroom facilities (for example, in laboratories, gyms, etc.)

Use:	**Septage Land Application Site**
Special Use District:	RA
Plans Required:	Scaled drawings of location and size of proposed sites; all existing and proposed structures; topography; flood zones; streams; location of residence on all adjoining property and proposed access routes into property. Certificate by State Division of Health Services that proposed site would meet minimum criteria established by North Carolina General Statutes. Certification by Randolph County Health Department that the proposed site would be in compliance with local health regulations relative to septage disposal management. The County Planning Board may require any additional plans or information as it may deem necessary to judge the probable effect of the proposed site on neighboring properties and to safeguard the intent of the County land use plan for the area in promoting the public health, safety, and welfare.
Other Requirements:	No Septage Land Application Site shall be permitted within the designated Watershed Protection jurisdiction of Randolph County. This shall include specific reference to those areas designated as Watersheds for the following: Lake Reese; Lake Lucas; Lake Bunch/McCrary; Randleman Lake; Sandy Creek; and Polecat Creek. Only that individual receiving permit is authorized to utilize site for septage disposal and shall be responsible for compliance with all additional state and local regulations. All septage applied to land and permitted must be that generated from within Randolph County, unless specific authorization is granted in review process. The Randolph County Health Department shall be responsible for conducting regular inspections of approved Septage sites to insure compliance with local and State regulations.

Use:	**Storage of Flammable Liquids (in Bulk) Above Ground (for distribution and wholesale)**
Special Use District:	LI, HI
Plans Required, Must Show:	Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto Storage capacity of all storage units Proposed layout of pipelines
Other Requirements:	Written comments and the approval of the Randolph County Fire Marshall shall be obtained before a Special Use Permit is granted.

Use: **Swine Farm**

Any tract or contiguous tract of land in Randolph County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 steady state live weight or greater regardless of the actual number of swine on the farm.

Special Use District: RA

Exemptions: Existing Swine Farms:

Nothing in Zoning regulations governing swine farms served by animal waste management systems having a design capacity of 600,000 pounds SSLW or greater, and in existence at the time this zoning amendment is adopted shall:

1) Prohibit the continued existence of the farm,
2) Require the amortization of the swine farm, or
3) Prohibit the repair or replacement on the same site of the swine farm so long as the repair or replacement does not increase the swine population beyond the population that the waste system is designed to accommodate as set forth in its permit issued prior to adoption of the zoning regulations.

Setbacks: A swine house or a lagoon that is a component of a swine farm of a minimum 600,000 SSLW shall be located:

1) At least 2,500 feet from any occupied residence. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 7,500 feet.
2) At least 2,500 feet from any school; hospital; church; outdoor recreational facility; national park; State Park, as defined in G.S. 113-44.9; historical property acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1; or child care center, as defined in G.S. 110.86, that is licensed under Article 7 of Chapter 110 of the General Statutes. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 7,500.
3) At least 500 feet from any property boundary. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.
4) At least 500 feet from any well supplying water to a public water system, as defined in G.S. 130A-313. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.
5) At least 500 feet from any other well that supplies water for human consumption. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.

a) The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial stream or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 225 feet.

b) No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes shall be constructed on land that is located within the 100-year flood plain.

c) A swine house or a lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Use Permit review process.

6) The setback distances requirement by these Special Use Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this Ordinance.

Control of Odor Emissions: The applicant shall submit plans for odor control for swine operations including relevant information pertaining to prevailing winds over the site.

Emergency Number Posted: The operator of a swine farm shall post at the entry to the swine farm and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following:

1. owner,
2. operator,
3. other Agent of the owner/operator,
4. Division of Water Quality Emergency Number, and
5. Randolph County Health Department.

The posting shall be made and maintained in a manner such that it remains readable and protected from the elements on a continual basis.

Conflict With Other

Laws & Regulations: The provisions of any federal or state law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, or the surface and ground water resources of the State shall prevail within the jurisdiction of Randolph County and shall prevail over the standards of this Swine Farm Special Use Permit. Relevant information required for appropriate State and Federal applications shall also be provided during the Special Use Permit application and review process.

Definitions: When used in the Swine Farm Special Use Permit, the following words or phrases shall have the meaning assigned:

1) **Animal Waste.** Swine excreta or a mixture of excreta with food, bedding, litter, carcasses, or other materials generated from a swine farm's lagoon in a liquid form.
2) **Animal Waste Management Plan.** A plan to properly collect, treat, store, and/or apply animal waste to the land in an environmentally safe manner and approved according to the procedures established in 15A NCAC 2H .0217(a)(1)(H).
3) **Animal Waste Management System.** A combination of structural and non-structural practices which will properly collect, treat, store, and/or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than 25-year, 24-hour storm.
4) **Confinement Building.** Any structure used to confine, maintain, feed, or grow swine in which animal waste collects naturally or must be collected for storage.
5) **Drainage Ditch.** Any waterway or culvert whose purpose is to convey water.
6) **Existing Swine Farm.** A swine farm in actual operation and which was stocked with swine on the effective date of this ordinance.
7) **Expanding Swine Farm.** A swine farm in actual operation whose animal waste management system is being expanded or replaced, in whole or in part, to serve a swine population greater than that which the farm's existing animal waste management system is designed to serve.
8) **Ground Water.** Those waters in the saturated zone of the earth a defined in 15A NCAC 2L.
9) **Lagoon.** A confined body of water used to hold animal by-products including bodily waste from animals or a mixture of waste with feed, bedding, litter, or other agricultural materials.
10) **New Swine Farm.** A swine farm which is stocked with swine for the first time after effective date of this ordinance.

11) **Operator.** Any person, firm, corporation, limited liability company or other entity which owns or operates a swine farm within Randolph County. Operation includes management of, or contracting for management of, a swine farm, ownership of swine on a swine farm in Randolph County, and ownership of the facility into which swine are raised.

12) **Properly Constructed Well.** A well that is constructed and meets the requirements of 15A NCSC 2C "Well Construction Standards" and the Randolph County "Regulations Governing Construction and Abandonment of Wells".

13) **Spray field.** An area of land that has been approved in a certified animal waste management plan for the purpose of spraying animal waste, which has been stored in a liquid waste management system that is part of a swine farm.

14) **Steady State Live Weight (SSLW).** The average day to day total live weight of any animal on the farm during their growth cycle.

15) **Surface Water.** All waters of the state as defined in North Carolina General Statute 143-212, except underground waters.

16) **Technical Specialist.** A person designated under rules of the State Soil and Water Conservation Commission to develop and/or certify animal waste management plans under 15A NCAC 2H, Section .0217(a)(1) (H).

Use: **Telecommunications Towers**

Special Use District: All Districts

General Guidelines & Requirements:

Purpose/Goals: The purpose of this Special Use Permit is to establish general guidelines for the siting of towers and antennas. In addition to other required findings, the goals of these guidelines are to: (1) encourage the location of towers in low density, minimum impact areas that will minimize the total number of towers throughout Randolph County, (2) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (3) encourage strongly the joint use of new and existing tower sites, (4) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (5) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of these requirements shall not be deemed to constitute the expansion of a nonconforming use or structure.

Inventory of Existing Sites: Each applicant for approval of an antenna and or a tower shall provide to the Planning Director an inventory of its existing antennas and towers that are either within the jurisdiction of Randolph County or within one-half mile of the border thereof, including specific information about the location, height and design of each tower or antenna. Applicants are encouraged to submit an inventory of potential future tower sites within the jurisdiction of Randolph County. The Planning and Zoning Department may share such information with other applicants applying for administrative approvals or special use permits under these requirements or other organizations seeking to

locate towers or antennas within the jurisdiction of the governing authority; provided, however, that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Minimum Lot Size: The minimum lot size requirement shall be in accordance with the Zoning District in which it is located.

Administrative Approvals: The following uses may be approved by the Planning Director after conducting an administrative review:

a) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing, non-residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

b) Installing an antenna on an existing non-residential structure other than a tower (such as a building sign, light pole, water tower, utility pole or other free-standing, non-residential structure) in any commercial or industrial district that is less than fifty (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure;.

c) Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower;

d) Replacing an existing tower which adds no more than 20 feet to the overall height of the existing structure.

Special Use District: Any District

Plans Required: Site Plan drawn to scale must be provided that includes, but is not limited to, the following information:

1) property lines,
2) proposed structures,
3) existing structures within 500 feet of any part of the tower structure,

4) proposed points of egress and ingress,
5) fencing and setbacks,
6) proposed buffers, and
7) wireless service coverage.

The site plan shall indicate all locations for equipment buildings in addition to that proposed for use by the applicant.

Buffers: In areas where a visual block from adjacent properties are necessary, a buffer shall be required around all improvements on the site. As a minimum, the buffer shall consist of a solid fence or wall, or a planted strip at least ten (10) feet in width composed of living deciduous and/or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property as defined by this Ordinance.

Fencing: The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

Setback Requirements: Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. This setback may be reduced by the Board of Adjustment upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless services, that the reduction serves the general intent and purpose of this section and the adopted Comprehensive Plan and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. In no case shall be setback be reduced to less than fifty 50% of the tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a 20% reduction in the required setbacks. To encourage location of towers in existing forested areas with a minimum depth of sixty-five (65) feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying

zoning district Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

Towers shall have a minimum setback of 1500 feet from other towers unless evidence is provided that demonstrates that reasonable efforts have been made to lease space on an existing tower or that an existing tower will not technically satisfy the applicant's needs to provide coverage in the area.

Site Considerations:

Outside Storage: No outside storage shall be allowed on any telecommunication facility site.

Building(s) Use: Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

Tower Color: The color of the tower shall be neutral, except to the extend required by Federal law, so as to minimize its visual impact.

Advertising: No commercial advertising shall be allowed on the facility's site.

Other Requirements:

Co-Location Policy: Communication companies are encouraged to locate telecommunication antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, co-location of facilities is encouraged. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for Randolph County.

Coverage Level: Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower where a minimal level of coverage can be provided. Such evidence shall consist of:

1) Copies of letters sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:

   a) tower height;
   b) existing and planned tower users;

c) whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and

d) if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower.

2) A copy of all responses required by subsection 4a(1); and

3) A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.

4) A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.

5) Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in the interest of public safety or is a practical necessity.

Wireless Carrier: Evidence that the tower will be utilized by a wireless provider.

Coverage Need: Need of coverage shall be demonstrated by the wireless provider.

Structural Design: Evidence that the communications tower is structurally designed to support at least one additional user, and the special use application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. Towers over 180 feet in height shall be structurally designed and constructed to accommodate at least two additional users. The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment.

FAA Standards: The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards, Randolph County Municipal Airport Overlay District Standards

and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Applicant must provide evidence that the tower would meet all FAA standards, prior to issuance of permits to construct. Any lighting shall not project onto surrounding residential property.

Airport(s) Notification: The Planning Director shall notify all known airports within a five (5) mile radius of the application to locate a tower.

FCC Certification: In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.

Tower Removal Requirement: Notice shall be provided to the Planning Director when the tower is placed out of service. Towers which are not used for a period of six (6) months or more shall be removed by the property owner within 120 days.

Definitions: When used in the Telecommunications Tower Special Use Permit, the following terms shall have the following meanings:

1) **Alternative tower structure.** Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

2) **Pre-existing towers and antennas.** Any tower or antenna on which a permit has been properly issued prior to the effective date of this Ordinance.

3) **Telecommunications Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Use:	**Travel Trailer Parks (including tenting and other forms of weather protected, covered camping)**
Special Use Districts:	RA, RM, E-1, CEO
Minimum Area:	Five (5) acres with a front yard depth of fifty (50) feet in RA and RM; ten (10) acres with 100 feet front yard depth in E-1.
Site Considerations:	Trailers shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structure such as attached awnings, carports, or storage facilities shall be considered to be part of the trailer. Minimum size of space shall be as required by the Randolph County Health Department. There shall be at least one 1 recreation area which shall be accessible from all trailer spaces. The size of such recreation area shall not be less than eight percent (8%) of the gross site area. Roadways shall be stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic and in any case, shall meet the following minimum requirements: One-way, no parking - twelve (12) feet. Two-way, no parking - twenty-four (24) feet. No roadway parking shall be permitted. The water supply, the sewerage system, service buildings, sanitation requirements and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate State and County regulatory agency.
Screening:	In E-1: A greenbelt planting strip, not less than twenty-five (25) feet in width shall be planted, prior to opening of the business, along the street side of the property and along interior lot lines adjacent to a residential district. Such a greenbelt shall be planted at random with evergreens and other trees which eventually will grow to a height not less than twelve (12) feet and which will include a minimum of eleven (11) plants per one hundred (100) linear feet of greenbelt. Topographic or other natural features offering screening shall be acceptable in lieu of foliage. The greenbelt, at the front of the property, shall be located so as to

provide reasonable continuity in alignment with greenbelts of adjacent property.

In RA and RM a 25 ft. wide natural foliage greenbelt shall be planted along the street side(s) of the property and along interior lot lines adjacent to a residential district. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.

Parking: Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on the site. For this purpose, there shall be 1 ½ automobile parking spaces per trailer space.

Signs: Signs on premises shall be regulated as follows:

Type of sign: Identification.

Permitted number of signs: One (1) ground sign per entrance to park.

Maximum area of ground sign: Ten (10) square feet.

Permitted illumination: Indirect lighting, non-flashing illumination, motionless.

Permitted location: Within the bounds of the property.

Required Plans: Topography of site, at contour interval no greater than five (5) feet.

Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet adjacent thereto.

Proposed points of ingress and egress together with the proposed pattern of internal circulation.

Proposed parking areas.

Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

Space Rental: Trailer spaces shall be rented by the day.

Section 6. Small Area Plans

Purpose and Uses Permitted. Small Area Plans are designed to identify special growth areas and determine whether appropriate tools are in place for managing future growth and development. A key component of these plans is the active involvement by local citizens in the planning of their communities, creating a sense of ownership in the process. The Small Area Plan, along with the Growth Management Plan acts as a foundation and guide for the Planning Board and Board of Commissioners in matters of land use. A Small Area Plan helps provide desired land uses and density in a specifically designated location. The permitted uses within a designated small area shall be the same as allowed within the underlying district unless otherwise permitted or prohibited on the Small Area Plan.

Supplementary District Requirements. Small Area Plans may include additional guidelines to the underlying zoning district, such as:

A. Development. The specific development requirements of a particular Small Area Planning overlay district shall apply uniformly to all property within said district, as specified in the officially adopted Small Area Plan.

B. Preservation of Community Characteristics. Unique characteristics, such as but not limited to, natural tree growth, forestry management, active farms, low density and housing types of the designated community in Randolph County will be specified in the Small Area Plan.

Small Area Plan. Before a Small Area Plan is established for a designated community, a Small Area Plan shall be prepared by the County Planning Department describing the permitted and prohibited uses, conditions, boundaries, and requirements for each proposed area.

A Small Area Plan from the County Planning Department shall be forwarded, with the recommendations of the Planning Board, to the Board of County Commissioners for approval.

Adopted Plans.

A. **Birkhead Wilderness/Uwharrie Forest Small Area Plan**

Intent. The specific intent of the Birkhead Wilderness/Uwharrie Forest Small Area Plan is to establish guidelines for new development and rezoning requests within the designated Rural Growth Area of those properties that lie within the borders of High Pine Church Road, Lassiter Mill Road, and the Betty McGee Creek. This specific area consists of established land use patterns that include agricultural, farm operations, forestry management, and low-density residential development in private ownership that usually exceeds six acres. Development standards will allow residential subdivision development but will maintain the low-density residential land use in a manner that complements the unique character and heritage of the Birkhead Wilderness/Uwharrie

Forest area.

Two (2) types of major subdivisions called **Natural Heritage Subdivision** (Overlay District) and **Natural Heritage Cluster Subdivision** (Overlay District) are specifically designed to accomplish this intent.

To accomplish the objectives of the Birkhead Wilderness/Uwharrie Forest Small Area Plan, the following land use issues shall be considered:

1. Ensure that residential development is consistent with the open character of the rural land uses by requiring either very low density residential development or the clustering of residential development in ways that are harmonious with the rural land uses and that preserve the general rural character of the area.

2. Base density of natural heritage residential developments shall not exceed the 6-acres minimum lot size requirements.

3. Require major residential subdivisions to have a mixture of lot sizes to avoid monotonous streetscapes in the existing community.

4. Provide for the continued practice of agriculture, farm operations, agriculturally related and home-based business, forestry management, low-density residential developments and other uses in a predominantly rural environment.

5. Allow for a broad range of rural economy uses, including traditional and new agricultural uses, agricultural services directly associated with ongoing agricultural activities, and low-impact, non-rural uses that can be developed in ways that are consistent with the rural character of the rural economy uses through mitigation or other standards.

6. Ensure that rural business uses are compatible with permitted residential development.

7. Recognize farms and woodlands as an integral part of the County's open space system.

8. Ensure that new development in the Small Area Plan is consistent with scenic byway preservation.

9. Preserve scenic views by minimizing major residential subdivision visibility from existing roads.

10. Ensure that new residential development is compatible with the rural forestry and farming operations in the area.

Residential Development Guidelines.

Minimum Development Standards for the Birkhead Wilderness/Uwharrie Forest Small Area Plan	
Minimum Lot Size Requirement	6 acres
Minimum Front Setback Requirement	50 ft.
Minimum Interior Side Setback Requirement	30 ft.
Minimum Rear Setback Requirement	50 ft.
Minimum Lot Width Requirement	200 ft.

Additional Development Requirements for Residential Overlay Districts within the Birkhead Wilderness/Uwharrie Forest Small Area Plan.

A. Major residential subdivision developments must maintain a 100-ft. natural buffer along all existing state roads.

B. All lots within major residential subdivisions shall be accessed by newly constructed roads meeting standards established by the County (private roads) or N.C.D.O.T. (public roads).

C. Major residential subdivision tracts shall be restricted against further subdivision.

D. Length of single-access driveways shall not be restricted.

E. Two types of major subdivisions called **Natural Heritage Subdivision** (Overlay District) and **Natural Heritage Cluster Subdivision** (Overlay District) are hereby established:

1. **Natural Heritage Cluster Subdivision Overlay District.** Natural Heritage Cluster Subdivision Overlay Districts must maintain a base density of 1 residence per 6 acres with 50% open space. Lot sizes may be flexible with a minimum of 3 acres per residence within this district. Natural Heritage Cluster Subdivisions shall meet all other cluster/open space subdivision regulations as referenced in Article VII, Section 3(B) Cluster Subdivision Overlay Districts of this ordinance.

2. **Natural Heritage Subdivision Overlay District.** A special ***Natural Heritage Subdivision Overlay Option*** is hereby established within this designated area to provide for low-density residential development in the Birkhead Wilderness/Uwharrie Forest Area. Housing characteristics will be designated Exclusive (NHOE), Restricted (NHOR), or Mixed (NHOM) in conformance with other major subdivision zoning districts.

Purpose and Uses Permitted. The Natural Heritage Subdivision Overlay District shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

Natural Heritage Subdivision Development Standards. Natural Heritage Subdivisions must maintain a minimum lot size of 6 acres. Lots within the development should be designed in such a way as to maintain a mixture of lot sizes. Efforts should be made to prevent development by a "checkerboard" design.

Prohibited Uses within the Birkhead Wilderness/Uwharrie Forest Small Area Plan Area.

Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed **except** those listed below:

Off-premise signs
Class-C mobile homes
Conventional Major Subdivision Overlay Districts
Rural Lot Subdivision Overlay Districts

ARTICLE VIII. DIMENSIONAL REQUIREMENTS
SECTION I. TABLE OF AREA AND YARD REQUIREMENTS

	MINIMUM LOT SIZE		MINIMUM YARD REGULATIONS				
DISTRICT	**Area in Square Feet***	**Lot Frontage Width in Feet**	**Front Yard Setback in Feet***	**Rear Yard Depth in Feet**	**Interior Side Yard Width in Feet**	**Height**	**Accessory Building Setbacks**
RA Single Unit	40,000	100	35	30	10	35	20' from street line; 5' from any lot line
RR Single Unit	40,000	100	35	30	10	35	20' from street line; 5' from any lot line
RM Single Unit	40,000	100	35	30	10	35	20' from street line; 5' from any lot line
Duplex or Multi-Family	40,000+ 3,000 for each unit over 2 (maximum lot coverage by principal and accessory buildings = 40% of lot area)	120	35 (except bldg. Over 35' high require 1' setback per foot over 35' high)	30	10	35	20' from street line; 5' from any lot line

*** Note:**

Lot areas and setbacks shall be increased if required by County health department regulations.
Lot areas in designated watershed and water quality critical areas are controlled by the Randolph County Watershed Ordinance.
Front yard setbacks maintained on all road right-of-ways
Minimum lot size requirements within Primary Growth Areas may be reduced to a minimum of 30,000 sq. ft.
Minimum lot size requirements within Primary Growth Areas where public sewer exists may be reduced to a minimum of 20,000 sq. ft.

	MINIMUM LOT SIZE		MINIMUM YARD REGULATIONS				
DISTRICT	**Area in Square Feet***	**Lot Frontage Width in Feet**	**Front Yard Setback in Feet***	**Rear Yard Depth in Feet**	**Interior Side Yard Width in Feet**	**Height**	**Accessory Building Setbacks**
RE Single Unit	40,000	100	35	30	10	35	20' from street line; 5' from any lot line
E-1	40,000	100	35	30	10	35	20' from street line; 5' from any lot line (may not occupy more than 30% of required rear yard; not permitted in required front or side yard; height limitation of 15')
OI	30,000		30	25	10	35	
CS	30,000		5 from right-of-way, except bldg. Over 50' high setback from lot line 1' for each 2' above 50' ht., maximum 10' setback	15	10	0	
HC	30,000		50	25	10	35	
LI	1 acre		50	25	10	35	
HI	1 acre		40	25	15	35	

*** Note:**

Lot areas and setbacks shall be increased if required by County health department regulations.
Lot areas in designated watershed and water quality critical areas are controlled by the Randolph County Watershed Ordinance.
Front yard setbacks maintained on all road right-of-ways
Minimum lot size requirements within Primary Growth Areas may be reduced to a minimum of 30,000 sq. ft.
Minimum lot size requirements within Primary Growth Areas where public sewer exists may be reduced to a minimum of 20,000 sq. ft.

Section 2. Notes to the Table of Area, Yard and Building Requirements.

2.1 Modification of required yards.

a) Established average front yard lines shall be observed: Where lots comprising forty percent (40%) or more of the frontage on one side of a block are developed with buildings at the time of adoption of the ordinance, the average alignment of the existing building along such frontage shall be the minimum front yard required along said side of said block and no building hereafter erected or structurally altered shall project beyond the average front yard lines.

b) Average front yard lines for blocks over one thousand (1,000) feet long: where a block is over 1,000 feet long, the average alignment of the existing buildings for a distance of 200 feet on both sides of the lot in question shall be the front yard line. Where all lots within two hundred (200) feet of a vacant lot in a block over 1,000 feet long are vacant, the minimum front yard for the lot in question shall be given in Article VII, Section 3 for the respective districts.

c) Reduction of minimum front yards where adjoining lots have less than required minimum: where the front yards of adjoining lots on either side of a lot are less than the minimum front yard of the district, the average front yard of the adjoining lots shall be the minimum front yard for such lot, if the buildings on such two (2) adjoining lots are less than one hundred twenty (120) feet apart.

d) Corner lots adjoining along common rear lot line: Where a corner lot in any district adjoins a corner lot in a residential district, along a common rear lot line, the minimum side yards along the common street line shall be twenty (20) feet. Accessory buildings shall also be subject to this requirement.

e) Front yards on through lots: On through lots the minimum front yards for the respective districts shall apply wherever such lots have frontage on a public street.

f) Projection of sills, eaves, etc., into required yards: Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into a minimum side yard more than twenty-four (24) inches.

g) Projection of fire escapes, etc., into required yards: Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, projecting into a minimum yard not more than four (4) feet shall be permitted where so placed as not to obstruct light and ventilation.

h) Projection of bay windows into required yards: A bay window occupying not to exceed thirty percent (30%) of the width of the building may project not more than three (3) feet into the front yard.

i) Sight distance at intersections: In order to provide an unobstructed view to persons using the streets and roads of Randolph County, corner lots shall be clear of all obstructions about 2 ½ feet and below 10 feet in height, except tree trunks and poles, for a distance of 20 feet in each direction from the intersecting point of the edges of pavement of the streets or roads.

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

2.2 Modification of height limits:

a) Measurement of building height (general): Except as otherwise provided in this ordinance, the height of a building shall be the vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten (10) feet of the street line, to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

b) Parapet walls and cornices: Nothing in this ordinance shall apply to prevent the erection above the height limit of a parapet wall or cornice, extending above such height limit not more than five (5) feet.

c) Appurtenant structures on roofs: Skylights, domes, flagpoles, cooling towers and structures for the housing of elevator equipment, stairways, tanks, fans, air conditioning or similar equipment required for the operation or maintenance of buildings may be erected above the height limit in any district.

d) Free-standing chimneys, tanks, etc.: Chimneys, smokestacks, tanks and similar structures which are structurally independent of a building or located directly upon the land may be erected above the height limit in any district.

ARTICLE IX

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1. Off-Street Parking Standards.

A parking space is an area for storage of vehicles separate from driveways and circulation aisles, minimum dimensions for a parking space are nine (9) feet by eighteen (18) feet.

Retail stores and service businesses (e.g., barber shops, tailors, etc.,) which do not fall into one of the specific categories in this subsection.	At least two (2) square feet of gross parking area shall be provided for each one (1) square foot of gross floor area.
Motels, tourist courts, motor courts, and tourist homes.	At least one (1) space per guest room and one (1) space per employee on shift of average greatest employment.
Funeral homes.	One (1) space per each forty (40) square feet of floor area available for seating accommodations.
Banks and similar financial institutions.	One (1) space per each one hundred (100) square feet of gross floor area, plus five (5) spaces per each drive-up window.
Office and professional buildings.	One (1) space per each three hundred (300) square feet of gross floor area.
Medical and dental offices and clinics.	Three (3) spaces per each doctor, plus one (1) space per each employee.
Restaurants, diners, cafes, night clubs and other eating and drinking establishments.	Two (2) spaces per each five (5) seating accommodations.

Airports, railroad passenger stations and bus terminals.	One (1) space per each four (4) seating accommodations for waiting passengers, plus one (1) space per each two (2) employees on shift of average greatest employment.
Hospitals and Sanitoria.	One (1) space per each three (3) beds intended for patients (except bassinets) plus one (1) space per each medical staff member, plus one (1) space per each two (2) other employees on shift of average greatest employment.
Museums and art galleries.	One (1) space per each four (4) seats in rooms for public assembly or for one hundred fifty (150) square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of average greatest employment.
Public libraries.	One (1) space per each one hundred fifty (150) square feet of gross floor area for public use, plus one (1) space per each two (2) employees on shift of average greatest employment.
Fire Stations.	One (1) space per each person on duty on a normal shift.
Auditoriums, stadiums, assembly halls, gymnasiums, theaters, community recreation centers, churches.	One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each forty (40) square feet of floor area available for the accommodation of movable seats in the largest assembly room,

	or one (1) space per each one hundred fifty (150) square feet of gross floor area, whichever is needed by the facility.
Indoor commercial recreation.	One (1) space for each one hundred fifty (150) square feet of gross floor area devoted to such use, or one (1) space per each four (4) seats or facilities available for patron use, whichever is greater.
Automobile Service Stations.	One (1) space per each gasoline pump plus one (1) space per each service bay. Driveway access to pumps and bays shall not be counted as off-street parking space.
Roadside stands, new and used car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries.	Two (2) spaces per each salesperson on duty during period of average greatest employment, plus one (1) space per each two (2) other employees during period of average greatest employment.
Drive-in facilities.	One (1) space for each employee on shift of average greatest employment in addition to spaces needed by customers.
Dwellings, single-family, two-family, or multi-family.	Two (2) spaces per dwelling unit.
Outdoor commercial recreation.	Adequate space to handle normal capacity for patron use, plus one (1) space per each employee.
Dormitories.	One (1) space per each three (3) residents.
Room renting and boarding	Two (2) spaces per dwelling

houses.	unit.
Nursing homes, rest homes, homes for the aged.	One (1) space for each three (3) patient beds.
Day nurseries, day-care centers, and preschools.	One and one-half (1 ½) spaces for each five pupils enrolled.
Elementary schools and junior-high schools.	Three (3) spaces per each room used for administrative offices or class instruction, or one (1) space for each six (6) seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater.
Senior high schools, trade and vocational schools, colleges and universities.	Five (5) spaces per each room used for administrative offices or class instruction, or one (1) space for each five (5) seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater.
Post Offices.	One (1) space per each two hundred (200) square feet of gross floor area, plus one (1) space per each two (2) employees on the shift of greatest average employment.
Industrial, manufacturing, and wholesaling establishments.	One (1) space per each two (2) employees on the shift of average greatest employment, plus one (1) space for each vehicle used directly in the conduct of such use.
Home Occupations.	Three (3) spaces in addition to residence requirements if the

occupation will attract customers or other members of the public.

Section 2. Lighting.

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

Section 3. Safety Barriers.

Curbs, walls, fences or similar devices shall be located along the perimeter of parking lots, garages, and storage areas, except at entrances and exits indicated in approved parking plans. Such barriers shall be so designed and located as to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of-way and adjoining properties from changing effects of surface drainage.

Section 4. Parking Areas Adjacent to Public Alleys.

Where off-street parking facilities are located adjacent to a public alley the width of such alley may be accounted as a portion of the required maneuvering and access area, but not as part of the parking spaces required.

Section 5. Improvement, Design and Location Standards.

a) All off-street parking, including exits, entrances, and maneuvering and parking, shall be graded shall be permanently maintained by the owners and shall have:

   1) access to a dedicated street or alley;

   2) gravel or crushed rock access drives or lanes which are at least ten (10) feet wide for single lane movement and twenty (20) feet wide for double lane movement; all business, industrial, and office-institutional uses shall have access drives paved with either asphalt or concrete.

b) Off-street parking areas for more than ten (10) vehicles shall be effectively screened, on each side which adjoins or faces premises situated in any residential or institutional district, by a suitable fence or hedge, at least five (5) feet high. Such fence or hedge shall be maintained in good condition.

c) All parking lots that are used regularly at least five (5) days per week shall be paved with asphalt or concrete up to the required paved driveway, except that this paving requirement shall not apply to parking lots used only by churches, private clubs, or similar organizations using said parking facilities on an irregular schedule, and parking lots where ten (10) or less spaces are required.

d) Parking may not be assigned to two uses, however, required parking spaces for any number of separate buildings or uses may be combined in one lot. The spaces required for one use may not be assigned to another use at the same time except that required parking for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses, provided that the parking spaces are normally used at different times.

e) All parking facilities shall be so designed that the required access to public streets shall be by forward motion of vehicles existing the parking facility.

ARTICLE X

SIGNS

Section 1. Intent.

It is the intent of this section to authorize the use of signs whose types, sizes, and arrangements are compatible with their surroundings; appropriate to the type and intensity of activity to which they pertain, expressive of the identity of individual properties or occupants or of the community as a whole, legible in the circumstances in which they are seen, and appropriate to traffic safety.

Section 2. Classification and Structural Type.

Signs are regulated by district according to classification and by structural type:

2.1 Classification.

Outdoor Advertising Sign: An off-premises outdoor structure or display, either freestanding or attached to a wall which advertises or attracts attention to a business, commodity, service or other activity, conducted, sold or offered elsewhere than on the premises on which the structure or display is located.

Principal Use Identification Sign: A sign used to identify a residence, business, service, or entertainment located at the same location as the sign.

2.2 Structural Type

Directional Gateway Sign**:** A sign designed to promote safety, traffic flow, and enhance area economic development by directing the general public to a business or industrial development. Directional signs are off-premise signs limited exclusively to the name of the establishment, location, or direction of route to such establishment. Advertising messages are prohibited.

Ground sign: A sign resting directly on the ground and supported by means of wheels, upright pillars, braces or posts placed upon or in the ground and not attached to any part of a building. This definition includes temporary rental signs usually attached to wheels.

Marquee sign: A sign affixed to the top of any hood or canopy over the entrance to a store, building, or place of public assembly.

Projecting sign: A sign projecting out from, and attached to, the exterior wall of a building, and forming an angle of thirty (30) degrees or more with said wall.

Roof sign: A sign erected, constructed, or maintained upon the roof of any building.

Suspended sign: A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Wall sign: A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of a building, or which forms an angle of less than thirty (30) degrees with said wall.

Section 3. General Regulations.

The regulations contained in this section shall apply to all districts.

a) No sign of any type shall be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district except in compliance with these regulations.

b) All signs shall be subject to the minimum front, side, and rear yard requirements and the height restrictions pertaining to the district in which said signs are located.

c) Illuminated signs and other sources of illumination shall be subject to the provisions of GS 136-32.2 related to placement of binding, deceptive or distracting lights.

d) No signs, other than electronic changeable face signs, shall contain flashing lights, except as used to display time and temperature.

e) No sign shall be permitted which duplicates or simulates, whether by design, shape, color or otherwise, any traffic regulatory sign or other sign placed by a governmental agency in the interest of public health, safety, or welfare.

f) No signs of any nature, except signs erected for orderly traffic control, signs marking sites of historical interest and signs for other governmental purposes, shall be permitted within any public right-of-way. The Planning Administrator may grant a temporary permit for banners, pennants, and the like to be displayed within a public right-of-way, provided that such devices shall be used only for messages of a public service nature, such as announcements of charity fund campaigns, conventions, etc., and provided that no such temporary permit shall be valid for more than thirty (30) days.

g) For the purposes of this ordinance, the square footage area of any sign shall be measured to include the entire sign, including lattice work, frame, border molding, fencing, display area or wall work incidental to its decoration. Where a sign consists of letters, figures, or other devices individually mounted on a wall or other surface, the sign area shall be the same as the smallest circle or rectangle that can be inscribed around such devices.

h) No sign shall be erected, repaired, or repainted by any person until a permit has been issued by the Planning Director, provided, however, that no permit shall be required for the type of signs listed in Section 4, as follows:

Section 4. Signs Permitted In All Districts.

The following signs are allowed in all districts, and no permit is required prior to installation.

a) Principal use identification: Signs not exceeding five (5) square feet in area, not illuminated and employing no moving parts.

b) Signs erected by a governmental agency to regulate, control, or direct vehicular or pedestrian traffic, including signs indicating bus stops, taxi stands and similar transportation facilities. Such signs may be illuminated, flashing, or moving as required for the public safety.

c) Signs required by law.

d) Signs which warn of hazards to life and limb, such as high voltage electrical equipment, explosives, and the like. Such signs may be illuminated.

e) "No Trespassing" signs, not exceeding four (4) square feet in area and not illuminated.

f) Signs erected by a governmental agency which convey information regarding a public service or the location of a public facility. Such signs may be illuminated.

g) Temporary real estate signs advertising a specific property for sale, lease, rent or development, located on said property, provided that such signs shall not exceed thirty-two (32) square feet in area, nor be illuminated. Such signs shall not be placed nearer to the front property line than five (5) feet.

h) Permanent subdivision identification signs, not exceeding twelve (12) square feet in area, not illuminated or indirectly illuminated.

i) Church or public building bulletin boards and identification signs, not exceeding fifty (50) square feet in area. One (1) per each street front plus one (1) per each building on premises. Non-flashing or indirect illumination is permitted. All signs must be motionless.

j) Signs identifying the name or location of a church, even though such signs may be remote from the location of the church, provided that such signs shall not be illuminated or contain moving parts.

k) Temporary promotional or information signs, such as used prior to elections and to advertise yard sales. Such signs shall be removed within 5 days after the event promoted has taken place.

l) Signs advertising agricultural products produced on the premises not exceeding sixteen (16) square feet in area and provided such are not illuminated.

m) Signs identifying home occupations or offices located in the residence of the practitioner. One (1) per lot not exceeding five (5) square feet in area.

n) Electronic Changeable Face Signs meeting the requirements of this section.

Section 5. Sign Regulations Applicable to Residential and E-1 Districts.

In addition to the general regulations in Section 3 of this Article, the following limitations shall apply in all residential districts and the E-1 district:

a) Only principal use identification signs shall be permitted. They may be ground or wall signs, provided that no wall sign project more than twelve (12) inches from the wall on which it is mounted.

b) Unless specifically permitted in Section 4, Signs Permitted in all Districts, shall be artificially illuminated and no sign in said districts shall contain any moving parts except as may be permitted as a part of a Special Use Permit obtained for a specified Special Use.

c) The following are specifically prohibited except non-conforming signs made of paper, cloth or other non-durable material which shall be removed within 6 months of the effective date of this ordinance.

   1) Advertising signs.
   2) Roof signs, marquee signs, projecting signs, suspended signs, signs (temporary or permanent) with flashing lights.

d) The height of any sign shall not project vertically above an imaginary line extending from a point six (6) feet above the center line of the street to the highest point of the principal building.

e) Permitted signs in residential and the E-1 districts shall be subject to the following restrictions as to number and size.

1)	Churches, community recreation centers, golf courses, country clubs, parks, police and fire stations and similar permitted uses.	1 per each street front not be exceed 50 square feet.
2)	Office of a doctor, dentist, architect, lawyer, and similar permitted offices, (in the residence of the practitioner).	1 per lot not to exceed 5 square feet.

Section 6. Sign Regulations Applicable to Commercial and Industrial Districts.

The height of any ground sign shall not exceed thirty-five (35) feet.

Principal use signs are permitted as follows:

a) Ground signs: Not more than one (1) ground sign shall be permitted per principal use. No ground sign shall exceed one hundred (100) square feet in area. No ground sign shall be located less than ten (10) feet from any public right-of-way.

b) Projecting signs, suspended signs: Suspended Signs shall not exceed twelve (12) square feet in area per side. Projecting signs shall not exceed twenty (20) square feet in area per side. No part of such signs shall be less than eight (8) feet above the ground or other surface which it overhangs.

c) Roof, Marquee signs: No roof or marquee sign shall exceed one hundred (100) square feet in area. Not more than one (1) roof sign shall be permitted per principal use.

d) Wall signs: No wall sign shall be larger than fifteen percent (15%) of the exterior building wall upon which it is mounted, provided that no exterior building wall shall display more than one hundred (100) square feet of sign area. No part of such sign shall extend more than eighteen (18) inches from the wall.

e) Directional Gateway signs in commercial and industrial districts shall be subject to the following restrictions.

1) One (1) directional gateway sign shall be permitted for the same business.
2) Directional gateway signs shall not exceed 16 sq. ft. for a single business and 16 sq. ft. for the name of the street and/or development with a maximum total sign size of 75 sq. ft. No directional gateway sign shall exceed eight (8) ft. in height.
3) Non-flashing or indirect illumination is required. All lighting must be motionless.
4) Sign must be a ground mounted sign constructed of metal, brick, or fiberglass.
5) Landscaping of the site around the sign using appropriate plantings and shrubs is required.
6) Any directional gateway sign shall be subject to approval by the N.C. Department of Transportation. No directional gateway sign shall be placed where it may cause a hazard, or obstruct the view of any driver.
7) A construction plan shall be required prior to issuance of a zoning permit.

Outdoor advertising signs (off-premises signs) are not allowed in the CS District but may be erected in the HC, LI, and HI Districts. Where erected, outdoor advertising signs shall not be located within fifty (50) feet of any residential district. There shall be a minimum radius between any two outdoor advertising signs of 1,000 linear feet. Dimensions of outdoor advertising signs shall be as follows:

672 sq. ft. on highway with 4 lanes or more
400 sq. ft. on 3 or 2 lane highways

ARTICLE XI

NON-CONFORMANCE

Section 1. Purpose and Intent.

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures, and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these non-conformance to continue until they are removed, but not to encourage their continuance. Such non-conformance are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that non-conformance shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures, or uses prohibited elsewhere in the same district.

Section 2. Non-Conforming Lots of Record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by the other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot which was recorded prior to the date it became legally non-conforming. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board.

If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet at least eighty percent (80%) of the requirements, for lot width and area, for the zone in which they are located, as established by the ordinance, the lands involved shall be considered to be an undivided parcel, for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 3. Non Conforming Uses of Open Land.

This category of non-conformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located.

a) When a non-conforming open use of land has been changed to confirming use, it shall not thereafter be used for any non-conforming use.

b) Non-conforming open uses of land shall not be changed to any but conforming uses.

c) A non-conforming open use of land shall not be enlarged to cover more than was occupied by that use when it became non-conforming.

d) When any non-conforming open use of land is discontinued for a period of ninety (90) days any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 4. Non-Conforming Uses of Structures.

This category of non-conformance consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

a) A non-conforming use of a structure may be changed to a conforming use.

b) A non-conforming use of a structure shall not be changed to another non-conforming use.

c) When a non-conforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

d) A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became non-conforming, were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, except those required by law or ordinance or ordered by the Zoning Administrator to secure the safety of the structure.

e) When any non-conforming use of a structure is discontinued for a period of one year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 5. Non-Conforming Structures.

When a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No structure may be enlarged or altered in a way which increases its non-conformity.

b) Should such a structure be moved for any reason for any distance whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Section 6. Repairs and Maintenance.

On any structure on a non-conforming lot, a structure containing a non-conforming use, or a non-conforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the buildings, provided that the cubical content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Should such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost or bulk, exclusive of foundations and land value, it shall not be reconstructed except in conformity with the provisions of this ordinance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any county official charged with protecting the public safety, upon order of such official.

Section 7. Non-Conformance Created by Changes in Zoning Boundaries or Regulations.

Any non-conformance created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

Section 8. Special Uses are Conforming.

Any use for which a Special Use permit is issued, as provided in this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance or otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall meet all requirements of this ordinance.

ARTICLE XII

BOARD OF ADJUSTMENT

Section 1. Board of Adjustment Created.

A Board of Adjustment is hereby created. (By action of the Board of Commissioners, January 1980, the Planning Board shall perform the functions of the Board of Adjustment).

Section 2. Number of Members; Appointment.

The Board shall consist of seven (7) members who shall be citizens and residents of the areas affected by the Randolph County Zoning Ordinance and shall be appointed by the Randolph County Board of Commissioners.

The Board of Commissioners may, in its discretion, appoint and provide compensation for alternate members to serve on the board on the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member.

Section 3. Length of Terms.

Initial terms of office shall be as follows:

One (1) member appointed for a term of one (1) year.

Two (2) members appointed for terms of two (2) years.

Two (2) members appointed for terms of three (3) years.

Their successors shall be appointed for terms of three (3) years.

Section 4. Vacancies.

Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered ‘members of the board’ for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Section 5. Officers, Rules, and Regulations.

The Board shall elect such officers, and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article.

Section 6. Conduct of Hearing.

All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote.

Section 7. Conflicts of Interest

A member of the board or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 8. Disposition of Appeals.

The final disposition of each appeal shall be by recorded resolution indicating the reasons of the Board, therefore, based on findings of fact and conclusions of law, all of which shall be a public record.

Section 9. Appeals from Decisions of the Zoning Administrator.

An appeal from the decisions of the Zoning Administrator may be taken to the Board by any persons aggrieved, or by any officer, department, board or bureau of the County affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 10. Appeal Stays All Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a

restraining order which may be granted by the Board or by a Court of Record on application, on notice to the Zoning Administrator and on due cause shown.

Section 11. Powers of the Board of Adjustment.

The Board shall have the following powers:

a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator. The concurring vote of four-fifths (4/5's) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, to decide in favor of the applicant any matter which it is required to pass under the zoning ordinance or to effect any variation in the ordinance.

b) To authorize variances: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in undue hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the board. These regulations provide that a Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained, provided no change in permitted uses may be authorized by variance.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance.

Before a variance is granted, it shall be shown that special circumstances attach to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty or undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of the ordinance itself. A hardship peculiar to the applicant, as distinguished from other affected by the general rule, must be shown. The fact that property may be utilized

more profitably will not be considered adequate to justify the Board in granting a variance.

c) The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trail of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Section 12. Re-hearings.

The Board of shall refuse to hear an appeal or application previously denied, if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

Section 13. Review by Certiorari.

Any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer, or any officer, department, board, or bureau of Randolph County, may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality; whereupon such decision of said Board shall be subject to review by certiorari as provided by law. Any appeal to the Superior Court shall be taken within 30 days after the decision of the Board is filed in the office of the County Planning Director and a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

ARTICLE XIII

ADMINISTRATIVE AND LEGAL PROVISIONS

Section 1. Administration of the Zoning Ordinance.

The Planning Director is designated as the Zoning Administrator of Randolph County. The Planning Director is hereby authorized, and it shall be his duty, to administer the provisions of this ordinance, to pursue all available remedies for enforcement, and to settle all violations that involve the payment of money to the County. Appeals from a decision of the Zoning Administrator concerning this ordinance shall be made to the Board of Adjustment as provided in Article XII, Section 9 of this ordinance.

Section 2. Zoning Permits.

a) Before commencing the construction, erection, repair, alteration, addition to, removal, moving or demolishing of any building or structure or part thereof, or before commencing any excavation for such building or structure, or before erecting, repairing or repainting any sign (except where specifically authorized by this ordinance), a zoning permit for the same shall be secured from the Zoning Administrator.

b) The Zoning Administrator shall not issue a zoning permit unless the plans, specifications, and intended use of such buildings, structure, land or part thereof conform in all respects to the provisions of this ordinance. The application for a zoning permit shall be accompanied by such information as the Zoning Administrator may require to enable him to act upon such application. In cases where an appeal is filed by the applicant, or where he applied for a variance, the Zoning Administrator shall forthwith transmit all of the papers pertaining to the application to the Board for its action.

c) If a building permit or a septic tank permit has been issued prior to the adoption of this Ordinance, no zoning permit is required and construction may continue. Effective July 7, 1987 a zoning permit is required for all new improvements.

Section 3. Determination of Exact Location of Zoning District Boundary Lines.

The Zoning Administrator shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on zoning maps, subject to administrative review by the Board. The determination of the exact location of a zoning district's boundary line shall be guided by the provisions of Article V, Section 3.

Section 4. Changes and Amendments.

The Board of County Commissioners may, on their own motion or upon petition, after public notice and hearing, amend, supplement, change, modify or repeal the regulations or maps herein subsequently established, subject to the rules and procedures established by law and more specifically established in the following subsections:

a) No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which time parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two consecutive calendar weeks in a newspaper of general circulation in Randolph County. The first such publication shall not be less than ten (10) days proceeding the date set for such public hearing, but not more than 25 days before the public hearing. The second notice must appear in a separate calendar week. Such public hearing may be adjourned from time to time or from place to place as Board of County Commissioners may deem desirable. Notice shall also be provided by first class mail to owners of property adjoining the subject property. Such notice shall be mailed at least 15 days before the hearing date.

b) The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more then 50 properties, owned by a total of at least 50 different property owners, and the county may elect to use the expanded published notice provided for in this subsection. Randolph County may elect to either make the mailed notice provided for in subsection (a) of the section or may as an alternative elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page size. The advertisement shall only be effective for the property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

c) When a zoning map amendment is proposed, the County shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons.

d) Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the Planning Board report. The governing board is not bound by the recommendations, if any, of the Planning Board.

e) Members of appointed boards providing advice to the Board of County Commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

f) The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

g) A member of the Board of Commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member

h) A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a conditional district or other small-scale rezoning.

i) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

j) All applications for amending the zoning ordinance or map shall be submitted to the Zoning Administrator on forms supplied by the office of the Zoning Administrator. Processing of such applications shall begin within 90 days from submission to the Planning Department. However, this requirement is not intended to prevent the Planning Board or Board of Commissioners from delaying action after review by either body.

k) There shall be a fee payable to Randolph County for each application for rezoning. The amount of said fee shall be fixed by the County, and shall be sufficient to defray all administrative costs incurred in processing the application, notifying adjacent property owners, obtaining technical assistance and publishing the notice of public hearing.

l) No such proposed change in the zoning ordinance or map if denied by action of the Board of County Commissioners may be resubmitted within a period of one (1) year from the date of such denial by the Board of County Commissioners, unless the

Board of County Commissioners shall unanimously find that changing conditions in the area or new information concerning the property requested for rezoning warrant a resubmission for change in the zoning ordinance or map.

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

If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise made the rezoning more in accordance with principles underlying the Randolph Growth Management Plan, he shall apply for rezoning to the appropriate Conditional Zoning District specifying the nature of his proposed development.

n) Requests for Conditional Zoning Districts as authorized by this chapter shall be processed and considered in the same procedure as set forth in this chapter for rezoning requests and the voting procedure shall be the same as that required in zoning matters Any Conditional Zoning District so authorized shall be perpetually binding upon the property unless subsequently changed or amended by the County Commissioners as provided for in this Chapter.

Any violation of a term or condition of a Conditional Zoning District shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation

o) Changes and Amendments: The overlay district is established to provide greater flexibility for certain areas of the County's jurisdiction. All uses and regulations for an overlay district are supplemental to those uses and regulations in the underlying district, except where such regulations conflict. In such cases of conflict, the more stringent regulations shall apply.

All overlay district amendments shall follow the procedure required for general use district amendments.

p) Vested Rights: Requests to establish vested rights in accordance with GS 153A-344.1 by a Site Specific Development Plan shall include that information and process required for issuance of a Zoning Permit; Septic Tank Permit; Conditional Zoning District; Special Use Permit; or Subdivision Plat approval as specified in the Randolph County Unified Development Ordinance.

q) An applicant may withdraw or postpone a final hearing on a rezoning request before the Board of County Commissioners if such request is received in writing by the County Planning Director within five (5) working days after action by the County

Planning Board. Any request to withdraw or postpone a hearing thereafter shall be determined in the sole discretion of the Board of County Commissioners.

Section 5. Moratoria

Randolph County may adopt temporary moratoria on any county development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less then seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the County prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the County prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

a) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.

b) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

c) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

d) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the County shall have taken all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (a) though (d) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the County shall have the burden of showing compliance with the procedural requirements of this subsection.

Section 6. Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this ordinance they shall be held to the minimum requirements for the promotion of the public safety, health convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annual any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

Section 7. Separability.

Should any article, section, subsection, paragraph, sentence, clause, phrase, or district boundary of this ordinance and/or the Zoning Map which is a part of this ordinance herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of these regulations and the Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Board of County Commissioners hereby declares that it would have adopted this ordinance and Zoning Map, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, phrases, or district boundaries be declared unconstitutional or invalid.

Section 8. Enforcement Procedure.

A. Notice of Violation:

The Zoning Administrator or designated Code Enforcement Officer, upon a determination that a violation of the ordinance has taken place, shall give written notice of the violation.

B. Service:

The notice of violation shall be delivered to the violator by:

1. Hand delivery or certified mail to the violator's last known address; or
2. Hand delivery or certified mail to the property in violation; or
3. Posting of the notice, in a conspicuous location, at the property in violation.

When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing.

C. Contents:

The notice of violation shall include a description of the violation and its location, the measures necessary to correct the violation, the time period allowed to correct the violation, notice of the possibility of civil penalties and judicial enforcement action, notice of the possibility of criminal prosecution, and notice of the right of appeal to the Board of Adjustment.

D. Time Period for Correcting Violations:

The Zoning Administrator or designated Code Enforcement Officer shall determine the time period allowed to correct the violation based upon the standards set forth in the Code Enforcement Policies and Procedures Manual. No time period allowed to correct a violation shall exceed thirty (30) days after the date of receipt of the notice of violation.

E. When Notice of Violation Not Required:

The County may pursue remedies set forth in Section 9 of this article without a notice of violation under the following circumstances:

1. When a notice of the same violation has been issued to the same violator at the same property within the previous two (2) years; or
2. When action is taken under Section 9(D) Permit Denial or Conditions; or
3. When the County pursues criminal penalties against a violator under Section 9(E) Criminal Penalties.

F. Appeals:

All appeals of notices of violation must be brought within thirty (30) days after the date of receipt of the notice of violation and in accordance with Article XII, Section 9 of this ordinance.

G. Noncompliance:

Failure to complete the corrective measures set out in the notice of violation, from which no appeal has been taken, or failure to comply with a judgment of the Board of Adjustment after an appeal has been taken, shall subject the violator to one or more of the remedies or enforcement actions set out in Section 9 of this Article.

Section 9. Remedies; Enforcement Action.

Enforcement may be by one, all, or a combination of the remedies described below or in other sections of this ordinance or by any other remedy authorized by common law or statute, including but not limited to NCGS 153A-123, -324, -334, and -361, *et. seq*.

A. Injunctive Relief. The County may pursue any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123. The County may execute an order of abatement if the violator does not comply with such order, and the costs of execution shall be a lien on the property in the nature of a mechanic's or materialman's lien.

B. Civil Penalties. The County may pursue civil penalties through the issuance of citations for violations as provided below.

1. **Citation.** The Zoning Administrator or designated Code Enforcement Officer may issue a citation for a violation after the time period set out in the notice of violation for taking corrective measures has expired.

2. **Service**. The citation shall be delivered to the violator by:

   a. Hand delivery or certified mail to the violator's last known address; or
   b. Hand delivery or certified mail to the property in violation; or
   c. Posting of the notice, in a conspicuous location, at the property in violation.

   When service is made by certified mail, a copy of the citation may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the Post Office within ten (10) days after mailing.

3. **Contents.** The citation shall include the nature of the violation, the amount of the civil penalty, information about where to pay the civil penalty, the deadline for payment**,** notification of daily penalties for continuing violations, and the notification of possible civil and criminal enforcement.

4. **Penalty Amount.** The Zoning Administrator or designated Code Enforcement Officer shall assess a civil penalty of up to $500.00. Determination of the amount of the civil penalty for continuing violations shall be based upon the standards set forth in the Code Enforcement Policies and Procedures Manual.

5. **Deadline for Paying Civil Penalties.** All civil penalties shall be paid on or before thirty (30) days after receipt of the notice of violation. Failure to pay civil penalties within said deadline may subject the violator to a civil action in the nature of a debt.

6. **Continuing Violations.** The citation shall also include notice that a daily penalty of up to $500.00 shall be assessed for each day of continued violation and that the penalty shall be cumulative. If the violation continues for more than thirty (30) days after receipt of the citation, payment of subsequent daily civil penalties must be made within twenty-four (24) hours for every day of violation past the thirtieth day.

7. **Settlement of Violations.** Once a violation has been corrected, the Zoning Administrator or designated Code Enforcement Officer may waive payment of a single civil penalty or, in the case of a continuing violation, reduce the amount to a single-day civil penalty, if one or more of the following factors are present:

   a. The violator has not previously received a citation for a violation;
   b. The violation does not directly impact the public health and safety of the community;
   c. The violation was difficult to correct in an expeditious manner; or
   d. The degree of noncompliance was not substantial.

   If the violation has not been corrected, payment shall not release a violator from potential civil enforcement, criminal prosecution, injunctive relief, or an order of abatement.

8. **Appeals.** All appeals of citations must be brought within thirty (30) days after the date of receipt of the citation and in accordance with Article XII, Section 9 of this ordinance.

9. **Judicial Action to Collect Civil Penalty.** The County may file a civil action in the nature of a debt in any court of competent jurisdiction to collect an unpaid civil penalty after the thirty (30) day deadline for paying the civil penalty, set out in the notice of violation, has expired. Additional civil actions in the nature of a debt may be filed to collect an unpaid civil penalty for a continuing violation lasting more than thirty (30) days after receipt of the citation.

C. **Criminal Penalties.** A violation of this ordinance shall constitute a Class 3 misdemeanor, as provided by NCGS 14-4, and shall be subject to a maximum fine of $500.00 per violation. Each day of continued violation shall constitute a separate and distinct offense for purposes of criminal prosecution.

D. **Permit Denial or Conditions.** Any permit, certificate, or other authorization that has been issued 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, and/or posting of a performance bond.

E. **Permit Revocation or Voiding.** Any permit, certificate or other authorization may be revoked or voided upon a written determination by the Zoning Administrator that the

violation is substantial. Any permit or certificate mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked or voided without written determination.

ARTICLE XIV

IMPACT ANALYSIS (MAJOR RESIDENTIAL REZONING REQUESTS)

Section 1. General.

Development policies outlined in the Randolph County Growth Management Plan and regulated through this Ordinance are specifically designed to encourage long term planning among property owners, developers and county government. The Development Impact Statement is a key component of major residential rezoning requests. Its use will allow the Randolph County Board of Commissioners, County Planning Board, and appropriate staff to better determine the feasibility of a rezoning proposal based on its impact to the community and the capacity of Randolph County to provide adequate public facilities. This article shall apply to all applications for major residential subdivision rezoning.

Section 2. Impact Elements.

The Technical Review Committee (TRC) shall prepare information outlined in the Development Impact Analysis for all major residential subdivision development proposals or related special use permit applications. The Development Impact Analysis shall at a minimum consist of the following elements:

1) Housing Development Analysis. Type of units expected, projected value, size and timing of phases;

2) Water Resources. Proposed water resources and availability of public infrastructure. Proposed sewage disposal systems;

3) Traffic Analysis. Estimated number of trips generated, volume of existing traffic on roads adjacent to and within one half mile of tract, directional distribution of traffic and capacity analysis;

4) Public Education. Expected number of students generated for each dwelling unit using the Student Information Management System data as provided by the Public School Systems. Location of public schools expected to serve the development and their student capacity; and

5) Agricultural Impact. Adjoining active working farms shall be noted on development plans. All well locations must be documented on subdivision plats with a setback not less than 100 ft. from the farm's property lines. Farm operations that begin after the development of a major residential subdivision must abide by the 100 ft. waste setback rule (on the farm property).

ARTICLE XV

ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

Section 1. Authority.

This section of the zoning ordinance is enacted under the authority granted by N.C.G.S. 153A-132 and 153A-132.2 of the North Carolina General Statutes. N.C.G.S. 153A-132 grants to Randolph County the authority to prohibit by ordinance the abandonment of motor vehicles and to restrain, regulate and prohibit junked motor vehicles on public grounds and private property within the County's ordinance-making jurisdiction. N.C.G.S. 153A-132.2 grants to Randolph County the authority to regulate, restrain or prohibit the abandonment of junked motor vehicles on public or private property within the County's ordinance-making jurisdiction upon a finding that such regulations are necessary to promote and enhance community appearance.

Section 2. Administration.

The Randolph County Planning Department shall be primarily responsible for the administration and enforcement of this Article. The Planning Department shall be responsible for administering the removal and disposition of "abandoned," "nuisance" or "junked" motor vehicles located on *private property*. The Sheriff's Department shall have specific responsibility to remove "abandoned," "nuisance" or "junked" motor vehicles on *public property* as well as within the public right-of-way of streets and highways outside the corporate limits of the towns and cities within Randolph County. The County may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned, nuisance, and junked motor vehicles in compliance with this Article and applicable state laws. Nothing in this Article shall be construed to limit the legal authority of the County Sheriff's Department, local fire departments, and other authorized agencies in enforcing other laws or in otherwise carrying out their duties.

Section 3. Purpose.

The purposes of this Article are:

1. to preserve the rural character and integrity of the community;

2. to protect property values;

3. to preserve the livability and attractiveness of the County;

4. to promote tourism and other opportunities for economic development;

5. to maintain the attractiveness of the County's roadways for the traveling public; and

6. to promote the comfort, happiness and emotional stability of occupants of property in the vicinity of abandoned, nuisance or junked motor vehicles.

Section 4. Jurisdiction.

In accordance with North Carolina General Statute 153A-122, this Article applies to and is enforceable in any part of Randolph County which is outside an incorporated city or town. If requested in writing by a municipality and approved by the County Board of Commissioners, Randolph County may enforce the provisions of this Article inside the corporate limits and/or the extraterritorial planning jurisdiction of that particular political jurisdiction.

Section 5. Definitions.

1) *Motor Vehicle* - Any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled motor vehicle.

2) *Abandoned Motor Vehicle* - An abandoned motor vehicle is one that is:

    a) left on public grounds or County-owned property in violation of a law or Ordinance prohibiting parking; or

    b) left for longer than 24 hours on property owned or operated by the County; or

    c) left for longer than two hours on private property without the consent of the owner, occupant or lessees of the property; or

    d) left for longer than seven days on public grounds.

3) *Junked Motor Vehicle* - A junked motor vehicle is one that is:

    a) partially dismantled or wrecked; or

    b) cannot be self-propelled or moved in the manner in which it was originally intended to move; or

    c) more than five (5) years old and appears to be worth less than $100.00; or

    d) does not display a current license plate.

4) *Nuisance Motor Vehicle* - A motor vehicle on public or private property that is determined to be a health or safety hazard, a public nuisance or unlawful, including a motor vehicle found to be:

a) a breeding ground or harbor for mosquitoes or other insects or rats or other pests; or

b) a point of heavy growth of weeds or other noxious vegetation over 8 inches in height; or

c) a point of collection of pools or ponds of water; or

d) a point of concentration of quantities of gasoline, oil and other flammable or explosive materials as evidenced by odor; or

e) one which has areas of confinement which cannot be operated from the inside such as trunks, hoods, etc.; or

f) so situated or located that there is a danger of its falling or turning over; or

g) a point of collection of garbage, food, waste, animal waste or any other rotten or putrescible matter of any kind; or

h) one which has sharp parts which are jagged or contain sharp edges of metal or glass; or

i) so offensive to the sight as to damage the community, neighborhood or area appearance; or

j) for other reasons declared a health and safety hazard and a public nuisance by the Randolph County Health Department and/or the Planning Department.

5) *Junkyard (Salvage)* - Any land or area used, in whole or in part, for the storage, keeping or accumulation of materials, including scrap materials or used building materials, for the dismantling, demolition or abandonment of automobiles or other motor vehicles or machinery or parts thereof. This definition includes the following SIC groups: 5015 Motor Vehicles Parts, Used or 5093 Scrap and Waste Materials.

6) *Classic Vehicle* - A vehicle that:

a) is titled (vehicle owner must possess title):

b) is listed with the County Tax Department;

c) has a minimum value of $400.00;

d) is restorable; and

e) contains a power train system (including a motor and transmission).

7) *Car Cover* - One that is specifically manufactured and retailed for the purpose of covering a car.

Section 6. Abandoned Motor Vehicle Unlawful; Removal Authorized.

1) It shall be unlawful to abandon a motor vehicle (as defined in Section 5 above) by the registered owner or person entitled to possession of the motor vehicle.

2) Upon investigation, the authorized County official may determine that a motor vehicle is an abandoned motor vehicle and order the motor vehicle removed.

Section 7. Nuisance Motor Vehicle Unlawful; Removal Authorized.

1) Upon investigation, the authorized County official may determine and declare that a motor vehicle is a health or safety hazard, and therefore a nuisance motor vehicle as defined in Section 5 above, and order the motor vehicle removed.

2) It shall be unlawful for the registered owner of a motor vehicle or for the owner, lessees or occupants of the real property upon which the motor vehicle is located to leave or allow the motor vehicle to remain on the property after it has been declared a nuisance motor vehicle.

Section 8. Junked Motor Vehicle Regulated; Removal Authorized.

1) Subject to the provisions of Paragraph 3 of this Section, upon investigation, the Randolph County Planning Department may order the removal of a junked motor vehicle (as defined in Section 5 above) after finding in writing that the *aesthetic benefits* of removing the motor vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the owner against the corresponding gain to the public by promoting or enhancing community appearance. The following relevant factors, among others, may be considered:

a) protection of property values;

b) promotion of tourism and other economic development opportunities;

c) indirect protection of public health and safety;

d) preservation of the character and integrity of the community;

e) maintenance of the attractiveness of the County's roadways for the traveling public; and

f) promotion of the comfort, happiness and emotional stability of area residents.

2) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to leave or allow the motor vehicle to remain on the property after the motor vehicle has been ordered removed.

3) Two (2) junked motor vehicles may be located in the rear yard of a residential lot as defined by the Randolph County Zoning Ordinance if the junked motor vehicles are covered by acceptable car covers. The covering shall remain in good repair and shall not be allowed to deteriorate. Any number of junked motor vehicles may be stored on a lot, provided the motor vehicles are kept in a garage or building that provides complete enclosure. The covering or enclosure shall also comply with any other requirements of the Randolph County Zoning Ordinance.

4) It shall be unlawful to have more than two junked motor vehicles on the premises of private property unless fully enclosed as described in Paragraph 3 above. Junked motor vehicles shall strictly comply with the location and concealment requirements of this Article and other provisions of the Randolph County Zoning Ordinance. If a conflict exists, the more restrictive requirements shall apply.

5) It shall be unlawful for any owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located not to comply with the location or concealment requirements of this Article.

Section 9. Right of Access to Inspect Motor Vehicles.

The Sheriff, the County Health Director, or the County Planning Director, or their designees shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this Article during daylight hours to determine if any motor vehicle is a health or safety hazard (nuisance) or is detracting from the aesthetics of the area.

Section 10. Indemnification Against Loss.

The County may require a person requesting removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the County against any loss, expense or liability incurred because of the motor vehicle's removal, storage or sale.

Section 11. Removal of Abandoned, Nuisance or Junked Motor Vehicles; Pre-Towing Requirements.

1) Except as set forth in Section 12 below, an abandoned, nuisance or junked motor vehicle shall not be towed until notice has been given to the registered owner or person entitled to

possession of the motor vehicle. In the case of a nuisance motor vehicle or a junked motor vehicle, if the name and mailing address of the registered owner or person entitled to possession of the motor vehicle or the owner, lessee or occupant of the real property upon which the motor vehicle is located can be determined with reasonable diligence, the County Planning Department shall send notice by first class mail. The person within the Planning Department responsible for the mailing shall keep a written record of the date, names, and addresses of the people to whom written notification has been sent. If the name and address cannot be determined or if the motor vehicle to be removed is an abandoned motor vehicle, notice shall be affixed to the windshield or some other conspicuous place on the motor vehicle indicating that the motor vehicle will be removed upon a specific date (no sooner than 7 days after the notice is affixed) unless the motor vehicle is moved by the owner or legal possessor prior to that date.

2) The registered owner or person entitled to possession may choose not to remove the motor vehicle but to appeal the determination that the motor vehicle is abandoned, a nuisance motor vehicle, or in the case of a junked motor vehicle, that the aesthetic benefits of removing the motor vehicle outweigh the burdens. Such appeal shall be made in writing to the Randolph County Planning Board and shall be heard at their next regularly scheduled meeting. Further proceedings to remove the motor vehicle shall be stayed until the appeal is heard and decided.

Section 12. Exceptions to Prior Notice Requirements.

The notification requirements in Section 11 above may be omitted in those circumstances where there is a special need for prompt action needed to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. By way of illustration, but not limitation, such circumstances include motor vehicles blocking or obstructing ingress or egress to businesses and residences, motor vehicles parked in such a location or manner as to pose a traffic hazard, and motor vehicles causing damage to public or private property.

Section 13. Removal of Motor Vehicles; Post-Towing Notice Requirements.

1) Whenever a motor vehicle is removed, the Randolph County Planning Department shall immediately notify the last known registered owner of the following:

   a) a description of the motor vehicle;

   b) the location where the motor vehicle is stored;

   c) the violation which caused the motor vehicle to be towed;

   d) the procedure that the owner must follow to have the motor vehicle returned to him; and

e) the procedure that the owner must follow to request a probable cause hearing on the towing.

3) The written notice described in Paragraph 1 above shall be mailed to the owner's last known address, unless this notice is waived in writing by the motor vehicle owner or his agent. If the motor vehicle is registered in North Carolina, notice shall be given within 24 hours; if registered outside of North Carolina, notice shall be given to the registered owner within 72 hours of the removal of the motor vehicle.

4) Whenever a motor vehicle does not have valid registration or registration plate, the County shall make reasonable efforts, including checking the motor vehicle identification number, to determine the last known registered owner of the motor vehicle and to notify him of the information set forth in Paragraph 1 above.

Section 14. Probable Cause Hearing Procedure.

1). The owner or any other person entitled to claim possession of the motor vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the County magistrate (or in any other office designated to receive requests by the Chief District Court Judge) who shall set the hearing within 72 hours of receiving the request. The owner, the Sheriff, the person who towed the motor vehicle, the person who requested the motor vehicle to be towed and any other person affected by the action may present evidence at the hearing.

2). The only issue at the hearing is to determine whether or not probable cause existed for the removal of the motor vehicle. If the magistrate finds that cause existed, the lien on the motor vehicle continues. If the magistrate finds that no cause existed, then the lien is extinguished and the motor vehicle shall be immediately returned to the owner. Any aggrieved party may appeal the magistrate's decision to District Court.

Section 15. Redemption of Motor Vehicle During Proceedings.

At any stage of the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed motor vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges, or by posting a bond for double the amount of such fees and charges to the County. Upon regaining possession, the owner or person entitled to possession of the motor vehicle shall not allow or engage in further violations of this Article.

Section 16. Sale and Disposition of Unclaimed Motor Vehicle.

After holding an abandoned, nuisance or junked motor vehicle for 30 days after the day the motor vehicle was removed, Randolph County may sell or dispose of the motor vehicle. Disposition of such a motor vehicle shall be carried out in coordination with the County and in accordance with

N.C.G.S. 44A-4, 44A-5, and 44A-6. If the value of the motor vehicle is less than the amount of the lien, the County may sell it for scrap or destroy it.

Section 17. Conditions on Removal of Motor Vehicles from Private Property.

In no case will a motor vehicle be removed by the County from private property except in those cases where a motor vehicle is a nuisance motor vehicle or is a junked motor vehicle which has been ordered removed by the properly authorized County official.

Section 18. No Liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked motor vehicle for disposing of such motor vehicle as provided in this Article.

Section 19. Exceptions.

Nothing in this Article shall apply to any motor vehicle:

1). which is located in a junkyard as defined in this Article;

2). which is in an enclosed building (See Section 8, Subsection 3);

3). which is on the premises of a business enterprise being operated in a lawful place and manner if the motor vehicle is necessary to the operation of the enterprise; or

4). which is in an appropriate storage place or depository maintained in a lawful place and manner by the County.

Section 20. Personal Classic Vehicle Storage Exemption.

No more than six (6) personal classic vehicles may be stored on private property, under this exemption, without the issuance of a special use permit. The owner of these vehicles must reside on the property where the vehicles are stored. Persons with vehicles that are visible from adjoining properties and/or an access road must provide adequate screening which may include car covers, fencing, or natural buffers.

Section 21. Unlawful Removal of Impounded Motor Vehicles.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the County any motor vehicle which has been impounded pursuant to the provisions of this Article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Section 22. Fines.

Any fines assessed pursuant to this Article or pursuant to Chapter Two, Article XIII, Section 9 of the Randolph County Unified Development Ordinance shall be considered a lien against the motor vehicle owner's property or the property on which the motor vehicle is located until such fine is paid in full.

Section 23. Penalty.

In addition to the remedies specified in this Article and the other remedies specified in N.C.G.S. 153A-123, the County may enforce this Article in accordance with Chapter Two, Article XIII, Section 9 of the Randolph County Unified Development Ordinance, which sets out both criminal and civil penalties for violation.

Section 24. Severability.

Should any provision of this Article be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Article as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 25. Effective Date.

This Article shall become effective as of August 3, 1998.

RANDOLPH COUNTY
LITTER ORDINANCE
ARTICLE XVI

Section I. Authority

This section of the zoning ordinance is enacted pursuant to the authority granted by N.C. Gen. Stat. § 153A-121 and N.C. Gen. Stat. § 153A-132.1.

Section II. Administration

The Randolph County Planning Department shall be primarily responsible for the administration and enforcement of this Article. Nothing in this Article shall be construed to limit the legal authority of the County Sheriff's Department, local fire departments, and other authorized agencies in enforcing other laws or in otherwise carrying out their duties.

Section III. Jurisdiction

This Article applies to and is enforceable in any part of Randolph County which is outside an incorporated city or town. If requested in writing by a municipality and approved by the County Board of Commissioners, Randolph County may enforce the provisions of this Article inside the corporate limits and/or the extraterritorial planning jurisdiction of that particular political jurisdiction.

Section IV. Purpose

The purpose of this ordinance is to promote the health, safety, and welfare of the people of Randolph County; to preserve the dignity and aesthetic quality of the environment of Randolph County; to protect the economic interest of the citizens and residents of Randolph County who are dependent on tourism; and to aid in the promotion of tourism in Randolph County.

Section V. Definitions

A. Container: A metal, paper, or plastic receptacle with tight-fitting lid used for the disposal and storage of solid waste.

B. Garbage: All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

C. Litter: Any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm

machinery or equipment, sludge from a waste treatment facility, water supply treatment plan, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

D. Person: Any person, firm, partnership, corporation, unincorporated association, or other legal entity.

Section VI. Litter Regulations

A. No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid wastes upon his property that is not stored or disposed of in a manner prescribed by this ordinance.

B. The owner, occupant, tenant, or lessee of any property shall remove or caused to be removed all garbage and litter from his property at least once per week.

C. Owners of mobile home parks and multi-family houses (more than two family units) shall be responsible for storage and disposal consistent with this ordinance.

D. Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

E. Litter shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

F. No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

G. Solid waste shall be disposed of only in one of the following ways:

a. In a sanitary landfill approved by the Division of Solid Waste Management;
b. In an incinerator that has all required local, state, and federal air pollution control permits;
c. By any other method, including reclamation and recycling processes, that has been approved by the Division of Solid Waste Management; or
d. In solid waste containers provided by the county.

Section VII. Exceptions

This ordinance shall not apply to the following:

A. Any junkyard as defined in Chapter One of the Randolph County Unified Development Ordinance that is properly permitted under Chapter Two of the Randolph County Unified Development Ordinance; or

B. Any junkyard, the operation of which is protected as a lawful nonconforming use under Chapter Two, Article XI of the Randolph County Unified Development Ordinance.

Section VIII. Civil Penalties

Any civil penalties assessed pursuant to this Article or pursuant to Chapter Two, Article XIII, Section 8 and 9 of the Randolph County Unified Development Ordinance shall be considered a lien against the property on which the violation occurs until such fine is paid in full.

Section IX. Penalty

The County may enforce this Article in accordance with Chapter Two, Article XIII, Section 8 and 9 of the Randolph County Unified Development Ordinance, which sets out both criminal and civil penalties for violations. As outlined in G.S. 153A-132.1, a person in violation of this ordinance may be punished by a fine not exceeding fifty dollars ($50.00) or imprisoned not exceeding 30 days, or both. Each day or portion thereof of violation shall constitute a separate offense.

Section X. Severability

Should any provision of this Article be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Article as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

RANDOLPH COUNTY

SUBDIVISION ORDINANCE

ARTICLE I

SHORT TITLE

This ordinance shall be known and may be cited as the Subdivision Ordinance of Randolph County, North Carolina.

ARTICLE II

PURPOSE

The purpose of this Ordinance is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in Randolph County. Among other reasons, this Ordinance is deemed necessary to (1) assure the appropriate layout and use of land; (2) provide safe, convenient and economic circulation of vehicular traffic; (3) provide for the dedication of reservation of street rights-of-way, utility easements and public facility sites; (4) assure the proper installation of streets and utilities; (5) avoid undue concentrations of population; and
(6) insure proper legal description, identification, monumentation and recordation of property boundaries.

ARTICLE III

AUTHORITY AND JURISDICTION

Section 1. Authority

The enactment of this Ordinance is authorized under provisions pursuant to Chapter 153A, Article 18, Section 330 et seq. and Chapter 153A, 322(d) of the General Statutes of North Carolina.

Section 2. Jurisdiction

This Ordinance shall govern the platting and recording of any subdivision of land lying within Randolph County and outside the subdivision regulation jurisdiction of any municipality. It may also govern the platting and recording of any subdivision of land lying within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.

ARTICLE IV

LEGAL PROVISIONS

Section 1. Application of Ordinance

a) No lot or plat (except as provided by Section 2 below) within Randolph County's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning Director . Such approval shall be indicated on the face of the plat and signed by the Randolph County Planning Director. (See Appendix F for certification form).

b) The Register of Deeds shall not file a plat or record of subdivision of land within the county's jurisdiction nor shall the Clerk of Superior Court order such recording without the required certification and signature of the Planning Director.

Section 2. Subdivision Definition and Exceptions

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

1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

3) The public acquisition by purchases of strips of land for the widening or opening of streets or for public transportation system corridors.

4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in its subdivision regulations.

5) The division of property among heirs for the sole purpose of settling an estate or a Court ordered division.

b) Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption (See Appendix F) from the Planning Director and shall present such certificate to the Register of Deeds Office as proof that one of the conditions of exception noted above is present.

Section 3. Plat Approval Not to Constitute Acceptance of Street or Public Utility

The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

Section 4. Approval Required for Building Permit

No building permit shall be issued for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this Ordinance or a certificate of exemption obtained, provided, however, that this shall not apply to any subdivision recorded by the County Register of Deeds prior to April 23, 1974, the first effective date of this Ordinance.

Section 5. Variances Due to Site Conditions

Where the sub-divider can show that a provision of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Board may approve a variance when it finds that such variance may be granted without destroying the intent of this Ordinance. Any variance thus recommended by the Board shall be noted in the minutes of the meeting at which the variance is granted and such notation shall include the reasons for the variance.

Section 6. Penalties for Transferring Lots in Unapproved Subdivision

a) Any persons who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of Randolph County who subdivides such land in violation of this Ordinance or transfers or sells any part of such land by reference to, exhibition of or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this Ordinance and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor.

b) This Ordinance may also be enforced by injunction, order of abatement or other equitable remedy upon application to the General Court of Justice.

Section 7. Conflicting Ordinances

Where another applicable regulation, ordinance or statute imposes more restrictive regulations than those contained in this Ordinance, the more restrictive regulation shall govern.

Section 8. Separability

Should any section or provision of this Ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

Section 9. Effective Date

This Ordinance shall take effect and be in force from and after July 6, 1987, and as subsequently amended by the Board of Commissioners for Randolph County, North Carolina.

Section 10. Amendment Procedure

This Ordinance may be amended or revised from time to time by the Board of Commissioners for Randolph County as provided by North Carolina General Statutes, Chapter 153A-323, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Randolph County Planning Board for review and recommendation. If the Planning Board fails to provide a recommendation within 30 days of submission to the Board, it shall be deemed to have favorably recommended the amendment.

Section 11. State Platting and Disclosure Statement Requirement

All sub-dividers planning to sell lots not plated and recorded prior to October 1, 1975, are advised to consult N. C. General Statutes 136-102.6, "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation," which requires that all new streets, whether public or private, and all changes in streets be plated. N. C. G.S. 136-102.6 also requires the sub-divider to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N. C. Department of Transportation standards, and who will bear maintenance responsibility for the streets. No provision of the Randolph County Subdivision Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of N. C. G.S. 136-102.6.

Section 12. Pre-sale Contracts GS 153A-334(b)

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds, provided the contract does all of the following:

a) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver a copy of the recorded plat prior to closing and conveyance.

b) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

c) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

d) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier then 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no contract to lease it may become effective until after the final plat has been properly approved under the Subdivision Ordinance and recorded with the Register of Deeds.

Section 13. Enforcement

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the county, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits require pursuant to G.S. 160A-417

may be denied for lots that have been illegally subdivided. In addition to other remedies, a county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

ARTICLE V

PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS FOR SUBDIVISIONS

Section 1. Review and Approval Process For Major Subdivisions

In most instances, a major subdivision will require rezoning into a classification other than Residential Agricultural (RA). Randolph County Growth Management policies require that County Planning staff maintain a formal review process for major subdivision proposals. The following is a list of the submittal and review process:

a) A completed Preliminary Plat/Subdivision application shall be submitted along with all additional information such as deed restrictions, maintenance agreements, permission letter from property owner, etc.

b) In-office review of the application packet by the Planning staff.

c) Technical Review Committee shall meet and provide recommendations to the developer.

d) Planning staff shall meet the developer and surveyor on the site. The required and/or recommended changes from the Technical Review Committee are reviewed. The developer is then notified of the cut-off for the revised plans and filing of rezoning application forms.

e) New plat and application for property rezoning, along with fee, are submitted to the Planning Department.

f) The Neighborhood Information Meeting for the request is scheduled.

g) The Technical Review Committee reviews comments and recommendations made during the Neighborhood Information Meeting. The Planning staff provides additional recommendations to the developer and/or their representative based on Technical Review Committee review.

h) The Planning Board Public Meeting (which results in recommendations to the County Commissioners).

i) The Board of Commissioners Public Hearing (Final authority on property rezoning).

j) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this Ordinance and all certificates required for final plats by this Ordinance or approvals and by state law have been properly completed and signed.

k) Recordation. The approval of the final plat by the Planning Director shall be on condition that such plat be recorded in the Office of Register of Deeds within sixty (60) days after approval.

Section 2. Minor Subdivisions

The developer of a minor subdivision (a subdivision not involving development or extension of a new public or private street with all lots having access to an existing state maintained road) may apply for final approval of any minor subdivision through the procedures set forth in this section.

a) Submission Requirements. Two copies of a plat, prepared according to specifications in Appendix C shall be presented to the Planning Director for all minor subdivisions.

Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Appendix F by a registered land surveyor or professional engineer licensed and registered to practice in North Carolina.

b) Review Procedure. The Planning Director or his designated representative shall review each minor subdivision and shall find that it either does or does not meet the requirements of this Ordinance. Based on these findings, the Director shall either approve, disapprove or approve conditionally the proposed minor subdivision within thirty (30) days of its submission. The decision of the Planning Director is subject to appeal by the sub-divider to the Board of Adjustment, which must act on any appeal within thirty (30) days.

c) Certificate of Approval for Recording. If the proposed minor subdivision is approved by the planning staff, or by the Board of Adjustment upon appeal, such approval shall be shown by a certificate of approval for recording, Appendix F.

ARTICLE VI

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 1. General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.

Section 2. Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with the Randolph County Zoning Ordinance and other pertinent official development plans and ordinances. In addition, where land lies within the area of a public water supply reservoir, so designated by a Governmental authority, sub-dividers of such land shall be required to give notice on the face of the final subdivision plat that land within the subdivision lies within a designated public water supply reservoir area and may be the subject of future public purchase. (See Appendix F for Certificate of Disclosure of Public Purchase.)

Section 3. Road Frontage

All lots in a subdivision must front on a public paved road, unless a private road is specifically provided for Section 5 of this Article. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

Section 4. Streets and Roads

a) The design of all public streets and roads within Randolph County shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Road" as published by the N. C. Department of Transportation, Division of Highways.

b) Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.

c) All streets shall be named and signs conforming to county standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.

d) Subdivision Names. All subdivisions requiring the development of new public roads must be named. A sign clearly indicating the name of the subdivision shall be posted at each entrance to the subdivision.

e) Access to Adjoining Property. Means of ingress and egress for adjoining properties within the subdivision shall be provided.

f) Cut-de-Sacs. Cul-de-sacs or other dead end streets designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of fifty (50) feet and the surfacing shall have a minimum radius of thirty-five (35) feet.

Section 5. Private Roads

a) Private roads or drives shall be permitted only in the following circumstances:

1) Developments which by the nature of their design could not occur if required to meet DOT subdivision road standards, as for example residential developments under unified or homeowner association control (mobile home parks, apartment complexes, attached housing, PUDS, etc.) and commercial or industrial development under unified control.

2) Division of land into tracts which are five acres or greater in size.

3) In subdivisions in which a new street provides access to two or fewer lots provided that the new street connects directly to a public street currently accepted and maintained by the N. C. DOT, and further provided that the new street is no longer in length than 0.2 miles.

b) Where permitted, private roads may be constructed in compliance with the following conditions:

1) The developer shall sign a certificate attesting to the fact that an instrument will be recorded with the final plat which guarantees:

a) a right of access by all lots served by the private road; and

b) a full disclosure of the status of the road and specific road maintenance responsibilities (as required by G.S. 136-102.6) and that these listed items shall run with the land.

c) Design standards for private roads are listed in Appendix D.

Section 6. Blocks

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

Section 7. Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official plans and ordinances.

a) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered plated for occupancy and shall not be in determining the minimum lot area or maximum lot depth.

b) Frontage on a Public Street. Every lot shall front or abut on a public street (except where private roads are permitted) and shall have a minimum of 100 feet at the building line.

c) Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the Planning Board.

d) Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

e) Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning or as approved through the rezoning process.

Section 8. Water and Sewer Facilities Serving Lots

a) Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the sub-divider, at his own expense, shall have the site investigated by the Randolph County Health Department or other authorized, qualified, individual, firm or agency, to determine whether or not such individual facilities are feasible and shall present proof to the Planning Board that appropriate soil tests have been conducted and that each lot in the subdivision not served by public water or sewage disposal systems has been approved by the Randolph County Health Department for individual water supplies and/or sewage disposal systems.

   The site investigation for sewage disposal shall include sufficient number of percolation tests. The number of percolation tests required and the depth of test holes shall be determined by the County Sanitarian.

b) Where individual septic tank systems are planned, minimum lot sizes specified in this Ordinance may need to be increased as required by the results of percolation tests and subsoil investigation.

c) Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations. (See Appendix E for water and waste disposal approval requirements).

d) Building Lines. On residential lots the minimum depth of the front building line from the front road right-of-way shall be 35 feet. This depth shall be increased on recommendation of the County Health Department, if necessary for the installation of an individual sewage disposal system on the front of a lot. On double frontage lots, the minimum depth of the rear building line from the rear road right-of-way shall be 35 feet. On corner lots, the minimum depth of building lines from the side property line of the side street shall be 35 feet. On lake front lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to and 25 feet from the official pond level measured along the natural ground surface and in no case shall a building be located below a contour line which shall be three feet above normal pond level.

Section 9. Easements

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities, easements when and where required not less than 20 feet wide, (10 feet on either side) shall be required along all rear lot lines, and 10 feet wide (5 feet on either side) of all side lot lines or across lots where necessary.

Section 10. Recreation Areas and Sites for Public Facilities

Where a school site is shown on a publicly approved plan, which plan shall have been recorded with the Register of Deeds and requested by the local Board of Education, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

Section 11. Water Courses

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective sub-divider shall furnish reasonable evidence to the Planning Board that residential lots within the subdivision will not be flooded, lots located in flood plains shall not be sold for residential purposes.

Section 12. Buffer Strips - Streams

A subdivision including within its boundaries a perennial stream shall provide for a 50 foot buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey Maps.

Streets, roadways, railroads and driveways are permitted in the stream buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

The fifty (50) foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

Section 13. Planned Unit Developments

The foregoing requirements of this Article applicable to conventional subdivisions may be modified in the case of planned unit developments (PUDs) and planned business developments. Requirements and the review process for PUDs and planned business developments are specified in the Special Use Permit provisions of the Randolph County Zoning Ordinance

Section 14. Mobile Home Subdivisions

Mobile home subdivisions shall comply in all respects to the requirements of this Ordinance. It shall be further required that all mobile homes in a mobile home subdivision:

a) be attached to the ground (after removal of the wheels and axles) either by use of permanent masonry material or by use of a manufacturer's unified vinyl enclosure;

b) have a minimum roof pitch of 2.2 feet for every 12 feet;

c) meet or exceed mobile home construction standards of the U.S. Department of Housing and Urban Development (July 1, 1976);

Electric power for the individual mobile home shall not be released unless all of the above requirements are met.

ARTICLE VII

IMPROVEMENTS REQUIRED PRIOR TO APPROVAL OF FINAL PLATS

Section 1. Installation of Improvements

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this Ordinance.

Section 2. Guarantee of Improvements

Guarantee of Improvements

To assure compliance with these and other Ordinance requirements, the Ordinance shall provide for performance guarantees to assure successful completion of required improvements. If a performance guarantee is required, the County shall provide a range of options of types of performance guarantees, including surety bonds or irrevocable letters of credit, from which the developer may choose. For any specific development, the type of performance guarantee from the range specified by the County shall be at the election of the developer.

Section 3. Submission Requirements

Data demonstrating compliance with the improvement requirements must be prepared and submitted to the Planning Director for which final approval is sought. Specifications for final plats are listed in Appendix B.

Section 4. Required Improvements

The following improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Planning Director for recording:

a) Public Streets. Streets and all associated improvements, to include storm drains, grading, base and paving, shall be constructed by the sub-divider in accordance with the specifications and standards of the N. C. Department of Transportation, Division of Highways and shall be approved by the District Highway Engineer.

b) Private Streets. Private streets or drives shall be permitted only in the situations described in Article VII, Section 5. The word private shall be clearly stamped on the final plat and this shall be recorded with all conveyances along with road maintenance provisions. Design standards for private roads are noted in Appendix D.

c) Monuments. Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

d) Utilities. Water mains and sanitary sewers may be installed by the sub-divider. If such installation is made, the sub-divider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department

of Human Resources, the North Carolina Department of Natural Resources and Community Development and the Randolph County Health Department; and with all regulations and construction specifications of any municipality to whose utility system such water mains and/or sanitary sewers may eventually be connected.

Electrical utilities and communication lines shall be installed with arrangements made by the sub-divider with the utility company or cooperative authorized to serve the area of the subdivision. All utilities shall be installed underground as required by the Randolph County Hazard Mitigation Plan. If placing the utilities underground is not possible, the developer must submit a letter from the utility provider or an engineer detailing the obstacles to placing utilities underground.

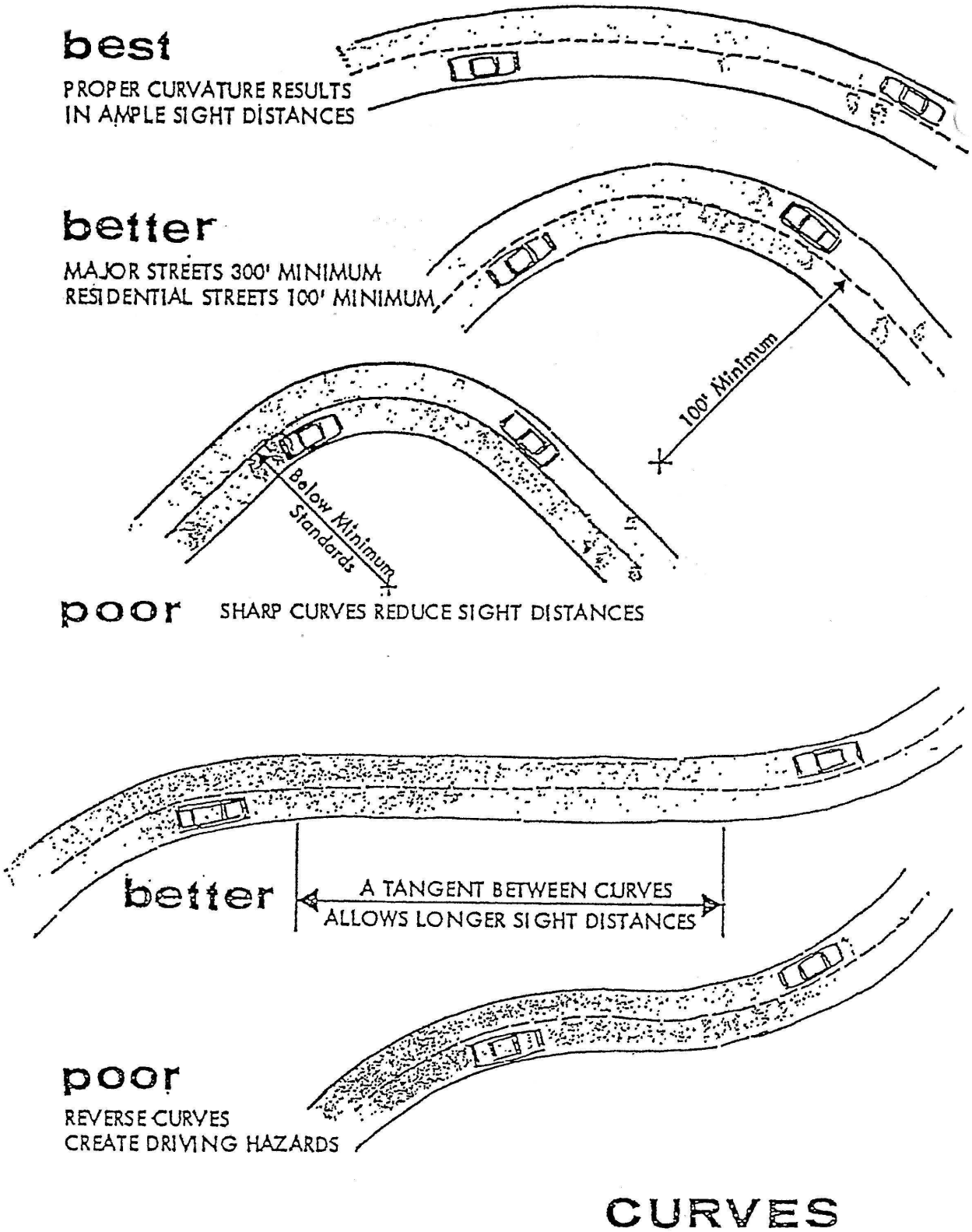
Utilities which encroach upon the State Highway system shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

e) Water Supply and Sewage Disposal on Individual Lots. The size, location, soil conditions and drainage of all lots in the subdivision shall be approved by the Randolph County Health Department relative to individual water supply and sewage disposal systems. Water supply and waste treatment approval requirements are noted in Appendix E.

f) Erosion Control. The sub-divider shall mulch, seed, sod or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances.

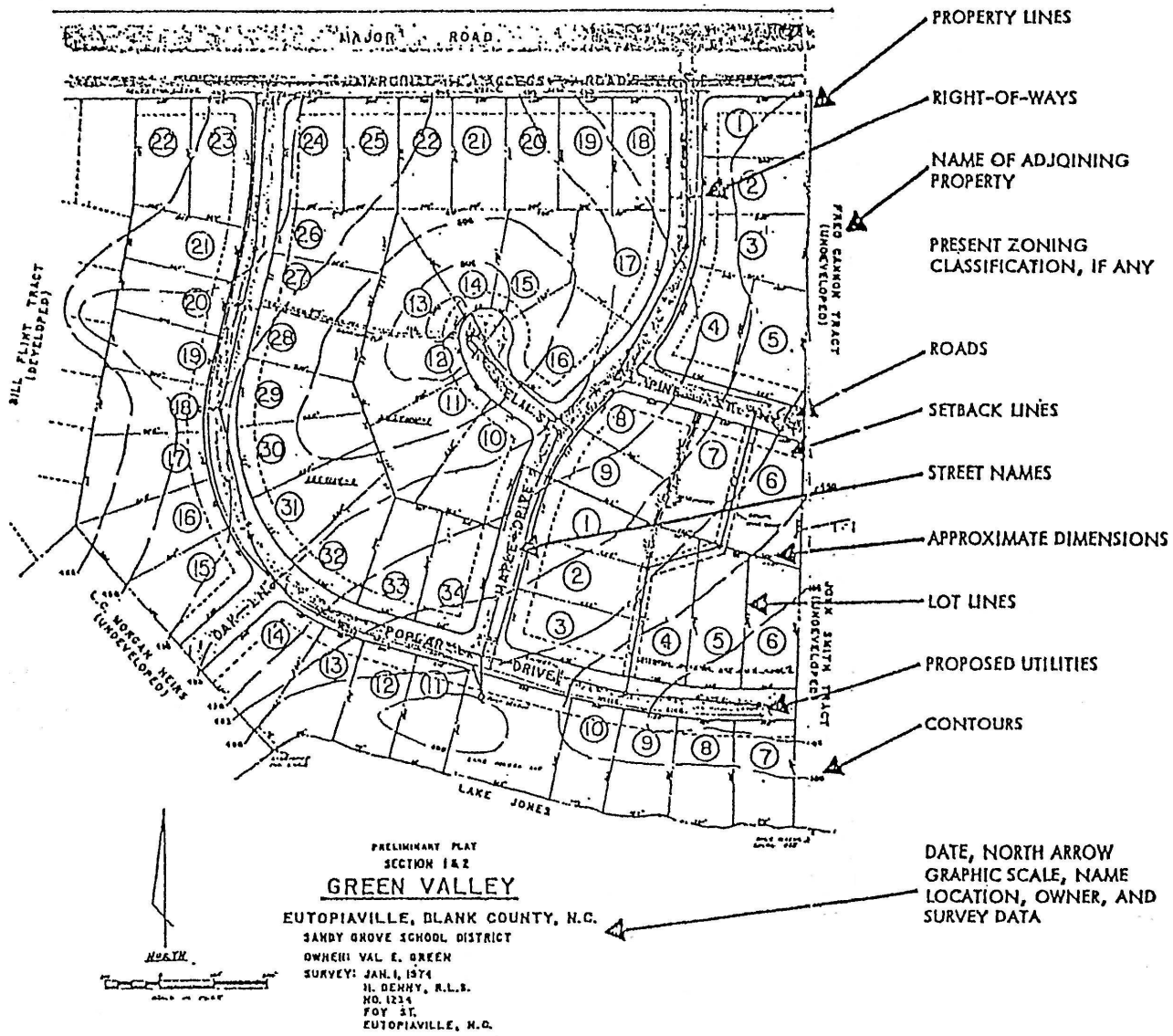
It is also the sub-divider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The county planning department will advise the developer to contact the N. C. Department of Natural Resources and Community Development, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act.

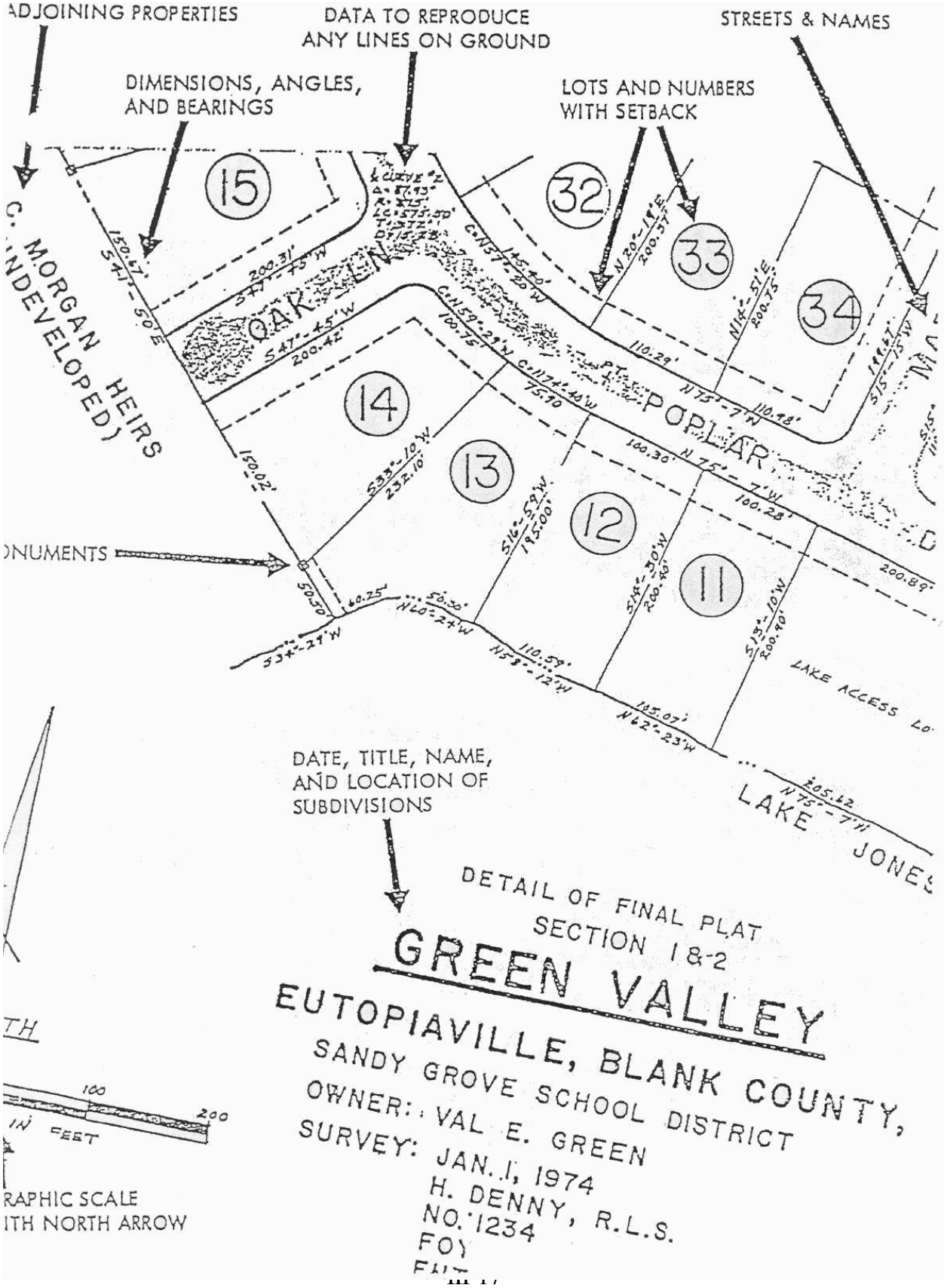
g) Removal of Land Clearing Waste. The developer/property owner shall file a removal plan with the Planning Office for any land clearing waste or demolition waste removed/created for the purpose of developing a subdivision. This plan must be approved prior to final plat approval.

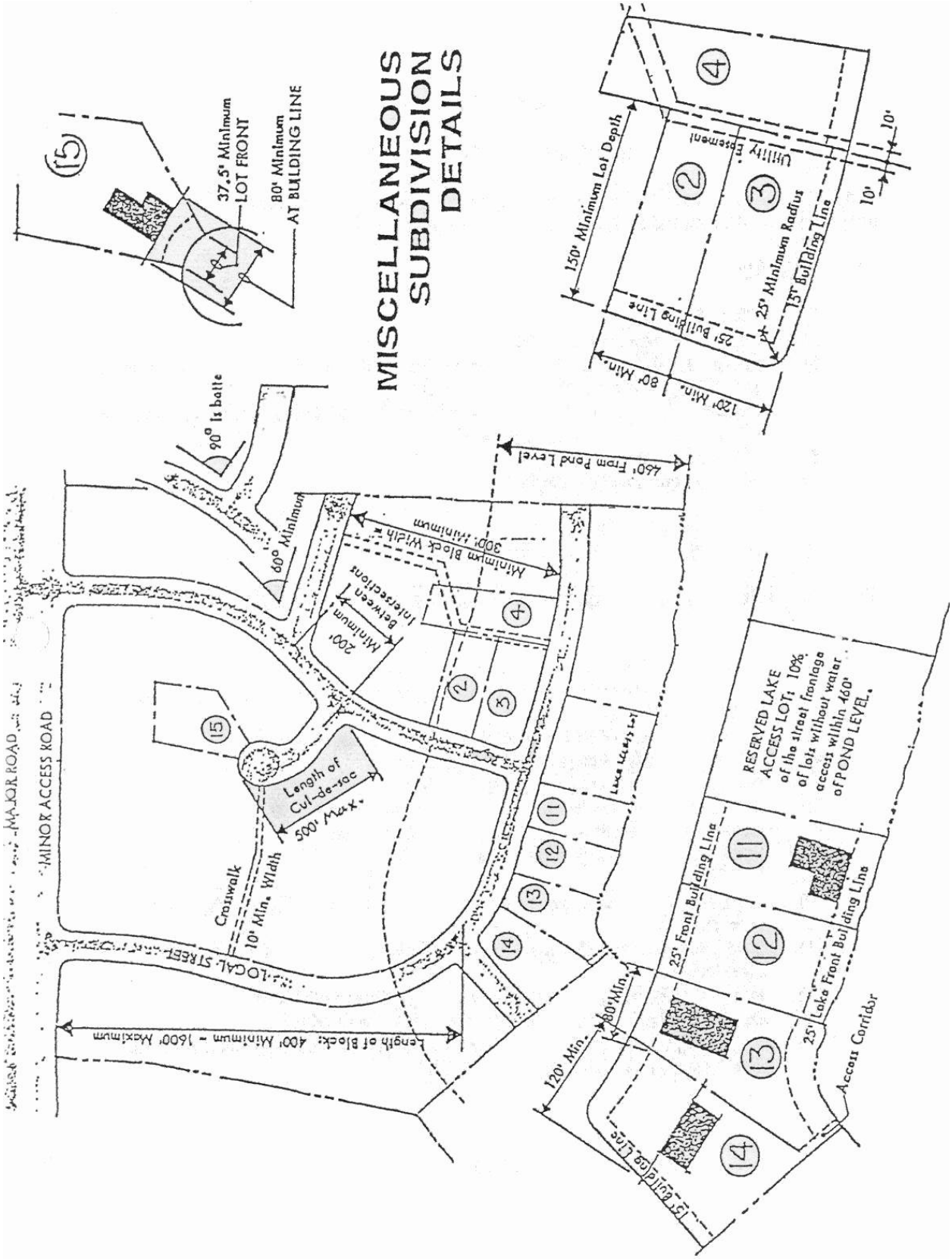

best
PROPER CURVATURE RESULTS
IN AMPLE SIGHT DISTANCES
better
MAJOR STREETS 300' MINIMUM
RESIDENTIAL STREETS 100' MINIMUM
100' Minimum
Below Minimum Standards
poor
SHARP CURVES REDUCE SIGHT DISTANCES
better
A TANGENT BETWEEN CURVES
ALLOWS LONGER SIGHT DISTANCES
poor
REVERSE CURVES
CREATE DRIVING HAZARDS

CURVES

PRELIMINARY




ADJOINING PROPERTIES
DATA TO REPRODUCE ANY LINES ON GROUND
STREETS & NAMES
DIMENSIONS, ANGLES, AND BEARINGS
LOTS AND NUMBERS WITH SETBACK
15
32
33
34
14
13
12
11
OAK LN
POPLAR
C. MORGAN HEIRS (UNDEVELOPED)
ONUMENTS
LAKE ACCESS
LAKE JONES
DATE, TITLE, NAME, AND LOCATION OF SUBDIVISIONS
DETAIL OF FINAL PLAT
SECTION 1 & 2
GREEN VALLEY
EUTOPIAVILLE, BLANK COUNTY,
SANDY GROVE SCHOOL DISTRICT
OWNER: VAL E. GREEN
SURVEY: JAN. 1, 1974
H. DENNY, R.L.S.
NO. 1234
100
200
FEET
RAPHIC SCALE
ITH NORTH ARROW


MISCELLANEOUS SUBDIVISION DETAILS
37.5' Minimum LOT FRONT
80' Minimum AT BUILDING LINE
90° Is better
60° Minimum
Length of Cul-de-sac 500' Max.
Crosswalk 10' Min. Width
200' Minimum Between Intersections
300' Minimum Block Width
460' From Pond Level
Length of Block: 400' Minimum - 1600' Maximum
MINOR ACCESS ROAD
MAJOR ROAD
LOCAL STREET
150' Minimum Lot Depth
25' Building Line
25' Minimum Radius
75' Building Line
Utility Easement
10'
120' Min.
80' Min.
RESERVED LAKE ACCESS LOT: 10% of the street frontage of lots without water access within 460' of POND LEVEL.
25' Front Building Line
25' Lake Front Building Line
Access Corridor
120' Min.
80' Min.
75' Building Line

APPENDIX A

Specifications for Preliminary Plat

The preliminary plat shall be submitted on 18" x 24" sheets drawn to a scale of not less than 200 feet to the inch and shall contain the following information:

A) Title Data

1) Date of submission
2) Name and address of owner(s)
3) Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
4) Location designation (township, county, state) and location map showing the property to be subdivided and surrounding area
5) Name and address of designer
6) Scale in figures and bar graph
7) North arrow
8) "Preliminary Plan" notation
9) Proposed use of property to be subdivided

B) Existing Conditions (on property to be subdivided and within 500 feet of property being subdivided)

1) Street rights-of-way, width of pavement and names
2) Location and size of community utilities including sewer, water, electricity, and telephone facilities
3) Location and size of bridges, culverts and other storm drainage facilities
4) Location, width and purpose of all easements
5) Bearings and distances of property boundary
6) Surrounding property lines, property owners and subdivisions
7) Boundaries and identification of political subdivisions
8) Boundaries and identification of zoning districts
9) Buildings
10) Topography including water courses, wooden areas, and contours at five feet intervals or less
11) Location, extent and identification of flood plain, watershed, water critical area or other restricted land
12) Driveways and roads (in use or abandoned) leading to other property
13) Other natural or manmade conditions affecting site development
14) At the request of the Planning Director, a list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision

C) Proposed Plans

1) Street alignments, rights-of-way, names
2) Community utilities, including sewer, water, electricity, gas and telephone facilities, with connections to existing system shown
3) Location and size of bridges, culverts and other storms drainage facilities
4) Location, width and purpose of all easements
5) Lines, numbers and approximate dimensions of lots and blocks
6) Minimum building setback lines
7) Public use sites
8) Site data:
    a) Acreage of property to be subdivided
    b) Acreage of public use sites
    c) Number of lots
    d) Average lot size
    e) Square feet of each irregularly shaped lot
    f) Lineal feet of streets

The developer shall also submit a 8 ½" x 11" copy of the preliminary plat. Where the preliminary plat submitted covers only a part of the sub-divider's tract, a sketch shall be submitted showing the prospective future street system and other features for ultimate development of the entire tract.

APPENDIX B

Specifications for Final Plat

The final plat (five copies, one mylar) shall be submitted on 18" x 24" sheets to a scale of not less than 200 feet to the inch. If more than two sheets are required an index sheet of the same dimensions shall be provided. The final plat shall contain the following information:

A) Title Data

1) Date of submission
2) Name and address of owner(s)
3) Name of subdivision
4) Location designation (township, county, school district, state)
5) Name and address of engineer or surveyor
6) Scale in figures and bar graph
7) North arrow
8) "Final Plat" notation
9) Certificates (Reference Appendix F)

B) Surrounding Properties Information

1) Property lines, property owners and subdivisions
2) Rights-of-way, easements, reservations and public use sites located and identified within 500 feet of property being subdivided

C) Property Being Subdivided

1) Street rights-of-way, widths of pavements and names of streets as posted on site
2) Property boundary lines including bearings and distances as determined by survey
3) Block and lot line with dimensions, block and lot numbers
4) Minimum building setback lines
5) Identification and dimensions of easements, reservations and dedicated area
6) Location, extent and identification of flood plain, watershed, water critical area or other restricted land
7) Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing and length of all the above items

APPENDIX C

SPECIFICATIONS FOR MINOR SUBDIVISION PLAT

Two (2) copies of a minor subdivision plat shall be submitted on 18" x 24" sheets to a scale of not less than 200 feet to the inch. The following information shall be included:

A) Date of submission
B) Name and address of owners
C) Location designation (township, county, zoning district)
D) Name and address of surveyor
E) Scale
F) North arrow
G) Property lines, property owners and subdivisions of surrounding property owners
H) Surveyed lots with all dimensions, easements, reservations, etc.
I) Sufficient data of monuments and markers to determine readily and reproduce on the ground the location, bearing and length of all above items.

APPENDIX D

DESIGN STANDARDS FOR PRIVATE STREETS

A) Private streets or roads (except as noted in B and C below) shall be constructed to the North Carolina Department of Transportation, Division of Highways minimum standards.

The most recent edition of the pamphlet "Subdivision Roads, Minimum Construction Standards" can be used as a guide with the following exceptions:

1) The roads will not have to be paved, or

2) The base can be reduced to four (4) inches of stabilized material

All roads shall have a minimum of 45 feet right-of-way with a minimum of 4 inches of stabilized material.

B) Private roads in subdivisions under unified control (e.g. homeowners association), such as Planned Unit Developments or Cluster Developments shall be paved according to State Department of Transportation specifications. However, the pavement and right-of-way width may be reduced from DOT standards upon submission to the Planning Board of roadway, shoulder and ditch design specifications by a registered engineer.

C) Private roads in subdivisions of five acre tracts or greater are not required to meet North Carolina Department of Transportation minimum construction standards. However, private roads in such subdivisions shall have a minimum right-of-way width of 45 feet and shall be graveled with a minimum of four (4) inches of gravel.

D) The developer shall comply with all applicable provisions of G.S. 136-102.6 relative to subdivision street disclosure information.

APPENDIX E

APPROVAL OF WATER SUPPLY AND WASTE TREATMENT SYSTEMS

A) Water Supply Systems

1) Water supply systems planned to serve fifteen (15) or more connections or at least twenty-five (25) permanent residents are classified as community public water supplies by the State of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted for approval to the Public Water Supply Branch, (Regional Office) Department of Human Resources.

2) Water supply systems planned to serve fourteen (14) or fewer connections or less than twenty-five (25) permanent residents are regulated by the Randolph County Health Department. Plans and specifications should be submitted to the county Health Department for approval.

3) Individual water supplies (wells) are regulated by the Randolph County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the county Health Department.

B) Waste Treatment

Plans for waste treatment must first be presented to the Randolph County Health Department. Whenever possible non-discharging septic tanks will be required with location, lot size and installation regulated by the county Health Department. If septic treatment (or hook-up to a municipal sewer system) is not possible, a letter must be obtained from the county health department to this effect. Thereafter, the developer may apply to the Division of Environmental Management, (Regional Office) Department of Natural Resources and Community Development for a permit to install a community sewer system. The number of hook-ups approved for treatment and the level of treatment required is regulated by the permit process of the Division of Environmental Management.

All private sewage treatment plants are required to be enclosed with a chain-link fence a minimum of seven (7) feet in height and locked when the plant is unattended. This requirement is applicable to all existing and new private sewage treatment plants.

APPENDIX F

REQUIRED CERTIFICATIONS

1) Certificate of Exemption (Subdivision not Subject to Regulations of this Ordinance)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____ and that the subdivision of the property shown on this plat is an exception to the Subdivision Ordinance of Randolph County, North Carolina under Article V, Section 2.

_____ _____

Owner(s) Date

_____ _____

Randolph County Planning Director Date

2. Certificate of Approval for Recording, Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Randolph County, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions

_____ _____

Date Randolph County Planning Director

3. Certificate of Disclosure, Private Roads

I (we), the developer(s) of _____ Subdivision hereby state that the subdivision roads, in _____ Subdivision are private roads, ownership and maintenance of the private roads is the responsibility of _____. Right of access to private roads within said subdivision is guaranteed to all lots served by such roads. I (we), as the developers, further state that all ownership and maintenance agreements for the private roads have been approved by the Randolph County Attorney and Randolph County Planning Board.

_____ _____
Developer Date

_____ _____
Developer Date

Attest: _____
Randolph County Planning Director

4. Certificate of Ownership and Dedication

I hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Randolph County and that I hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted.

_____ _____
Date Owner(s)

_____ County, North Carolina

5. Certificate of Disclosure of Public Purchase

I hereby certify that land identified within the subdivision plat shown hereon lies within the area of a designated proposed public water supply and may be subject to public purchase at a future date.

_____ _____

Randolph County Planning Director Date

6. Certificate of Accuracy

I, _____, certify that under my direction and supervision this Map was drawn from an actual field land survey; that the Error of Closure is calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information in Book _____, Page _____, that this Map was prepared in accordance with G. S. 47-30 as amended.

WITNESS my hand and Seal this _____ day of _____, 1997.

Signature _____
Engineering or Land Surveyor

Registration Number _____

7. Certificate of Approval, Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of Randolph County and provided that it is recorded in the Office of the Register of Deeds within 60 days of final approval by the Planning Board.

_____ _____

Randolph County Planning Director Date of Approval by Planning Board

8. Certificate of Plat Review Officer

I, review officer, of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____

Date Review Officer

9. Certificate for Public Water Supply Watershed

NOTICE

This property is located within a Public Water Supply Watershed. DEVELOPMENT RESTRICTIONS MAY APPLY.

_____ _____

Date Planning Director

10. Certificate for Off-Site Septic Systems

Dedication of an exclusive use sanitary sewer easement (EUSSE) as shown on this plat is for the purpose of ingress, egress, and regress, for the purpose of installing, maintaining, and repairing the drain field and/or the supply line(s). The easement is perpetual and shall run with the land to all future property owners and their assigns and may not be terminated unless municipal sewer is available. A landowner or his/her agent shall have the authority and right of entry on the easement as denoted on the plat, with equipment as necessary to complete the required installation, repair or maintenance. The responsibility of maintaining the off-site septic system area is the responsibility of the owner of the lot. Maintenance shall include mowing and keeping the off-site area maintained to shed surface water from over trenches and to prevent trees and shrubs from overtaking the area, in order to prevent the premature failure of the drain field.

_____ _____

Date Owner(s)

11. **Certificate for Open Space**

Dedication, use, ownership, and maintenance of the Open Space shall be as required by Randolph County Land Use Ordinances.

_____	_____
Date	Owner(s)

RANDOLPH COUNTY

WATERSHED PROTECTION ORDINANCE

ARTICLE I: AUTHORITY AND GENERAL REGULATIONS

Section 1. Intent

The intent of the Water Supply Watershed Ordinance is to protect surface water supplies whose watersheds are located wholly or partially within the jurisdiction of Randolph County.

Section 2. Authority and Enactment

Pursuant to authority given to counties in G.S.153A Article 18, Planning and Regulation of Development, and G.S. 143-214.5 Water Supply and Watershed Protection, the Randolph County Board of Commissioners does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Randolph County.

Section 3. Jurisdiction

(A) The provisions of this Ordinance shall apply in those areas of Randolph County outside of incorporated municipalities and their extraterritorial jurisdiction designated as Public Water Supply Watersheds by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Randolph County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Randolph County Planning Department.

(B) The following Public Water Supply Watersheds designated by the N.C. Environmental Management Commission and the Randolph County Board of Commissioners are located within Randolph County:

(*See Next Page For Chart)*

Watershed	Classification	River Basin
Back Creek Lake	WS-II	Yadkin
Badin Lake	WS-IV	Yadkin
Bear Creek	WS-III	Cape Fear
Big Alamance Creek	WS-IV	Cape Fear
Polecat Creek	WS-III	Cape Fear
Rocky River	WS-III	Cape Fear
Sandy Creek	WS-III	Cape Fear
Uwharrie River Lake Reese	WS-III	Yadkin
UT to Cedar Creek	WS-II	Yadkin
Randleman Lake	Critical Watershed, WS-IV	Cape Fear

Section 4. Exceptions to Applicability

(A) Nothing contained herein shall repeal, modify or amend any Federal or State law or regulation, or any Ordinance or regulation pertaining thereto except any Ordinance which these regulations specifically replace; however, the adoption of this Ordinance shall and does amend any and all Ordinance, resolutions and regulations in effect in the County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

(C) Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(D) A pre-existing lot owned by an individual prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Ordinance.

Section 5. Repeal of Existing Watershed Ordinance

This Ordinance in part carries forward by re-enactment, portions of the Watershed Ordinance of Randolph County, North Carolina and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced. All provisions of the Watershed Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Watershed Protection Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 6. Criminal Penalties

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed $500.00. Each day that the violation continues shall constitute a separate offense.

Section 7. Remedies

(A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Board of Commissioners may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of $100, action or proceedings to restrain, correct or abate the violation; to prevent occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Planning Director finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Planning Director is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 8. Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 9. Effective Date

This Ordinance, adopted December 6, 1993, shall take effect and be in force on January 1, 1994. Revisions to this Ordinance, adopted December 6, 1999, shall become effective January 1, 2000.

ARTICLE II. SUBDIVISION REGULATIONS

Section 1. General Provisions

(A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.

(B) All applications to subdivide land in a designated water supply watershed shall comply with the application, review and mapping requirements of the Randolph County Subdivision Ordinance, including specifications in Appendixes A, B and C for mapping.

(C) If the Planning Board approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Randolph County Planning Director:

Certificate of Approval for Recording, Minor Subdivision

I certify that the plat shown hereon complies with the Subdivision Regulations for Randolph County, North Carolina and any supplemental regulations that may apply and that such plat has been approved according to the procedures for approval of minor subdivisions.

_____ _____

Randolph County Planning Director Date

NOTICE: This property is located within a Public Water Supply Watershed development restrictions may apply.

Certificate of Approval for Recording, Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of Randolph County, provided that it is recorded in the Office of the Register of Deeds within 60 days of final approval by the Planning Board.

_____	_____
Randolph County Planning Director	Date Approved by Planning Board

NOTICE: This property is located within a Public Water Supply Watershed development restrictions may apply.

Section 2. Subdivision Standards and Required Improvements

(A) Subdivisions in any designated drinking supply watershed shall comply with Article VI, General Requirements and Minimum Standards of Design of the Randolph County Subdivision Ordinance as well as the requirements specified below.

(B) All lots shall provide adequate building space in accordance with the development standards contained in Article III. Lots which are smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with Article III.

(C) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(D) Stormwater Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing stormwater drainage. The sub-divider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

(E) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the regional office of the N.C. Division of Land Quality.

(F) Roads Constructed in Critical Areas and Watershed Buffer Areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

ARTICLE III: DEVELOPMENT REGULATIONS

Section 1. Establishment of Watershed Overlay Districts

To provide an additional layer of protection for drinking water supply watersheds, the following watershed overlay districts are established. Within each watershed shall be two tiers of control. The area nearest the water supply -- critical area -- shall have the higher level of regulation because proximity to the intake creates higher risk of contamination. The remaining part of the watershed -- balance of the watershed -- shall have less restrictions because the greater distance from the point of intake lowers risk of contamination.

The following overlay districts shall apply to the watersheds in Randolph County:

Back Creek Lake WS-II-CA (Critical Area)
Back Creek Lake WS-II-BW (Balance of Watershed)
Badin Lake WS-IV- PA (Protected Area)
Bear Creek WS-III-BW (Balance of Watershed)
Big Alamance Creek WS-IV-PA (Protected Area)
Polecat Creek WS-III-CA (Critical Area)
Polecat Creek WS-III-BW (Balance of Watershed)
Randleman Lake WS-IV-CA (Critical Area)
Randleman Lake WS-IV-PA (Protected Area)
Rocky River WS-III-BW (Balance of Watershed)
Sandy Creek WS-III-CA (Critical Area)
Sandy Creek WS-III-BW (Balance of Watershed)
Uwharrie River (Lake Reece) WS-III-CA (Critical Area)
Uwharrie River (Lake Reece) WS-III-BW (Balance of Watershed)
UT to Cedar Creek WS-II-CA (Critical Area)
UT to Cedar Creek WS-II-BW (Balance of Watershed)

Section 2. Back Creek Lake Watershed -- Critical Area UT to Cedar Creek -- Critical Area (WS-II-CA)

(A) Intent. In order to maintain a predominately undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one (1) dwelling unit per two (2) acres. All other residential and non-residential development shall be allowed at a maximum six percent (6%) built-upon area.

(1) Permitted Uses:

(a) All uses allowed in the underlying zoning districts where the watershed is located are subject to the modifications noted below unless specifically excluded in (2) Prohibited Uses.

(b) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer or equivalent control as determined by the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(2) Prohibited Uses:

(a) storage of toxic and hazardous materials unless a spill containment plan is implemented,

(b) new underground fuel or chemical storage tanks,

(c) landfills or incinerators,

(d) sites for land application of sludge/residuals or petroleum contaminated soils,

(e) commercial uses which sell, store or distribute motor fuels or other hazardous materials,

(f) airports,

(g) industrial uses,

(h) metal salvage facilities including junkyards,

(i) manufacture, use or storage of any hazardous or toxic materials waste as listed on the EPA hazardous material list or determined by the Randolph County Board of Commissioners, and

(j) community package treatment plants or private sewage disposal systems except for subsurface septic tanks, community package treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

(3) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed one (1) dwelling unit per two (2) acres on a project by project basis. No residential lot shall be less than two (2) acres, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed six percent (6%) built-upon area on a project by project basis for the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 3. Back Creek Lake Watershed -- Balance of Watershed
UT to Cedar Creek -- Balance of Watershed
WS-II-BW

(A) Intent. In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one (1) dwelling unit per acre. All other residential and non-residential development shall be allowed a maximum of twelve percent built-upon area. In addition, non-residential uses may occupy ten percent (10%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built-upon area when approved as a special non-residential intensity allocation (SNIA). The Planning Director is authorized to approve SNIA's consistent with the provisions of this Ordinance. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed.

(1) Permitted Uses:

(a) All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, except those specifically prohibited in (2) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(2) Prohibited Uses:

(a) discharging landfills and

(b) storage of toxic and hazardous materials unless a spill containment plan, approved by the County Planning Department, is implemented.

(3) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed one (1) dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for nonresidential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 4. Polecat Creek Watershed -- Critical Area
Randleman Lake Critical Watershed – Critical Area
Sandy Creek Watershed -- Critical Area
Uwharrie River (Lake Reece) -- Critical Area

(A) Intent. In order to maintain a low land use intensity pattern, single family residential uses are allowed at a maximum of one (1) dwelling unit per two (2) acres. All other residential and nonresidential development shall be allowed to a maximum of six percent (6%) built-upon area.

(1) Permitted Uses:

(a) Uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless prohibited in (2) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(2) Prohibited Uses:

(a) storage of toxic and hazardous materials unless a spill containment plan approved by the Planning Director is implemented,

(b) new underground fuel or chemical storage tanks,

(c) landfills or incinerators,

(d) sites for land application of sludge residuals or petroleum contaminated soils,

(e) commercial uses which sell, store or distribute motor fuels or other hazardous materials,

(f) airports,

(g) industrial uses,

(h) metal salvage facilities including junkyards,

(i) manufacture, use or storage of any hazardous or toxic materials waste as listed on the EPA hazardous material list or determined by the Randolph County Board of Commissioners, and

(j) community package treatment plants or private sewage disposal systems except for subsurface septic tanks, community package treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

(3) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed one dwelling unit per two (2) acres on a project by project basis. No residential lot shall be less than two (2) acres, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed six percent (6%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

Section 5. **Bear Creek Watershed -- Balance of Watershed**
Polecat Creek Watershed -- Balance of Watershed
Rocky River Watershed -- Balance of Watershed
Sandy Creek Watershed -- Balance of Watershed
Uwharrie River (Lake Reece) Watershed -- Balance of Watershed

(A) Intent. In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of two (2) dwelling units per acre. However, in the absence of public sewer, all waste treatment must be permitted by the County Health Department, in which case the minimum lot size is 40,000 sq. ft. per dwelling unit. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, in the Bear Creek watershed, non-residential uses may occupy ten percent (10%) of the watershed with a seventy percent (70%) built-upon area when approved as a special non-residential intensity allocation (SNIA). In the Polecat Creek, Rocky River, Sandy Creek, Uwharrie River (county designated) watersheds, nonresidential uses may occupy ten percent (10%) of the watershed with a seventy percent (70%) built-upon area when approved as a special nonresidential intensity allocation. The Planning Director is authorized to approve SNIAs consistent with the provisions of this Ordinance. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed.

(1) Permitted Uses:

(a) All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, unless specifically prohibited in (2) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-0209).

(2) Prohibited Uses:

(a) discharging landfills and

(b) storage of toxic and hazardous materials unless a spill containment plan approved by the Planning Department is implemented.

(3) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per acre as defined on a project by project basis. No residential lot shall be less than one-half (½) acre, except within an approved cluster development. In the absence of public sewer, however, all waste treatment must be permitted by the County Health Department, in which case the minimum lot size is 40,000 sq. ft.

(b) All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the Bear Creek Watershed and ten percent (10%) of the Polecat Creek, Rocky River, Sandy Creek, Uwharrie River (county designated) watersheds may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 5b. Randleman Lake Critical Watershed - WS-IV-PA - Protected Area

(A) Intent - In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of one (1) dwelling unit per acre. All other residential and non-residential development shall be allowed a maximum of twelve percent (12%) built-upon area. Non-residential uses may occupy ten percent (10%) of the balance of the watershed with a seventy percent (70%) built-upon area when approved as a special non-residential intensity allocation (SNIA). The Planning Director is authorized to approve SNIAs consistent with the provisions of this ordinance. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed.

(1) Permitted Uses:

(a) All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, unless specifically prohibited in (2) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).

(2) Prohibited Uses:

(a) discharging landfills

(b) storage of toxic and hazardous materials unless a spill containment plan approved by the Planning Department is implemented.

(3) Density and Built-upon Limits:

(a) Single Family Residential - development shall not exceed one (1) dwelling unit per acre, as defined on a project by project basis. No residential lot shall be less than one (1) acre except within an approved cluster development.

(b) All Other Residential and Non-Residential - development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 6. Badin Lake Watershed -- Protected Area
Big Alamance Creek Watershed -- Protected Area
WS-IV-PA

(A) Intent. Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. A maximum of three (3) dwelling units per acre or thirty-six (36%) percent built upon area is allowed for projects without a curb and gutter street system.

(1) Permitted Uses:

(a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications below, unless prohibited in (2) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(2) Prohibited Uses:

(a) Storage of toxic and hazardous materials unless a spill containment plan approved by the Planning Department is implemented.

(3) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (½) acre or one-third (1/3) acre for projects without a curb and gutter system, except within an approved cluster development. In areas without public sewer, all waste treatment must be approved by the County Health Department, in which case, the minimum lot size is 40,000 sq. ft.

(b) All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

Section 7. Cluster Development - Back Creek Lake, Badin Lake, Bear Creek, Big Alamance Creek, Polecat Creek, Rocky River, Sandy Creek, Uwharrie River (Lake Reece), and UT to Cedar Creek Watersheds

Clustering of development is allowed in all watershed areas (there are no WS I's in the county) under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments as provided for in the density and built-upon limits for each watershed. Density or built-upon area for the project shall not exceed that allowed for the critical area, protected area or balance of watershed, whichever applies.

(B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(C) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 7b. Cluster Development - Randleman Lake Critical Watershed

(A) Overall density of the project meets associated density or stormwater control requirements of Sections 4 and 5b**.**

(B) Buffers meet the minimum statewide water supply watershed protection requirements and those specified for the Randleman Lake watershed riparian areas in Section 8b.

(C) Built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

(D) Areas of concentrated development are located in upland areas and away to the maximum extent practicable, from surface waters and drainage-ways.

(E) Remainder of tract to remain in vegetated or natural state. The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement.

(F) Cluster development that meets the applicable low density option requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.

(G) Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage-ways.

Section 8. Buffer Areas Required - Back Creek Lake, Badin Lake, Bear Creek, Big Alamance Creek, Polecat Creek, Rocky River, Sandy Creek, Uwharrie River (Lake Reece), and UT to Cedar Creek Watersheds

(A) A minimum fifty (50) foot undisturbed buffer for development activities is required on all sides of surface waters, such as intermittent streams, perennial streams, lakes and ponds, as indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or the Soil Survey maps developed by USDA-Natural Resource Conservation Service, or other site-specific evidence that indicates the presence of waters not shown on either of these two maps or evidence that no actual stream or waterbody exists. All riparian protection areas shall be recorded on new or modified plans.

(B) The protected riparian area begins at the top of bank for intermittent streams and perennial streams and extends landward a distance of fifty (50) feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, the protected area begins at the top of the bank or mean high water line and extends landward a distance of 50 feet, measured horizontally on a line perpendicular to the waterbody.

(C) Maintenance of the riparian areas shall be such that, to the maximum extent possible, sheet flow of surface water is achieved.

(D) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists.

These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

(E) Around water supply reservoirs, there shall be maintained a one hundred (100) foot vegetative buffer, measured from the normal pool line outward.

(F) Septic tank fields shall extend no closer than two hundred (200) feet from reservoirs, measured in the same manner. Lots abutting the reservoir shall measure two hundred (200) feet in width at the building line.

Section 8b. Buffer Areas Required - Randleman Lake Critical Watershed

(A) A minimum fifty (50) foot riparian buffer for all new development activities is required on all sides of surface waters in the Randleman Lake Watershed, such as intermittent streams, perennial streams, lakes, and ponds, as indicated on the most recent versions of either the U.S.G.S 1:24,000 scale (7.5 minute) topographic maps or the Soil Survey maps developed by USDA-Natural Resource Conservation Service, or other site-specific evidence that indicates to the Division of Water Quality the presence of waters not shown on either of these two maps or evidence that no actual stream or water body exists.

(B) Maintenance of the riparian areas shall be such that, to the maximum extent possible, sheet flow of surface water is achieved. All riparian protection areas shall be recorded on new or modified plats. No building permits shall be issued and no new development shall take place in violation of this rule.

(C) The following waterbodies and land uses are exempt from the riparian area protection requirements:

(1) Ditches and manmade conveyances, other than modified natural streams, which under normal conditions do not receive drainage from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B .0100;

(2) Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of USGS 1:24,000 scale (7.5 minute quadrangle) topographic maps or soil survey maps where no perennial waterbody, intermittent waterbody, lake, pond, or estuary actually exists on the ground;

(3) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;

(4) Water dependent structures as defined in 15A NCAC 2B .0202, provided they are located, designed, constructed and maintained to provide maximum nutrient removal,

to have the least adverse effects on aquatic life and habitat and to protect water quality;

(5) The following uses where no practical alternative exists. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters. Also, these structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection , to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices:

(a) Road crossings, railroad crossings, bridges, airport facilities, and utility crossings if the conditions Sub-item (C)(5) of this ordinance are met.

(b) Stormwater management facilities and ponds, and utility construction and maintenance corridors for utilities such as water, sewer or gas, in Zone 2 of the riparian area as long as the conditions specified in sub-item (C)(5) of this ordinance are met and they are located at least 30 feet from the top of bank or mean high water line. Additional requirements for utility construction and maintenance corridors are listed in Sub-Item (C)(6) of this ordinance.

(6) A corridor for the construction and maintenance of utility lines, such as water, sewer or gas (including access roads and stockpiling of materials) running parallel to the stream and located within Zone 2 of the riparian area, as long as no practical alternative exists, as defined in sub-item (C)(5) of this ordinance, and best management practices are installed to minimize runoff and maximize water quality protection to the maximum extent practicable. Permanent, maintained access corridors shall be restricted to the minimum width practicable and shall not exceed 10 feet in width except at manhole locations. A 10 feet by 10 feet perpendicular vehicle turnaround shall be allowed provided they are spaced at least 500 feet apart along the riparian area;

(7) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities, provided that they are located in Zone 2 and are at least 30 feet from the top of bank or mean high water line and are designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat and to protect water quality to the maximum extent practical through the use of best management practices. Activities

that must cross the stream or be located within Zone 1, are allowed as long as all other requirements of this item are met; and

(8) Stream crossings associated with timber harvesting, if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209)

(D) The protected riparian area shall have two zones as follows:

(1) Zone 1 is intended to be an undisturbed area of vegetation

(a) Location of Zone 1: Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward a distance of 30 feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the top of bank or mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody.

(b) The following practices and activities are allowed in Zone 1:

(1) Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any plantings shall primarily consist of locally native trees and shrubs;

(2) Selective cutting of individual trees in Zone 1, where forest vegetation as defined in 15A NCAC 1J .0202, as long as the following conditions are met every 100 feet on each side of the stream;

(a) Of existing trees 12-inches and greater diameter breast height (dbh), a minimum of five trees must remain uncut

(b) Trees 12-inches and greater dbh may be harvested based on the following equation: Number of trees harvested = (total number of trees greater than 12-inch dbh - 5)/2;

(c) No trees less than 12-inch dbh may be harvested unless exceptions provided in this ordinance are met.

(d) Trees may not be harvested more frequently than every 10 years; and

(e) No tracked or wheeled equipment are allowed.

(f) Horticulture or silvicultural practices to maintain the health of individual trees;

(g) Removal of individual trees which are in danger of causing damage to dwellings, other structures or the stream channel;

(h) Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, Division of Forest Resources and approved by the Director, Division of Water Quality; and

(i) Ongoing agricultural operations provided that existing forest vegetation is protected.

(c) The following practices are not allowed in Zone 1:

(1) Land-disturbing activities and placement of fill and other materials, other than those allowed above;

(2) New development, except as provided in sub-items (C)(4) and (C)(5) of this ordinance;

(3) New on-site sanitary sewage systems which use ground adsorption;

(4) The application of fertilizer; and

(5) Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amount exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

(2) Zone 2 is intended to provide protection through a vegetated riparian zone which provides for diffusion and infiltration of runoff and filtering of pollutants.

(a) Location of Zone 2: Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody.

(b) The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1:

(1) Periodic mowing and removal of plant products such as timber, nuts and fruit is allowed provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover; and

(2) Grading and timber harvesting provided that vegetated ground cover be established immediately following completion of the land-disturbing activity.

(c) The following practices and activities are not allowed in Zone 2:

(1) New development, except as provided in sub-items (C)(5) and (C)(6) of this ordinance;

(2) New on-site sanitary sewage systems which use ground adsorption;

(3) Any activity that threatens the health and function of the vegetation including, but no limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

(3) Timber removal and skidding of trees shall be directed away from the water course or waterbody. Skidding shall be done in a manner to prevent the creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

(4) Maintenance of sheet flow in Zones 1 and 2 is required in accordance with this Item.

a) Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the riparian area.

b) Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Zone 2 of the riparian area. Existing ditches and manmade conveyances, as specified in Sub-item (C)(1) of this ordinance, are exempt from this requirement; however, care shall be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.

c) Periodic corrective action to restore sheet flow shall be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.

(5) Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading.

(6) Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or other environmental protection areas, the more protective shall apply.

(7) The existing water supply requirement in Rule 15A NCAC 2B .0216(3)(b) that stipulates a 100 foot vegetated buffer, adjacent to perennial streams, for all new development activities which utilize the high density option, applies to the entire Randleman Lake watershed. The first 50 feet of these riparian areas on either side of these waters must also be protected in accordance with all the requirements of this Rule.

Section 9. Rules Governing the Interpretation of Watershed Area Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or center lines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the county as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than twenty-five by use of the scale appearing on the watershed map.

(D) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

Section 10. Application of Regulations

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this Ordinance shall be included in the area required for another building.

(C) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Section 11. Existing Development

Any existing development as defined in Article 6, Definitions, of this Ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(A) Uses of Land. This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

(1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(2) Such use of land shall be changed only to an allowed use.

(3) When such use ceases for a period of at least one year, it shall not be reestablished.

(B) Reconstruction of Buildings on Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost or bulk, exclusive of foundations and land value may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

Section 12. Watershed Protection Permit

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this Ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Planning Department. No Watershed Protection Permit shall be issued except in conformity with the provisions of this Ordinance.

(B) Watershed Protection Permit applications shall be filed with the Planning Department. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Planning Director.

(C) Before issuance of a Watershed Protection Permit, the Planning Director may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

Section 13. Building Permit Required

After receiving a Watershed Protection Permit, a Building Permit shall be obtained from the Randolph County Inspections Department for construction or alteration of any building or structure pursuant to the procedures of the Randolph County Central Permitting Operations Ordinance established by the Board of Commissioners.

Section 14. Watershed Protection Occupancy Permit

(A) The Planning Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.

(C) When only a change in use of land or existing building occurs, the Planning Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Planning Director shall notify the applicant in writing stating the reasons for denial.

(E) No building or structure which has been erected, moved or structurally altered may be occupied until the Planning Director has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE IV: PUBLIC HEALTH REGULATIONS

Section 1. Public Health, in General

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

Section 2. Abatement

(A) The Planning Director shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) The Planning Director shall report all findings to the Board of Adjustment. The Watershed Administrator may consult with any public agency or official and request recommendations.

(C) Where the Board of Adjustment finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE V: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 1. Watershed Administrator and Duties Thereof

The Randolph County Planning Director is hereby appointed the Watershed Administrator, who shall be duly sworn in that capacity. It shall be the duty of the Planning Director acting as Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

(A) The Planning Director shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Planning Director.

(B) The Planning Director shall serve as clerk to the Board of Adjustment which sits as the Watershed Review Board.

(C) The Planning Director shall keep records of all amendments to the County's Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Division of Water Quality.

(D) The Planning Director shall keep records of the county's utilization of the provision that a maximum of five percent (5%) or ten percent (10%), whichever is applicable, of the non-critical area of WS-II-BW, WS-III-BW and WS-IV-BW watersheds may be developed with non-residential development to a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable.

(E) The Planning Director is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the county. The Planning Director, or his duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

(F) The Planning Director shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted each calendar year to the Division of Water Quality on or before January 1st of the following calendars year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 2. Appeal from the Planning Director

Any order, requirement, decision or determination made by the Planning Director may be appealed to and decided by the Board of Adjustment as specified in Article 5 of this Ordinance.

Section 3. Changes and Amendments to the Watershed Protection Ordinance

(A) The Randolph County Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

(B) No action shall be taken until the proposal has been submitted to the Board of Adjustment for review and recommendations. If no recommendation has been received from the Board of Adjustment within forty-five (45) days after submission of the proposal, the Board of Commissioners may proceed as though a favorable report had been received.

(C) Under no circumstances shall the Board of Commissioners adopt such amendments, supplements or changes that would cause this Ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the Division of Water Quality, N.C. Division of Environmental Health and the N.C. Division of Community Assistance.

Section 4. Public Notice and Hearing Required

Before adopting or amending this Ordinance, the Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

Section 5. Establishment of Watershed Review Board

(A) The Randolph County Board of Adjustment shall serve as the Watershed Review Board. (In Randolph County the Board of Adjustment and the Planning Board consist of the same individuals.) The same rules of procedure as specified in the county Zoning Ordinance shall apply.

Section 6. Powers and Duties of the Board of Adjustment Acting as Watershed Review Board

(A) Administrative Review. The Board of Adjustment, which is comprised of the same individuals as the Planning Board, shall hear and decide appeals from any decision or determination made by the Planning Director in the enforcement of this Ordinance.

(B) Variances. The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

(1) Applications for a variance shall be made on the proper form obtainable from the Planning Director and shall include information required by the Planning Department, at a minimum:

(a) A site plan, drawn to scale, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.

(c) The Planning Director shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Planning Director prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.

(2) Before the Board of Adjustment may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(a) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(1) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting an variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape or topography, which is different from that of neighboring property.

(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(b) That the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(c) That in the granting the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety or general welfare.

(3) In granting the variance, the Board may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

(4) The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

(5) A variance issued in accordance with this section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

(6) If the application calls for the granting of a major variance and if the Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

(a) The variance application;

(b) The hearing notices;

(c) The evidence presented;

(d) Motions, offers of proof, objections to evidence, and rulings on them;

(e) Proposed findings and exceptions; and

(f) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(1) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

(C) Subdivision approval. See Article II.

(D) Public Health. See Article IV.

Section 7. Appeals from the Board of Adjustment

Appeals from the Board of Adjustment must be filed with the Superior Court within 30 days from the date of the decision. The of decisions by the Superior Court will be in the manner of certiorari.

ARTICLE VI: DEFINITIONS

Section 1. General Definitions

Agricultural Use. The use of waters for stock watering, irrigation and other farm purposes.

Animal Unit. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Balance of Watershed Area. This area is defined as the entire drainage basin upstream of and draining to a WS-II or WS-III watershed critical area where the risk of water supply pollution is greater than in surrounding areas. Note: Balance of watershed areas are only used for WS-II or WS-III watershed classifications.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments. For the purpose of this Ordinance, planned unit development and mixed use development are considered as cluster development.

Composting Facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as

extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Customary Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

(1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project,

(2) having an outstanding valid building permit as authorized by the General Statutes (GS 153A-344.1 and GS 16OA-385.1), or

(3) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (GS 153A-344.1 and GS 16OA-385.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances or Section 311 of CWA (oil and hazardous substances).

Industrial Development. Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance. A variance that results in any one or more of the following:

(1) the complete waiver of a management requirement;

(2) the relaxation, by a factor of more than ten (10) percent, of any management requirement that takes the form of a numerical standard;

(3) the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.

Minor Variance. A variance that does not qualify as a major variance.

Non-conforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area. The area within a designated water supply watershed that is adjoining and upstream of the critical area of a WS-IV watershed where the risk of water supply pollution is greater than in surrounding areas. The boundaries of the protected area are defined within five miles of and draining to the normal pool elevation of a reservoir or to the ridge line of the watershed; or within ten miles upstream and draining to the intake located directly in the stream or river or the ridge line of the watershed.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot and 3) where no lot contains more than one dwelling unit.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

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

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this Ordinance;

(5) The division of a tract into plots or lots used as a cemetery;

(6) The division of an property among heirs for the sole purpose of settling an estate.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Watershed Administrator. The Randolph County Planning Director who is responsible for administration and enforcement of this Ordinance.

Watershed Permit. A permit, consistent with the Randolph County central permitting system, that indicates a specified land use is located in a watershed.

Section 2. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

(1) Words in the present tense include the future tense.

(2) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

(3) The word “person” includes a firm, association, corporation, trust and company as well as an individual.

(4) The word “structure” shall include the word “building”.

(5) The word “lot” shall include the words “plot,” “parcel” or “tract”.

(6) The word “shall” is always mandatory and not merely directory.

(7) The word “will” is always mandatory and not merely directory.

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore**,** the Board of Commissioners of Randolph County, North Carolina, does ordain as follows:

Section B. Findings of Fact

(1) The flood prone areas within the jurisdiction of Randolph County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Section C. Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this ordinance are to:

(1) protect human life, safety, and health;

(2) minimize expenditure of public money for costly flood control projects;

(3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) minimize prolonged business losses and interruptions;

(5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Building" see "Structure".

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; and/or
(2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive

measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
(b) certified or preliminarily determined by the Secretary of Interior as contributing to the

historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

(d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook,

etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the

cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III

GENERAL PROVISIONS

Section A. Lands To Which This Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Randolph County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Section B. Basis for Establishing The Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Randolph County dated January 2, 2008, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Randolph County Unincorporated Area, dated July 16, 1981.

The City of Archdale: July 16, 1981.
The City of Asheboro: July 16, 1981.
The Town of Franklinville: July 1, 1987.
The City of High Point: November 1, 1979.
The Town of Liberty: January 2, 2008.
The Town of Ramseur: March 1, 1987.
The City of Randleman: July 1, 1987.
The Town of Seagrove: January 2, 2008.
The Town of Staley: January 2, 2008.
The City of Trinity: January 2, 2008.

Section C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

Section D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

(a) considered as minimum requirements;
(b) liberally construed in favor of the governing body; and
(c) deemed neither to limit nor repeal any other powers granted under State statutes.

Section G. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not

imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Randolph County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

The County may enforce these regulations in accordance with Chapter Two, Article XIII, Section 9 of the Randolph County Unified Development Ordinance, which sets out both criminal and civil penalties for violation.

ARTICLE IV

ADMINISTRATION

Section A. Designation of Floodplain Administrator

The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Floodplain Development Application, Permit and Certification Requirements

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;

(iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;

(iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;

(v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;

(vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(vii) the certification of the plot plan by a registered land surveyor or professional engineer.

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;

(c) If flood-proofing, a Flood-proofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.

(d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

(e) Usage details of any enclosed areas below the lowest floor.

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas,

electrical, and water systems to be located and constructed to minimize flood damage;

(g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(a) A description of the development to be permitted under the floodplain development permit.

(b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.

(c) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(d) The regulatory flood protection elevation required for the protection of all public utilities.

(e) All certification submittal requirements with timelines.

(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(3) **Certification Requirements.**

(a) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Flood-proofing Certificate

If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood-proofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse

alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/flood proofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);

(ii) Temporary Structures meeting requirements of Article 5, Section B(7); and

(iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

Section C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

(1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

(2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

(3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4, Section B(3).

(7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of Article 4, Section B(3).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).

(9) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.

(12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

(13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

(14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections

of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(18) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(19) Follow through with corrective procedures of Article 4, Section D.

(20) Review, provide input, and make recommendations for variance requests.

(21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Section D. Corrective Procedures

(1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of

the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) that the building or property is in violation of the floodplain management regulations;

(b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

(4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Section E. Variance Procedures

(1) The Randolph County Board of Adjustment as established by Randolph County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

(2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variances may be issued for:

(a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(c) any other type of development, provided it meets the requirements of this Section.

(4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(9) Conditions for Variances:

(a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued prior to development permit approval.

(e) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards.

In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in a Special Flood Hazard Area.

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(15) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with

multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

Section B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

(2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;

(c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both

directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);

(f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the

provisions of Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

Section C. Building Restrictions

No new buildings (with the exception of gas, liquid or liquefied gas storage tanks) shall be allowed unless a variance is granted. When a variance is granted, all new buildings shall meet the requirements of this ordinance. This restriction does not apply to buildings that have been substantially damaged or substantially improved.

Section D. Standards for Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

(a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.

(b) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Article 5, Sections B and F.

(c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation

(BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.

(d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or flood proofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

Section E. Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-Encroachment areas.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(1) Standards of Article 5, Sections A and B; and

(2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

Section F. Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
   (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
   (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A

Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(a) the anchoring and the elevation standards of Article 5, Section B(3); and

(b) the no encroachment standard of Article 5, Section F(1).

ARTICLE VI

LEGAL STATUS PROVISIONS

Section A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 4, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Randolph County enacted on May 4, 1987, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Randolph County is as follows:

The City of Archdale: May 26, 1987.
The City of Asheboro: April 10, 1975
The Town of Franklinville: December 2, 1996.
The City of High Point: June 1, 1985.
The Town of Ramseur: June 6, 1988.
The City of Randleman: May 5, 1987.
The City of Trinity: March 16, 2004.

Section B. Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted

by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Section C. Effective Date

This ordinance shall become effective January 2, 2008**.**

Section D. Adoption Certification

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Randolph County, North Carolina, on the 3rd day of December, 2007.

WITNESS my hand and the official seal of Randolph County, this the 5th day of December, 2007.

Cheryl A. Tweed

Clerk to the Board