

City of Randleman
Unified Development Ordinance



Adopted June 8, 2021

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CHAPTER 1 PURPOSE AND APPLICABILITY

Section 1.1 Title

This ordinance shall be known and may be cited as the *Unified Development Ordinance of Randleman, North Carolina* and shall be known as the *Unified Development Ordinance (UDO)*. The official map designating the various zoning districts shall be titled, *City of Randleman Zoning Map*, and shall be known as the *Zoning Map*.

Section 1.2 Purpose

The purpose of the Unified Development Ordinance is:

- To lessen congestion in the streets;
- To secure safety from fire, panic, and other danger;
- To promote health and the general welfare;
- To provide adequate light and air; to prevent the overcrowding of land;
- To avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements;
- To conserve the value of buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the corporate area;
- To establish procedures and standards for the development and subdivision of land
- To provide for the orderly growth and development of the City;
- For the coordination of streets and highways and with other public facilities;
- For the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes;
- For the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare;
- To further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds; and
- To facilitate the further subdivision of larger tracts into smaller parcels of land.

Section 1.3 Authority

- A. The Board of Aldermen of the City of Randleman, in pursuance of the authority granted by NCGS 160D and the authority vested in the City of Randleman by its charter, does hereby ordain and enact into law this Ordinance.
- B. For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may adopt zoning and development regulation ordinances; to promote the orderly development of the community; to lessen congestion on the roads and streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the

overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities, all in accordance with a well considered and reasonably maintained comprehensive plan. Any comprehensive plan adoptions will follow a legislative process similar to that outlined for rezonings. These ordinances may be adopted as part of a Unified Development Ordinance or as a separate ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land.

- C. A city may by ordinance regulate the subdivision of land within its territorial jurisdiction. In addition to Final Plat approval, the ordinance may include provisions for review and approval of Sketch Plans and Preliminary Plats. The ordinance may provide for different review procedures for differing classes of subdivisions. The ordinance may be adopted as part of a unified development ordinance or as a separate subdivision ordinance. Decisions on approval or denial of Preliminary or Final Plats may be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance. Whenever the ordinance includes criteria for decision that require application of judgment, those criteria must provide adequate guiding standards for the entity charged with plat approval.

Section 1.4 Applicability

1.4.1 Jurisdiction

The provisions of this ordinance shall apply within the corporate limits of the City of Randleman and within the City's extraterritorial jurisdiction (ETJ) as shown on the official Zoning Map and or described in the extraterritorial zoning resolution.

1.4.2 Incorporation of the Zoning Map

The zoning map and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this ordinance.

- A. The *City of Randleman Zoning Map* may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies.
 - a. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps.
 - b. If any zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection.

1.4.3 Exemptions

These regulations shall not apply to any land or structure for which, prior to the effective date hereof, there is a properly approved site-specific plan as required by the requirements previously adopted. However, once constructed, any structure so erected will be subject to any and all regulation set forth in this ordinance. Any preliminary or final subdivision plat approvals required

for such approved and exempted site-specific plans shall be conducted in accordance with the requirements of the previous Zoning Ordinance or Subdivision Ordinance.

In the extraterritorial jurisdiction (ETJ), the City of Randleman must exempt farm use on a bona fide farm in the same way County zoning would exempt farm use in accordance with NCGS 160D-903(c). Property that ceases to be used for bona fide farm purposes shall become subject to City of Randleman zoning in the ETJ. Floodplain regulations still are applicable when in bona fide farm use.

Section 1.5 Vested Rights

- A. Pursuant to NCGS 160D-100(d), 102(and not withstanding any other provision of this Ordinance or amendment thereto, a vested right shall be deemed established with respect to any property upon the valid approval of a site-specific development plan or a phased development plan, following notice and public hearing by the Board of Aldermen. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or the phase development plan including any amendments thereto. The Board may approve a site-specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. The Board of Aldermen shall not require a landowner to waive his vested rights as a condition of developmental approval. A site-specific development plan or a phase development plan shall be deemed approved upon the effective date of the Board's action. A right which has been vested shall remain vested for a period of two (2) years.
- B. A vested right, once established, precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific development plan or an approved phased development plan except:
1. With written consent of the affected landowner.
 2. Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan or the phased development plan.
 3. To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred.
 4. Upon findings that the landowner or his representative intentionally supplies inaccurate information or made material misrepresentations which made a difference in the approval by the City of the site-specific development plan or the phased development plan; or
 5. Upon the enactment of a State or Federal law or regulation which precludes development as contemplated in the site-specific development plan or the phased development plan.

- C. Upon request of the applicant, the City Board of Aldermen may approve an extended vesting period of between two (2) years and five (5) years from the date of approval where it is found that due to:
- sizing and phasing of the development; or
 - level of investment; or
 - need for the development; or
 - economic cycles; or
 - market conditions; or
 - building permits for all phases of the development cannot be secured within two (2) years
- D. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.
- E. Once a vested right is granted to a particular site-specific plan, nothing in this section shall preclude the City from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.
- F. The vested right resulting from the approval of a site-specific plan may be revoked by the Board of Aldermen if the developer has failed to comply with the terms and conditions of the approval or with any other applicable portion of this Ordinance. The vested right shall otherwise expire at the end of the approval period established by Section 11.10 Vested Rights Procedure. .

Section 1.6 Relationship to Other Ordinances

It is not intended that these regulations shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which these regulations specifically replace. It is not intended that these regulations interfere with any existing easements, covenants, deed restrictions, agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective. However if these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

Section 1.7 Conformance with Adopted Plans

In accordance with the requirement of NCGS 160D-501, the regulations adopted pursuant to this Ordinance shall be consistent with any adopted Comprehensive Plan and any specific plans adopted by the Board of Aldermen. All new developments shall be designed in conformance with adopted plans including but not limited to the Comprehensive Plan, small area plans, land use plans, parks and recreation plans, the Comprehensive Transportation Plan, and school plans.

Section 1.8 Severability

If any Section or specific provision or standard of this Ordinance or any regulating district boundary arising from it is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect. Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 2 GENERAL PROVISIONS

Section 2.1 Applicability of General Provisions

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district:

- A. No building, land or portion thereof shall be erected, used, moved, or altered except in conformity with the use, area, and bulk regulations specified for the district in which it is located.
- B. 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.
- C. 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.

Section 2.2 General Lot Standards

2.2.1 Use

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure (or part thereof) shall be erected, moved, or structurally altered—except in conformity with the regulations of this Ordinance or amendments thereto, for the district in which it is located.
- B. Only one (1) principal building and its customary accessory building(s) may hereafter be erected on any lot, except as allowed in individual districts for non-residential and mixed use developments.
- C. Any use which constitutes more than 40 percent of the lot area or 40 percent of the sales volume shall be considered a principal use and may not be considered an accessory use.
- D. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- E. Lots created through the development process, which are not intended for building purposes shall be so designated and perpetually bound as “not-buildable” unless subsequently released through the development process.

2.2.2 Dimensional Standards

- A. No lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the regulating district. Lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the

Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

- B. Where there is a lot of official record in any district at the time of the adoption of this Ordinance, that does not conform to the minimum lot size requirements, and the owner of such lot does not own sufficient adjacent property to meet the minimum lot size requirements, then such lot may be used as a building site provided that the other dimensional specifications (i.e. setbacks) of the district are complied with, or a variance granted by the Board of Adjustment concerning minimum dimensional requirements.
- C. District dimensional standards are located in Section 3.4.
- D. The size, shape and orientation of lots shall be appropriate for the location of the proposed development, for the type of development contemplated.
- E. Side lines of lots should be at or near right angles or radial to street lines.
- F. Double-frontage lots shall be avoided wherever possible.

2.2.3 Lot Access

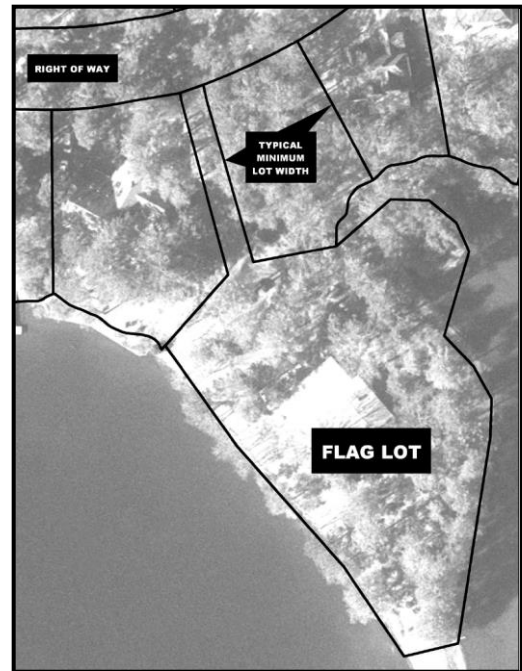
- A. No building shall be erected on a lot which does not have access to a paved street whether public or privately maintained. All private streets shall be constructed and maintained in accordance with the specifications set forth by the state department of transportation's Minimum Construction Standards for Subdivision Roads.
- B. No building shall be erected on any lot, which does not abut at least 25 feet along a street or road. Such a street or road shall meet one (1) of the following criteria:
 - 1. It shall have been accepted by the City of Randleman as a local public street and be identified by a specified name.
 - 2. It shall have been accepted by the North Carolina Department of Transportation as a primary or secondary road, with corresponding primary or secondary road number and/or state-identified name.
 - 3. If neither Subsection 1 or 2 above is applicable, the roadway shall have **ALL** the following characteristics:
 - Be accessible and useable by the City of Randleman, its agents, and assigns;
 - Have a dedicated right-of-way of at least 25 feet or a deeded right-of-way of at least 20 feet provided that the deed was approved prior to 1977;
 - Have a roadway width of at least 15 feet.
- C. Flag lots, panhandle lots, and other irregular shaped lots shall not be approved by the Subdivision Administrator except in cases where such lots would
 - not be contrary to the purpose of this Ordinance, and

- heighten the desirability of the subdivision, and
- where necessary, enable a lot to be served by water and a waste disposal system.

All flag lots or panhandle lots shall have a minimum road frontage width of 35 feet thereby providing an access strip to the lot. The length of said strip shall not exceed 200 feet. Said strip shall not be used to determine lot area or width or setback lines.

The maximum number of flag lots shall be one (1) for all subdivisions with 20 lots or less and one (1) per every 20 lots for subdivisions over 20 lots in size.

- D. All new lots shall front upon a street built in accordance with this Ordinance. Minimum street frontage is established for each zoning district in Chapter 3. Generally, all buildings shall front directly upon a street and shall be of sufficient design to allow for the provision of emergency services.



Section 2.3 Uses Not Expressly Permitted by Right or Conditionally

- A. Uses designated as "permitted uses" and "uses permitted with special requirements" are allowed in a district as a matter of right if other applicable regulations of this Ordinance are met.
- B. Unless a use is allowed as a "permitted", "special use", "conditional", "nonconforming use", or "temporary use", then such use is prohibited.

CHAPTER 3 ZONING

Section 3.1 Interpretation

3.1.1 Definition of Zoning

Zoning is the process by which an area is divided into various districts, each of which is specifically intended for different uses and intensity of uses and within which the use of land and buildings, the height and dimension of buildings, the size of required yards, and the population density are regulated.

3.1.2 District Interpretation

Each zoning district has uses permitted by right, uses permitted with special requirements, and conditional zoning. A detailed permitted uses table showing the uses allowed in each district. The following describes the processes of each of the three (3) categories that the uses are subject to:

- A. **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- B. **Permitted with Special Requirements:** Administrative review and approval subject to district provisions, other applicable requirements, and special requirements outlined in Chapter 4.
- C. **Conditional Zoning:** Pre-determined standards for particular uses. See requirements process in section 3.5 below..

3.1.3 Zoning Map Interpretation

The map entitled *City of Randleman Zoning Map*, as adopted by the Randleman Board of Aldermen establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Administrator shall employ the following rules of interpretation.

- A. **Centerline:** Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **City Limits:** Boundaries indicated as approximately following City limits or extraterritorial boundary lines shall be construed as following the City limits or extraterritorial boundary lines.
- E. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. **Extensions:** Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- G. **Scaling:** In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- H. Where the Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries.

3.1.4 Zoning Map Versions

Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the local government clerk in accordance with G.S. 160A-79 or G.S. 153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map. If any changes are made, the immediate prior copies of the *City of Randleman Zoning Map* will be kept on file for review and inspection.

3.1.5 Other Requirements

In addition to Zoning District Regulations see the following Sections for other requirements:

- A. See Chapter 4 for Special Requirements for specific uses.
- B. See Chapter 5 for Building Design Requirements
- C. See Chapter 6 for specifications on Signs.
- D. See Chapter 7 for specifications on Open Space & Environmental Protection.
- E. See Chapter 8 for specifications on Landscaping & Buffering.
- F. See Chapter 9 for specifications on Parking.
- G. See Chapter 10 for specifications on Infrastructure.

Section 3.2 Base Zoning Districts

Base zoning districts are created to provide comprehensive land use regulations throughout Randleman. There are 10 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this Ordinance, Randleman is hereby divided into the following base zoning districts. These districts

shall comply with all of the general and specific requirements of this Ordinance. The uses permitted in each of these districts are listed in Section 3.3. The dimensional requirements for each of these districts are listed in Section 3.4.

- R-1 Low Density Residential & Agricultural
- R-2 Low Density Single-family Residential
- R-3 High Density Mixed Residential
- R-4 Medium Density Residential
- B-1 Central Business District
- B-2 General Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

3.2.1 R-1 Low Density Residential & Agricultural

The R-1 residential district is established for low density single-family residential and agricultural uses with some limited public, semi-public, and recreational uses permitted when they are compatible to low density residential development. The regulations of the R-1 residential district are intended to ensure that development not having access to public water supplies and dependent upon septic tanks will occur at sufficiently low densities to maintain a healthful environment.

3.2.2 R-2 Low Density Single-family Residential

The R-2 residential district is established for low density single-family residential uses. These regulations of the R-2 residential district are intended to discourage any use which, because of its character, would substantially interfere with the development of single-family residences and which would be detrimental to the desired quiet and peaceful nature of these areas.

3.2.3 R-3 High Density Mixed Residential

The R-3 residential district is established for high density single-family, two-family (duplex), and multifamily residential uses. The two-family (duplex) and multifamily uses in this district require conditional zoning. These regulations of the R-3 residential district are intended to discourage any use which, because of its character, would interfere with the residential nature desired. Water and wastewater services would be required to develop lots in such district.

3.2.4 R-4 Medium Density Residential

The R-4 residential district is established for medium density residential uses and manufactured housing on individual lots. These regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of the district. It is expected that city water and sewer facilities will be available to each lot in such a district.

3.2.5 B-1 Central Business District

The B-1 central business district is established to accommodate a concentrated development of permitted facilities within the central portion of the city.

3.2.6 B-2 General Commercial District

The B-2 district is established along some of the major thoroughfares and collector streets of the city. The B-2 commercial district is intended to provide offices, personal services and retailing of durable and convenience good for the community. Because these commercial uses are subject to

public view, they should have an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping.

3.2.7 I-1 Light Industrial

The I-1 light industrial district is established for light industrial and related uses which can be operated in a relatively clean and quiet manner and which are not obnoxious to adjacent residential or business districts and service establishments.

3.2.8 I-2 Heavy Industrial

The I-2 heavy industrial district is established for heavy industries that by their nature may create some nuisance and which are not properly associated nor compatible with residential, commercial, and service establishments.

Section 3.3 Permitted Uses Table

3.3.1 Intent

The Permitted Uses Table contains a listing of uses which may be permitted in one (1) or more of the various zoning districts. Uses are listed in alphabetical order within eight (8) categories as follows:

- Residential
- Civic & Government
- Institutional
- Office & Service
- Retail
- Recreation & Entertainment
- Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation
- Other

3.3.2 Table Key

The following is a list of the meanings of table entries:

- “X”-indicates that the use is permitted by right in the zoning district
- “CZ”-indicates that the use is permitted with a Conditional Zoning in the zoning district
- “S” indicates that a Special Use permit is required in the zoning district
- “SR”-a section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the regulations in Chapter 4.

| <i>Residential Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
|---|------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| Accessory dwellings | CZ | CZ | CZ | CZ | | | | | 4.2.1 |
| Accessory structures (residential) | X | X | X | X | | | | | 4.2.2 |
| Boarding or rooming houses | | | | | CZ | | | | 4.2.3 |
| Conservation development | CZ | CZ | CZ | CZ | | | | | 4.2.4 |
| Family care homes for the handicapped | X | X | X | X | | | | | 4.2.5 |
| Home occupations (customary) | X | X | X | X | | | | | 4.2.6 |
| Home occupations (rural) | CZ | | | | | | | | 4.2.6 |
| Manufactured Homes (on individual lots) | | | | X | | | | | 4.2.7 |

| | | | | | | | | | | |
|--|------------|------------|------------|------------|------------|------------|------------|------------|-----------|--------|
| Mixed-use dwelling | | | | | X | | | | | 4.2.8 |
| Multi-family dwellings | | | CZ | | | | | | | 4.2.9 |
| Single-family dwellings | X | X | X | X | | | | | | |
| Temporary emergency manufactured home | X | X | X | X | | | | | | 4.2.10 |
| Two-family dwellings (duplexes) | | | CZ | | | | | | | 4.2.11 |
| <i>Civic & Government Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR | |
| Cemeteries (accessory use) | X | X | X | X | X | X | X | X | | |
| Emergency Services (fire, police, EMT) | CZ | CZ | CZ | CZ | X | X | X | X | | |
| Government buildings (other) | CZ | CZ | | CZ | X | X | X | X | | |
| Non-profit charitable organizations | CZ | | | | X | X | X | X | | |
| Religious institutions & related uses (including daycare centers) | CZ | CZ | CZ | CZ | CZ | X | | | | |
| Schools (public & private elementary, middle, & high) | CZ | | CZ | CZ | X | X | | | | |
| <i>Institutional Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR | |
| Assembly halls, coliseums, gymnasiums, and similar structures | | | | | X | X | X | | | |
| Cemeteries (principal use) | CZ | | | | | CZ | CZ | | | 4.4.1 |
| Clubs, lodges, fraternities, sororities, social, civic, and other similar organizations operated on a non-profit basis | CZ | | CZ | CZ | | X | | | | |
| Colleges & Universities | CZ | | | | | X | | | | |
| Daycare Centers | CZ | | | | X | X | | | | |
| Hospitals | | | | | | X | | | | |
| Instructional Schools | | | | | | X | X | | | |
| Libraries, museums, and art galleries | C | | | | X | X | | | | |
| <i>Institutional Uses (continued)</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR | |
| Research Facilities | | | | | | | X | X | | |
| Residential Care Facilities (including halfway houses) | | | | | | X | | | | |
| Residential Care Homes | | | | | | CZ | | | | |
| Vocational Schools | | | | | | CZ | X | X | | |
| <i>Office & Service Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR | |
| Animal services (no outdoor kennels) | | | | | X | X | X | | | |
| Animal services (with outdoor kennels) | | | | | | CZ | CZ | CZ | | 4.5.1 |
| Automobile services (no vehicle storage) | | | | | CZ | X | X | X | | 4.5.2 |
| Automobile services (with vehicle storage) | | | | | CZ | CZ | CZ | CZ | | 4.5.2 |
| Banks, financial offices, & similar uses | | | | | X | X | | | | |
| Barber and beauty shops | | | | | X | X | | | | |
| Bed and breakfast inns | CZ | | | | CZ | CZ | | | | 4.5.3 |
| Body piercing & tattoo studios | | | | | CZ | CZ | | | | |

| | | | | | | | | | |
|---|------------------------------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| Communications offices (no visible towers or transmission equipment) | | | | | X | X | X | X | |
| Drycleaning and laundry establishments | | | | | X | X | | | |
| Funeral homes and mortuaries | | | | | X | X | | | |
| Heavy Equipment Repair | | | | | | | CZ | X | |
| Hotels, motels, & inns | | | | | X | X | | | |
| Medical, dental, & optical clinics | | | | | X | X | | | |
| Offices, professional | | | | | X | X | | | |
| Repair services (indoor) | | | | | X | X | | | |
| Services, other (indoor) | | | | | CZ | CZ | CZ | CZ | |
| Studios for artists, designers, and photographers | | | | | X | X | | | |
| Tailoring services | | | | | X | X | | | |
| <i>Retail Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Alcohol beverage packaged, retail sales | | | | | CZ | X | | | |
| Automobile sales or rental | | | | | CZ | CZ | CZ | | 4.6.1 |
| Convenience stores (no automotive services) | | | | | X | X | | | |
| Heavy equipment sales or rental | | | | | | CZ | CZ | | 4.6.1 |
| <i>Retail Uses (continued)</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Manufactured home sales | | | | | | CZ | CZ | | 4.6.1 |
| Newsstands | | | | | X | X | | | |
| Outdoor Market (including farmers markets, flea markets, etc) | | | | | CZ | CZ | | | 4.6.2 |
| Restaurants (no drive-through) | | | | | X | X | | | |
| Restaurants (with drive-through) | | | | | | X | | | |
| Retail uses, less than 20,000 square feet (indoor) | | | | | X | X | | | |
| Retail uses, 20,000 square feet or greater (indoor) | | | | | CZ | CZ | | | |
| <i>Recreation & Entertainment Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Adult Establishments | Special Entertainment Overlay only | | | | | | | | |
| Amusement center | | | | | CZ | X | | | |
| Bars & nightclubs | | | | | CZ | CZ | | | |
| Billiards, pool halls, & bowling alleys | | | | | CZ | X | | | |
| Circuses, carnivals, fairs, side-shows | | | | | | | | X | |
| Entertainment uses, other | | | | | | CZ | | | |
| Family Campgrounds | | | | | | CZ | | | 4.7.1 |
| Golf courses | X | CZ | CZ | CZ | | | | | |
| Parks (public) | X | X | X | X | X | X | X | X | |
| Swimming pools (principal use) | CZ | CZ | CZ | CZ | | | | | 4.7.2 |
| Swimming pools (residential accessory use) | X | X | X | X | X | | | | 4.2.2 |
| Theater (indoor) | | | | | X | X | | | |
| Theater (outdoor) | | | | | CZ | CZ | | | |

| <i>Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
|--|------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| Automobile parking lots | | | | | X | X | | | |
| Automobile parking structures | | | | | X | X | X | X | |
| Junk yards, salvage yards, recycling operations, and similar uses | | | | | | | | CZ | 4.8.1 |
| Bus repair and storage terminals | | | | | | | X | X | |
| Bus terminals for passengers | | | | | | X | | | |
| Cabinet and woodworking shops | | | | | | | X | X | |
| Contractors shops & storage yards | | | | | | | X | X | |
| <i>Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation Uses (continued)</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Distribution uses (accessory) | | | | | | X | X | X | |
| Distribution uses (principal) | | | | | | CZ | X | X | |
| Foundries producing iron and steel products | | | | | | | | X | |
| Hazardous material storage | | | | | | | CZ | CZ | |
| Industrial equipment machinery, repair and servicing. | | | | | | | X | X | |
| Industrial research facilities | | | | | | | CZ | CZ | |
| Lumber yards, building materials storage and sale | | | | | | CZ | X | X | |
| Manufacturing, Heavy | | | | | | | | CZ | |
| Manufacturing, Light | | | | | | CZ | X | X | |
| Machine Shops | | | | | | | X | X | |
| Manufactured home manufacturing | | | | | | | | CZ | |
| Printing and publishing establishments | | | | | | X | X | X | |
| Railroad freight yards | | | | | | | | X | |
| Railroad stations | | | | | CZ | X | X | | |
| Sheet metal shops | | | | | | | X | X | |
| Sign painting, exclusive of manufacturing | | | | | | CZ | X | X | |
| Taxicab stand or office | | | | | | X | | | |
| Tire recapping and retreading | | | | | | X | X | X | |
| Trucking terminals | | | | | | | X | X | |
| Warehouse uses (accessory) | | | | | | X | X | X | |
| Warehouse uses (principal) | | | | | | | X | X | |
| Warehouse, mini | | | | | | CZ | X | X | |
| Wholesale uses | | | | | | | X | X | |
| <i>Agricultural Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Bona-fide farm (excluding hogs) | X | X | X | X | | X | X | X | 4.9.1 |
| Greenhouse or horticultural nursery (including outdoor storage) | | | | | | | X | X | |
| Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only | X | X | X | | | | | | |

| | | | | | | | | | |
|--|--------------------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| Produce Stands (permanent) | X | | | | | | | | 4.9.2 |
| | | | | | | | | | |
| <i>Other Uses</i> | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | I-1 | I-2 | SR |
| Accessory structures (non-residential) | | | | | X | X | X | X | 4.10.1 |
| Drive-through/Drive-in uses | | | | | X | X | | | 4.10.2 |
| Outdoor Storage (non-residential) | | | | | | CZ | CZ | X | 4.10.3 |
| Parking of Recreational & Commercial Vehicles | See Special Requirements | | | | | | | | 4.10.4 |
| Telecommunications towers | S | S | S | S | S | S | S | S | 4.10.5 |
| Temporary Uses | X | X | X | | X | X | X | X | |
| Utility facilities (except service or storage yards) | S | S | S | | S | S | X | X | |

Section 3.4 Dimensional Requirements

3.4.1 General Provisions

- A. The Randolph County Health Department may impose a higher lot size on a case by case situation for individual septic tank systems.
- B. All setbacks shall be measured from the property line to the nearest point of the structure.
- C. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- D. The front yard requirements of this Chapter shall not apply to any lot where the front yard coverage on developed lots, located wholly or in part within 100 feet to each side of such lot and located within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the required front yard but not less than the average of the existing front yards on the developed lots; provided, that the front yard on such lot shall not be less than (1/2) one half of the required front yard for the district.
- E. Measurements for all front yard setbacks shall be made from the edge of the right-of-way. If there is no recorded right-of-way, add 15 feet from the pavement edge to the minimum front yard required as shown in Section 3.4.2.
- F. On a corner lot in any district no planting, structure, fence, wall or obstruction to vision more than three (3) feet in height as measured from the street centerline shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on the street right-of-way lines each of which is 25 feet distant from the point of intersection.
- G. Any garage door shall be setback a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.

H. No signs or other structures may project beyond the curb line of any street or other public way.

3.4.2 Dimensional Table

| District | Use/Type | Lot Size & Density | | Minimum Setback Requirements | | | Max. Height (feet) |
|----------|---------------|--|-----------------------|------------------------------|---------------------------|---------------------------|-------------------------------------|
| | | Min. Lot Area (sq. ft.) | Min. Lot width (feet) | Min. Front (feet) | Min. Side (feet) | Min. Rear (feet) | |
| R-1 | N/A | 20,000 | 100 | 30 | 15 | 25 | 35 |
| R-2 | N/A | 15,000 | 80 | 30 | 10 | 25 | 35 |
| R-3 | Single Family | 10,000 | 60 | 30 | 10 | 20 | 35 |
| | Multi-Family | 8,000, Plus 3,000 for each additional unit | 60 | 30 | 10 | 20 | 35 |
| R-4 | N/A | 20,000 | 100 | 30 | 15 | 25 | 35 |
| B-1 | N/A | N/A | N/A | N/A | N/A | N/A | 35 (CZ for height up to 50 feet) |
| B-2 | N/A | 6,000 | 50 | 25 | 10 exterior 0 interior | 10 exterior 0 interior | 35 (CZ for height up to 50 feet) |
| I-1 | District | 5 acres | N/A | 40 | 40 | 40 | 50 (CZ for height exceeding) |
| | All Uses* | N/A | N/A | 25 | 10 | 25 | |
| I-2 | District | 5 acres | N/A | 100 | 50 | 50 | 50 (CZ for height exceeding) |
| | All Uses* | N/A | N/A | 25 | 10 | 25 | |

*Other uses and all uses as allowed in the Permitted Uses Table in Section 3.3.

3.4.3 Exceptions

- A. Minimum lot size may be used as maximum density in a Conservation Development as allowed by district use requirements and in accordance with Section 4.2.3.
- B. Utility uses as defined by this ordinance are not subject to the minimum lot sizes set forth in the zoning districts.
- C. Cornices, eaves, steps, gutters, bay windows less than 10 feet wide, fire escapes, fire balconies, fire towers and similar features may project not more than two and half (2.5) feet into any required yard.
- D. Necessary retaining walls and fences less than six (6) feet high, when located in the rear and side yard, shall be exempt from the yard requirements of this Chapter. However, on a corner lot, no opaque fence more than four (4) feet in height shall be located within any yard or building setback required so as to interfere with the clear vision area. The height of any fence

located within a yard abutting a street line shall be measured from the sidewalk; if there is no sidewalk or curb, then it shall be measured from the centerline of the street. All other fence heights shall be measured from natural grade. Terraces, steps and uncovered porches which are not in any part more than four (4) feet above the ground floor level and not within two and half (2.5) feet of any lot line shall be exempt from the yard requirements of this Chapter.

- E. The height limitations of this zoning ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, and shall neither apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures—except in the vicinity of airports.
- F. The side and rear setbacks in the NB and HB districts shall not apply to the shared property line of attached buildings.

Section 3.5 Conditional Zoning Districts

3.5.1 Purpose

A Conditional Zoning District is a parallel zoning district to the general purpose district of the same name. However, the Conditional District, by request of the owners and as rezoned by the Board or Alderman has one designated permitted use with conditions that make the rezoning more compatible with surrounding uses than a general use rezoning. The use of the property is subject to predetermined standards, rules, regulations and conditions imposed as part of a legislative decision creating a Conditional Zoning District and applying it to a particular property. A Conditional Zoning District allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

A Conditional Zoning District, bearing the designation CZ, is hereby established as a parallel district for every district established in the list of General Use districts.

3.5.2 Submissions and Community Meeting

1. The review and approval process for conditional zoning petitions involves a legislative hearing and legislative decision by the Board of Alderman. The review of conditional zoning petitions shall be undertaken in accordance with the normal rezoning procedure with the following additions.

2. *Submissions:* Property may be placed in a conditional zoning district only in response to a petition by the owners of all the property to be included. A petition for conditional zoning shall be accompanied by a master site plan that includes:

- a. A boundary survey, with metes and distances showing the property's gross acreage, current zoning classification(s), the

location of adjacent public streets, railroad right-of-way, bodies of water (ponds, lakes, streams, rivers, creeks), date of submittal, north arrow, and vicinity map;

b. All existing and proposed easements, reservations and rights-of-way with street section and widths;

c. Footprint of existing and proposed structures;

d. Proposed use of all land and structures, including the number and type (single-family detached, multifamily, town homes, apartments) of residential units and/or the total square footage of any nonresidential development:

e. All setbacks, buffers, screening, and landscaping required by City regulations and/or conditions proposed by the petitioner;

f. All existing and proposed access points to public streets and traffic control devices;

g. Generalized drainage plan of existing and proposed drainage patterns, buffers, delineation of regulatory floodplains, delineated wetlands, riparian buffers and open space if an Open Space Development;

h. Proposed phasing, if any;

i. General location and number of parking spaces and circulation plan;

j. A statement in each petition analyzing the reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to, the following: (a) the conditional zoning's compatibility with the adopted Plan of the City; (b) the benefits and detriments of the conditional zoning for the subject property, neighboring properties and the surrounding community; and (c) the conditional zoning's compatibility with the existing land uses on adjacent and neighboring tracts.

k. Reference to provisions, if any, in City ordinances and/or the Comprehensive Land Development Plan or other Plan that refer to or anticipate impacts reasonably expected to be generated by the development or use of the site.

3. The Planning Director or other designated staff member may waive an application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

4. In the course of evaluating a petition for conditional zoning for a proposed use or development, the City may request additional information from the petitioner related to: number and location of all structures, exterior features, building materials, architectural style, signage and any additional information needed to demonstrate that conditional zoning will minimize particular impacts and protect both the immediate area and the community as a whole. The zoning regulation may provide that defined minor modifications in conditional zoning standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the

conditions and standards in a conditional zoning shall follow the same process for approval as are applicable to zoning map amendments. (G.S.160D-7-3(b))

3.5.3 Community Meeting

The City may sponsor an Information meeting involving the developer, Planning Board, and abutting property owners including those separated by a street, railroad, or other transportation corridor. The purpose of the informal meeting is to provide a time for adjoining property owners to meet with the developer and the City staff to review preliminary proposals before they are presented at a public hearing conducted by the City Board. Notices of this Information Meeting shall be sent by First Class mail at a minimum to all adjoining property owners.

3.5.4 Review and Approval

1. *Review and Approval Process:* The review and approval of a petition for a conditional zoning district shall follow the same legislative process as outlined for a general use rezoning.

Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, small area plans, corridor plans, and other land development policy documents.

2. *Conditions to Approval:* Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the City or its agencies, but only those conditions mutually approved and in writing by the City and by the petitioner may be incorporated into the zoning regulations or permit requirements.

a. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to City 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.

b. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Alderman may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the City or state, as appropriate, of any

rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

c. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions before final action by the Board of Alderman. Evidence of the petitioner's approval shall be documented by the petitioner's signature on the conditions adopted by the governing body. The signed conditions shall be retained by the City and a copy provided to the petitioner.

d. If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the City to rezone the property to its previous zoning classification or to another zoning district.

3. *Effect of Approval:* If the conditional rezoning is approved, the use of the property shall be governed by zoning requirements for the underlying district, the approved site plan for the Conditional Zoning District and any other approved conditions. These conditions shall be binding on the property as an amendment to the zoning map. The subject property shall be identified on the official Zoning map with the underlying general district followed by the letters "CD" (example "HI CD").

4. *Alterations to Approval:* Except as provided in subsection 1(b), below, substantial changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.

a. The City Planning Director shall have the delegated authority to administratively approve an amendment to an approved site plan that is not substantial. Any decision by the Planning Director must be in writing stating why the requested change is not substantial and why it is approved.

1. A substantial change that may not be approved administratively is one that:

- decreases use of compatible design features, including building styles and materials, signage and lighting, and site layout, both internal to the development and as it impacts external development;
- decreases pedestrian features such as sidewalks, crosswalks, and external pedestrian connections; or
- changes the use(s) approved for the property.

2. A change may be approved administratively and is not substantial if it reduces impacts on surrounding properties in one or more of the following ways:

- it decreases intensity of land uses proposed on the site (.e. number of housing units or gross floor area) by not more than 10%;
- it increases proposed setbacks by not more than 10% by locating buildings closer to internal property lines without increasing the setbacks of proposed buildings from public streets;
- a significant increase in the visually obscuring buffers along the perimeter of the site that includes preserved vegetation, added landscaping, walls and fences, or the use of topography;
- a decrease in the traffic impact due to a significant decrease or shift in the number, location or configuration of access points to or additional road improvements for the development; or
- an increase in the amount of usable or passive open space, tree preservation, greenways, or trails provided on the site.

b. Any request for an administrative amendment shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Planning Director or designee working directly with the developer. Upon an approval of an administrative amendment, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Planning Director or designee.

c. If the Planning Director finds that the requested changes are substantial, as described above, the applicant may file a rezoning petition for a public hearing and Board of Alderman decision.

3.5.5. Progress Following Approval of a Conditional Zoning District

A conditional rezoning decision is based on firm plans to develop the property. Therefore, no sooner than three (3) years after the approved rezoning, the Planning Board may examine the progress made toward developing the property in accordance with the approved rezoning and associated conditions. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Alderman a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

Section 3.6 Overlay Districts

3.6.1 Special Entertainment Overlay (SE-O)

3.6.1.1 Intent

The intent of establishing the provisions of the SE-O special entertainment district is to ensure that sexually oriented businesses will be appropriately located within the city's jurisdiction to prevent unwanted and unacceptable adverse impacts upon surrounding properties. This new zoning designation shall only be applied to portions of the light industrial (I-1) district after obtaining a rezoning from the board of aldermen.

3.6.1.2 Requirements

- A. No special entertainment establishment shall be located within 1,000 feet of any other special entertainment establishment. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest point of the lot line or boundary of the closest similar establishment.
- B. No establishment shall be located within 1,000 feet of any portion of a residentially zoned lot. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a residentially zoned lot.
- C. No establishment shall be located within 1,000 feet of any lot upon which a school, child day care center or church is located. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a lot upon which a school or church is located.

3.6.2 Watershed Protection Overlay Districts

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS

Section 101. Intent

The intent of the establishment of the Watershed Protection Overlay Districts is to protect surface water supplies whose watersheds are located wholly or partially within the zoning jurisdiction of the City of Randleman.

Section 102. Authority and Enactment.

Pursuant to authority given to municipalities in G.S. 160D, Planning and Regulation of Development, and G.S. 143-214.5 Water Supply and Watershed Protection, the Randleman Board of Aldermen does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Randleman.

Section 103. Jurisdiction.

- A. The provisions of these regulations shall apply in those areas within the corporate limits and the extraterritorial jurisdiction of the City of Randleman designated as Public Water Supply Watersheds by the N.C. Environment Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Randleman,

North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and are hereby made a part of this Ordinance.

- B. The following Public Water Supply Watersheds designated by the N.C. Environmental Management Commission are regulated by the provisions of these regulations:

| Watershed | Classification | River Basin |
|----------------|----------------|-------------|
| Back Creek | WS-11 | Yadkin |
| Polecat Creek | WS-111 | Cape Fear |
| Randleman Lake | WS-IV | Cape Fear |

Section 104. Exceptions to Applicability.

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulations, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace.
- 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 Section, is not subject to the requirements of these regulations. Expansions to structures classified as existing development must meet the requirements set forth herein; however, the built-upon area of the existing development is not required to be included in the density calculations.
- D. If a non-conforming lot of record is not contiguous to any other lot owned by the same party¹ then that lot of record shall not be subject to the development restrictions of this Section if it is developed for single family residential purposes.

Section 105. Penalties.

Any person violating any provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. Each day that a violation continues shall constitute a separate offense.

A. Civil Penalties

1. Assessment of Penalties

Any person who violates or fails to act in accordance with any of the provisions of these regulations, or rules or orders adopted or issued pursuant to these regulations, shall be subject to a civil penalty. A civil penalty for a violation may be assessed in an amount not to exceed ten thousand dollars (\$10,000) per day. If any violation for which a penalty may be assessed is continuous, a civil penalty may be assessed for each day of the violation in an amount not to exceed twenty-five thousand dollars (\$25,000) per day for as long as the violation occurs. Each day of a continuing violation shall constitute a separate violation.

2. Notice of Civil Penalty Assessment

The Watershed Administrator shall provide written notice of the civil penalty amount and the basis for the assessment to the person assessed. The notice of civil penalty assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment¹ within thirty (30) days after receipt of the notice of assessment by written demand for a hearing.

3. Hearing

A hearing on the civil penalty shall be conducted by the Watershed Review Board within forty-five (45) days after the date the written demand for the hearing is received by the Watershed Administrator. The Watershed Review Board shall make its recommendation to the Board of Aldermen within sixty (60) days after the date of the hearing.

4. Final Decision.

The governing board shall issue a final decision on the civil penalty within sixty (60) days of the recommended decision. A copy of the final decision shall be served on the violator by any means authorized under G.S. 1A-1, Rule 4.

5. Appeal of Final Decision.

Appeal from the final decision of the governing board shall be to Randolph County Superior Court. Any appeal must be filed with thirty (30) days of receipt of the final decision. A copy of the appeal must be served on the City by any means authorized under G.S. 1A-1, Rule 4.

6. Demand for Payment of Penalty

An assessment that is not contested is due when the violator is served with a notice of assessment. The civil penalty must be paid within thirty (30) days or the assessment, if not appealed, or within 30 days after the conclusion of the administrative or judicial review of the assessment. If payment is not received within thirty (30) days after demand for payment is made, the City may institute a civil action to recover the amount of the assessment. Such civil actions must be filed within three (3) years of the date the assessment was due.

B. Criminal Penalties

Any person violating any provisions of these regulations 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 five hundred dollars (\$500.00). Each day that the violation continues shall constitute a separate offense.

Section 106. Remedies.

- (A) If any subdivision, development and/or land use is found to be in violation of these regulations, the Board of Aldermen may, in addition to all other remedies available either in law or in equity, institute an action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act; conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

- (B) If the Watershed Administrator finds that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation, indication 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 these regulations to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

Section 107. Severability.

Should any provision of this Section be declared invalid or unconstitutional by any court of competent jurisdiction the declaration shall not affect the validity of this Section as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

ARTICLE 200: SUBDIVISION REGULATIONS

Section 201. General Provisions.

- (A) No subdivision plat within the Public Water Supply Watershed shall be filed or

recorded by the Register of Deeds of Randolph County until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order the recording of a plat if the recording of such plat would be in conflict with this Section.

- (B) All applications to subdivide land in a designated water supply watershed shall comply with the application, review and mapping requirements of the Subdivision Ordinance.
- (C) All final subdivision plats for land located within the Public Water Supply Watershed shall bear the following statement:

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

Section 202. Subdivision Standards and Required Improvements.

Subdivisions in any designated drinking supply watershed shall comply with General Requirements and Minimum Standards of Design of the Randleman Subdivision Ordinance as well as the requirements specified below.

- (A) All lots shall provide adequate building space in accordance with the development standards contained in these regulations. Lots, which are smaller than the minimum required for residential lots, may be developed using built-upon area criteria in accordance with these regulations.
- (B) 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.
- (C) The subdivision application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- (D) 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 N.C. Division of Land Quality.
- (E) Where possible, roads shall be located outside of critical watershed areas and required watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

ARTICLE 300: DEVELOPMENT REGULATIONS

Section 301. 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 closest to the water supply (critical area) shall have a higher level of regulation because proximity to the water supply intake creates a higher risk of contamination.

The remaining portion of the watershed (balance of watershed for WS-111 and protected area for WS-IV) shall have a lesser degree of restriction because the greater distance from the water supply intake lowers the risk of contamination.

The following overlay districts shall apply to the designated Public Water Supply Watersheds within the zoning jurisdiction of the City Randleman:

- (A) Back Creek WS-11-BW (Balance of Watershed)
- (B) Polecat Creek WS-11I-BW (Balance of Watershed)
- (C) Polecat Creek WS-11I-CA (Critical Area)
- (D) Randleman Lake WS-IV-PA (Protected Area)
- (E) Randleman Lake WS-IV-CA (Critical Area)

Section 302. Back Creek Lake Watershed - Balance of Watershed (WS-11-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 (12%) built-upon area. In addition, new development and expansions to existing development 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 intensity allocation (SIA). 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 residuals application sites are allowed.

(B) Permitted Uses

1. All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, except those specifically prohibited in (C) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(C) Prohibited Uses

1. Discharging landfills
2. New underground fuel or chemical storage tank

3. Storage of toxic and hazardous materials unless an approved spill containment plan is implemented.

(D) Density and Built-upon Limits

1. 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 (1) acre, except within an approved cluster development.

2. New development and expansions to existing development shall not exceed twelve percent (12%) built-upon area on a project basis except that up to ten percent (10%) of the balance of the watershed may be developed with up to seventy percent (70%) built-upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 303a. Polecat Creek Watershed - Critical Area (WS-111-CA)

(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 acre. All other residential and non-residential development shall be allowed to a maximum of twelve percent (12%) built-upon area.

(B) Permitted Uses

1. Uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless prohibited in (C) Prohibited Uses.

2. 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.

3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(C) Prohibited Uses

1. Storage of toxic and hazardous materials unless an approved spill containment is implemented.
2. Landfills or incinerators

3. Sites for land application of sludge/residuals or petroleum contaminated soils
4. Commercial uses, which sell, store or distribute motor fuels or other hazardous materials
5. Airports
6. Industrial uses
7. Metal salvage facilities including junkyards
8. Manufacture, use or storage of any hazardous or toxic materials waste as listed on the EPA hazardous material list.
9. Public or private sewage disposal systems except for subsurface septic tanks. Public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

(D) Density and Built-upon Limits

1. 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 (1) acre, except within an approved cluster development.
2. All other residential and non-residential development shall not exceed twelve percent (12%) 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 303b. Polecat Creek Watershed - Balance of Watershed (WS-111 BW)

(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. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, new development and expansions to existing development may occupy ten percent (10%) of the watershed with up to a seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). Projects must, to the maximum extent practicable, 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 residuals application sites are allowed.

(B) Permitted Uses

1. All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, unless specifically prohibited in (C) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(C) Prohibited Uses

1. Discharging landfills
2. New underground fuel or chemical storage tanks
3. Storage of toxic and hazardous materials unless a spill containment plan is implemented.

(D) Density and Built-upon Limits:

1. 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 acre, except within an approved cluster development. In the absence of public sewer, however, all onsite wastewater treatment must be permitted by the Randolph County Health Department, in which case a 40,000 sq. ft. minimum lot size shall be required.
2. New development and expansions to existing 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 watershed may be developed for 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 304a. Randleman Lake Watershed - Critical Area (WS-IV-CA)

(A) Intent

In order to maintain a low land use intensity pattern, single family detached uses shall develop at a maximum of one (1) dwelling unit per two (2) acres. All other residential and non-residential development shall be allowed a maximum of six percent (6%) built-upon area.

(B) Permitted Uses

1. All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, unless specifically prohibited in (C) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15NCAC 11.6101-.0209).

(C) Prohibited Uses

1. Landfills
2. Sites for land application of sludge/residuals or petroleum contaminated soils.
3. New underground fuel or chemical storage tanks
4. Storage of toxic and hazardous materials unless a spill containment plan is implemented.

(D) Density and Built-upon Limits

1. Single family residential development shall not exceed one (1) dwelling unit per two (2) acres, as defined on a project by project basis. No residential lot shall be less than two (2) acres.
2. New development and expansions to existing development shall not exceed six (6%) built-upon 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 304b. Randleman Lake Watershed - Protected Area (WS-IV-PA)

(A) Intent

In order to maintain a low 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. In addition, new development and expansions to existing development may occupy ten percent (10%) of the watershed with up to a seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts .

(B) Permitted Uses

1. All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications below, unless specifically prohibited in (C) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(C) Prohibited Uses

1. Discharging landfills .
2. New underground fuel or chemical storage tanks.
3. Storage of toxic and hazardous materials unless a spill containment plan is implemented.

(D) Density and Built-upon Limits:

1. 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 acre, except within an approved cluster development.
2. New development and expansions to existing development shall not exceed twelve (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 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 305a. Cluster Development - Back Creek and Polecat Creek Watersheds

Clustering of new single family detached residential development is allowed in the designated watershed areas under the following conditions:

- (A) The minimum lot sizes set forth for the watersheds shall not be applicable to single family residential cluster development projects that are developed in accordance with these standards; however, the total number of lots allowed shall not exceed the maximum allowed for single family residential development by the density standard in the applicable watershed.

- (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 property owners' 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 owners' association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 305b. Cluster Development- Randleman Lake Watershed Protected Area

Clustering of new single family detached residential development is allowed in the Protected Area of the Randleman Lake Watershed subject to the following requirements:

- (A) The overall density of the project meets associated density or stormwater control requirements of Section 304b.
- (B) Buffers meet the minimum statewide water supply watershed protection requirements and those specified for the Randleman Lake watershed riparian areas in Section 306b.
- (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) The remainder of the tract is to remain in a vegetated or natural state.
- (F) 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.
- (G) A maintenance agreement for the portion of the tract that remains in a vegetated or natural state shall be filed with the Randolph County Register of Deeds.
- (H) 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.

Section 306a. Buffer Areas Required - Back Creek and Polecat Creek Watersheds

- (A) A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1 :24,000 (7.5

minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

- (B) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

Section 30Gb. Buffer Areas Required - Randleman Lake Watershed

i. Purpose

The purpose of adopting the following regulations is to protect and preserve existing riparian buffers throughout the Randleman Lake Watershed as generally described in Rule 15A NCAC 02B .0250 (Randleman Lake Water Supply Watershed: Nutrient Management Strategy), in order to maintain their nutrient removal and stream protection functions. Additionally, these regulations will help protect the water supply uses of Randleman Lake Reservoir and of designated water supplies throughout the Randleman Lake watershed. Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

ii. Buffers Protected

The following minimum criteria shall be used for identifying regulated buffers:

1. These regulations shall apply to activities conducted within fifty (50) foot wide riparian buffers directly adjacent to surface waters in the Randleman Lake watershed (intermittent streams, perennial streams, lakes; reservoirs, ponds and specified ditches), excluding wetlands.
2. Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.
3. For the purpose of these regulations, surface waters shall be subject to the requirements of this Section if they are approximately shown on any of the following references, or if there is other site specific evidence that indicates to the City of Randleman the presence of waters not shown on any of these maps:
 - a) The most recent version of the hardcopy soil survey maps prepared by the Natural Resources

Conservation Service of the United States Department of Agriculture.

- b) The most recent version of the United States Geologic Survey (USGS) 1 :24,000 scale (7.5 minute) quadrangle topographic maps.
 - c) A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission.
 - d) A map developed by the local government and approved by the NC Environmental Management Commission per 15A NCAC 02B .0250(4)(c).
4. Where the specific origination point of a stream regulated under this Item is in question, upon request of the NC Division of Water Quality or another party, the City of Randleman shall make an on-site determination. A City representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, v 3.1 February 28, 2005, available from the NC Division of Water Quality - 401 Oversight Express Permitting Unit, or its successor. The City may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of N.C.G.S. 150B.
5. Riparian buffers protected by these regulations shall be measured pursuant to Section 306b(E).
6. Parties subject to these regulations shall abide by all State rules and laws regarding waters of the state including but not limited to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

iii. Exemption Based on Onsite Determination

When a landowner or other affected party, including the Division, believes that the maps have inaccurately depicted surface waters, he or she shall consult the City. Upon request, a City representative who has successfully completed the Division of Water Quality's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. The City may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over onsite determinations shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination by the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of N.C.G.S. 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

- 1. Ditches and manmade conveyances to include manmade stormwater

conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated stormwater runoff from an adjacent source directly to an intermittent or perennial stream.

2. Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground.
3. Ephemeral streams.
4. 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 02B .0100. Ponds are part of the natural drainage way when they are hydrologically connected (i.e. the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

iv. Exemption when Existing Uses are Present and Ongoing

These regulations shall not apply to uses that are existing and ongoing; however, these regulations shall apply at the time an existing, ongoing use is changed to another use. For the purposes of this Section, a change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

- b. It was present within the riparian buffer as of the effective date of the original Watershed Protection Ordinance. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from these regulations. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within fifty (50) feet of the surface water where it did not previously exist as of the effective date of these regulations, and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.

- c. Projects or proposed development that are determined by the City to meet at least one of the following criteria:
 - i. A project that requires a 401 Certification/404 Permit which was issued prior to the effective date of these regulations.
 - ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of these regulations;
 - iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DENR on avoidance and minimization prior to the effective date of these regulations; or
 - iv. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the City prior to the effective date of these regulations.

(C) Zones of the Riparian Buffer

The protected riparian buffer shall have two zones as follows:

- a. Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses established in this Section. The location of Zone One shall be as follows:
 - i. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
 - ii. For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line

perpendicular to a vertical line marking the normal water level.

- b. Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses in this Section. Grading and revegetating in Zone Two is allowed, provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward twenty (20) feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be fifty (50) feet on all sides of the surface water

(D) Diffuse Flow Requirements

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

- a. Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;
- b. Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies;and
- c. No new stormwater conveyances are allowed to pass through the required buffers except for those specified in the Table of Uses, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

(E) Table of Uses

The chart, beginning on the following page, sets out potential uses within the buffer and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not be established within the riparian buffer, or outside of the buffer If the use would impact the buffer, unless a variance is granted by the Watershed Review Board.

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|--------|----------------|---------------------------|
| <p>Access trails. Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:</p> <ul style="list-style-type: none"> • Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Section and no impervious surface is added to the riparian buffer • Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Section or impervious surface is added to the riparian buffer | X | X | |
| <p>Airport facilities:</p> <ul style="list-style-type: none"> • Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer • Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)¹ | | X X | X |
| <p>Archaeological activities</p> <ul style="list-style-type: none"> • In Zones 1 and 2 and are designed, constructed and maintained to provide the maximum sediment 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 | X | | |
| Bridges | | X | |
| <p>Canoe Access provided that installation and use does not result in removal of trees as defined in this Sections and no impervious surface is added to the buffer.</p> | X | | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|--------|-----------|---------------------------|
| Dam maintenance activities: <ul style="list-style-type: none"> • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit • Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit | X | X | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|---|--------|------------|---------------------------|
| Driveway crossings of streams and other surface waters subject to these regulations: <ul style="list-style-type: none"> • Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer • Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer • In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer • In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer | X | X X | X |
| Driveway impacts other than crossing of a stream or other surface waters subject to these regulations | | | X |
| Fences: <ul style="list-style-type: none"> • Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Section • Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Section | X | X | |
| Fertilizer application: one-time application to establish vegetation | X | | |
| Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated. | X | | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|--------|-----------|---------------------------|
| Greenway / hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical. | | X | |
| <p>Historic preservation:</p> <ul style="list-style-type: none"> • 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. | X | | |
| Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading. | | X | |
| <p>Mining activities:</p> <ul style="list-style-type: none"> • Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of these regulations are established adjacent to the relocated channels • Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of these regulations are not established adjacent to the relocated channels • Wastewater or mining dewatering wells with an approved NPDES permit | X | X | X |

| Use | Exempt | Allowable | Allowable with Mitigation |
|---|--------|-----------|---------------------------|
| <p>Playground equipment:</p> <ul style="list-style-type: none"> • Playground equipment on single family lots provided that installation and use does not result in removal of vegetation • Playground equipment installed on lands other than single-family lots or that requires removal of vegetation | X | X | |
| <p>Ponds in natural drainage ways, excluding dry ponds:</p> <ul style="list-style-type: none"> • New ponds provided that a riparian buffer that meets the requirements of these regulations is established adjacent to the pond • New ponds where a riparian buffer that meets the requirements of these regulations is NOT established adjacent to the pond | | X | X |
| <p>Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel</p> | | X | |
| <p>Railroad impacts other than crossings of streams and other surface waters subject to these regulations.</p> | | | X |
| <p>Railroad crossings of streams and other surface waters subject to these regulations:</p> <ul style="list-style-type: none"> • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer | X | X | X |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|----------|----------------------|---------------------------|
| <p>Recreational and accessory structures:</p> <ul style="list-style-type: none"> Sheds and gazebos in Zone Two, provided they are not prohibited under other regulations: <ul style="list-style-type: none"> Total footprint less than or equal to 150 square feet per lot. Total footprint greater than 150 square feet per lot. Wooden slatted decks and associated steps, provided the use meets the requirements of these regulations: <ul style="list-style-type: none"> Deck at least eight feet in height and no vegetation removed from Zone One. Deck less than eight feet in height or vegetation removed from Zone One. | | <p>X</p> <p>X</p> | <p>X</p> <p>X</p> |
| <p>Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored</p> | <p>X</p> | | |
| <p>Road impacts other than crossings of streams and other surface waters subject to these regulations.</p> | | | <p>X</p> |
| <p>Road crossings of streams and other surface waters subject to these regulations:</p> <ul style="list-style-type: none"> Road crossings that impact equal to or less than 40 linear feet of riparian buffer Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer | <p>X</p> | <p>X</p> | <p>X</p> |
| <p>Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:</p> <ul style="list-style-type: none"> Less than or equal to 2,500 square feet of buffer impact Greater than 2,500 square feet of buffer impact | | <p>X</p> | <p>X</p> |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|--------|------------|---------------------------|
| <p>Stormwater BMPs:</p> <ul style="list-style-type: none"> • Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One • Wet detention, bioretention, and constructed wetlands in Zone One | | X | X |
| <p>Scientific studies and stream gauging: In Zones One and Two if they are designed, constructed and maintained to protect water quality to the maximum extent practical.</p> | X | | |
| <p>Streambank or shoreline stabilization</p> | | X | |
| <p>Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffers shall comply with these regulations:</p> <ul style="list-style-type: none"> • Less than or equal to 2,500 square feet of buffer disturbance • Greater than 2,500 square feet of buffer disturbance • Associated with culvert installation or bridge construction or replacement. | X | X X | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|-------------------|-------------------|---------------------------|
| <p>Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffers shall comply with these regulations.</p> <ul style="list-style-type: none"> • In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with these regulations. • In Zones One and Two to control impacts associated with uses approved by the City of Randleman or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer. • In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act. • In-stream temporary erosion and sediment control measures for work within a stream channel. | <p>X</p> <p>X</p> | <p>X</p> <p>X</p> | |
| <p>Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to these regulations^{2,3,5}:</p> <ul style="list-style-type: none"> • Disturb equal to or less than 150 linear feet of riparian buffer • Disturb greater than 150 linear feet of riparian buffer | <p>X</p> | <p>X</p> | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|--|--------|------------|---------------------------|
| Utility, electric, aerial, other than perpendicular crossings ⁵ : <ul style="list-style-type: none"> • Impacts in Zone Two • Impacts in Zone One^{2,3} | | X | X |
| Utility, electric, underground, perpendicular crossings ^{3,4,5} : <ul style="list-style-type: none"> • Disturb less than or equal to 40 linear feet of riparian buffer • Disturb greater than 40 linear feet of riparian buffer | X | X | |
| Utility, electric, underground, other than perpendicular crossings ⁴ : <ul style="list-style-type: none"> • Impacts in Zone Two • Impacts in Zone One¹ | X X | | |
| Utility, non-electric, perpendicular crossings of streams and other surface waters subject to these regulations ^{4,5} :[] <ul style="list-style-type: none"> • Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 150 linear feet of riparian buffer | X | X X | X X |
| Utility, non-electric, other than perpendicular crossings ^{4,5} : <ul style="list-style-type: none"> • Impacts in Zone Two • Impacts in Zone One¹ | | X | X |

| Use | Exempt | Allowable | Allowable with Mitigation |
|---|--|-----------|---------------------------|
| Vegetation management: <ul style="list-style-type: none"> • Emergency fire control measures provided that topography is restored • Mowing or harvesting of plant products in Zone Two • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank. • Removal of individual trees which are dead, diseased or damaged. • Removal of poison ivy • Removal of invasive exotic vegetation as defined in: <i>Smith, Cheri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30</i> | X X X X X X X X | | |
| Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten (10) feet. | | X | |
| Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers. | | X | |
| Water supply reservoirs: <ul style="list-style-type: none"> • New reservoirs where a riparian buffer that meets the requirements of these regulations is established adjacent to the reservoir • New reservoirs where a riparian buffer that meets the requirements of these regulations is not established adjacent to the reservoir | | X | X |
| Water wells <ul style="list-style-type: none"> • Single family residential water wells • All other water wells | X | X | |

| Use | Exempt | Allowable | Allowable with Mitigation |
|---|--------|-----------|---------------------------|
| Wetland, stream and buffer restoration that results in impacts to the riparian buffers: <ul style="list-style-type: none"> Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification | X | X | |
| Wildlife passage structures | | X | |

Footnotes:

¹Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones One and Two meet the requirements of this Section

²Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the City of Randleman as defined in this Section.

- A minimum zone of ten (10) feet Immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to Interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

³Provided that poles or aerial infrastructure shall not be installed within ten (10) feet of a water body unless the City of Randleman completes a no practical alternative evaluation.

⁴Provided that, in Zone One, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative by the City Manager.

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

⁵ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

(F) Requirements for Categories of Uses

Uses designated in Section 306b(G) of this Ordinance (Table of Uses) as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

1. Exempt

Uses designated as exempt are permissible without authorization by the City of Randleman provided that they adhere to the limitations of the activity as defined in Section 306b(G) of this Ordinance (Table of Uses). In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

2. Allowable

Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Section 506(A) of this Ordinance. This

includes construction, monitoring, and maintenance activities. These uses require written authorization from the City of Randleman.

3. Allowable With Mitigation

Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to Section 506(A) of this Ordinance and an appropriate mitigation strategy has been approved pursuant to Section 306b(I). These uses require written authorization from the City of Randleman.

(G) Mitigation

- a. The following requirements shall apply to persons who wish to impact a riparian buffer in the Randleman Lake watershed when one of the following applies:
 - i. A person has received an Authorization Certificate pursuant to these regulations for a proposed use that is designated as "allowable with mitigation;" or
 - ii. A person has received a variance and is required to perform mitigation as a condition of a variance approval.

2. Issuance of the Mitigation Approval

The Watershed Administrator shall issue a mitigation approval upon determining that a proposal meets the requirements set out in these regulations. The approval shall identify, at a minimum, the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

3. Options for Meeting the Mitigation Requirement

The mitigation requirement may be met through one of the following options:

- a) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269 upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, and the applicable trading criteria in Rule 15A NCAC 02B .0273;
- b) Donation of real property or an interest in real property pursuant to these regulations; or
- c) Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of these regulations.

4. The Area of Mitigation

The Watershed Administrator shall determine the required area of mitigation, which shall apply to all mitigation options identified in these

regulations and as further specified in the requirements for each option set out in this Section, according to the following:

a) The impacts in square feet to each zone of the riparian buffer shall be determined by the Watershed Administrator by adding the following:

- 1) The area of the footprint of the use causing the impact to the riparian buffer;
- 2) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and
- 3) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.

b) The required area of mitigation shall be determined by applying the following multipliers to the impacts to each zone of the riparian buffer:

- 1) Impacts to Zone One of the riparian buffer shall be multiplied by three;
- 2) Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and
- 3) Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

5. Location of Mitigation

For any option chosen, the mitigation effort shall be located within the Randleman Lake watershed, as defined in 15A NCAC 02B .0249, and the same distance and upstream from the Randleman Lake Reservoir as the proposed impact, or closer to and upstream of the Reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the Randleman Lake watershed, as defined in 15A NCAC 02B .02 49, provided that the mitigation proposal accounts for differences in delivery of nutrients to the Randleman Lake Reservoir resulting from differences between the locations of the buffer impact and mitigation.

6. Donation of Property

Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements :

- a) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269. The value of the property interest shall be determined by an appraisal performed in accordance with the provisions of these regulations. The donation shall satisfy the mitigation determination if the appraised value of the donated

property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0269, the applicant shall pay the remaining balance due.

- b) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.
- c) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements
 - 1) In addition to the location requirements of these regulations, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin developed by NC Division of Water Quality pursuant to G.S. 143- 214.10;
 - 2) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in these regulations;
 - 3) The restorable riparian buffer on the property shall have a minimum length of one thousand (1,000) linear feet along a surface water and a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;
 - 4) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to these regulations.
 - 5) Restoration shall not require removal of man-made structures or infrastructure;
 - 6) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;
 - 7) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;

- 8) The property shall not contain any building, structure, object, site, or district that is listed In the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
 - 9) The property shall not contain any hazardous substance or solid waste;
 - 10) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;
 - 11) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and
 - 12) The property shall not have any encumbrances or conditions on the transfer of the property interests.
- d) At the expense of the applicant or donor, the following information shall be submitted to the City with any proposal for donations or dedications of interest in real property:
- 1) Documentation that the property meets the requirements set forth in these regulations;
 - 2) A US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;
 - 3) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina."
 - 4) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina

Department of Administration, State Property Office as identified by the Appraisal Board In the "Uniform Standards of Professional North Carolina Appraisal Practice." and

- 5) A title certificate.

7. Riparian Buffer Restoration or Enhancement

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

- a) The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:
 - 1) The area of riparian buffer restoration is equal to the required area of mitigation required by these regulations.
 - 2) The area of riparian buffer enhancement is three (3) times larger than the required area of mitigation established by these regulations.
- b) The location of the riparian buffer restoration or enhancement shall comply with the requirements of these regulations;
- c) The riparian buffer restoration or enhancement site shall have a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;
- d) Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this Item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to one hundred (100) trees per acre but less than two hundred (200) trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than one hundred (100) trees per acre, a buffer may be restored;
- e) The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of these regulations. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the City. The restoration or

enhancement plan shall contain the following:

- 1) A map of the proposed restoration or enhancement site;
 - 2) A vegetation plan. The vegetation plan shall include a minimum of at least two (2) native hardwood tree species planted at a density sufficient to provide three hundred twenty (320) trees per acre at maturity;
 - 3) A grading plan demonstrating that site shall be graded in a manner to ensure diffuse flow through the riparian buffer;
 - 4) A fertilization plan; and
 - 5) A schedule for implementation;
- f) Within one year after the Watershed Administrator has approved the restoration or enhancement plan, the applicant shall present proof to the City that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and the City's riparian buffer protection program;
 - g) The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and
 - h) The applicant shall submit annual reports for a period of five (5) years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five- year period.

Section 307. 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 centerlines thereof, such lines shall be construed to be said boundaries.
- (B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a survey plat prepared by

a registered land surveyor may be submitted to the City 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 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.
- (D) Where the watershed area boundaries lie at a scaled distance more than 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 to location of such boundaries. This decision may be appealed to the Watershed Review Board.

Section 308. 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 these regulations shall be included in the area required for another building.
- (C) If a use or class is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Section 309. Existing Development.

Any existing development as defined in this Section may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements these regulations; 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 these regulations 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 (1) 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 these regulations 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 310. Watershed Protection Permit.

- (A) Except where a single family residence is constructed on a lot deeded prior to the effective date of these regulations, 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 Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of these regulations.
 - (B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Watershed Administrator.
 - (C) Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of these regulations.
- b. A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such is not obtained by the applicant within twelve (12) months from the date of issuance.

Section 311. 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 County Inspections Department.

Section 312. Watershed Protection Occupancy Permit.

- i. The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of these regulations 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.
- ii. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for at the same time as 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.

- iii. When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of these regulations have been met at the same time the Watershed Protection Permit is issued.
- iv. If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.
- v. No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. 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 402. Abatement.

- (A)The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- (B)The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.
- (C)Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

(D)Site Inspections

- 1. Agents, officials, or other qualified persons authorized by the City of Randleman may periodically inspect riparian buffers to ensure compliance with these regulations.
- 2. Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.
- 3. Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials! to enter and inspect

at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the City of Randleman, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The City of Randleman shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in these regulations.

4. Notice of Violation

- a.** If it is determined that a person has failed to comply with the requirements of these regulations, or rules, or orders adopted or issued pursuant to these regulations, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, rule 4. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.

- b.** The notice shall specify the violation and inform the person of the actions that need to be taken to comply with these regulations, or rules or orders adopted pursuant to these regulations. The notice shall direct the person to correct the violation within a specified reasonable time. The notice shall inform the person that any person who violates or fails to act in accordance with any of the provisions of these regulations or rules or orders adopted or issued pursuant to these regulations is subject to the civil and criminal penalties and other enforcement actions as provided in this Section.

5. Power to Require Statements

The City of Randleman shall also have the power to require written statements or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

Article 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 501. Watershed Administration and Duties Thereof.

The Randleman City Manager is hereby appointed the Watershed Administrator, who shall be duly sworn in that capacity. It shall be the duty of the City Manager acting as Watershed Administrator to administer and enforce the provisions of these regulations as follows:

- (A) The Watershed Administrator shall issue Watershed Protection Permits, Watershed Protection Occupancy Permits and Special Intensity Allocations (SIAs), 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 Watershed Administrator.
- (B) The Watershed Administrator shall serve as clerk to the Watershed Review Board, which sits as the Watershed Review Board.
- (C) The Watershed Administrator shall keep records of all amendments to the City's Water Supply Watershed Protection regulations and shall provide copies of all amendments upon adoption to the, Division of Water Quality.
- (D) The Watershed Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of ten percent (10%) of the non-critical area of WS-11-BW and WS-111-BW, and WS-IV-PA watersheds may be developed 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 Watershed Administrator is granted the authority to administer and enforce the provisions of these regulations, exercising in the fulfillment of his responsibility the full police power of the City. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by these regulations.
- (F) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection regulations. This record shall be submitted each calendar year to the Division of Water Quality on or before January 1st of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 502. Appeal from the Watershed Administrator.

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board as specified in this Section.

Section 503. Changes and Amendments to the Watershed Protection Overlay Districts.

Under no circumstances shall the Board of Aldermen adopt such amendments, supplements or changes that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

Section 504. Establishment of the Watershed Review Board.

The Randleman Watershed Review Board shall serve as the Watershed Review Board. The same rules of procedure as specified in the Zoning Ordinance shall apply.

Section 505. Powers and Duties of the Watershed Review Board Acting as the Watershed Review Board.

(A) Administrative Review.

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of these regulations.

(B) Variances.

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of these regulations as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of these regulations will result in practical difficulties or unnecessary hardship, so that the spirit of these regulations 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 Watershed Administrator and shall include information required by the City, 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 Watershed Review Board in considering the application.

c) The Watershed Administrator 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 Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

2. Before the Watershed Review Board may grant 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 these regulations. 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 these regulations, 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 a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the requirements of these regulations that will make possible the reasonable use of his property.
 - 2) The hardship results from the application of these regulations 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 these regulations, or who purchases the property after the effective date of these

regulations, 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 these regulations and preserves their 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 these regulations. 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 Watershed Review Board 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 Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - a) The variance application;
 - b) The hearing notices;
 - c) The evidence presented;
 - d) Motions, offers of proof, objections to evidence, and rulings on them;
 - e) Proposed findings and exceptions;

- f) The proposed decision, including all conditions proposed to be added to the permit.
4. The preliminary record shall be sent to the Environmental Management Commission for its review as follows:
- a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and 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.
 - b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that property owner can secure a reasonable return from or make a practical use of the property without the variance or 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 final decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

(C) Subdivision approval. See Article 200.

(D) Public Health. See Article 400.

Section 506. Determination of No Practical Alternatives / Request for Authorization Certificate

The following procedures shall apply to proposed uses within areas regulated by the riparian buffer standards in the Randleman Lake Watershed.

- (A) Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the City. The applicant shall certify that the project meets all the following criteria

for finding "no practical alternatives":

1. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
2. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
3. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(B) The applicant shall also submit the following information in support of their assertion of "no practical alternatives":

1. The name, address and phone number of the applicant;
2. The nature of the activity to be conducted by the applicant;
3. The location of the activity, including the jurisdiction;
4. A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
5. An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
6. Plans for any best management practices proposed to be used to control the impacts associated with the activity.

(C) Within sixty (60) days of a submission in accordance with the standards of this Section, the Watershed Administrator shall review the entire project and make a finding of fact as to whether the criteria set forth in this Section have been met. A finding of "no practical alternatives" shall result in the issuance of an Authorization Certificate. Failure to act within sixty (60) days shall

be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:

1. The applicant agrees, in writing, to a longer period;
2. The City determines that the applicant has failed to furnish requested information necessary to its decision;
3. The final decision is to be made pursuant to a public hearing;
or
4. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the City's decision.
5. 5. The City may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of these regulations.
6. 6. Any appeals of determinations regarding Authorization Certificates shall be referred to the Director of the Division of Water Quality, c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

Section 507. Appeals From the Watershed Review Board

Appeals from the Watershed Review Board must be filed with the Superior Court within thirty (30) days from the date of the decision. The decisions by the Superior Court will be in the nature of certiorari.

Article 600: Definitions

Section 601. General Definitions

The following definitions apply to the regulations contained in this Section of the Ordinance:

Access Trails. Means pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Airport Facilities. Means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases 'air navigation facility', 'airport' 1 or 'airport protection privileges' under G.S. 63-1; the definition of 'aeronautical facilities' in G.S. 63-79(1); the phrase 'airport facilities' as used in G.S. 159-48(b)(1); the phrase 'aeronautical facilities' as defined in G.S. 159-81 and G.S. 159-97; and the phrase 'airport facilities and improvements' as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation there of and any combination of any or all of such facilities.

Notwithstanding the foregoing, the following shall not be included in the definition of 'airport facilities':

1. Sattellite Parking Facilities
2. Retail and commercial development outside of the terminal area, such as rental car facilities; and
3. Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in Which case they are included in the definition of airport facilities.

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-11 or WS-111 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-11 or WS-111 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).

Channel. Means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water, or a ditch or canal excavated for the flow of water.

Cluster Development. The grouping of lots and buildings in order to conserve land resources and provide for innovation in the design of single family detached residential developments.

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 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 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.

DBH. Means diameter at breast height of a tree measured at 4.5 feet above ground surface level.

Development. Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

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.

Ditch. Means a man-made, open drainage way in or into which excess surface water or groundwater from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Dwelling. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Ephemeral Stream. Means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

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 these regulations 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, or
2. Having an outstanding valid building permit as authorized by the General Statutes (G.S. 160D - 108), 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 (G.S. 160D-108).

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 these regulations, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of these regulations.

Greenway Hiking Trails. Means pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.

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).

High Value Tree. Means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.

Industrial Development. Any non-residential 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.

Intermittent Stream. Means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

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 these regulations 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.

Modified Natural Stream. Means an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

New Development. Means any development project that does not meet the definition of existing development set out in this Section.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Perennial Stream. Means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

Perennial Waterbody. means a natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

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.

Shoreline Stabilization. Is the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes } may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

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.

Stream Restoration. Is defined as the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the

stream's watershed in order to achieve dynamic equilibrium. The terms 'referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

Street (Road). A developed 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.

Stump Diameter. Means the diameter of a tree measured at six inches above the ground surface level.

Surface Waters. Means all waters of the state as defined in G.S. 143-212 except underground waters

Sub-divider. 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 these regulations:

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 these 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 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 these regulations;
5. The division of a tract into plots or lots used as a cemetery.

Surface Waters. Means all waters of the state as defined in G.S. 143-212 except underground waters.

Temporary Road. Means a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

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 offspring or other adverse health effects.

Tree. Means a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Section.

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. An impact to any portion of Zone One or any portion of both Zones One and Two of the required riparian buffer in the Randleman Lake Watershed.

Minor Variance. A variance that does not qualify as a major variance.

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 Randleman City Manager who is responsible for administration and enforcement of the Water Supply Watershed regulations.

Section 602. Word Interpretation.

For the purpose of this Section, certain words shall be interpreted as follows:

- a. Words in the present tense include the future tense.
- b. 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.
- c. The word "person"¹¹ includes a firm, association, corporation, trust, and company as well as an individual.
- d. The word "structure" shall include the word "building".
- e. The word "lot" shall include the words, "plot", "parcel", or "tract".
- f. The word "shall" is always mandatory and not merely directory.
- g. The word "will" is always mandatory and not merely directory.

3.6.3 Flood Damage Prevention Overlay

ARTICLE 1. 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 of Chapter 160D; and Article 8 of Chapter 160A 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 Aldermen of the City of Randleman, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (A) The flood prone areas within the jurisdiction of the City of Randleman 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.
- (B) 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 overlay 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:

- 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;
- require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- 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 overlay are to:

- protect human life, safety, and health;
- minimize expenditure of public money for costly flood control projects;

- minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- minimize prolonged business losses and interruptions;
- 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;
- help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this overlay shall be interpreted so as to give them the meaning they have in common usage and to give this overlay 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 overlay.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or tidal waters; and/or
- 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 overlay, 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 overlay and other zoning regulations, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- 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;
- 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;
- individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- 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 overlay.

“Manufactured Home” means a structure, transportable in one (1) 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 (2) 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 overlay, 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:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck; and
- 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 or the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

“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 overlay 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 overlay.

“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 (1)-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 (2) 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:

- 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
- 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 overlay.

“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 coastal or 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 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS OVERLAY APPLIES.

This overlay shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the City of Randleman 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 12/04/2007, which are adopted by reference and declared to be a part of this overlay.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

- Randolph County Unincorporated Area, dated 7/16/1981
- City of Randleman, dated 7/1/1987

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this overlay 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 overlay.

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 overlay and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This overlay is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this overlay and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this overlay, all provisions shall be:

- considered as minimum requirements;
- liberally construed in favor of the governing body; and
- 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 overlay 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 overlay 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 overlay shall not create liability on the part of the City of Randleman or by any officer or employee thereof for any flood damages that result from reliance on this overlay or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this overlay or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor. Any person who violates this overlay or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Randleman from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director or his designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this overlay.

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;
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

- (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this overlay 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 C(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 C, subsections (6) and (7) of this overlay 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) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section C(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of

the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section C(6)(a)
 - (ii) Temporary Structures meeting requirements of Article 5, Section C(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section C(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 overlay 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 floodproofed, 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 floodproofing 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 C(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 overlay.

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 overlay.
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 overlay 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 overlay 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 overlay, 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 overlay, 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:
 - that the building or property is in violation of the floodplain management regulations;
 - that a hearing will be held before the floodplain administrator at a designated place and time, not later than 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
 - 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 Overlay, 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 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 Zoning Board of Adjustment as established by the City of Randleman, shall hear and decide requests for variances from the Zoning Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
2. 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 overlay, 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.
3. In passing upon variances, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this overlay, 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 overlay 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.
 4. A written report addressing each of the above factors shall be submitted with the application for a variance.
 5. Upon consideration of the factors listed above and the purposes of this overlay, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this overlay.
 6. 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.
 7. 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.
 8. 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 overlays.
 - (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:
 - a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and
 - 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 overlays.
9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) City of Randleman has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. BUILDING RESTRICTIONS.

No new buildings or structures (with exception of gas, liquid, or liquefied gas storage tanks) shall be allowed unless a variance is granted in accordance with Article 4, Section E. When a variance is granted, all new buildings shall meet the requirements of this overlay. This restriction does not apply to buildings that have Substantially Damaged or Substantially Improved.

SECTION B. 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 overlay, shall meet the requirements of “new construction” as contained in this overlay.
9. Nothing in this overlay shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this overlay 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 overlay.
10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Article 4, Section B(3).
11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
15. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

SECTION C. 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 B, 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 overlay.
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 overlay. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). 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 overlay.
 - (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 C(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 (2) 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 (1) 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 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 B, 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 (5) 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 overlay and shall be elevated or floodproofed in accordance with standards in Article 5, Sections B and C.
 - (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 C 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) (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 overlay.
 - (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section C 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 B and C; 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 B and C, 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 overlay.
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 C(3); and
 - (b) the no encroachment standard of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections B and C, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section C(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION OVERLAY.

This overlay in part comes forward by re-enactment of some of the provisions of the flood damage prevention overlay enacted July 1, 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 overlay shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention overlay of City of Randleman enacted on July 1, 1987 as amended, which are not reenacted herein are repealed.

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 overlay; 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 overlay.

SECTION C. EFFECTIVE DATE.

This overlay shall become effective the 1st day of January 2008.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention overlay as adopted by the Board of Aldermen of the City of Randleman, North Carolina, on the 4th day of December, 2007.

WITNESS my hand and the official seal of the City of Randleman, this the 4th day of December, 2007.

City Clerk

CHAPTER 4 SPECIAL REQUIREMENTS

Section 4.1 Purpose

The City of Randleman finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating requirements specific to their design and/or operation. Such special requirements ensure compatibility among other uses. This Chapter specifies those requirements that must be met by all the uses listed in the uses permitted with Special Requirements section for each district in Chapter 3.

Each use shall be permitted in compliance with all conditions listed for the use in this Chapter. Certain uses are also classified as *Conditional Zoning (CZ)*

Section 4.2 Residential Uses

4.2.1 Accessory Dwellings (Conditional Zoning Only)

Accessory dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. The accessory dwelling shall be used as a guest house or a residence for an immediate family member of the owner of the principal dwelling.
- B. The principal dwelling shall be owner occupied.
- C. The accessory dwelling shall not exceed one-half (½) of the total area of the principal dwelling.
- D. Accessory dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.
- E. Accessory dwellings shall be built to North Carolina Building Standards.

4.2.2 Accessory Structures (Residential)

- A. There shall be a principal residential structure on any lot for which there is an accessory structure.
- B. Accessory structures shall be located in a rear yard not less than 10 feet from any property line except that in the case of corner lots, such buildings shall be 18 feet from the side lot line adjacent to the street.
- C. Any structure attached to the principal structure shall be subject to all regulations applicable to the principal structure.
- D. No accessory structure shall be located closer than three (3) feet from any other building on the same lot.
- E. Mailboxes, newspaper boxes, walls, birdhouses, flagpoles and pump covers may be placed in any yard, and no zoning permit is needed for these structures.

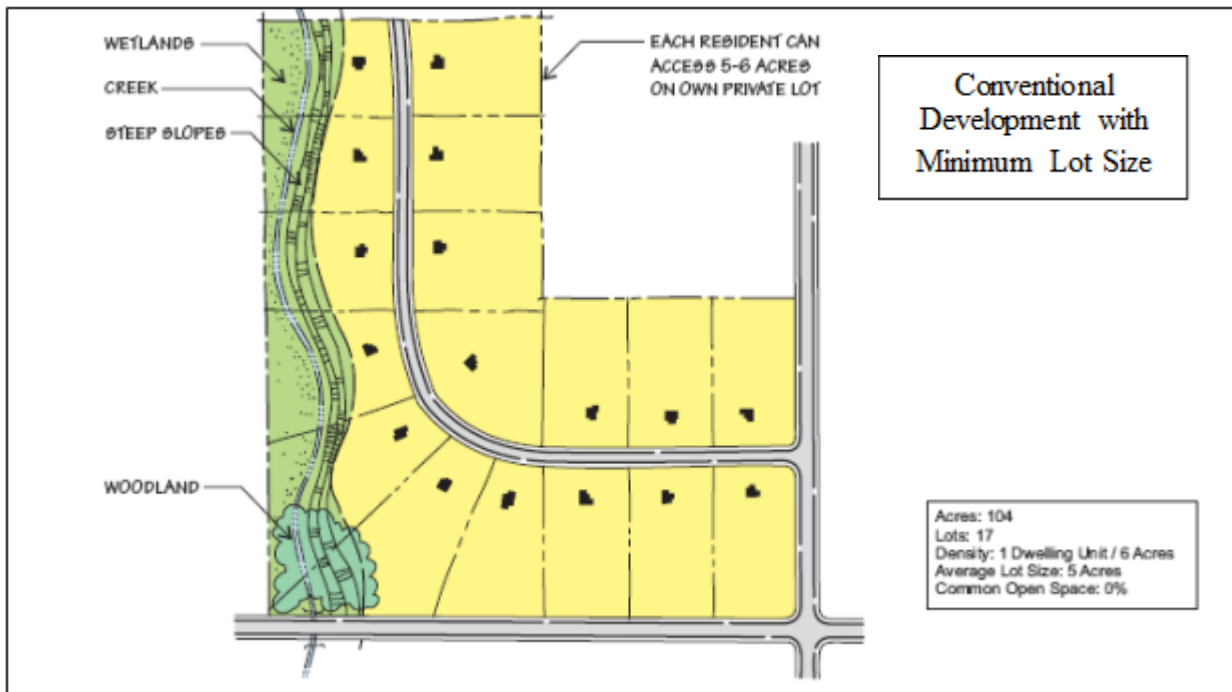
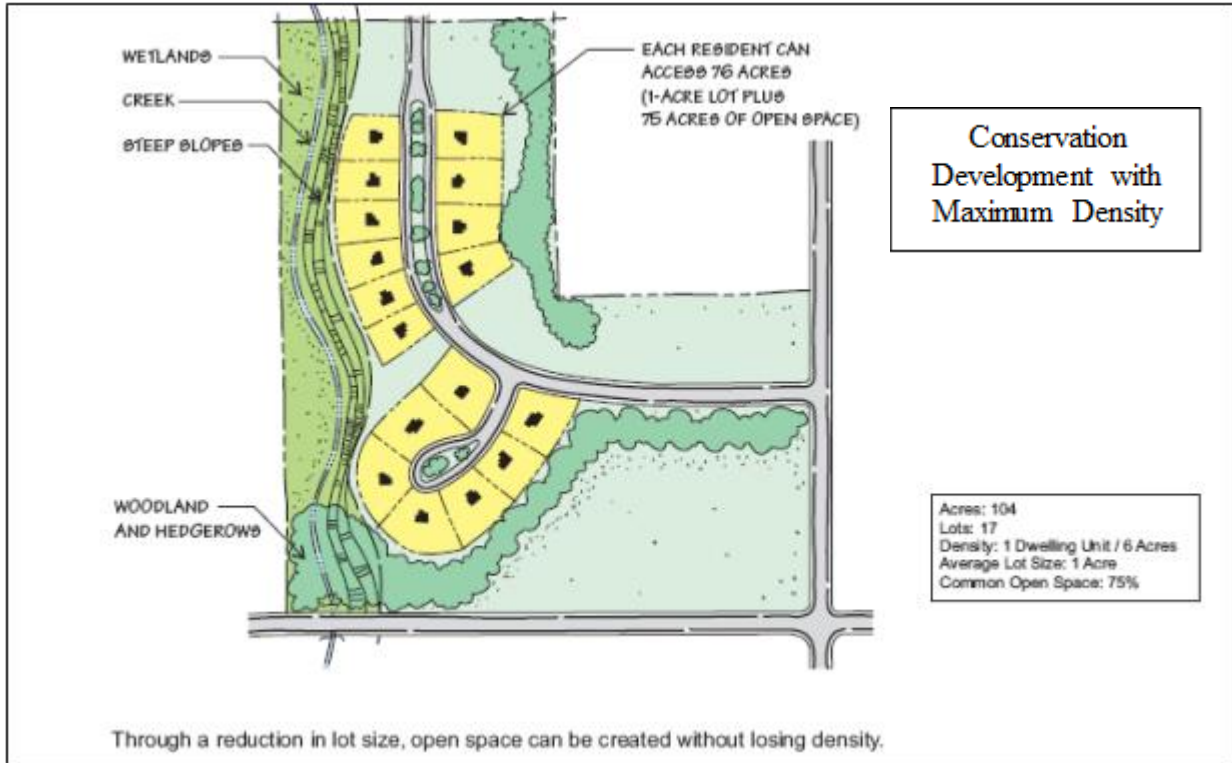
- F. Doghouses up to 15 square feet of total area are permitted in the rear yard. No zoning permit is required.
- G. No accessory structure shall be permitted that involves or requires any external features which are not primarily residential in nature or character.
- H. Maximum lot coverage for the principal structure and accessory structure(s) combined shall be 20 percent. The total combined area of accessory structures shall not exceed the size of the principal structure and no one (1) accessory structure shall exceed 40 percent of the size of the principal structure. No accessory structure shall exceed the height of the principal structure.
- I. Satellite dishes do not require a zoning permit and shall be regulated as follows:
 - Satellite dishes shall be no larger than two (2) feet in diameter unless the applicant can demonstrate the need for a larger size.
 - Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color.
- J. Under no circumstances may a vehicle, trailer, or manufactured home be used as an accessory structure.
- K. Swimming pools shall be enclosed with a fence of at least four (4) feet in height.

4.2.3 Conservation Developments

The purpose of Conservation Development design is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would be likely lost through conventional development approaches. Lot sizes in residential districts may be reduced subject to the following requirements:

- A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located. A Yield Plan shall be provided at the pre-application conference. The purpose of the Yield Plan is to determine the maximum permissible density of the subject property. Permissible density shall be calculated using the underlying zoning district(s). Yield Plans shall be conceptual in nature and are not intended to involve significant engineering costs, they shall be realistic and not show development in areas that would not ordinarily be legally permitted in a conventional layout (i.e. the location of streets or residential lots in wetland areas).
- B. A minimum of 50 percent of the total area of the development shall be set aside in Common Open Space and shall meet the requirements of Section 7.3.
- C. Each Master Plan for a Conservation Development shall follow a four (4) step design process as described below. When the conceptual Master Plan is submitted, applicants shall be prepared to demonstrate to the City that these four (4) design steps were followed by their site designers in determining the layout of their proposed streets, house lots and greenway lands.

FIG. 4.1 CONSERVATION DEVELOPMENT EXAMPLE*



1. During the first step all potential Conservation Areas (both Primary and Secondary) shall be identified, using the Existing Conditions Survey described in Section 7.2.2. Primary Conservation Areas shall consist of wetlands and other environmentally protected

areas. Secondary Conservation Areas shall include the most sensitive and noteworthy natural, scenic and cultural resources.

2. During the second step, potential house sites are tentatively located. Because the proposed location of the houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan. House sites should generally be located not closer than 50 feet to Primary Conservation Areas.
3. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of cul-de-sacs and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).
4. The fourth (4th) step is simply to draw in the lot lines where applicable.

4.2.4 Boarding & Rooming Houses

- A. The maximum number of guest bedrooms shall be six (6).
- B. The boarding house shall be operated by a resident manager.
- c. *The use shall be located in a structure which was originally constructed as a dwelling and the use as a boarding or rooming house shall not be externally evident.*
- D. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight residents and guests of the facility.

4.2.5 Family Care Homes for the Handicapped

In accordance with NC General Statute Chapters 122C, 131D, and 168, these uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- B. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No Family Care Home may be located within a one-half (½) mile radius of any other residential care home.
- D. No exterior signage is permitted.
- E. No lockdown, violent, or dangerous residents.
- F. Only incidental and occasional medical care may be provided.

4.2.6 Home Occupations

4.2.6.1 Customary Home Occupations

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- B. No outside storage of materials or equipment shall be allowed in connection with the home occupation.
- C. Use of the dwelling for the home occupation shall be limited to 25 percent of the heated finished area of the principal residential structure. Any portion of an attached garage or basement may also be devoted to the home occupation.
- D. Residents of the dwelling plus a maximum of one (1) non-resident employee may be engaged in the customary home occupation or otherwise report to work at the dwelling.
- E. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
- F. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- G. Only vehicles used primarily as passenger vehicles (e.g., automanufactured, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- H. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling unit or accessory building shall be prohibited.
- I. Customary home occupations may be in operation at any time between the hours of 7:00 A.M. and 8:00 P.M.

4.2.6.2 Day Care Home Occupation

In addition to the requirements for a Customary Home Occupation, the following requirements shall apply to a Day Care Home Occupation:

- A. Day Care Home Occupations shall be limited to a maximum of five (5) enrollees in addition to any children of the operator.
- B. For Day Care Home Occupations enrolling children, a minimum of 100 square feet of outdoor play area per child shall be provided in the rear yard. This area shall be fenced to a minimum height of four (4) feet.

4.2.6.3 Conditional Home Occupations (Conditional Zoning Only)

- A. Minimum lot size: Two (2) acres

- B. The conditional home occupation shall be incidental to the use of the property for a principal dwelling.
- C. The occupation activity may take place either in the principal dwelling or accessory structure. If the rural home occupation is located in an accessory structure, then the structure shall meet the principal structure setbacks for the zoning district.
- D. The operator of the conditional home occupation must reside on the property.
- E. No more than three (3) persons who do not reside on the premises shall be employed at the occupation.
- F. Rural home occupations shall be limited to carpentry, metal working, electrical, welding, plumbing, repair shops, professional and technical services, insurance and real estate services, personal care services, and similar service uses. No outdoor storage associated with the home occupation shall be permitted.
- J. Hours of operation shall be considered as part of the Conditional Zoning process on a case-by-case basis.

4.2.7 Manufactured Homes (on individual lots)

The minimum size lot on which an individual manufactured home is located shall have an area no less than that required for a single-family residential use for the district in which the manufactured home is located.

- A. The minimum lot width on which an individual manufactured home is located shall have a width no less than that required for a single-family residential use for the district in which the manufactured home is located.
- B. The setbacks for a manufactured home on an individual lot shall be that as required for a single-family for the district in which the manufactured home is located.
- C. The manufactured home shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. This regulation shall also apply to non-conforming replacement manufactured homes that are approved by the Randleman Board of Adjustment through a Special Use Permit.
- D. The home shall have a length not exceeding four (4) times its width.
- E. Manufactured homes on individual lots shall be multi-sectional. Single-wide manufactured homes shall not be permitted on individual lots.
- F. The pitch of the home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof shall be finished with a type of shingle or other building material that is commonly used in standard residential construction.

- G. The exterior siding shall consist of wood, hardboard, aluminum (vinyl covered or painted) or vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- H. The tongue, axles, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before a Certificate of Occupancy is issued.
- I. All manufactured homes permitted under this section shall be placed on a foundation with piers and masonry curtain walls with anchorage.
- J. A permanent front porch of at least 32 square feet in area shall be constructed within 12 inches of the floor elevation and all secondary entrances and exits to the Manufactured Home shall also have concrete steps or similar approved steps.
- K. The front of the manufactured home shall be parallel to the front property line, except on corner lots.

4.2.8 Mixed Use Dwelling

Dwellings in a mixed use building shall not be located on the ground floor.

4.2.9 Multi-Family & Two (2) -Family Residential

- A. For multifamily dwellings, mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used as single-family residential areas. All sanitary containers shall be completely screened from view of the street and adjacent properties with fencing and/or landscaping.
- B. For multifamily dwellings, structures, uses and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimize disturbances of the natural topography.
- C. Streets, drives, parking and service areas for multifamily dwellings shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out in a manner which does not encourage outside traffic to traverse the development on minor streets.
- D. When possible, vehicular access to a public road from off-street parking or service areas for multifamily dwellings shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
- E. Family-oriented multifamily projects shall provide an open space suitable for recreation based on the number of bedrooms as established in the following table:

| | |
|-------------------------------------|---------------------------------------|
| Number of Bedrooms Per Apartment | Minimum Space/Bedroom Square Feet) |
|-------------------------------------|---------------------------------------|

| | |
|---------------------|-----|
| 1-bedroom apartment | 0 |
| 2-bedroom apartment | 25 |
| 3-bedroom apartment | 50 |
| 4-bedroom apartment | 100 |

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet by 30 feet in area. Projects which would provide less than 900 square feet based on the formula in this subsection shall be exempt from this requirement.

- F. Automobile parking spaces and drives for multifamily dwellings shall not be located closer than 10 feet to the front, side or rear of any building.
- G. For multifamily dwellings, one building wall that has both window and door openings shall be located no closer than 50 feet to another building. One building wall that has only window openings or only door openings shall be located no closer than 25 feet to another building.
- H. Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- I. An interior street for multifamily dwellings shall either be public or private. However, all streets shall be paved and built to the minimum construction standards of the state department of transportation, division of highways.
- J. No building shall exceed a length of 150 feet.
- K. Developments consisting only of duplexes are not permitted on lots greater than three (3) acres.
- L. Duplex developments must be visually compatible with the surrounding neighborhood.

4.2.10 Temporary Emergency Manufactured Homes

Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than 60 percent of its tax value as indicated on the most current tax listings). In this instance, a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Temporary emergency residences shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 10 feet to any lot line. All temporary emergency residences shall be connected to water and sewer systems approved by the county health department.

- B. The Board of Adjustment shall be given the authority to issue a zoning permit for such temporary residence on a one (1) time basis only for a period of up to 12 months. Such permit may be renewed on a one-time only basis [for a period of no greater than 12 months] by the Board of Adjustment if it is determined that:
1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
 2. The granting of such permit will not materially endanger the public, health, welfare or safety; and,
 3. The location of the manufactured home on the site does not have a negative effect on abutting properties.

Section 4.3 Civic & Government Uses

Reserved

Section 4.4 Institutional Uses

4.4.1 Cemeteries

- A. Tombstones, crypts, monuments and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way.
- B. Embalming or cremation facilities are only permitted in principal use cemeteries.

4.4.2 Day Care Centers

The following shall apply to day care centers not operated as a home occupation:

- A. The facility must be registered or licensed by the State of North Carolina, as appropriate.
- B. For day care centers enrolling children, there must be provided at least 100 square feet of outdoor play area for each child. This play area must be fenced to a height of at least four (4) feet. All play equipment shall be located in the fenced area. Front yards shall not be used as playground areas.
- C. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.. Where a day care center is allowed as a Conditional Zoning, the hours of operation may be specified as part of the legislative zoning process.
- D. In residential districts, no parking area shall be permitted in the required setbacks, except that driveways providing ingress and egress to the parking area may be installed across the setback area.
- E. For the loading and unloading of enrollees, there shall be one space separate from parking for each 20 enrollees enrolled, or fraction thereof.

4.4.3 Residential Care Facility

- A. For residential care facilities, no direct light shall be cast upon adjacent property.
- B. A residential care facility shall provide centrally located shared food preparation, service and major dining areas.
- C. Common recreation, social and service facilities shall be provided. Residential care facilities shall be solely for the use of residents and their guests.
- D. Facilities for resident managers or custodians providing administrative services and traditional medical services for the exclusive use of the residents shall be located on the site.
- E. No residential care facility shall be located on a tract less than one (1) acre in size.

Section 4.5 Office & Service Uses

4.5.1 Animal Services with Outdoor Kennels

- A. No outdoor containment of animals shall be located less than 200 feet from any residentially zoned property and 50 feet from any other adjacent property line.
- B. A minimum one (1) acre tract is required for animal services with outdoor kennels along with a street frontage of not less than 150 feet.
- C. Kennel areas must be surrounded by an opaque fence of not less than six (6) feet in height and enclosed as to prevent escape.
- D. Kennels shall be designed to effectively buffer noise audible to surrounding properties.

4.5.2 Automotive/Boat/Heavy Equipment/Manufactured Home Service (Conditional Zoning Only)

- A. Gas station pumps or other appliances shall be set back at least 15 feet from the property line, and all service, storage, or similar activities connected with such use shall be conducted entirely within the premises.
- B. Wrecked, damaged or inoperable vehicle, boat, heavy equipment, manufactured home storage areas, or above-ground fuel storage tanks shall be located behind the principal structure and shall not be visible from any public right-of-way. Such areas shall be enclosed with an Type A opaque screen in accordance with Section 8.2.1.

4.5.3 Bed & Breakfast Inns

- A. Bed and Breakfast inns shall have a minimum heated floor area of 1,500 square feet and shall be located in a structure which was originally constructed as a single-family dwelling.
- B. The maximum number of guest bedrooms shall be six (6).

- C. The bed and breakfast inn facility must be operated by someone who resides full time in the residence.
- D. All parking shall be located to the rear of the home. There shall be one parking space per bedroom.
- E. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility. Meals shall be limited to breakfasts and afternoon teas.
- F. The use of such a facility by any one patron shall be limited to no more than 14 days per 60 day period.
- G. All bed and breakfast inn facilities shall comply with the rules governing the sanitation of bed and breakfasts as specified in 15A NCAC 18A.2200.
- H. Signage for bed and breakfast inns shall be limited to one (1) home occupation sign not to exceed three (3) square feet in area, which shall be mounted or freestanding.
Parking for guests of a bed and breakfast inn shall be provided in the rear.

Section 4.6 Retail Uses

4.6.1 Automotive/Boat/Heavy Equipment/Manufactured Home Sales or Rental (Conditional Zoning Only)

- A. A permanent structure with permanent restroom facilities built in accordance with NC Building Code shall be located on the premises.
- B. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- C. No vehicle, boat, equipment, or manufactured home shall be stored or displayed within the right-of-way of any public street.
- D. All outdoor display areas shall be paved.
- E. A North Carolina auto manufacturer dealership license shall accompany all applications to the County for a Conditional Zoning Permit and if approved the license shall be prominently displayed at the place of business.

4.6.2 Outdoor Markets (including Farmers Markets, Flea Markets, etc.)

- A. Any sales of items where booths or spaces may be rented to individuals or businesses that take place on the same property or by the same organizer(s) more than four (4) days per calendar year shall be considered an outdoor market.
- B. All sales shall take place under cover of an approved structure or tent.

- C. Adequate restroom facilities shall be provided. These facilities shall not be located between the permanent structure and the street right-of-way and shall be screened from view.
- D. Trailers for delivery or pick-up may be stored temporarily on-site for not more than three (3) days at a time and shall be to the rear of the permanent structure.
- E. When the outdoor retail market is not open for business, all items shall be removed or screened from view of the street and any adjacent residentially zoned properties.

Section 4.7 Recreational & Entertainment Uses

4.7.1 Family Campgrounds (Conditional Zoning only)

- A. All spaces for camping and recreational vehicles shall be located at least 100 feet from any adjoining lot line.
- B. Each recreational vehicle parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
- C. An adequate and safe sewer system shall be provided in all recreational vehicle parking areas.
- D. Type A landscaping shall be provided where the use adjoins residentially zoned property.
- E. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided. The service building shall be conveniently located within a radius of 300 feet to spaces which it serves.
- F. The storage, collection and disposal of trash and refuse shall comply with all applicable city, county and state regulations.
- G. No person, recreational vehicle, or tent may occupy the campground for a period in excess of 15 days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

4.7.2 Swimming Pools (principal use)

- A. Swimming pools as a principal use and related accessory structures shall be set back at least 20 feet from the property lines.
- B. All swimming pools as a principal use shall be enclosed with a fence of at least four (4) feet in height.

Section 4.8 Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation Uses

4.8.1 Junkyards, Salvage Yards, Recycling Operations, & Similar Uses (Conditional Zoning only)

- A. A junkyard may not be placed within 50 feet of a public street right-of-way.
- B. Junkyards shall be screened so as not to be visible from any public street right-of-way using a minimum six (6) foot privacy fence. No items may be stacked in a manner so that they protrude above the top of the fence.
- C. Burning shall not be permitted.
- D. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- E. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
- F. Stock piling of tires and batteries is prohibited.
- G. Storage of items shall be so arranged as to permit easy access for firefighting purposes.

4.8.2 Hazardous Materials

The storage of gasoline for wholesale distribution or the siting of bulk terminal plants for any flammable gases or liquids shall be no closer than 25 feet to any lot line. The storage thereof must comply with the fire prevention code.

Section 4.9 Agricultural Uses

4.9.1 Bona Fide Farms & Livestock

- A. Structures for the storage of farm equipment and supplies, maintenance equipment and supplies, livestock, and similar items associated with bona fide farms are permitted subject to the issuance of a zoning permit. Such structures are not subject to the requirements of Section 4.2.2 if the property is greater than one (1) acre, except that they are subject to the accessory structure setbacks for their respective zoning districts and they shall not cover more than 30 percent of the total lot area.
- B. No livestock shall be kept, maintained or stabled on any lot not exceeding two (2) acres.
- C. Not more than one (1) animal unit shall be kept, maintained or stabled per 5,445 square feet (1/8 acre). For the purposes, of this section, one (1) animal unit shall mean a goat, sheep, horse, cow, llama, alpaca, ostrich, or similar animal. Five (5) chickens or similar fowl shall count as one (1) animal unit. The keeping of hogs is not permitted.
- D. All livestock shall be fenced so that they are no closer than 150 feet from an adjacent dwelling unit. This shall not apply to residences constructed after the establishment of such livestock

containment area. However, the containment area may not encroach further towards the newly established residence.

- E. This section shall not apply to cats, dogs, potbellied pigs, or similar household pets.

4.9.2 Produce Stands

- A. A permanent produce stand shall be allowed as an accessory use to an agricultural use only. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.
- B. A produce stand shall not be located in a street right-of-way.
- C. A produce stand shall not be located closer than 10 feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
- D. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area. Off-premises signs are not permitted.
- E. During the times of the year in which the produce stand is not in operation, the stand shall be properly closed up and maintained.

Section 4.10 Other Uses

4.10.1 Accessory Structures (non-residential)

Any non-residential accessory structure shall be subject to the same requirements as the principal structure, and the exterior materials of the accessory structure shall substantially match the materials of the principal structure.

4.10.2 Drive-through Uses

- A. Stand alone ATMs may be permitted as accessory uses (i.e. in a shopping center parking lot).
- B. Vehicle storage for drive-throughs shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way. There shall be adequate vehicular stacking area so that vehicles waiting for the drive-through do not back up into the street.

4.10.3 Outdoor Storage (non-residential) (Conditional Zoning only)

- A. All outdoor storage shall be located in the rear yard only.
- B. All outdoor storage shall be screened from view of the street with minimum five (5) foot Type A buffer in accordance with Sections 8.2.1 and 8.2.6.1.

4.10.4 Parking Commercial Vehicles

- A. Commercial vehicles with more than two (2) axles shall not be parked in a residential zoning district on a lot of less than one (1) acre. This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any residential district for a period of up to 24 hours.
- B. No residentially-developed lot may be used as the base of operation for any freight hauling truck.

4.10.5 Telecommunications Towers (Special Use)

4.10.5.1 Setback and Height Requirements

- A. A telecommunications tower may be permitted on a site only if the minimum distance from the base of the tower to the nearest property line is equal to or greater than the height of the tower. This provision may be waived upon receiving documentation from the petitioner that the tower is engineered such that in the event of collapse, the tower will fall upon itself within the property boundaries upon which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a professional engineer register in North Carolina. The minimum setback for a tower and all appurtenant structures shall be twenty-five (25) feet from the nearest property line.
- B. When towers are located adjacent to residentially-zoned property, the minimum setback from such property lines shall be twice the height of the tower. However, in the case of monopole towers, the minimum distance from the adjoining residential property shall, be the height of the tower or seventy-five (75) feet, is greater.

4.10.5.2 Appurtenant Structures for Tower Operations

An appurtenant structure constructed for the express purpose of housing equipment related to tower operations may accomplish each tower. Such structures shall be unmanned and be limited to 400 feet gross floor space. Setback for these structures shall be at least five (5) feet from any property line.

4.10.5.3 Fencing and Screening

- A. The base of the tower, including but not limited to equipment and/or storage structures, along with any guy wires shall be enclosed by a commercial grade chain link fence (or fence of equal or greater quality) a minimum of eight (8) feet in height.
- B. A vegetative screen shall be planted around the security fencing consisting of at least two (2) staggered rows of evergreen shrubs on five (5) feet centers, at least five (5) feet tall at the time of planting, unless existing vegetation or topography is determined to provide screening at least as effective as the planted screen.

4.10.5.4 Power Output and EMF Emissions

- A. The output for towers shall not exceed federally approved levels for exposure to electronic magnetic force (EMF). Evidence shall be presented by the applicant that the power density levels do not exceed federally approved levels, or American National Standards Institute (ANSI) standards, whichever provides for stricter requirements. The petitioner shall also

certify that the tower operations will not interfere with normal radio and television reception in the vicinity.

- B. Towers shall be provided with warning lights pursuant to Federal Aviation Administration and Federal Communications Commission guidelines.

4.10.5.5 Minimum Distance Between Towers

Towers established pursuant to this ordinance and greater than seventy-five (75) feet in height shall be located no closer than 1,000 feet from another tower greater than seventy-five (75) feet in height. The Board of Adjustment shall have the option to waive this provision if it is determined that a less objectionable site can be established at a closer location, or that other sites are not suitable for proper coverage.

4.10.5.6 Co-location

- A. Co-location of telecommunications operations on towers is encouraged in order to maximize use of towers and to reduce the number of towers needed to serve the City and its environs. Co-location on a previously approved tower is permitted without an additional conditional zoning permit, provided all conditions of the previously approved permit are complied with. Co-location on a building or substantial structure such as a water tower or electrical transmission tower is permitted without a conditional zoning permit. However, all applicable provision of the Unified Development Ordinance shall be met, and plans should be reviewed by the authorized city.
- B. Towers less than 150 feet in height shall be adequately designed and of sufficient height to accommodate at least one (1) additional user. Towers greater than 150 feet in height shall be designed to accommodate multiple additional users. The applicant for the conditional zoning permit to construct a new tower shall submit plans indicating the intent to allow shared use of the tower, the number of shared users allowed, and how other users are to be accommodated. The applicant shall also present documentation that no suitable existing facilities within the coverage area are available to the applicant. Evidence may be in the form of maps, letters from adjacent tower owners, or calculations. Facilities include other towers, elevated tanks, or other structures. In addition, a professional engineer shall present documentation that the tower has sufficient structural integrity to accommodate more than one (1) user.

4.10.5.7 Discontinue of Use

Towers and all appurtenant structures of at least nine (9) months shall be required to be completely removed from the premises.

4.10.5.8 Board to Impose Additional Restrictions as Required

The Board of Adjustment may impose such additional restrictions as deemed necessary to protect surrounding property and carry out the purpose and content of this ordinance.

4.10.6 Temporary Uses

Permits for temporary uses may be issued by the Administrator, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the City of Randleman, including the following requirements.

4.10.6.1 Construction Trailers

Construction trailers used in conjunction with construction projects provided that the following requirements are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one (1) of the residential units being constructed.
- B. All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
- C. In addition to construction trailers, at any construction site for a construction project valued at one (1) million dollars or more, one (1) or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.

4.10.6.2 Residential Sales Offices

- A. Structures, whether temporary or permanent, located in a subdivision containing 25 or more lots, and used as sales offices for the subdivision development are permitted.
- B. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district.
- C. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.
- D. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.
- E. A trailer may be used as a temporary sales office, provided that the following conditions are met:
 - 1. The trailer shall be provided with underpinning, from the bottom of the walls to the ground, made of masonry, vinyl, pre-painted aluminum material, or other similar material.
 - 2. Landscaping shall be provided around the base of the trailer.
 - 3. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one (1) or more extensions (each not to exceed one (1) year in duration) may be so authorized by the Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the

structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

4.10.6.3 Temporary Sales & Events

Certain uses of a temporary nature may be permitted. Upon completion and submittal of a Temporary Use Permit application, the Administrator may grant a zoning permit for the following temporary uses:

- Christmas Trees Sales & similar temporary retail sales
- Produce Stands (temporary)
- Civic organization events
- Public school manufactured units

Such are subject to the following conditions:

- A. Truck trailers and flat beds are not permitted except for short-term delivery services and as stages for permitted special events.
- B. Temporary uses shall be permitted for a maximum of 60 days per calendar year.
- C. Temporary produce stands may be permitted for a maximum of 90 days per calendar year.
- D. No portion of the temporary use may be located within the public street right-of-way.
- E. Temporary uses shall present proof of property owner approval prior to the issuance of a permit.
- F. The proposed use will not materially endanger the public, health, welfare and safety.
- G. The proposed use will not have a substantial negative effect on adjoining properties.

4.10.6.4 Yard Sales

- A. A limit of three (3) yards sales a year at residence or residential lot.
- B. A yard sale may be conducted for two (2) consecutive days during daylight hours only.
- C. Signs shall meet the following requirements:
 1. Display one (1) sign at property of sale
 2. Maximum of five (5) off premise directional signs may be posted on other properties provided that the person has obtained permission from said property owners.
 3. No signs to be placed in the right-of-way.
 4. No signs to be posted on traffic/street signs and/or utility poles.
 5. Signs to be displayed only during hours of yard sale being actively conducted and must be removed at close of said activities. Sign must include date of sale.

4.10.7 Other Utilities

- A. The structures of all utility substations, transformer stations, telephone exchanges, and pump and lift stations shall meet the setback requirements for the district in which they are located.
- B. Lighting for utility substations, transformer stations, telephone exchanges, and pump and lift stations shall be located so as not to cast direct lighting on adjacent properties.
- C. All nonpaved storage areas of utility substations, transformer stations, telephone exchanges, and pump and lift stations shall be maintained in a manner to limit the amount of dust leaving the storage area.
- D. Security fencing for utility substations, transformer stations, telephone exchanges, and pump and lift stations shall be provided around any outside storage area.

CHAPTER 5 BUILDING DESIGN AND REQUIREMENTS

Section 5.1 Purpose and Applicability

The purpose of this Chapter is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the City. Enumerated in the sections below are general requirements for all buildings as well as requirements specific to building use and typology. All new construction that is visible from a public street shall conform to the architectural requirements of this Chapter.

Section 5.2 General Requirements for All Buildings

- A. The primary entrance shall be architecturally and functionally designed on the front façade facing the primary public street.
- B. The front façade of the principal structure shall be parallel to the front lot line and street.
- C. Ground mounted mechanical equipment shall be located to the rear or side yard and screened from view of the street. Roof-mounted mechanical equipment shall be screened from view by a parapet wall or screen wall matching the primary building materials.
- D. Fences shall be constructed with the finished side facing the adjacent property or street.

Section 5.3 Residential Buildings

5.3.1 Single-Family Detached Residential Buildings*

The requirements of this section are recommended for new construction in all Major Subdivisions approved after the effective date of this Ordinance.

- A. Exterior materials should be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
- B. Pitched roofs should have a pitch between 4:12 and 12:12. Eaves shall be a minimum of nine (9) inches in depth not including the gutter.
- C. Attached garages for more than two (2) cars should not face the primary street. Such garages on corner lots may face the non-fronting street.

5.3.2 Two-family (Duplex) and Multi-family Residential Buildings

- A. Exterior materials shall be durable and residential in character. Suggested materials include wood siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. Suggested pitched roof materials include asphalt shingles, standing seam metal, slate, or similar materials.
- B. Two-car garages on the front façade of any single-family attached (including townhomes) or multi-family dwelling unit shall utilize separated individual doors.
- C. Wherever possible, two-family (duplex) residences shall be designed in such a way that the primary entrances are not both on the same plane of the front façade. Two-family residences are preferred on corner lots with one (1) unit's primary entrance facing a fronting street and the other unit facing the other fronting street.

5.3.3 Manufactured Homes (on individual lots)

A manufactured home must bear a seal certifying that it was built to the standards adopted on June 15, 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 each of the following additional criteria:

- A. Manufactured homes on individual lots shall be multi-sectional. Single-wide manufactured homes shall not be permitted on individual lots.
- B. The exterior siding shall consist of wood, hardboard, vinyl, brick, or similar material and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- C. A continuous masonry curtain wall foundation shall be installed under the perimeter, unpierced except for required ventilation and access. Exposed standard concrete block is not permitted.
- D. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- E. A permanent front porch of at least 32 square feet in area shall be constructed within six (6) inches of the floor elevation and be fully underpinned to completely conceal area beneath porch and unit. All secondary entrances and exits to the mobile home shall also have concrete steps or similar approved steps.

Section 5.4 Commercial and Mixed Use Buildings

5.4.1 Commercial and Mixed Use Buildings

5.4.1.1 Materials & Color

- A. Exterior walls visible from a public street shall be brick, split-face concrete block, stucco, stone, wood siding, fiber cement siding, or other materials similar in appearance and durability.

- B. Vinyl siding, regular concrete block, cast concrete, and metal may be used on building walls not visible from a public street. These materials may also be used on a side or rear elevation that is visible from a public street if the wall is screened with landscaping that at a minimum meets the requirements of a Type A buffer along said elevation.
- C. Two (2) wall materials may be combined horizontally on one façade. The heavier material should be below.
- D. Pitched roofs should be clad in standing seam metal, slate, asphalt shingles or similar material. Long span metal panels may be used on pitched roofs that are not visible from the street.
- E. All accessory buildings shall be clad in materials similar in appearance to the principal structure.

5.4.1.2 Configuration

- A. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls or screen walls that match the building materials shall fully screen all roof-top mechanical equipment from the street.
- B. A pitched roof shall have eaves a minimum of nine (9) inches from the building face.
- C. At least 40 percent of the length of the first floor on primary street fronting facades shall be in windows or doorways. Street level windows shall be visually permeable. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - Maximum Sill Height (first floor): 42 inches
 - Minimum Area: 16 square feet
 - Minimum Width: 3 feet
 - Minimum Height: 4 feet
- D. For buildings on a corner, the first floor secondary street façade shall be at least 10 percent windows. A window or functional general access doorway shall be located along the length of the facade at least every 20 feet. Faux or display casements may be considered by the Planning Board.
- E. Residential uses in mixed use buildings shall not be located on the street level.
- F. When used, awnings and canopies shall be placed at the top of window or doorway openings. No awning shall extend more than the width of the sidewalk or 10 feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

- G. Canopies shall be of solid material and complement the color of the building to which they are affixed or associated. Awnings shall be made of canvas, treated canvass, or similar material. Metal or vinyl (plastic) awnings are prohibited.
- H. Gas station canopies shall be located in the side or rear yard only and must be set back from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities.

Section 5.5 Civic Buildings

Civic buildings should create visual anchors for the community and shall adhere to the following:

- A. Civic building walls that are visible from a public street shall primarily be clad in decorative concrete block, stone, stucco, brick, or similar material. Vinyl siding, regular concrete block, cast concrete, and metal may be used as a minority element (maximum of 25 percent) on facades visible from the street.
- B. Vinyl siding, regular concrete block, cast concrete, and metal may be used as the primary wall material on building walls not visible from a public street. These materials may also be used on a side or rear elevation that is visible from a public street if the wall is screened with landscaping that at a minimum meets the requirements of a Type A buffer along said elevation.
- C. Pitched roofs should be clad in standing seam metal, slate, asphalt shingles or similar material. Long span metal panels may be used on pitched roofs that are not visible from the street.

Section 5.6 Industrial Buildings

- A. Front facades of industrial buildings shall be primarily brick, stucco, stone, decorative concrete block, or other materials similar in appearance and durability. Standard concrete block, cast concrete, and metal may be used as minority elements (maximum of 50 percent) on the front facade. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- B. Pitched roofs shall be clad in standing seam metal, long span metal panels, slate, asphalt shingles or similar material.
- C. Flat roofs shall incorporate parapet walls to conceal the flat portions of the roof elevations that are visible from any public street. Parapet walls or screen walls that match the primary building material shall screen roof-top mechanical equipment from the street.

Section 5.7 Alternative Methods of Compliance

5.7.1 Use of Alternate Plan, Material, or Methods

Alternate design plans, building materials or construction techniques may be used when unreasonable or impractical situations would result from the application of architectural design standards. Such situations may result from unique site conditions, innovative design applications, and/or unified development design.

5.7.2 Evaluation by Planning Board

The performance of alternate design standards shall be evaluated by the Planning Board to determine if the alternate design meets the intent and purpose of this ordinance. This determination shall take into account the land use of adjacent property, the orientation of the building to public streets, the building typology, the intended use of the structure, attention to architectural detail, scale and mass.

5.7.3 Appeal

Decisions of the Planning Board regarding alternate methods of compliance may be appealed to the Board of Adjustment in accordance with Chapter 15.

CHAPTER 6 SIGNS

Section 6.1 Purpose and Applicability

- A. This Chapter is intended to regulate and control signs and their placement throughout the City of Randleman and its extraterritorial area for the following purposes:
- To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the City and its environs;
 - To create a more productive, enterprising, professional business atmosphere;
 - To allow signs appropriate to the planned character and development of each zoning district;
 - To ensure that permitted signs do not become a hazard or nuisance;
 - To promote traffic safety;
 - To prevent business and advertising signs from conflicting with public safety signs;
 - To prevent the overcrowding of land;
 - To facilitate fire and police protection;
 - To protect and enhance the value of properties; and
 - To promote the public safety and general welfare of the Randleman area.
- B. The provisions of this Chapter shall apply to the construction, erection, alteration, use, type, number, location, size, height, and maintenance of all signs. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign, without first having obtained a sign permit for such sign from the Code Enforcement Officer as required by this Ordinance.

Section 6.2 General Provisions

6.2.1 Sign Permit Application

- A. Application for permits shall be submitted on forms obtained from the Administrator. Each application shall be accompanied by plans which:
1. Indicate the proposed site by identifying the property by ownership, location and use;
 2. Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs; and
 3. Show size, character, complete structural specifications, and methods of anchoring and support.
- B. If conditions warrant, the Administrator may require such additional information as will enable him to determine compliance with this Chapter.

6.2.2 Sign Design Guidelines

- A. Structural requirements for signs shall be those required in the State Building Code.
- B. Materials, colors, and shapes of proposed signs should be compatible with the buildings and the surrounding area.

- C. The sign shall not be the dominant feature of its location.
- D. A uniform sign plan shall be required for all office and retail complexes and multi-tenant buildings. All tenants shall comply with the approved uniform sign plan.

6.2.3 Sign Area

- A. For wall signs, placard signs, and window signs, the area of the sign shall be the smallest rectangle that can encompass all letters and logos included in the sign.
- B. For freestanding signs, neighborhood identification signs, banners, and other similar signs, the area shall include the rectangular area of the surface to which the sign is affixed.

6.2.4 Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

6.2.5 Sign Setbacks

- A. All signs shall be set back a minimum of five (5) feet from the street right-of-way and adjacent property lines.
- B. At intersections, no sign shall be in the sight triangle as defined by this Ordinance.
- C. No ground sign shall be located within 100 feet of any other ground sign unless the Zoning Administrator determines that practical difficulties exist for locating the sign.

6.2.6 Sign Illumination

Illuminated signs shall conform to the following:

- A. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- B. External light sources shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.
- C. All lighting shall meet all applicable electrical codes.
- D. A new commercial sign within 100 feet of an existing residential structure shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m.
- E. Lighting for signs shall be maintained and shall not create excessive noise.
- F. Restricted to indirect white light.
- G. Except for time or temperature units, no flashing or intermittent illumination shall be permitted on any permanent sign or structure.

6.2.7 Maintenance and Upkeep of Signs

- A. All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance (unless deemed a legal nonconforming sign by Chapter 13 of this Ordinance). Any sign which is determined by the Administrator or building inspector as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. The Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification has been issued. If such order is not obeyed within 30 days, the Administrator shall remove the sign at the expense of the owner or lessee. It shall be the owner's or lessor's responsibility to maintain the sign in a visibly acceptable manner.

- B. If a sign advertises a business, service, commodity, attraction or other enterprise or activity that is no longer operating or being offered or conducted, then that sign and sign structure shall be considered discontinued regardless of reason or intent and shall, within 180 days after such discontinuation, be removed by the owner of the property where the sign is located.

- C. No nonconforming sign erected before the adoption of this chapter shall be moved or replaced without complying with the provisions of this chapter. In addition, under the following conditions, nonconforming permanent signs shall comply with the regulations of this chapter.
 - 1. Any alteration of a nonconforming sign shall make that sign conform to the regulations of this chapter.
 - 2. Any nonconforming sign on a building which is vacant for a period of 90 days shall be altered to conform to the regulations of this chapter.
 - 3. Any nonconforming sign damaged over 60 percent by any means, either shall be removed or repaired in a manner to conform with the regulations of this chapter. This does not include signs that have deteriorated over an extended period of time, and although the cost of repairing these signs may exceed 60 percent of their original value, they may exceed 60 percent of their original value, they may be repaired without conforming to the requirements of this chapter.
 - 4. Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.

6.2.8 Removal of Signs in the Right-of-Way

The Zoning Administrator or his designee may remove and destroy or otherwise dispose of any sign placed on public property or within any right-of-way of any public or private street. Penalties shall be levied for each such sign as outlined in Chapter 15 of this Ordinance.

Section 6.3 Signs That Do Not Require a Permit

The following types of signs are exempt from permit requirements and may be placed in any zoning district. However, all signs using electrical wiring and connections shall require a Randolph County electrical permit. Such signs shall otherwise be in conformance with all

applicable requirements contained in this Ordinance. All such signs (except government signs) shall be located outside of the street right-of-way and shall not be illuminated.

- A. **Building Marker Signs.** A sign etched into masonry, bronze or similar material on a building that identifies the name of the building, designer, year constructed, or provides similar information.
- MAXIMUM SIZE: 8 square feet
 - MAXIMUM NUMBER: 1 per building
- B. **Civic Signs (off-premises).** Signs which denote the location of religious, charitable, fraternal, military or service organizations. Allowed in all districts.
- MAXIMUM SIZE: 6 square feet per organization, up to 18 square feet per sign structure
 - MAXIMUM HEIGHT: 4 feet tall
 - MAXIMUM NUMBER: 2 off-premises signs per organization
- C. **Construction/Contractor's and Subdivision Project Signs.** Such signs shall be non-illuminated and may be located in any district to identify future tenants, home builders, contractors, architectural or engineering designers, and any other participants in the project during the period of construction. These signs shall be removed no later than seven (7) days after the completion of the project.
- MAXIMUM SIZE: 32 square feet
 - MAXIMUM HEIGHT: 6 feet tall
 - MAXIMUM NUMBER: 1 per contractor
- D. **Directional Signs (on-site).** Signs that are located on a property to provide directions (i.e. enter, exit). Such signs contain no copy other than directional information.
- MAXIMUM SIZE: 4 square feet
 - MAXIMUM HEIGHT: 3 feet tall
 - MAXIMUM NUMBER: 2 per entrance/exit
- E. **Flags.** Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.
- MAXIMUM SIZE: 45 square feet
 - MAXIMUM HEIGHT: maximum district height
 - MAXIMUM NUMBER: 4 per lot of record
- F. **Government Signs.** Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development. Such signs include regulatory signs, traffic signs, welcome signs, bulletin board, and directory signs.
- G. **Wayfinding signs (City sponsored).** City sponsored wayfinding signs may be posted within the zoning jurisdiction of Randleman. Such signs shall direct travelers and tourists to points of interest including the Central Business District, government facilities, cultural arts facilities, galleries, accommodations, restaurants, and shops. Text on directory signs shall be generic in nature and not list the name of any specific business. These directory signs shall meet the

design requirements of City sponsored signage as directed by the City Board of Aldermen. The City shall install and maintain the signs and shall have discretion over the text posted on the signs. This shall not apply to directory signs installed and maintained by NCDOT.

- MAXIMUM SIZE: 16 square feet
- MAXIMUM HEIGHT: 6 feet tall

H. **Legal and Warning Signs.** Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies; signs required for or specifically authorized for a public purpose by any law, statute or ordinance.

I. **Occupant/Street Number Signs.** Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs shall be placed in such a manner as to be visible from the street and may not exceed two (2) square feet in area.

J. **Temporary Signs.**

Temporary signs shall not be located within a public street right-of-way or sight triangle and shall not be attached to trees or utility poles or on publicly-owned property. Temporary signs shall not be illuminated except for temporary holiday decorations. Temporary signs that do not fit into one of the following categories are not permitted.

1. **Political Signs.** Signs may be displayed during a period beginning 30 days prior to an election, primary, or referendum and concluding 48 hours after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 48-hours after the runoff election.

- MAXIMUM SIZE: 6 square feet
- MAXIMUM HEIGHT: 4 feet tall
- MAXIMUM NUMBER: 1 per candidate/referendum per lot of record

2. **Real Estate Signs (On-premises).** On-premises real-estate signs advertise the sale or lease of the property on which said sign is located. Signs shall be removed within seven (7) days of the sale or lease of the property. Signs advertising lots for sale within an approved subdivision may be posted at the entrance to the subdivision and shall be allowed until 75 percent of the lots are sold within the subdivision.

- MAXIMUM SIZE: 4 square feet for any residential district & 32 square feet for nonresidential districts.
- MAXIMUM HEIGHT: 4 feet tall
- MAXIMUM NUMBER: 1 per street frontage per lot of record

3. **Real Estate Signs (Off-premise).** Off-premise signs that advertise the sale of residential property. Signs shall only be displayed on weekends and shall not be erected before 5pm on Friday and shall be removed by 7am on Monday.

- MAXIMUM SIZE: 6 square feet
- MAXIMUM HEIGHT: 3 feet tall
- MAXIMUM NUMBER: 3 off-premises signs

4. **Temporary Holiday Decorations.** Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.
5. **Special Event Signs.** Signs may be erected by public or non-profit organizations such as schools and churches for promoting public events such as fund drives, fairs, festivals, sporting events, etc. Signs may be displayed during a period beginning 30 days prior to the event and concluding 72 hours after the event. Such signs shall not be illuminated.
 - MAXIMUM SIZE: 16 square feet
 - MAXIMUM HEIGHT: 6 feet tall
 - MAXIMUM NUMBER: 1 on-premises sign & 3 off-premises signs
6. **Yard Sale Signs.** Signs shall only be displayed on weekends and shall not be erected before 5pm on Friday and shall be removed by 7am on Monday.
 - MAXIMUM SIZE: 4 square feet
 - MAXIMUM HEIGHT: 3 feet tall
 - MAXIMUM NUMBER: 1 on-premises sign per street frontage & 2 off-premises signs
7. **Window Signs (temporary).** Signs temporarily attached or temporarily painted to a window or door, announcing sale or special features, provided they do not exceed 50% of the area of said window or door. Signs that exceed 50% of the area of said window shall be treated as wall signs. Signs shall be removed within two (2) days after the termination of such sale or special event.
 - MAXIMUM COVERAGE: 50% of window area
8. **Banners.** Banners advertising a special sale or feature may be hung against a wall face only for a 30 day period of time, no more than twice annually. While a permit is not required, a waiver shall be issued for banners by the Administrator for tracking purposes.
 - MAXIMUM SIZE: 24 square feet
 - MAXIMUM NUMBER: 1 per business up to 2 times annually
9. **Incidental signs.** Signs that cannot be read from the street right-of-way which inform or instruct customers or visitors on-site (i.e. drive-through menu boards, gas pump signs, bulletin boards).
10. **Stadium signs.** Signs located within a stadium intended to be read only by persons seated within the stadium.

Section 6.4 Signs That Require a Permit

6.4.1 Signs Permitted by Zoning District

| Sign Type | R-1 | R-2 | R-3 | R-4 | MH | B-1 | B-2 | I-1 | I-2 | PUD |
|-----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Neighborhood Identification | XL* | XL* | XL* | XI* | XL* | XL* | | | | XL* |
| Placard | X | X | X | X | X | X | X | X | X | X |

| | | | | | | | | | | |
|--------|---|-----|-----|-----|-----|-----|----|----|----|-----|
| Wall | X | C | C | C | C | XL* | XL | XL | XL | XL* |
| Ground | C | CL* | CL* | CL* | CL* | XL* | XL | XL | XL | CL* |

X: Sign Allowed

C: Sign Allowed for Civic Uses only

L: Illumination Allowed

*: External illumination only

6.4.2 Sign Requirements by Type

A. *Neighborhood Identification Sign*

- **MAXIMUM SIZE:** One (1) identification sign not to exceed 32 square feet in area or two such signs on matching entrance pillars may be erected at each entrance to a subdivision, neighborhood, school, club, golf course, or other similar use.
- **MAXIMUM HEIGHT:** 6 feet tall
- **MAXIMUM NUMBER:** One (1) per street frontage entrance, except that maximum area may be split between two (2) signs on either side of the entrance

B. *Placard Sign (Door Entrance or Home Occupation Sign)*

- **MAXIMUM SIZE:** 4 square feet
- **MAXIMUM NUMBER:** One (1) per street frontage

C. *Wall Sign*

The following shall be included in the wall sign category: canopy signs, awning signs, permanent window signs. The following regulations apply to wall signs:

- **MAXIMUM SIZE:** 1 square foot per linear foot of building wall fronting on a street up to a maximum of 200 square feet. A sign exceeding 200 square feet must obtain a Conditional Zoning Permit.
- **MAXIMUM NUMBER:** Up to 4 may make up the allowable area.
- **OTHER:** Wall signs shall front on a public street or face a parking lot where a main building entrance is located. Maximum projection is 18 inches from the wall face. Signs shall not extend above the parapet or eave of the building. Canopy and awning signs shall maintain an eight (8) foot clearance and shall not extend beyond the width of the sidewalk or ten (10) feet whichever is less.

D. *Ground Sign*

- **MAXIMUM SIZE:** Maximum sign area is 32 square feet. For multi-tenant signs, (four (4) square feet) per tenant may be added up to a maximum of 64 square feet.
- **MAXIMUM HEIGHT:** 12 feet tall in B-1, B-2, I-1, & I-2 districts & 6 feet tall in R-1, R-2, R-3, R-4, MH, & PUD districts
- **MAXIMUM NUMBER:** 1 per street frontage
- **OTHER:** Ground signs shall be monument style with the bottom of the sign portion of the structure beginning no more than three (3) feet from the ground. Developments with two (2) or more tenants shall utilize a multi-tenant sign. The total area of ground signs may be up to 50 percent changeable copy or electronic reader board. Electronic reader boards shall not change displays more than once every 15 seconds.

E. *Comprehensive Sign Package (Special Use)*

As an option to the sign standards as set forth in this Section of the Ordinance, Shopping Centers shall be allowed to submit an application for a Comprehensive Sign Package. Applications for a Comprehensive Sign Package shall be reviewed as a CSpecial Use Permit in accordance with the procedures as set forth in Section of this Ordinance. The Comprehensive Sign Package must show all the proposed permanent signage for the overall development. In developing the signage package, the applicant is not limited to any dimensional regulations, except that the overall concept should:

1. Give consideration towards establishing a visually continuous theme throughout the development.
2. Design all signage to be of compatible scale with the proposed building/site.

Section 6.5 Prohibited Signs

- A. Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B. Illuminated, highly reflective signs, or spot lights which hamper the vision of motorists or bicyclists.
- C. Signs not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.
- D. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- E. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, rock, highway, marker, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted or required by law, so placed by a duly authorized government agency, or so placed not as an advertisement, but as a warning against hunting fishing or trespassing.
- F. Any sign located to intentionally deny an adjoining property owner visual access to an existing sign.
- G. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color.
- H. Illuminated tubing or strands of lights except for temporary holiday displays as permitted by Section 6.3 (J4).
- I. Portable or temporary signs except as permitted by Section 6.3 (J).

- J. Facsimile signs, three-dimensional objects, or human figures which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.
- K. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).
- L. Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.
- M. Roof signs.
- N. Pole Signs.
- O. Billboards (off-premises advertising).
- P. Signs placed on property without permission of its owners or agent.
- Q. Inflatable signs including inflated balloons having a diameter of greater than two (2) feet.
- R. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "freestanding" sign as herein defined.
- S. Advertising activities which are illegal under state and federal law regulations in effect at the location of such activities.
- T. Other signs not expressly permitted in this Ordinance.

CHAPTER 7 OPEN SPACE AND ENVIRONMENTAL PROTECTION

Section 7.1 Purpose

- A. The purpose of this Section is for the preservation of existing environmental resources and open space. These elements are of economic value to the City and make it a desirable place to live and visit.
- B. The requirements of this Section apply to new developments with greater than three (3) residential dwelling units (Major Subdivisions) in which the construction of new roads is proposed. Developments in which all lots are (5) acres or more are exempt from this provision.

Section 7.2 Environmental Assessment & Suitability of Land

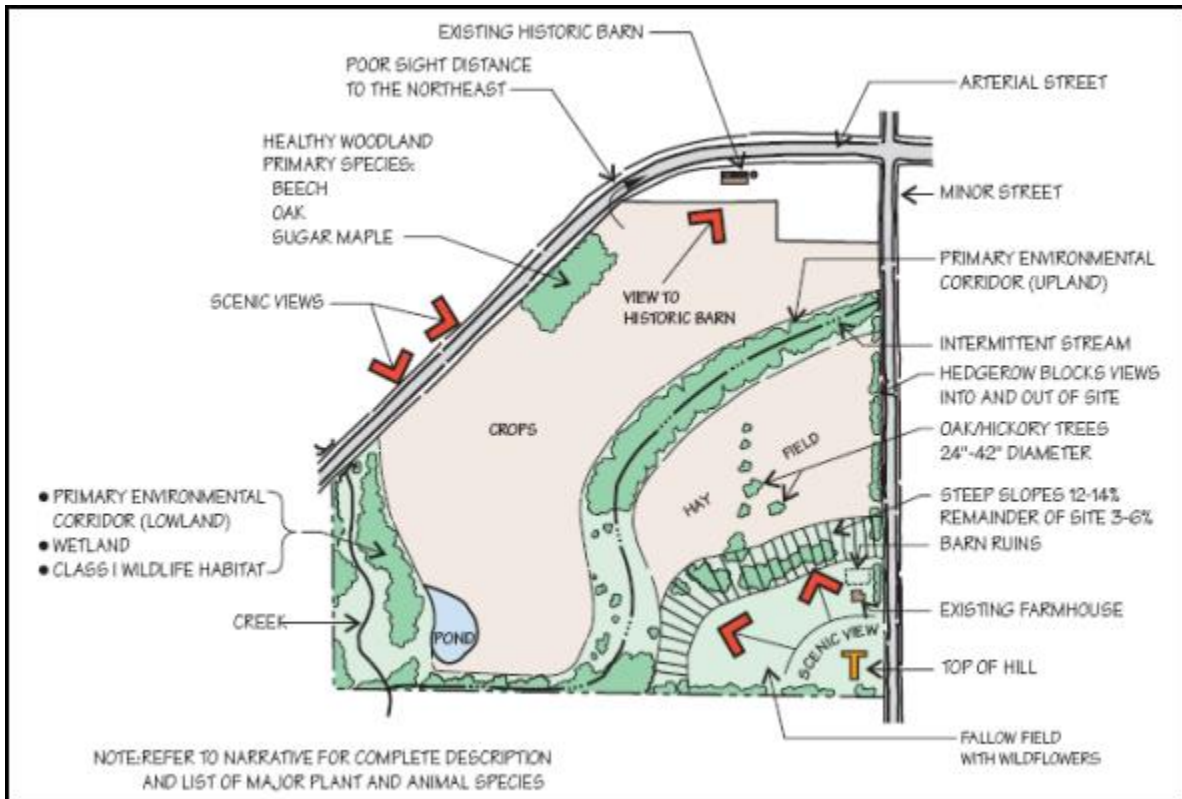
7.2.1 Preservation of Trees & Natural Features Encouraged

- A. Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses are encouraged to be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development.
- B. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Wooded sites should be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration should be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property.

7.2.2 Environmental Survey

Environmental Surveys are required at the Preliminary Plat stage for all Major Subdivisions that are in a watershed or that contain or are adjacent to a watercourse. Identification of existing trees, known endangered species, wetlands, streams and creeks, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing vegetation while considering unique site conditions. An environmental survey is intended to identify forest stands, distinctive tree lines or forest edges, existing watercourses, and previously documented endangered species habitats. Photographs representative of the properties features shall also be presented.

EXAMPLE OF AN ENVIRONMENTAL SURVEY



Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002. http://www.sewrpc.org/ca/conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf

Section 7.3 Open Space Requirements

7.3.1 General Provisions for Open Space

- A. Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.
- B. Access from a public or private street shall be provided to all designated open space with a minimum 15 foot wide access to the open space area. Lakes or ponds within the subdivision used as open space shall provide adequate community access beyond this 15 foot minimum as determined by the Subdivision Administrator.
- C. Open space shall be contiguous wherever possible.
- D. City and County plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication.

7.3.2 Minimum Open Space Dedication

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area.

| Density (DUA) | Percent Open Space* |
|------------------|---------------------|
| 0.2 DUA or less | n/a |
| 0.21 DUA-1.9 DUA | 10% |
| 2.0 DUA-3.9 DUA | 15% |
| 4.0 DUA or more | 20% |

*Conservation Development minimum open space dedication shall meet the requirements of Section 4.2.3.

How to Calculate DUA (Dwelling Units Per Acre):

$$\frac{\text{Total Number of Dwelling Units}}{\text{Total Development Area in Acres}} = \text{DUA}$$

7.3.3 Types of Open Space

All required open space shall be classified in accordance with this Section. Dedicated open space shall fit into one or more of the following categories and be classified as private common area open space or public open space. The Environmental Survey should be used as a guide to determine the most appropriate open space type and location.

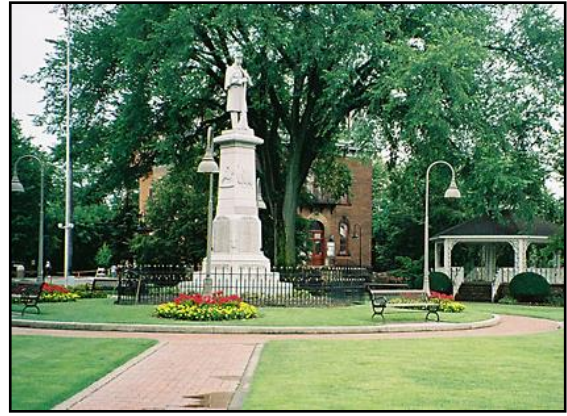
- A. **Playground**-Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

Minimum Size: 10,000 square feet
Maximum Size: 20,000 square feet



- B. **Square**-Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

Minimum size: 2,000 square feet
Maximum size: 1 acre



- C. **Park**-Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens.

Minimum size: 1 acre



- D. **Green**- The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional.

Minimum size: 20,000 square feet



E. **Greenway**-Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.



- F. **Greenbelt**-Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a developed area from agricultural areas or adjacent towns. Greenbelts differ from the other types of open spaces in that they are left natural, and are not intended for recreational use.



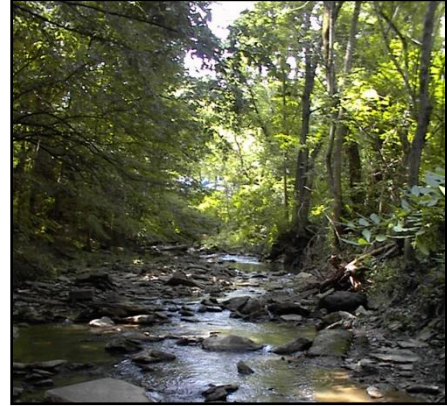
- G. **Agricultural Preserve**-Open spaces designated as Agricultural Preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural Preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations.

Minimum size: 5 acres



- H. **Nature Preserve**-Open spaces designated as Nature Preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature Preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature Preserves are the preferred form of open space for steep slopes in excess of 25 percent grade.

Minimum size: 3 acres



Section 7.4 Open Space Ownership & Maintenance

- A. Open space may be owned or administered by one or a combination of the following methods:
- Fee simple ownership by a unit of government or private non-profit land conservancy;
 - Common ownership by Homeowners Association;
 - Split deeded ownership by individual property owners within the subdivision;
 - By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Article. (i.e. farming, equestrian facility, etc. excluding confined livestock operations).
 - Deed restricted open space easements on individual private properties.
- B. The Board of Aldermen shall have the authority to accept or reject land dedications made as a requirement of this Section. They shall also have authority to sell land accepted pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement of recreation, park, or open space sites.
- C. The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- D. In the case of common ownership by a Homeowners Association, the restrictive covenants shall provide that, in the event the Homeowners Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice, demand that deficiency of maintenance be corrected, or enter the open space to maintain it. The cost of such maintenance shall be charged to the Homeowners Association.
- E. The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space.
- F. The developer will provide proof of registration of the Articles of Incorporation with the appropriate state agency for the formation of the Homeowners Association to the Subdivision Administrator.
- G. Homeowners' Associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who

shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. A copy of the recorded document shall be provided to the Subdivision Administrator and such document shall include, but not be limited to, the following:

1. Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.
2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.
3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the homeowners association or similar legal entity.
4. The open space restrictions must be permanent, not just for a period of years.
5. The association or similar legal entity must be responsible for liability insurance, applicable taxes and the maintenance open space and other facilities under their control.
6. The association or similar legal entity must be able to adjust the assessment to meet changing needs.
7. The association shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the City, County, State or other approved entity.
8. It shall be expressly stated within the restrictive covenants/homeowners association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Homeowners Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Homeowners Association Board of Directors.

Section 7.5 Payments in Lieu of Dedication

- A. If open space within a development is physically impractical due to unusual conditions then the City may accept a fee paid in lieu of dedication.
- B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the City, and the funds shall be used by the City for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the City, pending their expenditure in accordance with the terms of this code; such funds may be invested as other funds of the City. The City may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.
- C. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.

- D. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in subsection E below) multiplied by the number of acres to be dedicated.
- E. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the Randolph County Tax Office. The average value per gross acres shall be calculated from this total tax value and applied to the required recreational land area in order to determine the land value.

$$\frac{\text{TOTAL MARKET VALUE OF UNDEVELOPED PROPERTY}}{\text{TOTAL ACRES OF UNDEVELOPED PROPERTY}} \times \text{ACRES OF REQUIRED OPEN SPACE} = \text{PAYMENT}$$

Section 7.6 Environmental Protection

- A. A 50 foot undisturbed buffer shall be provided from the centerline of all perennial streams as shown on the latest USGS map. Such buffer may only be disturbed for the installation of a narrow greenway path.
- B. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features.
- C. For areas located within a Special Flood Hazard Area, the requirements of the City of Randleman Flood Damage Prevention Ordinance shall be met. All development proposals shall be consistent with the need to minimize flood damage. All development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

CHAPTER 8 LANDSCAPE AND BUFFERING

Section 8.1 Purpose and Applicability

- A. The purpose of this Chapter is to regulate the protection, installation, and long-term management of trees and shrubs and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of built environment and blends new development with the natural landscape. Existing vegetation should be retained where possible to ensure a natural established landscape. Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Administrator.

- B. All new developments (except for infill single-family detached residential uses) shall be designed in accordance with the requirements of this Chapter. A change of use or expansion of an existing building or parking area by more than 20 percent also requires compliance with the requirements of this Chapter. Generally, the responsibility for screening is that of the more intense land use. However, new developments with a less intense use being constructed next to an existing more intense use shall provide the required landscaping on the new development's property.

- C. Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this Chapter are not feasible, the City Board of Aldermen, Planning Board, or Administrator, whichever is responsible for approving the plan, may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.

Section 8.2 Landscaping Types

8.2.1 Type A Landscaping (Opaque Buffer)

8.2.1.1 Location and Width Required

- A. Buffers shall be located entirely on the property of the new or expanding development.

- B. The following table shows the minimum buffer width for a new or expanding development adjacent to residentially zoned property (R-1, R-2, R-3, R-4):

| New or Expanding Development | Minimum Buffer Width |
|-------------------------------------|-----------------------------|
| Civic | 10 feet |
| Commercial | 15 feet |
| Industrial | 30 feet |
| Mixed Use | 10 feet |
| Multi-family Residential | 10 feet |

8.2.1.2 Composition

Type A landscaping functions as an opaque screen with a minimum height of six (6) feet. Composition of the Type A buffer area may include a wall, solid fence, landscaped berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity. Shrub plantings shall have a minimum height of three (3) feet at installation and have no unobstructed openings wider than four (4) feet. At least 50 percent of the required trees, and at least 75 percent of the required shrubs, shall be evergreen species locally adapted to the area. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to native materials.

8.2.2 Type B Landscaping (Parking Lot Perimeter)

8.2.2.1 Location and Width Required

Type B landscaping is required around the perimeter of all parking lots. The minimum buffer width is five (5) feet. The B-1 district is exempt from this requirement.

8.2.2.2 Composition

Type B landscaping functions as a semi-opaque screen with a minimum height of three (3) feet for screening of cars and glare from adjacent properties. The minimum height for a Type B buffer area adjacent to street right-of-way is two (2) feet. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements. Shrub plantings shall have no unobstructed openings wider than four (4) feet. At least 75 percent of the required shrubs shall be evergreen species locally adapted to the area.

8.2.3 Type C Landscaping (Parking Lot Canopy)

8.2.3.1 Location and Number Required

Type C landscaping is required within all parking lots. A minimum of one (1) canopy tree shall be located within 100 feet of every parking space. The measurement shall be taken from the base of the tree.

8.2.3.2 Composition

Large maturing canopy trees shall be planted in a manner that provides shade for parking area at maturity. Ornamental trees shall be used in lieu of canopy trees under overhead utility lines. The use of differing species around the parking area is encouraged to promote diversity in the overall tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Each planting area shall be a minimum of 49 square feet, with a minimum dimension of seven (7) feet.

8.2.4 TYPE D Landscaping (Residential Yard Trees)

8.2.4.1 Location and Number Required

Yard trees are required for every residential Major Subdivision (three (3) lots or greater). Trees shall be planted behind the sidewalk outside of the public right-of-way. Maintenance of the trees shall be the responsibility of the individual property owner. Yard trees may be placed anywhere on the property except that at least one (1) tree is placed in the front yard. Each lot shall provide canopy trees in accordance with the following schedule:

| Lot Size | Yard Trees |
|------------------------------|-------------------|
| Less than 10,000 square feet | 1 |
| 10,000-20,000 square feet | 2 |
| More than 20,000 square feet | 3 |

8.2.4.2 Composition

The use of existing vegetation to satisfy this requirement is encouraged. Existing canopy trees over six (6) inches in caliper may be counted towards fulfilling this requirement. All trees required under this section shall be planted within the private lot and not within the street right-of-way.

8.2.5 Other Screening & Landscaping

8.2.5.1 Screening Requirements for Non-residential Outdoor Storage and Unenclosed Structures

A minimum five (5) foot Type A buffer shall be provided to screen any outdoor storage or unenclosed structure, consisting of a roof but no walls used for storage of materials, products, wastes or equipment associated with commercial or industrial uses that is visible from a street right-of-way in any zoning district.

8.2.5.2 Screening Requirements for All Zoning Districts

The following uses must be screened from abutting property and from a public street by an opaque screen consisting of a fence, wall, landscaping, or appropriate combination of these:

- Dumpsters or trash handling areas
- Utility structures
- Loading docks or spaces

Section 8.3 Landscaping & Screening Installation and Maintenance

8.3.1 Approved Plant List

| Large Maturing Trees | Growth Rate | Max. Height | Shape | Screen | Fall Color | Flowers | Bark | Poor Drainage | Diseases | Insects | Litter | Comments |
|----------------------|-------------|-------------|-------|--------|------------|---------|------|---------------|----------|---------|--------|---|
| <i>Deciduous</i> | | | | | | | | | | | | |
| Ash, Green | F | 50'-80' | G | | | | | X | X | X | | Do not plant in heavy clay soil; use named varieties |
| Ash, White | M | 50'-80' | G | | X | | | | X | X | | Do not plant in heavy clay soil. |
| Bald-Cypress | M | 50'-80' | NP | | | | X | X | | X | | Produces small leaves that do not need raking. |
| Birch, River | F | 40'-70' | S | | | | X | X | | | | Subject to drought problems; may be multi-stem; good variety 'Heritage' |
| Elm, Lacebark | M | 40'-50' | G | | | | X | | | | | Resistant to Dutch Elm disease |
| Ginkco | S | 50'-80' | NP | | X | | | X | | | | Plant grafted male only; pest free; tolerates pollution |
| Maple, Red | F | 40'-60' | BP | | X | | | X | | | | Can clog sewer lines; some shallow roots; use named varieties. |
| Maple, Sugar | M | 50'-75' | BP | | X | | | | | | | Best fall colors; good soils preferred; some shallow roots. |
| Oak, Laurel | M-F | 60'-80' | BP | | | | | | | | | Semi-evergreen leaves; use variety 'Darlington' |
| Oak, Northern Red | M-F | 60'-80' | BP | | X | | | X | | | | |
| | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|-----------------------------|-----|--------------|----|---|---|---|---|---|--|---|---|---|
| Oak, Sawtooth | M-F | 35'-70' | G | | | | | | | | X | Holds leaves in winter; drops lots of nuts; toughest of the oaks. |
| Oak, Shumard | M-F | 40'-80' | BP | | X | | | X | | | | Good dark red fall color. |
| Oak, Southern Red | M-F | 70'-80' | BP | | X | | | X | | | | |
| Oak, White | S | 70'-80' | BP | | X | | X | | | | | May hold leaves; very long lived. |
| Oak, Willow | F | 70'-80' | BP | | | | | | | | | Majestic tree; most common tree in Charlotte. |
| Pagoda Tree, Japanese | F | 40'-75' | G | | | X | | | | | | May develop cankers which can girdle limbs. |
| Planetree, London | F | 60'- 100' | BP | | | | | X | | | X | Withstands harsh city conditions. |
| Poplar- Tulip | F | 60'-90' | M | | X | X | | | | | | Flowers best observed close up; needs lots of space; good soils preferred. |
| Zelkova, Japanese | F | 60'-80' | V | | X | | X | | | | | Resistant to Dutch Elm disease. |
| Evergreen | | | | | | | | | | | | |
| Cedar, Deodar | M-F | 40'-70' | BP | X | | | | | | | | Subject to winter injury up to 15 years. |
| Cypress, Leyland | F | 60'-70' | C | X | | | | | | X | | Maintains good shape. |

| | | | | | | | | | | | | |
|--------------------|-----|---------|----|---|--|--|--|--|--|---|---|--|
| Hemlock, Canadian | M | 40'-70' | BP | X | | | | | | | | Plant in partial shade and good soils. |
| Magnolia, Southern | M-F | 50'-80' | BP | X | | | | | | | X | Drops large leaves in the spring and summer. |
| Oak, Live | S | 40'-80' | G | X | | | | | | | X | |
| Pine, Austrian | M | 50'-60' | BP | X | | | | | | | | Tolerates city conditions. |
| Pine, Loblolly | F | 40'-60' | NP | X | | | | | | X | | Susceptible to pine beetles if not kept healthy. |
| Pine, Virginia | M | 15'-40' | BP | X | | | | | | X | | Susceptible to pine beetles if not kept healthy. |
| Spruce, Norway | M-F | 40'-60' | NP | | | | | | | | | |

| Small Maturing Trees | Growth Rate | Max. Height | Shape | Screen | Fall Color | Flowers | Bark | Poor Drainage | Diseases | Insects | Litter | Comments |
|-----------------------------|--------------------|--------------------|--------------|---------------|-------------------|----------------|-------------|----------------------|-----------------|----------------|---------------|---|
| <i>Flowering</i> | | | | | | | | | | | | |
| Cherry, Kwanzan | S | 20'-25' | V | | | | | | X | | | Good soils preferred. |
| Cherry, Yoshino | M | 20'-25' | S | | | | | | X | | | Good soils preferred. |
| Crepemyrtle | M | 15'-45' | S | | | X | X | X | X | | | Must be maintained in tree form; Best variety 'Natchez' |
| Dogwood, Flowering | M-F | 20'-25' | S | | | X | X | | X | X | | Needs partial shade; good soils preferred. |
| Dogwood, Kousa | S-M | 15'-30' | S | | | X | X | | | | | More hardy thn flowering dogwood. |
| Hawthorne | S-M | 25'-30' | G | | | | | X | X | X | | Attractive fruit. |

| | | | | | | | | | | | | |
|--------------------------------|-----|---------|----|---|---|---|---|---|---|---|---|---|
| Hawthorne, Washington | S-M | 25'-30' | | | | | | X | X | X | | Attractive fruit. |
| Magnolia, Saucer | M | 20'-30' | G | | | | | | | | | |
| Pear, Aristocrat | F | 30'-40' | G | | | X | | | | | | Very tolerant; best limb structure. |
| Pear, Capital | F | 30'-40' | C | | | X | | | | | | Very tolerant; most columnar. |
| Pear, Redspire | F | 30'-40' | NP | | | X | | | | | | Very tolerant; more narrow than 'Bradford' |
| Plum, Purpleleaf | M-F | 15'-30' | | | | X | | | | X | X | Remains purple; produces fruit. |
| Redbud, Eastern | M | 20'-30' | S | | | X | | | X | X | | Does well in full sun. |
| Non-Flowering | | | | | | | | | | | | |
| Cherry- Laurel, Carolina | M | 20'-30' | G | X | X | | | | | | | Good soils preferred. |
| Holly, Foster #2 | M-F | 15'-25' | C | X | X | | | | | | | Multiple uses. |
| Holly, Savannah | F | 20'-30' | NP | X | | | | | | | | Multiple uses. |
| Hornbeam, American | S | 20'-30' | S | | | X | X | | X | | | Pest free; tolerates city conditions. |
| Hornbeam, European | S | 40'-60' | C | | X | | X | | X | | | Pest free; tolerates city conditions. |
| Maple, Hedge | S | 15'-35' | G | | | X | | | | | | |
| Maple, Japanese | S | 15'-25' | S | | X | X | | | | | | |
| Myrtle, wax | S-M | 10'-15' | S | X | X | | | | X | | | |
| Photinia, Frazier's | F | 10'-15' | G | X | X | | | | | | | |

| Shrubs | |
|------------------------|---|
| Nelly R. Stevens Holly | Any other variety of shrub may be approved by the Zoning Administrator as long as it has the capacity to provide an equivalent of growth and opacity. |
| Burford Holly | |
| Wax Myrtle | |
| East Palatka Holly | |
| Savannah Holly | |
| Tea Olives | |
| Eleagnus | |
| Ligustrum | |
| Japanese Black Pine | |
| Juniper | |

8.3.2 General Installation Provisions

- A. To the extent that existing natural vegetation located on the same parcel of land as the proposed development can meet the required screening levels of this Section, the use of such materials is encouraged. In such case, the owner shall designate the land on which such materials are rooted, which shall contain at least the minimum width required.
- B. No structure other than a wall, fence, sidewalk, mailbox, sign or driveway shall be permitted within a required landscaping area. No off-street parking may take place in any required landscaping area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development.

8.3.3 Wall, Fence, and Berm Standards

Whenever a landscaping alternative specified is selected which includes a wall, fence, or berm, such wall, fence, or berm shall meet the following requirements:

- A. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25 percent of the wall surface left open. All walls, except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials below, may be included in the wall to allow passage.
- B. Any fence shall be constructed in a durable fashion of wood (or similar material), vinyl, chain link, posts and/or planks with a minimum diameter or width of three (3) inches and with no greater than 25 percent of the fence surface left open between posts and/or planks. Wooden gates meeting such standards of opacity may also be included.
- C. No wall or fence used as part of a screen shall be less than six (6) feet nor more than eight (8) feet in height above grade.
- D. Berms used for residential developments shall be located within common open space maintained by a Home Owner's Association or other responsible party and shall not be located within a subdivision lot of record.

- E. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If grassed alone, any berm installed to meet the requirements of this Section shall be no less than four (4) feet nor greater than eight (8) feet in height. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet in plane. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least 75 percent of any required shrubs be planted on the slope of the berm opposite the new development.
- F. Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of such fence or wall opposite the new development.

8.3.4 Plant Standards and Plant Installation Standards

The following standards shall apply to all new plant material installed as part of a screen required under these regulations:

- A. Trees to be planted shall be selected from the approved species listed in tables of Section 8.3.1. The Zoning Administrator may approve alternative large or small maturing trees excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry, and tree-of-heaven.
- B. Minimum tree caliper measured six (6) inches above ground on all trees shall be two and a half (2.5) inches and the minimum height shall be eight (8) feet. No trees identified as large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.
- C. Large shrubs used in any screening or landscaping must be at least two (2) feet tall when planted and shall be selected from the approved species listed in the table in Section 8.3.1. They must be of a variety and adequately maintained so that an average height of five (5) to six (6) feet could be expected as normal growth within three (3) years of planting.
- D. All plant material installed shall be free from disease.
- E. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
- F. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain health growth.
- G. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

8.3.5 Landscaping Maintenance

The plantings, fences, walls, or berms that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where landscaping is required shall be jointly and

severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a required landscaping area shall be replaced in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce the effectiveness of the required landscaping.

8.3.6 Relief from Landscaping Requirements

- A. In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Planning Board may alter the requirements of this section provided the spirit and intent of the section are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Administrator showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Planning Board shall have no authority to alter the screening and buffer requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.
- B. The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the landscaping requirements contained in this Ordinance. Neither shall the desire of an owner to make a more intensive use or greater economic use of the property be grounds for reducing the landscaping requirements. Where the effect of the landscaping requirements of this section is to deny the owner reasonable use of the entire tract (or tracts) of property, a Variance may be requested from the Board of Adjustment in accordance with Chapter 15.

8.3.7 Existing Landscaped Areas

In cases where an existing, landscaped or vegetated area is located on the same property as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the landscaped or vegetated area is deficient, the developer shall make needed improvements and/or additions to satisfy the landscaping requirements and intent of this Ordinance.

8.3.8 Visibility at Intersections

Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction shall be placed or maintained within the sight triangle. In instances where NCDOT sight triangle provisions are applicable, such regulations shall prevail.

8.3.9 Installation of Landscaping Required Prior to Occupancy

Fences, walls, berms, and landscaping materials required in this Chapter shall be installed prior to occupancy.

A. **Improvement Guarantees:** It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the City of Randleman may enter into an agreement with the developer whereby the developer shall agree to complete all required landscaping and screening. To secure this agreement, the developer shall provide to the City of Randleman one of the following guarantees. The amount of such guarantee shall be equal to one and a quarter (1.25) times the cost of purchasing, installing, and completing landscaping and screening materials required under this Ordinance. All such guarantees shall be subject to the approval of the City Board of Aldermen and shall be made payable to the City of Randleman. The developer shall provide either one or a combination of the following guarantees:

1. **Surety Performance Bond(s):** The developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the City Board of Aldermen.
2. **Cash or Equivalent Security:** The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City of Randleman. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the developer shall then file with the City of Randleman an agreement between the financial institution and himself guaranteeing the following:
 - a. That said escrow account shall be held in trust until released by the City Board of Aldermen and may not be used or pledged by the developer in any matter during the term of the escrow; and
 - b. That in the case of a failure on the part of the developer to complete said improvement, the financial institution shall, upon notification by the City of Randleman and submission by the City of Randleman to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

B. **Default:** Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Board of Aldermen, pay all or any portion of the bond or escrow fund to the City of Randleman up to the amount needed to complete the improvements based on a landscape architect's estimate. Upon payment, the City Board of Aldermen, in its discretion, may expend

such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the developer shall nonetheless be responsible for providing the funds to cover such costs. The developer shall at all times bear the financial burden for the installation of all required improvements. A lien shall be attached to the property if the developer fails to provide the full financial responsibility under this Section.

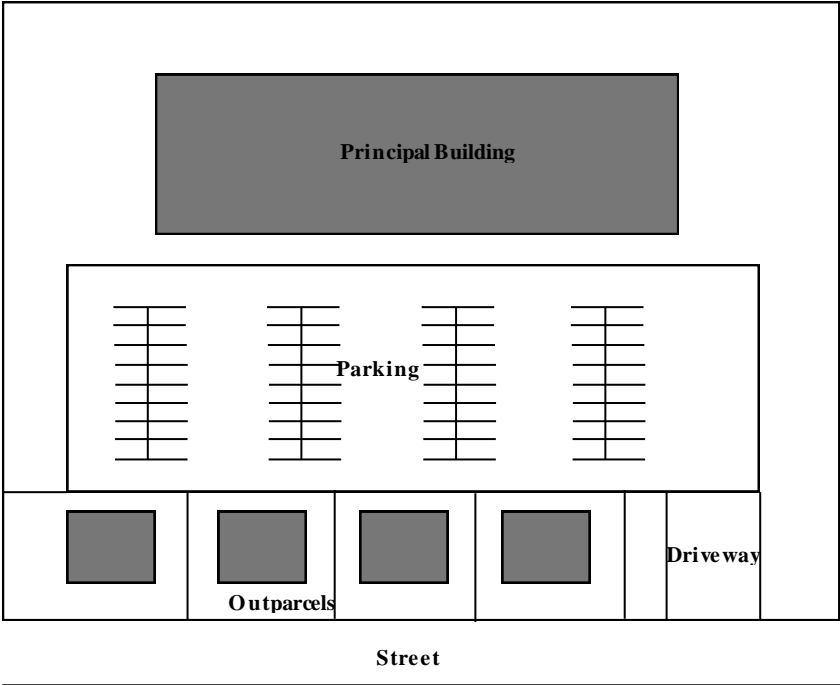
- C. **Release of Guarantee Security:** The Administrator may authorize the release of a portion of any security posted as the improvements are completed and approved. Such funds shall then be released within 10 days after the corresponding improvements have been so approved.

CHAPTER 9 PARKING

Section 9.1 Parking General Provisions

The purpose of this Chapter is to ensure that adequate and well-designed parking is provided for developments in the City of Randleman. The following are general requirements for all new developments except single-family detached residential and two-family attached residential (duplexes). The expansion of existing development shall follow these requirements to the greatest extent possible.

- A. Each application for a Zoning Permit submitted to the Administrator shall include information as to the location and dimension of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Administrator to determine whether or not the requirements of this Chapter are met.
- B. For commercial, mixed use, and industrial uses (except for developments in the I-1 and I-2 districts), a maximum of two (2) rows of parking spaces may be located in front yard of the principal building. All other parking shall be located in either the rear or side yards of the principal building. For large-scale developments with large parking areas, parking may be shared and screened with outparcel buildings as shown in the diagram below:



- C. All off-street parking areas shall be screened from view in accordance with Type B landscaping in accordance with Section 8.2.2.
- D. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.

- E. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- F. Off-street parking areas of greater than five (5) spaces shall provide curb and gutter.
- G. The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street or building. Larger parking lots shall be separated by buildings or landscaped areas.
- H. The following shall be paved or contain a similar type material approved by the Zoning Administrator. Gravel and other stabilization material without a permanent wearing surface is not permitted for:
- Front yard parking areas
 - Side yard parking areas
 - All off-street parking areas for lots of greater than one (1) acre
 - Driveways
- Off-street rear yard parking areas for lots of less than one (1) acre may use gravel in lieu of a paving material provided that handicap parking meets ADA standards and gravel is contained to the parking area using landscaping timbers or other containment device.
- I. Paved parking areas shall have lines demarcating each parking space.
- J. No surface parking or circulation driveway is permitted within any required or established setback or buffer area, except that driveways providing access to the parking area may be installed across these areas.
- K. Off-street parking areas shall be properly maintained in all respects. In particular, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- L. On-street parking may be used to satisfy parking requirements where the streets are designed to accommodate on-street parking.
- M. A secure bicycle rack is required for all parking lots greater than 50 spaces. Bicycle parking may be placed in the front yard.

Section 9.2 Parking Ratios

9.2.1 Parking Ratios by Use

- A. The following are minimum parking ratios for the uses indicated. In determining parking space requirements, all fractional requirements shall be rounded to the next higher whole number.

| Use | Minimum |
|--|--|
| Single-Family & Two-Family Residential (Attached & Detached) | 2 per dwelling unit |
| Multi-Family Residential | 1 per bedroom |
| Residential Care Facilities & Hospitals | 1 per 4 beds |
| Commercial (Office & Retail) | 1 per 300 square feet gross floor area |
| Restaurants | 1 per 3 seats |
| Warehousing/Industrial | .25 per 1000 square feet gross floor area |
| Mixed Use | Use minimums for Commercial and Multi-Family Residential |
| Hotel/Motel/Inn | 1 per room plus 1 per employee on the largest shift |
| Civic & Public Assembly Uses (not including schools) | 1 per 5 seats or 1 space per 200 sq ft of gross floor space (whichever applies). |
| Elementary and Middle Schools* | 1.5 per classroom and 1 per administrative office |
| High Schools* and Colleges | 10 spaces per classroom |
| Other | Minimum of most similar use as determined by the Administrator |

*Public schools shall meet the parking standards set forth by the Board of Education

- B. The Administrator or Planning Board may reduce the minimum number of parking spaces required by up to 10 percent if the applicant can demonstrate that the number of required parking spaces is excessive due to use or property constraints.

9.2.2 Parking Spaces for the Disabled

- A. Except for a lot containing a duplex or single-family dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons:

| Total Number of Required Spaces | Minimum Disabled Spaces |
|--|--------------------------------|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |

| | |
|-----------|------------------------------|
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of total |
| 1,001 + | 20+1 for each 100 over 1,000 |

- B. The number of such spaces shall be in addition to those required by the minimum parking ratios.
- C. A minimum of one (1) parking space for the disabled shall be van accessible. For every eight (8) spaces for the disabled, there shall be at least one (1) van accessible space.
- D. Off-street parking spaces for the disabled shall be designed as follows:
 1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
 2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
 3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
 4. The size of the parking space shall be per building code specifications.

Section 9.3 Shared Parking and Parking Connectivity

9.3.1 Shared Parking

The joint use of shared off-street parking between two (2) uses may be made by contract by two (2) or more adjacent property owners. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (1/2) of the parking spaces credited to both uses if one (1) use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use will be closed at night or on Sundays. Evidence of a signed agreement specifying the days and times when facilities are available for sharing shall be presented to the Administrator.

9.3.2 Remote Parking

If the off-street parking space required by this Chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use. However, such land must be in the same ownership as the principal use and a Conditional Zoning Permit must be approved.

9.3.3 Parking Connectivity

Adjacent parking lots shall be interconnected except in the case of existing steep topography between the sites. Each parking area that is interconnected may reduce their minimum parking requirement by five (5) percent.

Section 9.4 Parking Dimensions

9.4.1 Parking Space Dimensions

Each parking space, (other than those designed for the disabled) shall contain a rectangular area at least 20 feet long and nine (9) feet wide. This requirement shall not apply in the B-1 district.

9.4.2 Parking Lot Dimensions

The following are dimensional standards for all required parking areas:

| | Angle of Parking Spaces | | | | |
|------------------------|--------------------------------|--------------|--------------|--------------|--------------------|
| Aisle Direction | 0 (parallel) | 30 | 45 | 60 | 90 (perpendicular) |
| One-Way | 13 feet wide | 14 feet wide | 18 feet wide | 20 feet wide | 24 feet wide |
| Two-Way | 19 feet wide | 20 feet wide | 21 feet wide | 23 feet wide | 24 feet wide |

Section 9.5 Loading Area Requirements

- A. Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have minimum dimensions of 14 feet in height, and 25 feet in depth.
- B. All non-residential uses greater than 5,000 square feet (except civic uses) shall provide an off-street loading area. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theatre, assembly hall, or other building of similar limited loading space requirements.

9.5.1 Minimum Off-Street Loading Space Requirements

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements. The following minimum loading space requirements shall apply for the appropriate use:

| Use | Required Loading Spaces |
|------------|---|
| Retail | 1 space of 300 square feet per 5,000 square feet of floor space |

| | |
|----------------------|---|
| Wholesale/Industrial | 1 space of 500 square feet for each 10,000 square feet of floor space |
| Office/Institutional | 1 space of 300 square feet per business |

9.5.2 Design of Loading Spaces

- A. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way. Off-street loading spaces shall be located in the rear yard. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- B. Each loading space shall have a paved surface and be a minimum of 12 feet in width and 40 feet in length. Each such berth shall also have a minimum vertical clearance of 14 feet.

Section 9.6 Driveways

These driveway requirements do not apply to single-family detached and two-family attached (duplex) residential uses.

- A. Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic.
- B. 12 foot wide driveways are permissible for two-way traffic when:
 - The driveway is not longer than 50 feet; and
 - The driveway provides access to not more than five (5) parking spaces; and
 - Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.
- C. In no case shall a driveway width exceed 36 feet, except as required by NCDOT.
- D. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
- E. Driveways shall line up with other driveways across the street and be shared between adjacent uses wherever possible.
- F. No driveway on a thoroughfare shall be less than 300 ft from an existing driveway, unless a shared driveway arrangement is not feasible, or other similar hardships as determined by the Administrator.

CHAPTER 10 INFRASTRUCTURE

Section 10.1 Street Standards

10.1.1 General Provisions

A. Conformance to Thoroughfare Plan

The location and design of streets shall be in conformance with the Thoroughfare Plan.

B. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of road traffic; limitations and opportunities of topography; and convenient access to water areas.
2. Blocks shall not be less than 400 feet nor more than 1,200 feet in length. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in less traffic through residential subdivisions from adjoining business or industrial areas, the Subdivision Administrator may authorize block lengths in excess of 1,200 feet.
3. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
4. Where deemed necessary by the Subdivision Administrator, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.
5. Block and lot numbers shall conform to the City road numbering system, if applicable.

C. Street Names and Signs

1. Proposed streets which are obviously in alignment with others that already exist shall bear the names of existing streets.
2. In no case shall the name of a proposed subdivision or street duplicate or be phonetically similar to existing subdivision names or street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court.
3. Standard street name signs shall be installed by the City at all intersections inside the City and in the ETJ in accordance with City Standards, with the Subdivider reimbursing the City for the cost. The Subdivider may, however, with design and material approval of the Board of Aldermen, install a different street name sign type at no cost to the City. In such case, the developer or his successors or assignees shall be responsible for replacing such signs in instances of loss, damage or deterioration; otherwise, the City will replace such signs with its standard sign.

10.1.2 Public Roads

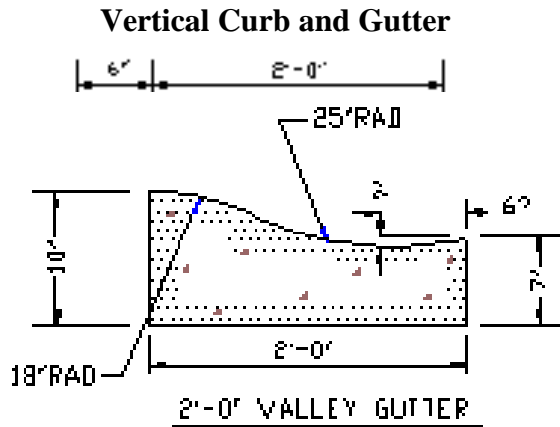
- A. All public roads shall be constructed in accordance with the current *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question by the NC DOT Division of Highway, unless otherwise specified in this Ordinance or a higher or

more restrictive standard is established by this Ordinance. If a higher or more restrictive standard is required, the street shall meet that higher or more restrictive standard. The term “constructed” as used in this Chapter in reference to DOT standards refers to all standards of design and construction, including right-of-way widths.

B. Additionally, the latest edition of the NCDOT Division of Highways *Traditional Neighborhood Development Guidelines* may be followed for developments that utilize a more traditional design. In the absence of TND specific design guidelines, the criteria of the *Subdivision Roads Minimum Construction Standards* shall be followed.

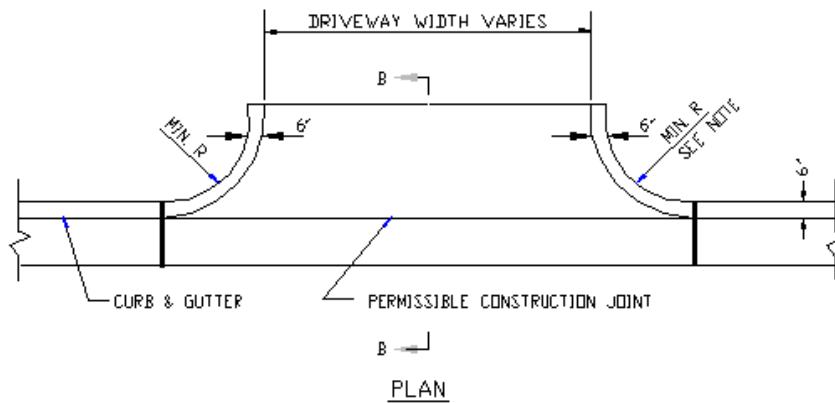
C. Curb and Gutter

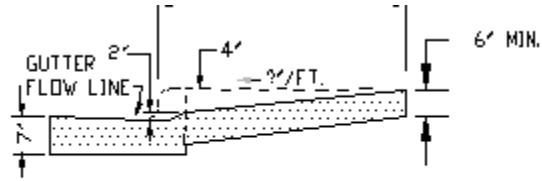
Curb and gutter is required. The minimum width for vertical curb and gutter is two feet six inches (2'-6") and for valley curb and gutter is two feet (2'-0"). Below are details for vertical curb and gutter and valley curb and gutter.



Valley Curb and Gutter

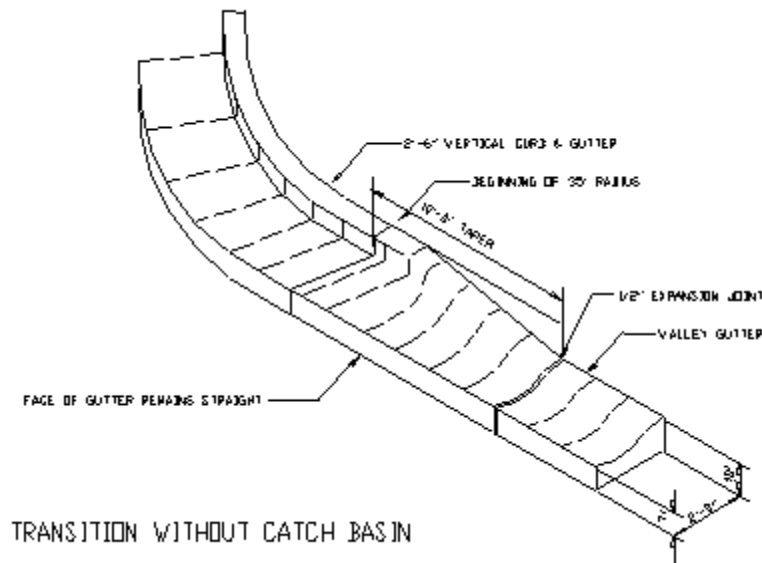
1. **Driveways Cuts in Curb and Cutter**
Minimum turning radius for residential curb cuts is two feet (2'-0") and for commercial curb cuts is five feet (5'-0").





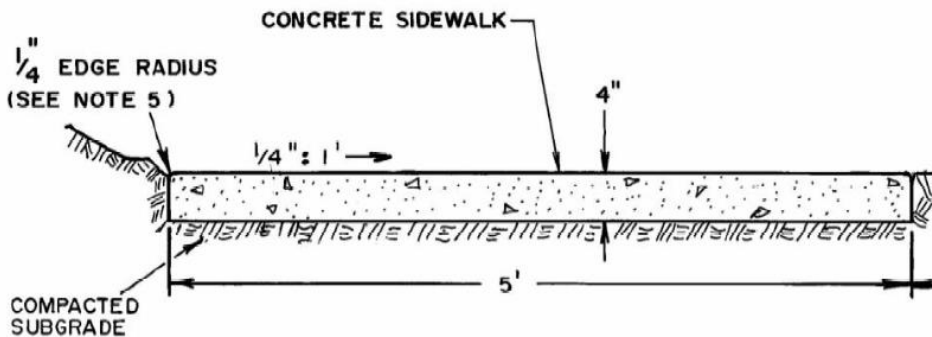
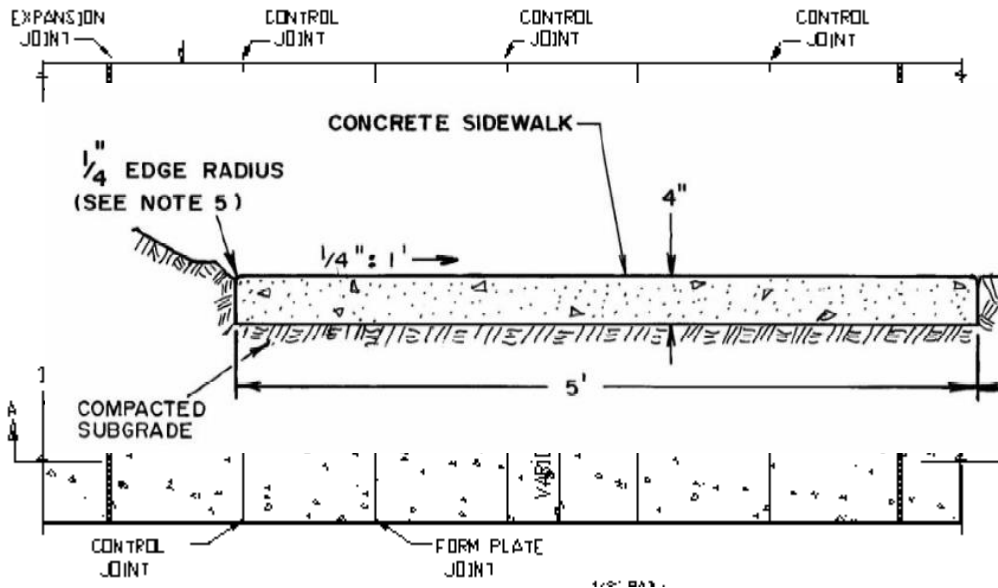
SECTION B-B

2. Curb and Gutter Transition at Cul-de-Sac



D. Sidewalks

1. Sidewalks shall be required along major and minor thoroughfares and along roads that extend the sidewalks of an existing sidewalk network.
2. Sidewalks shall be at least five (5) feet wide and consist of a minimum thickness of four inches of concrete. At vehicular traffic areas such as driveways the minimum thickness shall be six (6) inches. Also poured in place dummy joints shall be installed to match the width and expansion joints every twenty (20) feet.



E. Cul-de-sacs

1. Permanent dead end streets should not exceed 1,000 feet in length unless necessitated by topography or property accessibility.
2. If the road length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of "Y" or a "T" or other turning space of a design which will allow a vehicle with a wheel base of at least 25 feet to complete a turning movement with a maximum of one (1) backing movement, shall be permitted.
3. Cul-de-sacs shall not be used to avoid the extension a road, unless an exception is granted by the Board of Aldermen.

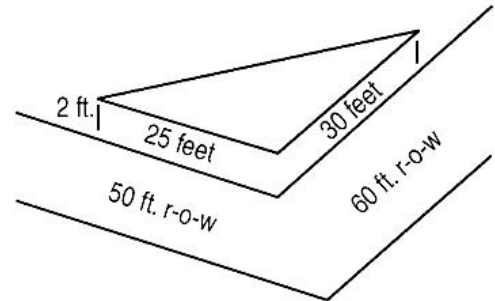
F. On Street Parking

On-street parking shall be at least 8 feet wide and 22 feet long and be marked on the pavement.

G. Sight Distance

No planting, structure, sign, fence, wall, or obstruction greater than three (3) feet in height shall be placed or maintained within the sight triangle. The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:

| <u>Right of Way width</u> | <u>Distance (feet)</u> |
|---------------------------|------------------------|
| Driveway | 10' |
| 50' | 25' |
| 60' | 30' |
| 70' | 35' |
| 80' | 40' |
| 90' | 45' |
| 100' (or greater) | 50' |



10.1.3 Access Management, Driveways, and Connectivity

A. Subdivision Access

1. At least two (2) entry points will be provided in subdivisions that contain 100 or more dwelling units and to all lots within the subdivision. The Board of Aldermen may allow other alternatives if the curb cuts for the two (2) accesses cannot meet the minimum distance allowed according to NCDOT regulations at any location.
2. For subdivisions of greater than 30 lots, a minimum 30 foot secondary access easement is required for Fire Department access. The easement shall be cleared so that a fire truck may pass, but does not have to be improved to public road standards.

B. Restriction of Access

Where a subdivision abuts or contains an existing or proposed thoroughfare, the Board of Aldermen may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate separation of through and local traffic.

C. Reserve Strips and Half Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Board of Aldermen to prevent access to thoroughfares) and half-streets shall not be permitted under any condition.

D. Driveways

The number of street and driveway connections permitted serving a single property frontage or commercial development shall be the minimum deemed necessary by the City or NCDOT for reasonable service to the property without undue impairment of safety, convenience, and utility of the roadway. Normally, not more than two (2) driveways shall be permitted for any single property frontage. The arrangement of driveways should be related to adjacent driveways and nearby street intersections and meet the following criteria:

1. Driveways accessing local streets shall be at least 100 feet from the point of tangency of the radius curvature of the next intersecting street. Residential drives shall be located a minimum of 10 feet from the point of tangency of curb radii of street intersections.
2. Driveways serving streets with traffic volumes in excess of 300 ADT shall be located a minimum of 250 feet from the point of tangency of the radius of curvature of the intersecting street.
3. Where two (2) driveways are proposed along a single property frontage to facilitate operations, the minimum distance between the centerlines of the drives shall be 200 feet.
4. The minimum distance between the centerlines of driveways into shopping centers or facilities generating in excess of 300 ADT shall be a minimum of 400 feet.
5. Full access driveways open to signalization should be 1000 feet apart. Driveways which access thoroughfares and serve more than 1500 ADT shall provide deceleration lanes in approach to the driveway.

E. Through Traffic

Residential collector and local roads shall be laid out in such a way that their use by through traffic will be discouraged. The intent of the street design is to provide multiple connections to existing and future developments, disperse traffic, and maintain reduced speeds. Roads shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

F. Intersections

1. Where public and private streets intersect, the design standards of the NCDOT Division of Highways, *Subdivision Roads Minimum Construction Standards* shall apply.
2. Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided.
3. Offset intersections are to be avoided unless exception is granted by the Board of Aldermen. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey centerlines.
4. Intersections with arterial, collectors, and thoroughfares (major intersections) shall be at least 1,000 feet from centerline to centerline, or more if required by the Board of Aldermen.
5. Median breaks shall be provided to allow safe and efficient movement of traffic. The desirable spacing of median breaks shall be at 1000 foot intervals, with the minimum allowable spacing to be at 500 foot intervals.
6. An approved permit is required for connection to any existing State System road. This permit is required prior to any construction on the road. The application is available at the office of the nearest district engineer of the Division of Highways.

G. Traffic Control Signs, Signals, and Markings

Traffic control signs, signals, and markings will be installed in accordance with City standards.

H. Subdivision Entrance Markers and Landscaped Medians

The Board of Aldermen may permit subdivision entrance markers and landscaped medians within the public right-of-way, or an easement set aside for such purposes, subject to the following conditions and any additional conditions the Board of Aldermen may find to be appropriate in the individual circumstance:

- The City will not be responsible for maintenance.
- An entity responsible for maintenance such as a Homeowner's Association shall be created.
- No such improvements shall interfere with sight distance or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
- In the event of loss, damage or lack of maintenance, the City may remove all improvement and maintain the area in accordance with City standards.
- NCDOT must approve any such developments in streets to be maintained by NCDOT.

I. Connectivity

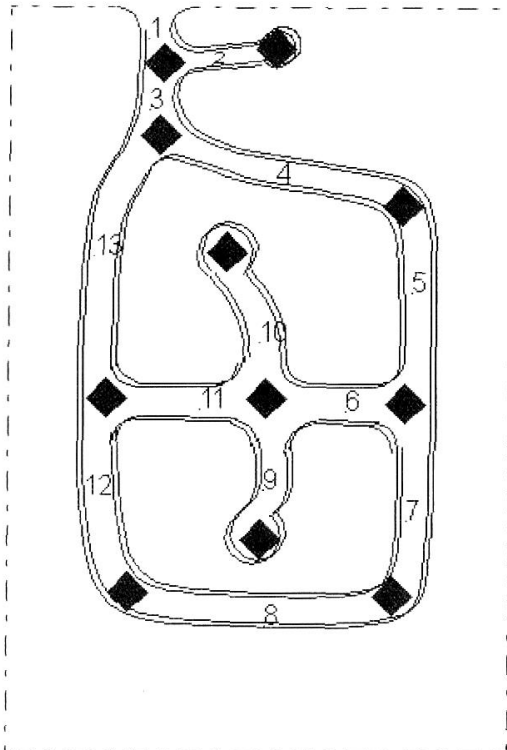
1. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
2. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example below). The phrase "connectivity ratio" means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads. A "link" means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A "node" refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:
 - any curve or bend of a street that fails to meet the minimum curve radius as established by NCDOT Division of Highways, *Subdivision Roads Minimum Construction Standards* or
 - any location where street names change (as reviewed and approved by the Administrator).

For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

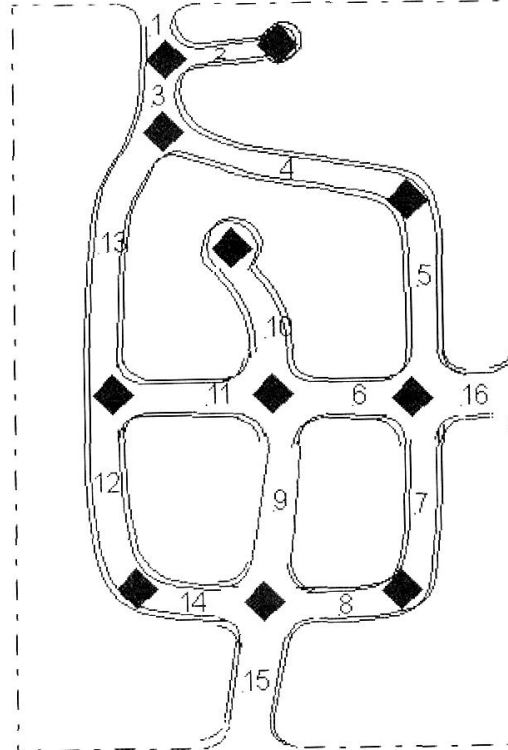
Exemption: New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines the following:

- there are no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
- interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Example 1: Subdivision that does not meet the Ratio
(13 links/11 nodes = 1.18 ratio)



Example 2: Same development modified to meet Ratio
(16 links/11 nodes = 1.45 ratio)



3. Where it is deemed necessary and beneficial to the interconnectivity of local land development by the Subdivision Administrator, proposed roads shall be extended by dedication to the boundary of the developing property and a temporary turn around provided within the existing right of way. A sign shall be erected at the temporary turn around that informs the public of the intended future connection of the road to future development. The road shall be designated and constructed as a public road and shall be required except when the Subdivision Administrator determined that:
 - a. Physical barriers or environmentally sensitive area be crossed (for example, railroad, watercourses, steep topography, or flood area)
 - b. There is a large discrepancy in the size of the adjacent parcel (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel).
 - c. The stub road would connect to property for which development rights have been sold for a public purpose and access to the property is not desirable for orderly development of the road network.
 - d. The stub road would cause the existing roads to go over the capacity allowed on that portion of the roadway.

10.1.4 Right-of-Way Dedication

Developments that adjoin existing streets maintained by either the City or NCDOT shall dedicate the additional street right-of-way necessary to meet the minimum width requirements for the type of classification of the adjoining street. When any part of the development is on both sides of an existing street, the entire minimum right-of-way shall be provided. When the development is

located on only one side of an existing street, one-half of the minimum right-of-way, measured from the centerline of the existing street, shall be provided. The dedication requirements of this Section shall not apply to infill single-family residential and two-family residential lots fronting on existing streets that have already been accepted for maintenance by the City or NCDOT.

Section 10.2 Utility Standards

10.2.1 Water & Sanitary Sewer Systems

- A. Any Subdivision which has public water and/or sewer system lines available shall be required to extend the public water and/or sewer system throughout the subdivision to each lot located therein. All required water and/or sewer line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards of the City. The term "available" shall mean that:
1. There is an existing line of adequate size, flow, and pressure either crossing the subdivision property or immediately available from an adjacent public right-of-way; or
 2. There is an existing line of adequate size, flow, and pressure within the distances shown on the Table below of the outside boundary line of the subdivision; or
 3. A municipality or water or sewer authority indicates its commitment to extend such a line within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider; and
 4. There are no legal or topographic problems which prevent the subdivider from connecting onto and extending the existing system to the subdivision.

In the event there are phases to the subdivision or the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within the distances shown on the Table below to the larger tract of land.

| <u>Available Water & Sewer System Lines</u> | |
|---|-----------------|
| Water and sewer are available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two. | |
| LOTS | DISTANCE |
| 2-10 | 200 feet |
| 11-20 | 300 feet |
| 21-50 | 600 feet |
| 51-100 | 1000 feet |
| 101 + | 1500 feet |

- B. For any Subdivision to which a public water and/or sanitary sewer system is not available, that Subdivision must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the following agencies as applicable:

| WATER SYSTEMS | |
|--|---|
| System Type | Regulatory Agency |
| Any well, spring, stream or other source used to supply a single connection, or any water system which serves less than 15 service connections and less than 25 individuals for less than 60 days out of the year. | NC DENR |
| A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. | NC DENR |
| Any water system owned and operated by the county, any municipality or water district. | (1) Governing body operating said system (2) NC DENR |

| SANITARY SEWER SYSTEMS | |
|--|---|
| System Type | Regulatory Agency |
| Any Public or Community Sanitary Sewage System and any sanitary sewage system which is designed to discharge effluent to the land surface or surface waters. | (1) NC DENR (2) Governing Body or public body operating a public system. |
| All other sanitary sewage systems. | Randolph County Health Department |

- C. In addition to meeting all standards and regulations of their respective agencies, water systems must contain water lines a minimum of six (6) inches in diameter in order to provide for future networking with all other public water systems. This provision shall not apply, however, on cul-de-sac roads on which the distance to the farthest house is less than 500 feet. In no instance, however, shall water lines be less than two (2) inches in diameter. For two (2) inch lines at the end of cul-de-sac's there shall be a valve and blow off.
- D. All subdivisions shall be accompanied by a written application and/or notice submitted to the appropriate state or local agency responsible for approving the particular system or systems at the time the Preliminary Plat is submitted.
- E. A private septic system may be located off-site provided that the location of such system is noted on the Final Plat as a septic field easement.

10.2.2 Storm Water Drainage Facilities

- A. The developer or his agent shall submit a Storm Water Drainage Plan with the Preliminary Plat, as drawn by a design professional, containing topography and depicting the natural drainage of the property prior to development.
- B. The Storm Water Drainage Plan be designed to meet the following objectives:

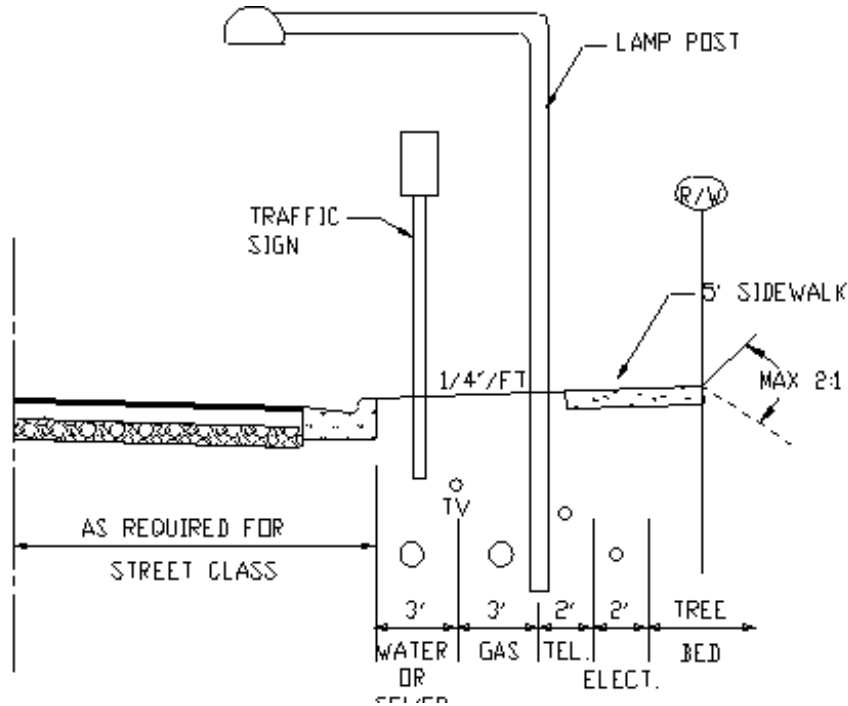
1. The Subdivider shall provide a storm water drainage system constructed to the standards of the NCDOT, as reflected in most current edition of the Handbook for the Design of Highway Surface Drainage Structures subject to review by the County Engineer.
2. No surface water shall be channeled or directed into sanitary sewers.
3. Where feasible, the Subdivider shall connect to an existing storm drainage system.
4. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
5. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any County adopted erosion and sedimentation control ordinances.
6. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each two hundred (200) feet of horizontal distance.
7. Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.
8. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K and shall submit proof of compliance prior to final plat approval.
9. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

10.2.3 Oversized Utilities

Randleman may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the City requires the installation of improvements in excess of the standards required in this Ordinance, including all standards adopted by reference, the City shall pay the cost differential between the improvement required and the standards in this Ordinance.

10.2.4 Utility Location

- A. Utilities shall be located as depicted below within the planting strip and sidewalk areas. All electrical and telephone lines in new developments shall be buried. Sewer lines shall be located under the street pavement as approved by the Public Works Department. Lines shall be buried to the depth required by Public Works or the utility provider.
- B. Utility pedestals shall be located minimum of two (2) feet behind the sidewalk and near property lines between buildings and shall be screened with a wall, fence, or evergreen landscaping.



10.2.5 Easements

- A. Where utility easements are necessary, they shall be a minimum of 20 feet and shall be placed along a lot line (centered with 10 feet on each side of the lot line). The subdivider shall be responsible for incorporating the design of all utilities and services into the easement and construction design. The City reserves the right to clear trees on public utility easements.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, adequate in size for such purposes. Parallel streets or frontage roads may be required in connection therewith.
- C. Lakes, ponds, creeks, floodplains and similar areas will be accepted for maintenance by the city only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary party of the drainage control system. Such areas must be approved by the Board of Aldermen before approval of the Final Plat.

Section 10.3 Fire Protection Standards

- A. Residential areas and subdivisions (single family and/or duplex) shall require fire hydrants located such that each structure or portion thereof will be within 500 feet of a hydrant.
- B. Multi-family developments (apartments, townhouses, condominiums, etc.) shall require fire hydrants located such that each structure or portion thereof will be within 500 feet of a hydrant.

- C. Non-residential areas and subdivisions shall require fire hydrants to be located such that each structure or portion thereof will be within 500 feet of a hydrant. This determination shall be made via vehicle access routes, (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment in lieu of linear measurements. Fire hydrants shall be located at the right-of-way and the hydrant shall be located as not to exceed 600 feet between hydrants. When practical hydrants shall be located at street intersections, with intermediate hydrants between intersections, and at entrance drives to the property.
- D. For any structures that has a sprinkler system or a standpipe system a fire hydrant shall be located no more than 100 feet from the fire department connection. This hydrant shall be dedicated to the fire department connection and shall be in addition to the hydrants required above.
- E. When possible, fire hydrants shall be located a minimum of 50 feet from any structure.
- F. In proposed subdivisions, where all structures have not been constructed, hydrant spacing shall be measured along the street right-of-way with spacing provided as shown above.
- G. Dead end water mains shall be provided with a fire hydrant. Water mains serving fire hydrants shall be a minimum of two inch (2") in diameter for single family residential projects and a minimum of eight inch (8") in diameter or all other residential and nonresidential projects. Each phase of a project shall be designed and constructed to provide the minimum number of hydrants necessary to conform with the above requirements upon completion of the phase.
- H. The determination of distance shall be made via vehicle access routes (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment located adjacent to the fire hydrant in lieu of direct measurements. The distances specified above are meant to reflect the actual length of fire hose which would be laid by the fire department to reach the structure in the event of a fire at or in that structure. Distances shall be measured beginning at the point of the structure farthest from the hydrant, thence along an Unobstructed Pathway to a point in the centerline of the street, thence along the centerline of the street to a point opposite the hydrant. Unobstructed Pathway means a route which may be taken by firemen in laying fire hose. The Unobstructed Pathway shall be, and remain, free of trees and shrubs, walls, fences, wells, structures, or other obstacles to the passage of firefighters, hose and equipment for a width of 10 feet and a minimum vertical distance of thirteen feet six inches (13' 6") and shall not be through, under, or over any portion of any structure, ditch or waterway.
- I. The developer of any new subdivision, subdivision or project, or development, whether it be single or multiple, or whether residential or commercial, is responsible for funding and installing the required fire hydrant(s) and water main to comply with the above requirements.

Section 10.4 Garbage & Refuse Collection

- A. All nonresidential development shall be required to provide one (1) or more dumpsters for solid waste collection that are:

1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way;
 2. Located in the side or rear yard; and
 3. Screened with an opaque fence or wall and gate.
- B. The method of garbage disposal shall be indicated on each Site Plan or Preliminary Plat that is submitted.

CHAPTER 11 DEVELOPMENT REVIEW PROCESS

Section 11.1 Purpose and Applicability

11.1.1 Purpose

The purpose of this Chapter is to establish an orderly process to develop land within the City of Randleman. It is also the intent of this Chapter to provide a clear and comprehensive development process that is fair and equitable to all interests including the petitioners, affected neighbors, City staff, related agencies, the Planning Board, and the City Board of Aldermen. Approved plans shall be the guiding documents for final approval and permitting.

11.1.2 Applicability

The development review process applies to all new developments within the City of Randleman except for existing individual lots for single-family detached residential and two-family residential (duplex) development. The provisions of this Chapter shall be applicable to all Minor and Major Subdivisions, Minor and Major Site Plans, Conditional Zoning Site Plans, and Vested Rights Site Plans. The Administrator or designee may waive the required development review process only in the following cases when he determines that the submission of a development plan in accordance with this Chapter would serve no useful purpose:

- Accessory structures (non-residential)
- Any enlargement of a principal building by less than 20 percent of its existing size provided such enlargement will not result in proposed or required parking or landscaping improvements
- A change in principal use where such change would not result in a change in lot coverage, parking, or other site characteristics

Section 11.2 Subdivisions and Site Plans Defined

11.2.1 Subdivision Defined

- A. As used in this Ordinance, the definition of the word "subdivision" is defined in NCGS 160D-802, as now or hereafter amended.
- B. For purposes of this Ordinance, "subdivision" means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development including any divisions of land involving the dedication of a new street or a change in existing streets; provided, that the following shall not be included within the definition or be subject to the regulations prescribed by this chapter:
 1. The combination or recombination or portions of previously platted lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown by the regulations prescribed by this chapter.
 2. The division of land into parcels greater than ten 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 streets.

4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city, as shown by the subdivision regulations contained in this chapter.
 5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NC General Statutes.
- C. For the recombination of previously subdivided land or for plats that do not meet the definition of a subdivision in Subsection B above, the following shall apply:
1. The Subdivision Administrator shall confirm that the plat does not meet the definition of a subdivision, and that minimum zoning lot sizes are met, if applicable.
 2. Plats shall include an Exemption Plat Certificate that shall be signed by the Subdivision Administrator prior to recording at the Register of Deeds office.

Certificate for Exemption Plats (for plats that do not fall under the subdivision definition in Subsection B & NCGS 160D-802)

This plat is exempt from the regulations of the Subdivision Ordinance of the City of Randleman pursuant to 11.2.1 (B) of the Unified Development Ordinance and NCGS 160D-802.

Date

Subdivision Administrator

11.2.2 Subdivision Types

For all subdivisions of land as defined in Section 11.2.1, the following categories of subdivisions shall be used to determine the procedures required for review:

11.2.2.1 Minor Subdivision

- A. A minor subdivision is defined as a subdivision where:
 - No new roads are proposed, and
 - No rights-of-way are dedicated, no easements are dedicated and no utilities extended, and
 - Where three (3) or fewer lots will result after the subdivision is completed.
- B. The Minor Subdivision procedure (Administrative Approval) may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. Furthermore, the Minor Subdivision procedure (Administrative Approval) may not be used within three (3) years on any property less than 1,500 feet from the original property boundaries by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. If these conditions exist within the three (3)

year time period, then the Major Subdivision procedure (Planning Board Approval) shall be followed.

11.2.2.2 Major Subdivision

A major subdivision is defined as a subdivision where:

- New streets or roads are proposed, and/or
- New utilities are proposed to be extended, and/or
- More than three (3) lots are created after the subdivision is completed.

11.2.2.3 Conservation Development Subdivision

A type of Major Subdivision that is intended is to allow smaller than minimum lot sizes with dwelling units clustered in smaller areas in order to preserve larger areas of open space and environmental resources that is allowed in accordance with Section 3.3 Permitted Uses Table and Section 4.2.3, which provides special requirements for Conservation Developments.

11.2.2.4 Special Subdivisions

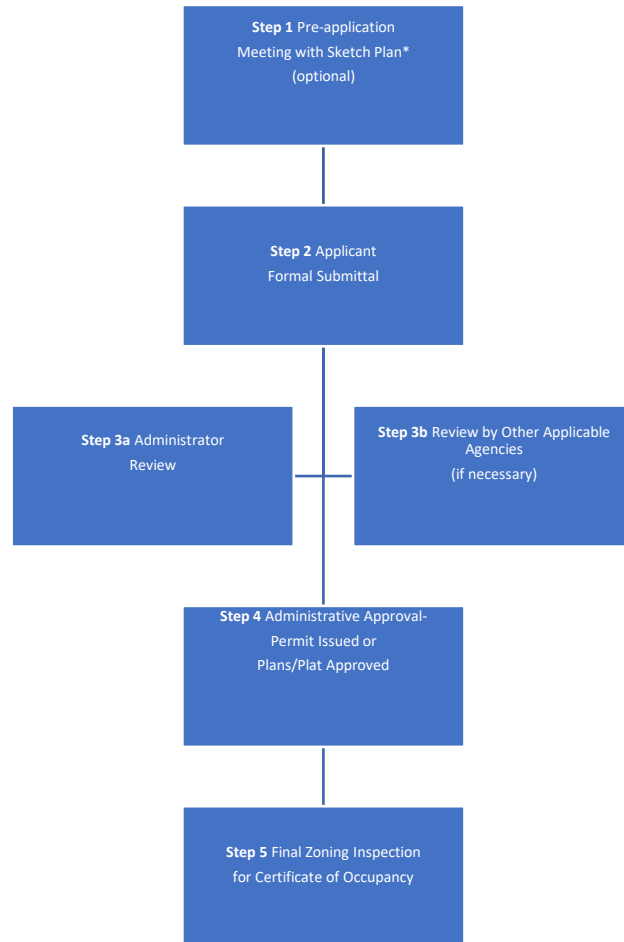
A Special Subdivision is for purposes other than general, residential or commercial development including:

- Building locations for condominiums or townhouses within an approved major subdivision
- Utility facilities such as sub-station sites, meter vaults, pump station sites, but not including wireless telecommunication sites
- Cemetery plots

Section 11.3 Administrative Approval

Administrative approval shall apply to all Site Plans, Minor Subdivisions, and Construction Drawings & Final Plats for Major Subdivisions. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

*Step 1 is not necessary for Construction Drawings & Final Plats.



Step 1. Pre-Application Meeting with Sketch Plan (optional)

- A. The applicant shall schedule a pre-application meeting with the Administrator. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the City of Randleman and does not confer upon the applicant any development rights. The applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Section 12.2.
- B. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- C. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Formal Submittal

The applicant shall submit an application, fee, and the Site Plan, Final Plat, or Construction Drawings that meets the requirements of Chapter 12 and other required materials.

Step 3a & b. Administrator Review & Review by Other Applicable Agencies

- A. The Administrator shall review the plan, plat, or drawings in accordance with the requirements of this Ordinance and any other applicable requirements.

- B. The Administrator may distribute copies of the submitted plan, plat, or drawings and request a report from any person or agency directly concerned with the proposed development including the following:
 - NCDOT District Highway Engineer
 - City Appointed Engineer
 - County Health Department
 - County Superintendent of Schools
 - NC Department of Environment and Natural Resources (NCDENR)
 - Public Works Department
 - Fire Department
 - Police Department
 - Parks & Recreation Department

- C. The applicant shall revise the plan, plat, or drawings in accordance with the comments provided by the Administrator and other Applicable Agencies. All necessary revisions shall be made prior to approval by the Administrator.

Step 4. Administrative Approval-Permit Issued or Final Plat Approved

- A. If a site plan or drawings are found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit.

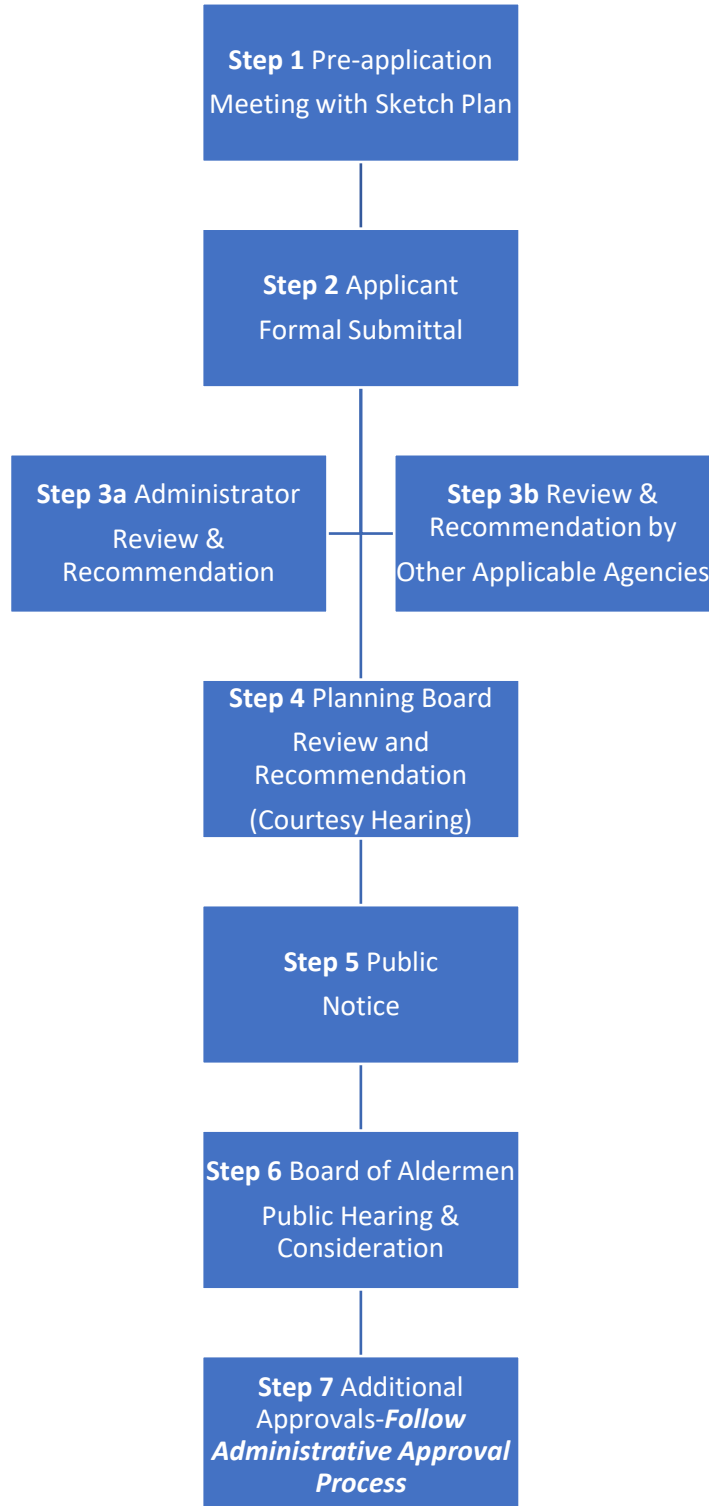
- B. For subdivisions, the Administrator shall approve, approve with modifications, or disapprove the Final Plat.
 - If approved with modifications, the reasons for such action shall be stated in writing, and if necessary, the Subdivision Administrator shall require the Subdivider to submit a revised plat
 - If disapproved, the reasons for such action shall be stated in writing, and reference shall be made to the specific section of this chapter with which the plat does not comply.

Step 5. Final Zoning Inspections for Certificate of Occupancy

For all developments, excluding single-family and two-family residential uses, prior the issuance of a Certificate of Occupancy by Randolph County Building Inspections, the Administrator or his designee shall conduct a final zoning inspection to ensure that the approved plan has been followed and all required improvements have been installed to City standards. If all required improvements have been completed, then the Administrator shall issue a Certificate of Compliance, and the Randolph County Building Inspections Department may issue a Certificate of Occupancy.

Section 11.4 Board of Aldermen Approval

Board of Aldermen approval shall apply to Major Subdivisions, Rezoning (map amendments), and Text Amendments. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



Step 1. Pre-Application Meeting with Sketch Plan (if applicable)

- A. The applicant shall schedule a pre-application meeting with the Administrator. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the City of Randleman and does not confer upon the applicant any development rights. For Major Subdivisions, Conditional (CZ) Rezonings, and Vested Rights applications, the applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Chapter 12.
- B. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- C. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Application for Review

- A. The applicant shall submit an application, fee, and development plan (if applicable).
- B. Applications for Major Subdivisions shall be submitted with a Preliminary Plat.
- C. Applications for Conditional Rezonings, and Vested Rights requests shall be submitted with a site-specific plan.
- D. Applications for all Rezonings and Text Amendments shall include a statement regarding the consistency of the request with adopted City plans and policies and the surrounding area.
- E. Applications for Conditional Rezonings shall also include a statement regarding the reasonableness of the request.

Step 3a & b. Administrator Review & Review by Other Applicable Agencies

- A. The Administrator shall review the plan or plat in accordance with the requirements of this Ordinance and any other applicable requirements.
- B. The Administrator may distribute copies of the submitted plan, plat, or drawings and request a report from any person or agency directly concerned with the proposed development including the following:
 - NCDOT District Highway Engineer
 - City Appointed Engineer
 - County Health Department
 - County Superintendent of Schools
 - NC Department of Environmental Quality (NCDEQ)
 - Public Works Department
 - Fire Department

- Police Department
- Parks & Recreation Department

C. The applicant shall revise the plan, plat, or drawings in accordance with the comments provided by the Administrator and other Applicable Agencies. All necessary revisions shall be made prior to approval by the Administrator.

Step 4. Planning Board Review & Recommendation (Courtesy Hearing)

- A. Following a complete review by the Administrator and other applicable agencies, the Administrator shall schedule the application for review by the Planning Board at the next regularly scheduled meeting.
- B. The Planning Board shall have up to 30 days from the date of referral by the Administrator to recommend approval, approval with conditions, or denial of the request to the Board 60 days from the date of referral by the Administrator to recommend approval, approval with conditions, or denial of the request to the Board of Aldermen.
- C. For all Rezoning and Text Amendment requests, the Planning Board shall include with its recommendation a written statement regarding the consistency of the request with adopted City plans and policies and the surrounding area.

Step 5. Public Notice

- A. A notice shall be published in a newspaper having general circulation in the City once a week for two (2) consecutive weeks provided that the first notice is published not less than 10 days nor more than 25 days prior to the date established for the public hearing. The expanded published notice option for Rezoning (map amendments) noted in (B) below shall consist of a notice not less than one-half (1/2) of the newspaper page in size.
- B. A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all contiguous property owners. The first class mail notice shall not be required if a Rezoning (map amendment) directly affects more than 50 properties owned by a total of at least 50 different property owners. Instead the City may elect to use expanded published notice as noted above in (A) except that letters shall be sent to those property owners whose addresses are not within the general circulation area of the newspaper.
- C. For all Rezoning (map amendments), the City shall conspicuously post a notice of public hearing at the site proposed for rezoning at least 10 days prior to the public hearing. When multiple parcels are included within a proposed map amendment, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be removed only after the public hearing has been held.

Step 6. Board of Aldermen Public Hearing & Consideration

- A. After the public hearing, the Board of Aldermen shall have up to 60 days to refer back to the Planning Board, approve, approve with conditions, or deny the request. Alternatively, the City

Board may suspend the review period and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the request or deferral of its consideration.

- B. Following denial by the City Board, the applicant may file a new application and associated fee. Unless the City Board explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial by the City Board unless the application is significantly different from the previously denied application. All applications shall be resubmitted for full review unless the application is resubmitted to address conditions set forth by the City Board of Aldermen for reapplication.

Step 7. Additional Approvals

Any required Construction Drawings and Final Plats shall be approved administratively and shall follow the Administrative Approval process in Section 11.3. Step 1 of the Administrative Approval process may be skipped for Construction Drawings and Final Plats. If no Construction Drawings are required, the Zoning Permit may be issued immediately following approval by the Planning Board. If Construction Drawings are required, then the Zoning Permit may be issued following Administrative Approval of the Construction Drawings.

Section 11.5 Zoning Board of Adjustment Approval

The Zoning Board of Adjustment shall have the following power to review and decide upon the following in accordance with the procedures set forth in Section 15.5:

- A. Appeals (Administrative Review)-To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- B. Variances- To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- C. Certificate of Nonconformity Adjustment-To hear and decide on Certificates of Nonconformity for alteration or replacement of a nonconforming use in accordance with Section 13.4.2 (D).

Section 11.6 Construction Drawing Procedures

11.6.1 Applicability and Process

The Construction Drawings for Site Plans, Major Subdivisions, Vested Rights, Conditional Rezonings and other site-specific plans shall be submitted in accordance with this Section. Upon determination by the Administrator or his designee that an application is complete, the

Construction Drawings shall follow the Administrative Approval process outlined in Section 11.3. Construction Drawings shall constitute the complete submittal requirements for Minor Site Plans or Minor Subdivisions (if required) prior to the issuance of a Zoning Permit or Final Plat approval.

11.6.2 Submittal Requirements

Construction Drawings shall be drawn to the specifications in Section 12.3 for Subdivisions or 12.4 for Site Plans.

Section 11.7 Subdivision Procedures

11.7.1 General Provisions

11.7.1.1 Legal Provisions

- A. After the effective date of this Ordinance, no subdivision plat of land within the City's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Subdivision Administrator and the approval is entered in writing on the face of the plat by the Subdivision Administrator.
- B. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the City that has not been first approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.
- C. All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein.
- D. No zoning permit or building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a Final Plat of said subdivision has been approved by the Subdivision Administrator and recorded at the Register of Deeds and where applicable, an improvements permit has been issued by the Health Department.
- E. 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 Board of Aldermen, through its attorney or other official so designated, may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4. Civil penalties may be issued in accordance with Chapter 15.

11.7.1.2 Subdivision Exceptions

- A. The Subdivision Administrator may authorize an exception from these regulations when, in its opinion, undue hardship may result from strict compliance.

- B. The Board of Aldermen shall take into account the nature of the proposed subdivision, the existing use of the land in the vicinity; the existing environmental conditions, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
- C. No exceptions shall be granted unless the Board of Aldermen finds:
- a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 - b. That the circumstances are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and
 - c. That the granting of the exception will not be detrimental to the public health, safety, and welfare, or injurious to other property in the territory in which said property is situated.
- D. Any exception authorized by this Ordinance is required to be entered in writing in the minutes of the meeting of the Board of Aldermen and recorded on the Final Plat in the Office of the Register of Deeds of Randolph County.
- E. Board of Aldermen decisions pertaining to subdivision exceptions shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision is made and in writing.

11.7.2 Pre-Application Meeting & Sketch Plan

The applicant shall schedule a pre-application meeting with Planning Staff to review a Sketch Plan of the proposed subdivision. The Planning Staff will determine if the subdivision constitutes a Major or Minor Subdivision, in accordance with the definitions in Appendix A, and advise the applicant of all applicable City regulations and policies, application procedures, and fees.

11.7.3 Minor Subdivisions

- F. A minor subdivision is defined as a subdivision where:
- No new roads are proposed, and
 - No rights-of-way are dedicated, no easements are dedicated and no utilities extended, and
 - Where three (3) or fewer lots will result after the subdivision is completed.
- G. The Minor Subdivision procedure (Administrative Approval) may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. Furthermore, the Minor Subdivision procedure (Administrative Approval) may not be used within three (3) years on any property less than 1,500 feet from the original property boundaries by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. If these conditions exist within the three (3) year time period, then the Major Subdivision procedure (Planning Board Approval) shall be followed.

H. Minor Subdivisions follow the Administrative Approval process. For all minor subdivisions, a Preliminary Plat shall not be required. Construction Drawings may be required prior to the approval of a Final Plat depending on the circumstances of the Subdivision.

11.7.4 Major Subdivisions

F. A major subdivision is defined as a subdivision where:

- New streets or roads are proposed, and/or
- New utilities are proposed to be extended, and/or
- More than three (3) lots are created after the subdivision is completed.

G. Preliminary Plats for Major Subdivisions follow the Board of Aldermen Approval process. Construction Drawings and Final Plats shall follow the Administrative Approval process.

11.7.4.1 Plat Approval

A. Preliminary Plat approval shall be valid for two (2) years unless a greater time period is granted through a Vested Rights request. If Final Plat approval has not been obtained within said two (2) year period, Preliminary Plat approval shall become void. A new Preliminary Plat shall be required to be submitted and such plat shall be in conformity with all current and applicable standards this Ordinance.

B. Notwithstanding, the developer may submit a request to the Planning Board for a time extension for up to one (1) year for Final Plat submittal. Said request must be submitted to the Administrator prior to the original plat expiration date. No more than one (1) such extension may be granted per subdivision.

C. The developer may submit a Final Plat for only a portion of the subdivision given Preliminary Plat approval. Said submission shall extend the expiration date for the remaining portion(s) of the subdivision for an additional two (2) years past the date of said Final Plat approval.

D. A Final Plat shall be recorded at the Randolph County Register of Deeds within 30 days of receiving final approval from the Subdivision Administrator, otherwise such plat shall become null and void.

E. The Subdivider shall bring a recorded copy to the Subdivision Administrator for the file. No permits shall be issued for individual lots until a recorded copy is provided.

11.7.4.2 Construction Drawings

Following approval of the Preliminary Plat, Construction Drawings shall be submitted and reviewed in accordance with Section 11.2. The Preliminary Plat may be altered by no more than 10 percent of the total subdivision area due to issues discovered during the Construction Drawing process. If changes to more than 10 percent of the total subdivision area result, a new Preliminary Plat shall be submitted and reviewed. Also, the total number of lots or units may be decreased but not increased.

11.7.4.3 Improvement Installation and Guarantees

Upon approval of the Preliminary Plat and Construction Drawings, the developer may proceed with the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance. Prior to approval of a Final Plat, the developer shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein.

A. Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval the City of Randleman shall enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all required improvements according to a performance guarantee. Once said agreement is signed by both parties and the security required herein is provided, the Final Plat may be approved by the Administrator, if all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide to the City Manager either one, or a combination, of the following guarantees. The amount of such guarantees shall be satisfactory to the City Manager as to form, sufficiency (i.e., sufficient funds not more than 125% of reasonably estimated cost at performance guarantee issuance or extension to cover inflationary price increases, increased construction costs, engineering costs, etc.) and manner of execution as set forth in these regulations and in accordance with NCGS 160D-804 (g). All such guarantees shall be made payable to the City of Randleman.

1. Surety Performance Bond(s)

The Subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the City Manager.

2. Cash or Equivalent Security

The Subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City. The use of any instrument other than cash shall be subject to the approval of the City Manager.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the Subdivider shall file with the City Manager an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the City Manager and may not be used or pledged by the Subdivider in any other matter during the term of the escrow; and
- b. That in the case of a failure on the part of the Subdivider to complete said improvements, the financial institution shall, upon notification by the City Manager, and submission by the City Manager to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the

improvement, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

B. Default

Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Manager, pay all or any portion of the bond or escrow fund to the City of Randleman up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the City Manager, in his/her discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the bonding firm any funds not spent in completing the improvements.

C. Release of Guarantee Security

The City Manager may release a portion of any security posted as the improvements are completed and recommended for approval by the Administrator. Within thirty (30) days after receiving the Administrator's recommendation, the City Manager shall approve said improvements and immediately release any security posted.

Section 11.8 Site Plan Procedures

11.8.1 Pre-Application Meeting & Sketch Plan

The applicant shall schedule a pre-application meeting with the Administrator to review a Sketch Plan of the proposed Site Plan. The Administrator will determine if the plan constitutes a Minor or Major Site Plan, in accordance with the definitions in Appendix A, and advise the applicant of all applicable City regulations and policies, application procedures, and fees.

11.8.2 Site Plans

Site Plans follow the Administrative Approval Process as outlined in Section 11.3. Site Plans shall be submitted as part of a full set of Construction Drawings (if applicable). Construction Drawing approval is required prior to the issuance of a Zoning Permit. See Section 12.4 for Construction Drawing requirements.

11.8.3 Effect of Approval

Following approval of a Minor or Major Site Plan and any applicable Construction Drawings, the Administrator shall issue a Zoning Permit for the project.

Section 11.9 Rezoning Procedures

Rezoning (zoning map amendments) shall follow the Board of Aldermen approval process as outlined in Section 11.4 and meet the requirements of Chapter 14.

11.9.1 Standard Rezoning

For Standard Rezonings, a site-specific plan is not required. Approval of a Standard Rezoning shall result in an official amendment to the City of Randleman Zoning Map. Any development of the property shall be reviewed and approved in accordance with the appropriate procedure depending on the type of development proposed.

Section 11.10 Vested Rights Procedures

Pursuant to NCGS 160D-108 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site-specific development plan approval which shall entitle said landowner to develop property in accordance with said site-specific plan.

11.10.1 Process to Claim Vested Right

A landowner claiming a statutory or common law vested right may submit information to substantiate that claim may apply for the determination of a vested right pursuant to North Carolina General Statute 160D-108 on a form to be provided by the City at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional zoning, a site plan approval or a planned unit development approval. The Zoning Administrator shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).

11.10.2 Types and Duration of Statutory Vested Rights

Amendments in City of Randleman development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to N.C.G.S. 160D-108 long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by City of Randleman approvals are as follows:

- 1) Six months - Building permits. - Pursuant to G.S. 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.
- 2) One year - Other local development approvals. - Pursuant to G.S. 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
- 3) Two years - Site-specific vesting plans.
 - a. Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by City of Randleman ordinance.

- b. Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1109 and G.S. 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.
- c. Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to Randleman describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by City of Randleman ordinance. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In absence of a City of Randleman regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.
- d. Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by City of Randleman development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. City of Randleman may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The City of Randleman shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Zoning Administrator, if such are defined and authorized by local regulation.

- (4) Five years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 25 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.
- (5) Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under N.C.G.S. 160D Article 10.

11.10.3 Continuing Review

Following approval or conditional approval of a statutory vested right, a local government may make subsequent reviews and require subsequent approvals by the local government to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The local government may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

11.10.4 Exceptions

The provisions of this section are subject to the following:

- (1) A vested right, once established as provided for by subdivision (3) or (4) of subsection (d), precludes any zoning action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:
 - a. The written consent of the affected landowner.
 - b. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.
 - c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.
 - d. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.
 - e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

- (2) The establishment of a vested right shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.
- (3) Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.

11.10.5 Miscellaneous Provisions

A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right all successors to the original landowner shall be entitled to exercise such rights. Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

11.10.6 Termination of a Vested Right

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

- (1) The written consent of the affected landowner.
- (2) Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.
- (3) The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.
- (4) Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.
- (5) The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

Section 11.11 Development Agreements

11.11.1 Purpose

The purpose of this Article is to establish standards and procedures for the City to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:

1. *Large-Scale Development Projects and Long-Term Commitment of Resources*
Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
2. *Potential Community Impacts*
Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
3. *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*
Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.
4. *Stable Development Standards*
Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. *Nontraditional Development Types*
Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
6. *Negotiating Flexibility*
To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
7. *Plan Consistency*
In negotiating for such developments, it is the intent of the City to remain consistent with the adopted plans, policies, and goals of the City as they relate to land use and capital improvements.

11.11.2 Authority

The City may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement, the City may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

A. Relationship to Prior Development Approvals

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed Use Development), such an application may be

submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

B. Initiation

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Article.

C. Procedures

1. Application Contents

An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:

- a) A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
- b) The duration of the agreement.
- c) A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
- d) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
- e) A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
- f) If the Development Agreement provides that the City shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
- g) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
- h) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

- i) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
- j) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- k) An indemnification and "hold harmless" clause whereby the developer/property owner holds the City and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

The proposed Development Agreement may include the following:

- 1) A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
- 2) Other defined performance standards to be met by the developer.
- 3) Other matters not inconsistent with law.

The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

2. *Review and Report by City Manager or Administrator*

As part of the staff review of the application, the Manager/Administrator or the designee may negotiate revisions to the proposed Development Agreement consistent with the provisions of Development Agreement Standards.

3. *Review and Recommendation by Planning Board*

Following staff review, preparation of a staff report, and provision of public notification in accordance with Subsection g. Development Agreement Standards, the staff shall recommend that:

- the City enter into the Development Agreement as submitted;
- the City enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
- the City not enter into the Development Agreement.

4. *Review and Action by Board of Alderman*

Following Planning Board review, the Board of Alderman shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter the Board may vote:

- To enter into the Development Agreement as submitted;
- To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
- Not to enter into the Development Agreement; or
- Remand the application to the Planning Board for further consideration.

DEVELOPMENT AGREEMENT PROCEDURES DIAGRAM



D. Recording the Agreement

Within 14 days after entering into a Development Agreement, the City shall record the agreement with the Randolph County Register of Deeds.

E. Development Agreement Standards

In consideration of the City's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

1. *Planned Development*

The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.

2. *Phasing and Duration of Development*

The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.

3. *Impact on Capital Improvements*

The development shall demonstrate the impact on existing and future provisions of capital improvements by the City including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

F. Effect of Development Agreement

1. *Burdens and Benefits*

The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

2. *Rights and Obligations*

Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.

3. *Building Code*

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.

4. *Subsequently Enacted Laws*

Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.

5. *Application of Subsequently Adopted Laws*

Except for grounds specified in Section 160D-108 of the North Carolina General Statutes, the City may not apply subsequently adopt ordinances or development policies to a development that is subject to a Development Agreement.

6. *Change in State or Federal Law*

If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the City, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.

7. *Vested Rights*

This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

G. Approval of Debt

If any of the obligations of the City in the Development Agreement constitute debt, the City

shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the City, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the City Attorney, Finance Director, and City Manager.

H. Periodic Review and Breach of Agreement

1. *Annual Review*

During any period of time in which a development permit is active, the City shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

2. *Material Breach*

If the City finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the City shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.

3. *Failure to Cure Material Breach*

If the developer fails to cure the material breach within the time given, then the City unilaterally may terminate or modify the Development Agreement.

4. *Appeal*

The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 7-13(D) Appeals.

I. Amendments to Development Agreement

1. *Mutual Consent*

A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

2. *Major Modification*

Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.

3. *Minor Modification*

The Planning Director may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and

goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

J. Assumption of Jurisdiction Over Development Agreements

1. *City Assumes Planning Jurisdiction*

If the City assumes planning jurisdiction over property subject to a Development Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the City's assumption of planning jurisdiction over the subject property, whichever is earlier.

2. *Rights and Obligations*

The parties to the development agreement and the City shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.

3. *Modification or Suspension*

The City may modify or suspend the provisions of the Development Agreement if the City determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the City's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

CHAPTER 12 DEVELOPMENT PLAN REQUIREMENTS

Section 12.1 Purpose and Applicability

The purpose of this Chapter is to provide uniform standards for all development plans requiring approval by the City of Randleman in accordance with Chapter 11. Every development plan shall include notes and graphics depicting the requirements of all applicable sections of this Ordinance.

Section 12.2 Sketch Plans

12.2.1 Sketch Plan Submittal Requirements

Three (3) copies of the Sketch Plan shall be submitted for pre-application meeting.

12.2.2 Plan Labeling

A Sketch Plan shall be required for the pre-application meeting with the Administrator. The plan shall be scaled and show the approximate proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions where applicable. It shall also include the following information:

- A. Name of the proposed development
- B. North arrow
- C. A sketch vicinity map including north arrow showing the location of the development in relation to neighboring tracts, developments, roads, and waterways
- D. The boundaries of the tract and the portion of the tract to be developed
- E. Tax map and parcel number(s) of the lot(s) to be developed
- F. Adjacent property owners and tax map numbers
- G. The zoning classification of the tract and of adjacent properties
- H. The total acreage to be developed
- I. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it
- J. The existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots
- K. The name, address, and telephone number of the owner
- L. Roads and lots of adjacent developed or platted properties
- M. Existing topographic conditions of the property
- N. Water courses, watershed, floodplain, & preserved areas
- O. Identification of areas located within a designated Water Supply Watershed and Water Supply Watershed classification

Section 12.3 Subdivision Plats & Construction Drawings

12.3.1 Preliminary Plat Submittal Requirements

- 3 full size paper copies (additional prints shall be provided when deemed necessary)

- 1 reduced 11x17 copy for file
- Digital copy in PDF and DXF or DWG format

12.3.2 Construction Drawings Submittal Requirements

- 3 full sets of sealed construction drawings for file to include the following, if applicable:
 - (a) Stormwater Plan and Analysis
 - (b) Landscaping Plan
 - (c) Lighting Plan
 - (d) Utility Plan
 - (e) Grading and Erosion Control Plan and NCDENR written approval
 - (f) NCDENR written approval for a community or public sanitary sewer system
 - (g) NCDENR written approval for a public or community water system
 - (h) NCDOT driveway permits

12.3.3 Final Plat Submittal Requirements

- 3 full size paper copies for review
- 1 mylar copy for signature
- 1 mylar copy of recorded plat for file
- Digital copy in PDF and DXF or DWG format

12.3.4 Plat Labeling Requirements for Preliminary & Final Plats

A. Labeling Matrix

The Preliminary and Final Plats shall depict or contain the information indicated in the following matrix. An X indicates that the information is required. Preliminary Plat information is only required for major subdivisions.

| Title Block Information: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
|--|--------------------------------|--------------------------|
| a) Subdivision name | x | x |
| b) Name of owner | x | x |
| c) Name of the Subdivider/Developer | x | x |
| d) PIN number | x | x |
| e) Location (including township, county and state) | x | x |
| f) Bar graph scale and north arrow | x | x |
| Plat Preparation Information: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
| a) Date or dates survey was conducted and plat prepared | x | x |
| b) Name and address of the Registered Land Surveyor | x | x |
| c) Surveyor's registration number and seal | | x |
| d) Names and addresses of all owners, mortgagees, Registered Land Surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision | x | x |

| Property & Site Calculation Information: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
|--|--------------------------------|--------------------------|
| a) Environmental Survey as required by Section 7.2.2 | x | |
| b) Sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area | x | x |
| c) Corporate limits, Extraterritorial Jurisdiction and county lines if on the subdivision tract | x | x |
| d) Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown | x | |
| e) Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands | | x |
| f) Adjoining property information including owner name, zoning classification, existing structures, and subdivision name | x | x |
| g) Minimum building setback lines | x | x |
| h) Zoning classifications of the tract to be subdivided | x | x |
| i) Acreage in total tract to be subdivided | x | x |
| j) Acreage in parks and recreation areas and other nonresidential uses | x | x |
| k) Total number of parcels created | x | x |
| l) Acreage in the smallest lot in the subdivision | x | x |
| m) Linear feet in roads | x | x |
| n) Name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register | x | x |
| o) Topographic map with contour intervals of no greater than five feet at a scale of no less than one inch equals two hundred (200) feet may be required. | x | |
| p) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, road line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved roads. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute. | | x |
| q) Accurate locations and descriptions of all monuments, markers and control points. | | x |
| r) Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains | x | x |
| s) Proposed lot lines, lot and block numbers, and approximate dimensions | x | x |
| t) The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols | | x |
| u) Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site | x | x |

| | | |
|--|--------------------------------|--------------------------|
| v) The exact location of the flood hazard area, floodway and floodway fringe areas from the county’s Official Flood Maps, and Community Panel Number if applicable | x | x |
| Watershed Information: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
| a) Certification that the Subdivision Lies Within a Watershed | x | x |
| b) Designation of Vegetative Watershed Buffer(s) along Perennial Streams. Said buffer shall be a minimum of thirty (30) feet in width if subsequent development takes place if the low-density option is used or one hundred (100) feet in width if the high-density option is used. | x | x |
| c) Identification and acreage of lots not to be developed for single-family residential purposes | x | x |
| d) Identification of stormwater drainage facilities used (including direction of flow) and any Best Management Practices employed | x | x |
| Streets, Infrastructure, & Open Space Information: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
| a) Proposed roads | x | x |
| b) Existing and platted roads on adjoining properties and in the proposed subdivision | x | x |
| c) Rights-of-way, location and dimensions | x | x |
| d) Pavement widths | x | x |
| e) Approximate grades | x | x |
| f) Design engineering data for all corners and curves | x | x |
| g) Typical road cross sections | x | x |
| h) Road names | x | x |
| i) Private road disclosure statements indicating who will maintain private roads in subdivision and the right of access to any private road in the subdivision by all lots served by the road | | x |
| j) Type of road dedication; all roads must be designated either “public” or “private”. | x | x |
| k) Where roads are dedicated to the public, but not accepted into the state system before lots are sold, a statement explaining the status of the road | | x |
| l) Utility and other easements | x | x |
| m) Fire hydrants, if applicable | x | x |
| n) Riding trails | x | x |
| o) Buffer strips | x | x |
| p) Pedestrian or bicycle paths | x | x |
| q) Parks and recreation areas with specific type indicated | x | x |
| r) School sites (both existing and proposed) | x | x |
| s) Areas to be used for purposes other than residential with the purpose of each stated | x | x |

| | | |
|--|--------------------------------|--------------------------|
| t) The future ownership (dedication or reservation for public use to governmental body, for owners' to duly constituted homeowners' association, or for tenants' remaining in Subdivider's ownership) of recreation and open space lands | | x |
| Agency Approvals: | <u>Preliminary Plat</u> | <u>Final Plat</u> |
| a) NCDOT approval of driveway permits and Road Construction Drawings | x | |
| b) Soil application rates as may be required by the Health Department or a disclaimer if septic systems are proposed and soil testing is not yet completed | | x |
| c) NCDENR approval of Soil & Erosion Control Plan | x | |
| d) Private or community well and/or septic plan submittal. | x | |
| e) Private or community well and/or septic approval. | | x |
| f) NCOT approval of storm water drainage plan | x | |
| g) All certifications required below | x | x |

B. Certificates & Statements for Preliminary Plats

1. Certificate of Survey and Accuracy (for boundary survey)

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., 20__.

Seal or Stamp

Surveyor

Registration Number

2. Water Supply Watershed Certificate

All subdivisions of land shall have a statement signed by the Subdivision Administrator indicating whether or not a subdivision lies within a designated Water Supply Watershed. Said statement shall take one of the following forms, as appropriate:

- (a) The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed.

Date

Subdivision Administrator

- (b) Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water). Lots (fill in appropriate lot numbers) of the (name of subdivision) do not lie within a water supply watershed.

_____ Date

_____ Subdivision Administrator

(c) All lots within the (name of subdivision), to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water).

_____ Date

_____ Subdivision Administrator

3. Certificate of Approval for Preliminary Plat

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the Unified Development Ordinance of the City of Randleman, North Carolina and that this plat was approved by the Board of Alderman on _____.

_____ Date

_____ Subdivision Administrator

4. Private Water/Sewer Statement

The Randolph County Health Department has expressed no opinion as to the suitability of private septic systems or water systems on this property. Each lot is subject to individual inspection and approval of septic systems.

C. Certificates & Statements for Final Plats

1. Certificate of Ownership & Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks and other open spaces or public or private use as noted. _____, 20____.

_____ Owner

_____ Owner

North Carolina
_____ County

I, a Notary Public for said City and State, do hereby certify that _____, owner(s) personally appeared before me this day, and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this ____ day of _____, 20____.

Notary Public

My Commission Expires: _____

2. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., 20____.

Seal or Stamp

Surveyor

Registration Number

3. Professional Engineer Certification for Subdivisions, Streets, and Improvements

City _____ Date _____
Subdivision or Project Name _____
Phase (if applicable) _____
Entrance from _____
(US or NC Route, SR# and Road Name)

A final inspection of the streets, storm drainage, sanitary sewer, and water systems for the above referenced subdivision or project has been performed by _____. I have reviewed the inspection data and have determined that the streets have been constructed in accordance with the design drawings approved by the North Carolina Department of Transportation on _____ (date) and all subsequent revisions. My observations and testing indicate the subgrade, base, and pavement have been constructed in accordance with the guidelines established by NCDOT Standard Specifications for Roads and Structures, as verified by test results

Name

Signature

NC PE #

4. Finance Director Certification for Improvements Guarantee

In lieu of installation at this time, improvements have been guaranteed in accordance with Section 11.7.4.3 of the Unified Development Ordinance.

Date

Finance Director

5. Water Supply Watershed Certificate

All subdivisions of land shall have a statement signed by the Subdivision Administrator indicating whether or not a subdivision lies within a designated Water Supply Watershed. Said statement shall take one of the following forms, as appropriate:

(a) The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed.

Date

Subdivision Administrator

(b) Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water). Lots (fill in appropriate lot numbers) of the (name of subdivision) do not lie within a water supply watershed.

Date

Subdivision Administrator

- (c) All lots within the (name of subdivision), to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water).

Date

Subdivision Administrator

6. Certificate of Approval for Recording

I hereby certify that the final subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City of Randleman, North Carolina and that this plat has been approved by the Subdivision Administrator for recording in the office of the County Register of Deeds.

Date

Subdivision Administrator

7. Review Officer Certificate

I, (name of Review Officer), 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

8. Proximity to Voluntary Farmland Preservation District Statement (choose from one of the following)

- (a) This property, or portions thereof, is not located within ½ mile of a designated Farmland Preservation District.
- (b) This property, or portions thereof, is located within ½ mile of a designated Farmland Preservation District. This program has been developed to inform all purchasers of real property that certain agricultural activities, including, but no limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, and similar activities may take place in these districts at any time during the day or night.

9. Road Maintenance Disclosure Statement

- (a) Where roads are declared and dedicated as public State roads, the following Subdivision Roads Disclosure statement shall be shown:

“All roads in this subdivision are hereby declared public and shall be maintained by the North Carolina Department of Transportation. The maintenance of all streets and roads in this subdivision shall be the responsibility of (owner/developer) and it shall be their responsibility to bring the roads up to the standards of the North Carolina Department of Transportation before any public streets or roads on this plat are included at any time after the approval of this plat, into the North Carolina State Road System.”

- (b) Where subdivision roads are declared and dedicated as public City roads, the following Subdivision Roads Disclosure Statement shall be shown:

“All roads in this subdivision are hereby declared public and shall be maintained by the City of Randleman. The maintenance of all streets and roads in this subdivision shall be the responsibility of (owner/developer) and it shall be their responsibility to bring the roads up to the standards of the City before any public streets or roads on this plat are included at any time after the approval of this plat, into the City’s Road System.”

- (c) Where subdivision roads are declared private, the following Subdivision Roads Disclosure Statement shall be shown:

“All roads in this subdivision are hereby declared private and shall not be eligible for inclusion into the North Carolina State Highway System or for maintenance by the North Carolina State Highway System. The maintenance of all streets and roads in this subdivision shall be the responsibility of the (owner/developer).”

Section 12.4 Site Plans & Construction Drawings

12.4.1 Site Plans

All Site Plans subject to the approval process shall include but are not limited to the following information:

12.4.1.1 Plan Submittal Requirements

- A. 3 full-size copies for initial submittal
- B. 2 full-size copies for revisions
- C. 2 full-size copies & 1 reduced (11x17) copy for file
- D. 1 digital copy in PDF and DWG formats

12.4.1.2 Plan Labeling

- A. Title
- B. Original submittal date
- C. Revision dates
- D. Vicinity map
- E. North arrow
- F. Scale (no smaller than 1”=100’)
- G. Lot lines with bearings and distances
- H. Zoning district and applicable overlay districts
- I. Adjacent property owner names, parcel numbers, and zoning
- J. Total acreage
- K. Acreage in right-of-way
- L. Density per acre
- M. Building setbacks in table format and building envelopes show on lots
- N. Locations of existing structures
- O. Landscaping notes

- P. Boundaries of flood plains or note stating that property is not within one
- Q. Topography and environmental information

12.4.3.3 Plans and Details

- A. Site Plan
- B. Existing Conditions
- C. Landscaping Plan
- D. Lighting Plan (where applicable)

12.4.2 Site Plan Construction Drawings (if applicable)

Any required Construction Drawings shall substantially match approved Site Plan. Any deviations from the Site Plan shall be the result of issues discovered during field work and engineering. Substantial deviations from the Preliminary Plat shall result in the entire approval process starting over. Construction Drawings for Site Plans shall include but are not limited to the following information:

12.4.2.1 Plan Submittal Requirements

- A. 3 full-size copies for initial submittal & revisions
- B. 2 full-size copies for final submittal and approval
- C. 1 digital copy in PDF and DWG formats

12.4.2.2 Plan Labeling

- A. Title
- B. Original submittal date
- C. Revision dates
- D. Vicinity map
- E. North arrow
- F. Scale (no smaller than 1"=100')
- G. Lot lines with bearings and distances
- H. Zoning district and applicable overlay districts
- I. Adjacent property owner names, parcel numbers, and zoning
- J. Total acreage
- K. Acreage in lots
- L. Acreage in right-of-way
- M. Building setbacks in table format and building envelopes show on lots
- N. Locations of existing structures
- O. Boundaries of flood plains or note stating that property is not within one

12.4.2.3 Plans and Details (where applicable)

- A. Site Plan
- B. Existing Conditions
- C. Grading Plan
- D. Soil and Erosion Control Plan
- E. Stormwater Plan
- F. Landscaping Plan
- G. Utility Plan

H. Lighting Plan

CHAPTER 13 NONCONFORMITIES

Section 13.1 Purpose and Applicability

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter. Many nonconformities may continue, but the provisions of this Chapter are designed to minimize substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this Ordinance.

Section 13.2 General Provisions for Nonconformities

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (work estimated to cost more than 10 percent but less than 50 percent of the taxed value of the structure) may be done provided that the work will not result in a violation of any other paragraphs of this Chapter. In no case, however, shall work costing more than 50 percent of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.
- B. Nothing herein shall prevent the maintenance, repair and extension of a nonconforming single-family dwelling, provided it is done in conformance with the dimensional requirements of the R-2 district, nor prevent the maintenance, repair, extension, or construction of a residential accessory building or swimming pool, provided done in conformance with the requirements of this Ordinance.
- C. Nothing herein shall prevent the reconstruction of a nonconforming single-family dwelling that was destroyed by fire or natural disaster provided such reconstruction conforms to the dimensional requirements of the R-2 district.

Section 13.3 Nonconforming Lots

13.3.1 Vacant Lots

This category consists of vacant lots for which plats or deeds have been recorded in the office of the register of deeds of Randolph County, which at the time of adoption of this ordinance fail to comply with the minimum area and/or width requirements of the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located provided that:

- A. Where the lot area or width is not more than 20 percent below the minimum specified in this ordinance, and other dimensional requirements are otherwise complied with, the Administrator is authorized to issue a zoning compliance permit.

- B. Where the lot area or width is more than 20 percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to consider a Variance of such dimensions as shall conform as closely as possible to the required dimensions.
- C. Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be combined to create a single lot or lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

13.3.2 Occupied Lots

This category of nonconformance consists of lots, occupied by buildings or structures at the time of the adoption of this ordinance, that fail to comply with the minimum requirements for area, width, yard and setbacks for the district in which they are located. These lots may continue to be used so long as no nonconforming situation is expanded or enlarged.

Section 13.4 Nonconforming Uses

13.4.1 Uses of Land

This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, and similar 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 legally established nonconforming open use of land may be continued except as follows:

- A. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.
- B. A nonconforming open use of land shall be changed only to a conforming use.
- C. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
- D. When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

13.4.2 Uses of Structures

This category of nonconformance consists of buildings or structures used at the time of enactment of this Ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- A. An existing nonconforming use of a structure may not be changed to another nonconforming use.
- B. When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- C. A nonconforming use of a structure may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except as follows:
 - 1. Structural alterations as required by law or ordinance to secure the safety of the structure are permissible;
 - 2. Maintenance and repair necessary to keep a structure containing a nonconforming use in sound condition are permissible; or
 - 3. Expansion of a nonconforming use of a building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.
- D. When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- E. A nonconforming use shall not be changed to another nonconforming use nor shall a nonconforming structure be replaced after it has been destroyed except upon approval by the Board of Adjustment. Such interpretation and finding by the Board of Adjustment shall follow the provisions set forth in Chapter 15.

Section 13.5 Nonconforming Structures

This category includes any structure not in conformance with the restrictions of this ordinance after the effective date of adoption. Such nonconformances shall include, but not be limited to, height, bulk, and setback. Such nonconforming structures shall be allowed to remain with the following conditions:

- A. A nonconforming structure may not be enlarged or altered except where maintenance and repair are necessary to keep the structure in sound condition.
- B. When any nonconforming structure is removed, it may not be replaced with another nonconforming structure.
- C. When any nonconforming structure is damaged, repair must follow the guidelines listed in Section 13.6.
- D. Structural alterations as required by law or ordinance to secure the safety of the structure are permissible.

- E. Conforming uses, except Adult Establishments, may be established or re-established in nonconforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated.

Section 13.6 Reconstruction of Damaged Structures

Any nonconforming structure or structure containing a nonconforming use which has been damaged by fire, wind, flood or other causes may be repaired and used as before provided:

- A. Damage does not exceed 60 percent of assessed value;
- B. Repairs are initiated within six (6) months and completed within one (1) year of such damage;
- C. The total amount of space devoted to a nonconforming use may not be increased;
- D. Reconstructed nonconforming structures may not be made more nonconforming by the repairs; and
- E. Where possible, any nonconforming structure shall be repaired or reconstructed in such a manner so as to minimize or ameliorate the nonconformance(s).

Section 13.7 Continuation of Manufactured Home Parks

Manufactured Home Parks (MH-O district only)

This section sets forth the standards required for all existing Manufactured Home Parks and expansions of existing Manufactured Home Parks. This district is established to provide fair standards and beneficial requirements for the siting, operation and maintenance of manufactured homes. It is the intention that such facilities, and the parks in which they are placed, shall be so located as to permit safe and sanitary living, convenience to centers of employment and commerce, schools and community facilities, and at the same time protect and enhance area-wide property values and general livability.

- A. Manufactured home park specifications.
 1. The lot area for a manufactured home parks shall be at least ten acres. All areas to be included in the park shall be clearly shown on site plans as required by this chapter.
 2. Each manufactured home in a manufactured home park shall occupy at minimum an 8,000 square foot space with an overall density not to exceed three manufactured homes per acre.
 3. All manufactured home park streets shall be paved to a width of at least 18 feet. These requirements are applicable only to expanding parks after the effective date of the ordinance from which this chapter is derived.

4. An identification sign shall be required.
 5. Two off-street parking spaces shall be provided for each manufactured home space. Required parking spaces may be included within the minimum square footage required for each manufactured home space. The driveway and parking spaces shall be paved.
 6. Each manufactured home shall be properly tied down in accordance with the provisions of the State of North Carolina Regulations for Manufactured/Mobile Homes, 1989.
 7. At least ten percent of the total park area shall be reserved within each manufactured home park as a common, passive, recreation space for the residents of the park. Such area shall, along with driveways and walkways, be adequately lighted for safety.
 8. No manufactured home shall be closer than 40 feet to another manufactured home or its ancillary structures or to a public road.
 9. Each park shall be supplied with public or community water and sewer.
 10. No manufactured home or its ancillary structures shall be located closer than 20 feet to a manufactured home street.
 11. All manufactured homes shall be set back at least 20 feet from side and rear lots lines and at least 40 feet from the front lot line of the park.
 12. An administrative fee, used to cover administrative costs, shall be paid to the code enforcement officer prior to site plans being reviewed by the planning board. A survey plat of the park shall be prepared by a registered surveyor and shall be drawn to scale on a map no larger than 24 inches by 36 inches. Such plans must show the area to be used for the proposed manufactured home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways and off-street parking spaces; the location of manufactured home spaces, recreation areas and service buildings; the location of sanitary conveniences including laundries and refuse receptacles; and the proposed plan of water supply, sewage disposal and electric lighting.
 13. All garbage and refuse shall be stored in suitable trash bins and covered with tight fitting covers. It shall be the park owner's responsibility to ensure service is made available to centrally located trash bins for the park.
 14. For Emergency 911 purposes, each unit or space shall be appropriately numbered for ease of identification.
 15. Proper animal control shall be the responsibility of each pet owner.
 16. It shall be the park owner's responsibility to ensure that abandoned automobiles (defined as those having an expired license plate or no plate at all) shall not be permitted to remain within the confines of the individual manufactured home space or that of any common area of the manufactured home park.
 17. All manufactured home abutting a state or city maintained road shall be oriented to ensure that the longest side is parallel, or as close as possible, to the front lot line.
 18. Any expansion of manufactured home parks in existence on the effective date of the ordinance from which this chapter is derived shall obligate such an area to comply with all the provisions of this section. The physical expansion shall be accomplished in such a manner that the existing acreage plus the additional acreage shall at minimum equal ten acres.
- B. Within 60 days after moving to a manufactured home park, vinyl or similar skirting shall be required on all manufactured homes. Should circumstances warrant, a 30-day extension may be obtained from the code enforcement officer. Within 180 days after passage of the ordinance from

which this chapter is derived, all units existing prior to adoption of such ordinance shall meet the vinyl skirting requirements.

- C. It shall be the duty of each manufactured home park operator to keep a register containing a record of all mobile home owners and occupants located within the park as follows:
1. The names of each manufactured home occupant;
 2. The names and addresses of the owner of each manufactured home;
 3. The make, model, year and license number of each manufactured home and motor vehicle;
 4. The state, territory or county issuing the manufactured home licenses; and
 5. The date of arrival and of departure of each manufactured home.

Section 13.8 Continuation of Nonconforming Manufactured Homes on Individual Lots

- A. Manufactured homes located on individual lots which become nonconforming structures may be continued until such time as the home is replaced. The replacement unit may not be another nonconforming structure. Manufactured homes on nonconforming lots may be continued. At such time as they are removed, the reestablishment of a manufactured home or any other structure on that lot is prohibited until such time as the lot is made to conform to the requirements of this ordinance.
- B. If an existing nonconforming manufactured home on a conforming lot is removed, it shall only be replaced with a conforming structure or building unless Certificate of Nonconformity Adjustment is issued by the Board of Adjustment in accordance with Section 15.5.9.
- C. If a nonconforming manufactured home is abandoned for a period of more than 180 days, the rehabilitation of the manufactured home shall be prohibited. The date of abandonment shall be that date at which the abandonment of the manufactured home becomes evident.

Section 13.9 Nonconforming Signs

- A. No nonconforming sign erected before the adoption of this chapter shall be moved or replaced without complying with the provisions of this chapter. In addition, under the following conditions, nonconforming permanent signs shall comply with the regulations of this Ordinance.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- C. A nonconforming sign may remain if only the sign face is replaced. The structure of a nonconforming sign may not be altered, moved, or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

- D. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted. Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.
- E. Any nonconforming sign damaged over 60 percent by any means, either shall be removed or repaired in a manner to conform with the regulations of this chapter. This does not include signs that have deteriorated over an extended period of time, and although the cost of repairing these signs may exceed 60 percent of their original value, they may exceed 60 percent of their original value, they may be repaired without conforming to the requirements of this Ordinance.
- F. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- G. If a nonconforming sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 90 days after the use has ceased operation or the service or commodity has ceased being offered. If there is a change of use or name of business on a particular piece of property, and there were one (1) or more on-premise signs which advertised the business, any new signs placed for the new use or business name must meet all sign requirements for the underlying zoning district.
- H. If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:
 - 1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - 2. The advertising message it displays becomes illegible in whole or substantial part; or
 - 3. It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Sign For Sale", etc. shall not be deemed to be an advertising message except for billboards).

Section 13.10 Nonconforming Landscaping and Buffering

In accordance with Chapter 7 of this Ordinance, certain uses are required to provide buffering and/or landscaping on-site. The following shall apply to nonconforming buffering and landscaping:

- A. Except as herein provided, any expansion of an existing use which is deficient in landscaping and/or buffering or any change in principal use cannot occur without the required screening and/or landscaping having first been provided on-site. The Central Business (B-1) District is exempt from this requirement.

- B. Expansions to the parking area or loading areas which increase the total area more than 20 percent shall be required to comply with all applicable parking and loading area landscaping and screening.

Section 13.11 Nonconforming Parking and Loading

- A. On any lot in any zoning district except the Central-Business (B-1) district, which contains a use which does not comply with the off-street parking and loading regulations contained in Chapter 8 of this Ordinance, no expansion or any change of use shall be approved which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.
- B. A Zoning Permit may be issued when there has been a change in a principal use and the number of off-street parking spaces required for the new use (per Chapter 9 of this Ordinance) is within 10 percent or 10 spaces, whichever is less, of the number of off-street parking spaces actually provided. Such relief may be granted on a one-time only basis per lot or planned development. In such instances where relief is provided, the additional parking spaces need not be paved (but shall have a graded gravel, crushed-stone or similar dust-reducing surface) if the parking lot prior to said expansion was not paved.

Section 13.12 Nonconforming Automobile Storage, Junk Yards, and Salvage Yards

Nonconforming automobile storage, junk yards, and salvage yards shall provide a Type A opaque buffer in accordance with Chapter 8 no later than one (1) year after the date of notification by the Administrator.

Section 13.13 Nonconforming Adult Establishments

- A. Any Adult Establishments that fails to comply with the use and locational requirements of this Ordinance but which was lawfully operating before the effective date of this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be nonconforming. Any such business which ceases active operation for a period of 30 days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
- B. Any Adult Establishments lawfully operating as of the effective date of this Ordinance, but which subsequently fails to comply with the use and locational requirements of this Ordinance as the result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be nonconforming. Any such business which ceases active operation for a period of 30 days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.

- C. Any Adult Establishments that is rendered a nonconforming use as a result of (A) and (B) above shall either cease to operate or meet all of the requirements of this Ordinance for the use no later than five (5) years from the date that the Adult Establishments becomes a nonconforming use.

CHAPTER 14 MAP AND TEXT AMENDMENTS

Section 14.1 Purpose

The purpose of this Chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Unified Development Ordinance text or Zoning Map are also set forth.

Section 14.2 Amendment Initiation

14.2.1 Map Changes

Proposed changes or amendments to the City of Randleman Zoning Map may be initiated by the Board of Alderman, Planning Board, Board of Adjustment, or by the owner(s), or his/her agent, of property within the area proposed to be changed.

14.2.2 Text Changes

Proposed amendments to the text of the Ordinance may be initiated by any interested party, unless the text amendment serves as a “down-zoning” as described in 14.2.3 below.

14.2.3 Down-zoning

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(a) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(b) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage." .

Section 14.3 Application Submittal

14.3.1 Applications for All Amendments

- A. An application form and fee shall be submitted by the applicant to the Administrator at least 30 days prior to the next regularly scheduled meeting of the Planning Board. A copy of the petition shall also be filed with the clerk to the Board of Aldermen.
- B. The petition shall state the nature of the proposed amendment, and, if applicable, a description of the property involved, names and addresses of the owners of the property, and a statement

why the proposed amendment is necessary to promote the public health, safety and general welfare.

- C. It shall be the responsibility of the Administrator to inform the applicant that, in the case of a general rezoning amendment, the Planning Board will not evaluate the petition based on a specific proposal or development of the property.
- D. Each petition for an amendment submitted by one (1) or more owners, optioners, or lessors, etc., of property within the City's jurisdiction shall be accompanied by a fee established by the Board of Aldermen intended to defray the cost of advertising and other administrative costs involved.
- E. The application form and fee shall be waived for any amendment request submitted by a Randleman official or agency acting on behalf of the City of Randleman.

14.3.2 Text Amendments

For text amendments, the application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

14.3.3 Map Amendments (Rezoning)

- A. For all map amendments (rezonings), applications shall contain a statement regarding the consistency of the request with adopted City plans and the surrounding area.

Section 14.4 Rezoning and Development Regulation Amendment Process

14.4.1 General Provisions

- A. Any proposed rezoning or amendment to other development regulations shall follow the City Board approval process as outlined in the Development Review Process in Section 11.4. The approval shall be performed by ordinance to reflect the map amendment or development regulation change. The Administrator shall oversee the updating of the Zoning Map to reflect the approved changes.
- B. When considering a standard rezoning request neither the Planning Board nor the City Board of Aldermen shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

14.4.2 Planning Board Action

The Planning Board shall have 30 days from the initial referral of the request by the Administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by

simple majority vote of those present and voting. The Planning Board shall include in their written recommendation a statement of consistency with adopted City plans and reasonableness pursuant to 160D-501 and 604 (d). If the Planning Board should fail to act on any proposed amendment within 30 days after it is referred, the request shall be forwarded to the Board of Aldermen without a recommendation.

1. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be made by the planning board and recommended to the governing board. This statement of reasonableness must comment on whether the proposed action is consistent or inconsistent with the adopted comprehensive plan and any other officially adopted plan that is applicable. Additional factors to consider around reasonableness for the governing board to consider include:
 1. (i) the size, physical conditions, and other attributes of the area proposed to be rezoned,
 2. (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community,
 3. (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
 4. (iv) why the action taken is in the public interest; and
 5. (v) any changed conditions warranting the amendment.
2. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the statement on reasonableness may address the overall rezoning.
3. The statement of reasonableness and plan consistency may be approved by a single statement.

14.4.3 City Board of Aldermen Action

- A. Upon receipt of a recommendation from the Planning Board, the City Board of Aldermen shall conduct a legislative public hearing. Notice of the public hearing shall be given as follows:
 1. A notice shall be published in a newspaper having general circulation in the City once a week for two (2) consecutive weeks provided that the first notice is published not less than 10 days nor more than 25 days prior to the date established for the public hearing. The expanded published notice option for rezonings (map amendments) noted in (2) below shall consist of a notice not less than one-half (1/2) of the newspaper page in size.
 2. A notice of the public hearing shall also be sent by first class mail by the Administrator or designee to the affected property and to all contiguous property owners including property separated by a street, railroad or other transportation corridor. The first class mail notice shall not be required if a Rezoning (map amendment) directly affects more than 50 properties owned by a total of at least 50 different property owners. Instead the City may elect to use expanded published notice as noted above in (A). However, property owners whose addresses are not within the general circulation area of the newspaper shall still receive a notice of public hearing by first class mail.

3. For Rezoning (map amendments), the City shall conspicuously post a notice of public hearing at the site proposed for rezoning at 25 days prior to the public hearing. When multiple parcels are included within a proposed map amendment, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be removed only after the public hearing has been held.
- B. The City Board of Aldermen shall include with its decision a written statement regarding the consistency and reasonableness of the request with adopted City plans and policies and the surrounding area as outlined in NCGS 160D-605, considering the Planning Board's written recommendations and reasonableness as outlined in Section 14.4.2 Planning Board Action.
- C. Any rezoning approved by the Town Board that may be inconsistent with the comprehensive or land development plan future land use map shall update the future land use map once the rezoning is approved.

Section 14.5 Resubmission of Request

- A. If the City Board of Aldermen has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Planning Board shall not review any applications for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial except as provided below.
- B. The Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:
 1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
 2. The City Board of Aldermen has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;
 3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or
 4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one (1) year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

CHAPTER 15 ADMINISTRATION

Section 15.1 Administrator

15.1.1 Duties and Powers

The various provisions of this Unified Development Ordinance shall be administered by the Administrator as appointed by the City Manager and designated Planning Department. The Administrator may appoint any person in this Department to assume his duties. It shall be the duty of the Administrator to carry out and enforce this Ordinance, remedy violations of this Ordinance, and issue permits in compliance with this Ordinance. Throughout this Ordinance, the Administrator may be referred to as “Administrator”, “Zoning Administrator”, “Subdivision Administrator”, or “Floodplain Administrator”.

15.1.2 Conflict of Interest

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

15.1.3 Inspections Procedure and Timing

Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

Section 15.2 Development Approvals and Permit Choice

15.2.1 Zoning Permit Required

- A. All zoning permits and building permits issued on the basis of plans and applications and approved by the County Building Inspector authorize only the use, arrangement, and construction of structures set forth in such approved plans and applications. Any use, arrangement, or construction of structures at variance with this Ordinance shall be deemed a violation, and shall be punishable as provided for in Section 15.4. No Building Permit shall be issued until the Zoning Permit is issued.
- B. If an application made in accordance with the City of Randleman Ordinance is submitted for a permit or development approval and the development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application.

- C. Reasonable fees sufficient to cover the costs of administration and enforcement may be charged to applicants. The amount of such fees shall be fixed by the Board of Aldermen. Public agencies, such as city government, county government, state government and the federal government shall be exempt from all fees.
- D. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action as authorized by the Permit is commenced within twelve (12) months of issuance and provided that all other permits are obtained. Otherwise the Permit shall be void.
- E. Development approvals and permits must be provided in writing, print or electronic notification. If provided electronically, the file must be protected from editing pursuant to N.C.G.S. 160D – 403(a).
- F. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approval or permit attach to and run with the land.

15.2.2 Application Procedures

- A. Each application for a zoning permit shall be accompanied by a plot plan showing:
 1. The shape and actual dimensions of the lot to be built upon;
 2. The location of the said lot with respect to adjacent rights-of-way;
 3. The nature of the proposed use of the building or land;
 4. The size of the building to be erected;
 5. The location of the building on the lot;
 6. The location of existing structures on the lot (if any);
 7. The location and dimensions of parking and driveways; and
 8. Such other information as may be essential for determining whether the provisions of this zoning ordinance are being observed.
- B. Those developments that require Planning Board or City Board of Aldermen approval shall be subject to the approval process and submittal requirements of Chapters 11 and 12 prior the issuance of a Zoning Permit.

15.2.3 Conditions of Approval

Zoning Permits issued on the basis of an application and plan approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved applications and plans. Use, arrangement, or construction which differ from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Section 14.4 of this Ordinance.

15.2.4 Right of Appeal

If the Zoning Permit is denied, the applicant may appeal the action of the Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within 30 days of such permit denial.

15.2.5 Expiration of Zoning Permit

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months from its date of issuance, or if the work authorized by it is suspended or abandoned for a period of twelve (12) months.

15.2.6 Records Maintained

The Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.

15.2.7 Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- A. Street construction or repair
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- C. Specific signs exempted in Chapter 10 of this Ordinance
- D. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses
- E. Interior alterations and renovations which do not alter the footprint, elevation, height, or use of an otherwise conforming use and/or structure

Section 15.3 Certificates of Occupancy

15.3.1 Final Zoning Inspection

The Administrator shall conduct a final zoning inspection of any new or expanded structure (except single-family and two-family residential uses) prior to the issuance of a Certificate of Occupancy by the Randolph County Building Inspector. During the final zoning inspection, the Administrator shall ensure that all minimum requirements and conditions of approval have been met and that the project matches the approved site plan.

15.3.2 Certificate of Compliance Required

- A. No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of occupancy has been issued.
- B. A certificate of compliance, either for the whole or a part of a building, shall be applied for at the time that the application for a zoning permit is made, and shall be issued within 10 days after the erection or structural alterations of that building, or part of that building, and shall have been completed in conformity with the provisions of this Ordinance. A certificate of compliance shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of compliance is denied for not meeting the provisions of this Ordinance, the Administrator shall state in writing the reasons for the refusal and the applicant shall be notified of the refusal.

- C. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person(s) having proprietary or tenancy interest in the building or land involved.

15.3.3 Temporary Letter of Compliance

A temporary letter of compliance may only be issued for projects that have landscaping requirements and the weather is not suitable for the installation of such landscaping. A temporary certificate of occupancy shall expire after a period of three (3) months. A final certificate of compliance shall not be issued until such landscaping is installed.

Section 15.4 Penalties

- A. Nothing in this Ordinance, nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Ordinance shall subject the violator to the penalties and remedies, either criminal or civil or both.
- B. In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction or other appropriate action to prevent such violation may be instituted by the Administrator, the Randolph County Building Inspector, any other appropriate City authority, or any person who may be damaged by such violation.
- C. The owner, tenant or occupant of any land or structure, or part thereof and any architect, engineer, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to the penalties and remedies provided in this chapter.
- D. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Chapter, or any structure or land is used in violation of this chapter, the Administrator shall inform the city attorney. The city attorney may institute any appropriate action or proceeding to prevent, restrain, correct or abate the violation.

15.4.1 Criminal Penalties

Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed 500 dollars and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within 10 days of receipt of the warning citation.

15.4.2 Equitable Remedy

The Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Administrator's

application for equitable relief that there are other remedies provided under general law or this Ordinance.

15.4.3 Injunction

Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

15.4.4 Order of Abatement

- A. In addition to an injunction, the Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case.
- B. An order of abatement may direct any of the following actions:
 - 1. Buildings or other structures on the property be closed, demolished, or removed;
 - 2. Fixtures, furniture or other moveable property be moved or removed entirely;
 - 3. Improvements, alterations, modifications or repairs be made; or
 - 4. Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

15.4.5 Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

A.4.6 Stop Work Order Issuance and Revocation of Permits

- A. Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Ordinance, the Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.
- B. The Administrator may revoke any permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation

of this Ordinance. The City of Randleman shall follow the same development review and approval process required for issuance of the permit or development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays shall be applicable.

1. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

15.4.7 Civil Penalty

A. In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to NCGS 160A-175, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Administrator.

B. Subsequent citations for the same violation may be issued by the Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Administrator through the Board of Adjustment. Once the 10-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Administrator.

C. The following penalties are hereby established:

| Citation | Civil Penalty |
|----------------------|----------------------------------|
| Warning | Correct Violation within 10 days |
| First | \$50.00 |
| Second | \$100.00 |
| Third and Subsequent | \$200.00 |

D. If the offender fails to pay the civil penalties within five (5) days after having been cited, the City may recover the penalties in a civil action in the nature of debt.

Section 15.5 Board of Adjustment

15.5.1 Powers and Duties

The zoning Board of Adjustment shall have the following power to review and decide upon the following:

- A. Appeals (Administrative Review)-To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- B. Variances- To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- C. Certificate of Nonconformity Adjustment-To hear and decide on Certificates of Nonconformity for alteration or replacement of a nonconforming use in accordance with Section 13.4.2 (D).

15.5.2 Establishment

- A. A zoning Board of Adjustment is hereby established. This Board shall consist of 12 members as follows:
 - 1. Three (3) members shall reside within the municipal corporate limits and shall be appointed by the City Board of Aldermen; and three (3) members from the City Board of Aldermen
 - 2. Six (6) members shall reside within the City's extraterritorial jurisdictional (ETJ) area and shall be appointed by the Randolph County Board of Commissioners.
- B. In addition, there shall be at least two (2) alternate members appointed to the Board. Any alternate member, while attending any meeting of the Board and serving in the absence of a regular Board member, shall have and may exercise all the powers and duties of a regular member. Any in-City alternate may only replace any in-City regular Board member; any extraterritorial alternate may only replace any extraterritorial regular Board member.
- C. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- D. Members may be compensated as designated by the Board of Aldermen and may be reimbursed for the expenses incurred while representing the Board.
- E. Members may be removed for cause by the Board of Aldermen upon written charges after a public hearing.
- F. Members are required before entering their duties to take an oath of office administered by a person authorized to administer the oath, which shall be filed with the City Clerk.

15.5.3 Jurisdictions and Decisions

The ETJ Board members and alternates shall have equal rights, privileges, and duties as the in-City Board members and alternates in all matters. The concurring vote of 4/5 of members of the Board shall be necessary to grant a variance from the provisions of this ordinance. A simple

majority is required to reverse any order, requirement, decision, or determination of the zoning enforcement officer or other decisions..

15.5.4 Rules of procedure

The Board of Adjustment shall adopt rules of procedure maintained by the City Clerk or other official that is separate from this Ordinance that shall, at a minimum, provide for:

- General rules
- Officers and duties
- Rules of conduct for members
- Meetings
- Amendments to the rules of procedure
- Keep minutes of proceedings and make them available on the City website.

15.5.5 Conflict of Interest

A member of the Board of Adjustment exercising quasi-judicial decisions 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 violations of due process 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. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild.

15.5.6 Appeals, Hearings and Notices

- A. Any person aggrieved by a decision of the zoning Board of Adjustment may, within 30 days from the filing of the decision of the Board, but not thereafter, present to the Superior Court a petition for a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Thereupon such decision of the zoning Board of Adjustment shall be subject to review as provided by law. It is presumed that a notice or correspondence is received 3 days after it is sent.
- B. An appeal from the decision of the Administrator may be taken to the zoning Board of Adjustment by any person aggrieved by such decision. Such appeal shall be made in writing to the zoning Board of Adjustment and to the Administrator specifying the grounds therefor.
- C. The zoning Board of Adjustment shall hold hearings at which specific appeals shall be heard, notice of such hearings being made public in at least two of the following ways:
 1. Publishing a public notice in a newspaper of general circulation at least 15 days before the hearing
 2. Posting signs concerning the hearing in the neighborhood which is affected
 3. Sending written notices to all the adjoining property owners.With any of the three (3) methods of notice, the wording should contain the time, date, place, general nature of the question involved and the property which will be affected.

15.5.7 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the Administrator from whom the appeal is taken certifies to the zoning Board of Adjustment after the notice of appeal has been filed with the Administrator, that by reason of facts stated in the certificate, a stay would in the Administrator's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning Board of Adjustment or by a court of record on application of notice of the Administrator from whom the appeal is taken and upon due cause shown. The zoning Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereof to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, by agent, or by attorney.

15.5.8 Quasi-Judicial Procedure

The Board of Adjustment shall follow statutory procedures for quasi-judicial development decisions as set forth in G.S. 160D-102(28). The Board must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. The evidentiary hearing must have testimony under oath and must establish written findings of fact and conclusions of law as provided in G.S. 160D-406.

The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board Chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

In the case of an appeal of administrative or staff decision, the official who made the decision (or the successor if no longer employed) must appear as a witness in the appeal..

15.5.9 Variances

- A. The zoning Board of Adjustment may authorize in specific cases variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- B. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.
- C. Variances may be granted in such individual case of unnecessary hardship upon a finding by the zoning Board of Adjustment that the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
3. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
7. The variance is not a request to permit a use of land, building, or structure which is not permitted by right in the district involved.

15.5.10 Certificate of Nonconformity Adjustment

- A. A Certificate of Nonconformity Adjustment shall be required to enlarge, expand or otherwise alter any Nonconforming Use or Structure as set forth in this Section 13.1. A Certificate of Nonconformity Adjustment shall be issued by the Board of Adjustment subject to the requirements of this section.
- B. Application for a Certificate of Nonconformity Adjustment shall be submitted on a form prescribed by the Administrator. An applicant for a Certificate of Nonconformity Adjustment shall submit a detailed plan of the existing site, showing, the degree of Nonconformity with respect to the dimensional and design regulations of this Ordinance. In the case of a Nonconforming Use the application shall include a detailed explanation of the current Use including documentation of traffic generated by the current use.
- C. After the hearing for a nonconformity adjustment, the Board of Adjustment will either approve or deny the request. The Board's decision to approve may be based upon the applicant agreeing to site changes. The decision to approve or deny shall be made based on the following criteria:
 1. Noise. Does the nonconformity create noise above and beyond levels considered normal to the area?
 2. Traffic. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
 3. Other measurable, physical effects. Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?
 4. Surrounding property values. Does the nonconformity detract from the prevailing property values?
 5. Aesthetics. Does the nonconformity compliment or detract from the overall aesthetic character of the area?
- D. If the Board of Adjustment, after an analysis of the facts of the situation, finds the nonconformity cannot be adjusted, it will be handled as such and subject to those provisions of this Ordinance which deal with unreformable nonconformities. Appeals from the Board of Adjustment shall be filed with the Clerk Randolph County Superior Court within 30 days of

the final decision of the Board. The Board of Adjustment's decision shall be considered a final decision after the Board approves the official minutes containing such during an official meeting.

- E. Certificates of Nonconformity Adjustment may be issued with or without conditions. Such conditions shall "run with the land" and subject all future property owners with the same restrictions.

15.5.11 Appeals of Decisions

Any person or persons, jointly or individually, aggrieved by any decision of the zoning Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the City of Randleman may within 30 days after the filing of the decision in the office of the board, but not thereafter, 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 ground of illegality, whereupon such decision of the Board shall be subject to review by certiorari as provided by law.

Section 15.6 Planning Board

15.6.1 Authority and Duties

The Planning Board shall have the following duties and responsibilities:

- A. To review and approve or deny requests for Major Site Plans.
- B. To review, hold "courtesy hearings", and make recommendations for Vested Rights Plans, Text Amendments, and Map Amendments (Standard and Conditional Rezonings).
- C. To render opinions and make recommendations on all issues related to the Unified Development Ordinance, Zoning Map, Comprehensive Plan, and other land use plans which may be adopted from time to time and which require approval by the City Board of Aldermen.

15.6.2 Membership

The Planning Board shall consist of a total of 12 members.

- A. Representation shall be provided by appointing at least 6 residents of the extraterritorial jurisdiction (ETJ). Representatives from within the City limits shall be appointed by the Randleman City Board of Aldermen. Representatives from the ETJ area shall be appointed by the Randolph County Board of Commissioners.
- B. All members shall serve for overlapping terms of three (3) years.
- C. Members are required before entering their duties to take an oath of office administered by a person authorized to administer the oath, which shall be filed with the City Clerk.

15.6.3 Meetings, Hearings, and Procedures

- A. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board. Such rules of procedures may be amended by the Planning Board membership.

B. Any rules of procedure adopted by the Planning Board shall be kept on file at the offices of the Administrator and shall be made available to the public at any meeting or hearing of the Planning Board.

C. The planning board shall keep minutes of its proceedings.

15.6.4 Conflict of Interest

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild.

Section 15.7 City Board of Aldermen

15.7.1 Authority and Duties

The City Board of Aldermen shall hold the following powers and duties related to this Ordinance:

A. To review, hold public hearings, and make decisions for Vested Rights requests, Text Amendments, and Map Amendments (Standard and Conditional Rezoning).

B. To make decisions on all issues related to the Unified Development Ordinance, Zoning Map, Comprehensive Plan, and other land use plans which may be adopted from time to time.

C. The duties of the Board of Aldermen in connection with this Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as set out in Section 15.5 and performed by the Board of Adjustment.

D. Minutes and records of Board of Alderman decisions shall be maintained.

15.7.2 Conflict of Interest

A Board of Alderman member shall not vote on any legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild.