



Randolph County

Administration
725 McDowell Road
Asheboro, North Carolina 27205
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MEMORANDUM

To: Randolph County Commissioners

From: Kim Heinzer

Date: July 24, 2026

Subject: Unified Development Ordinance (UDO) Revisions and Legislative Updates

The North Carolina General Assembly, through its legislative role, provides for counties and municipalities to adopt and enforce zoning regulations. Every year the General Assembly makes changes to general statutes including the statutes that impact zoning regulations and 2025 and 2026 were no exception.

Along with the legislative changes there are a few general modifications:

- Updates to the floodplain section of the UDO to reflect the new State Model Floodplain Ordinance in anticipation of adopting the updated flood maps for Randolph County.
- Addition of language for temporary RV as an allowable use in catastrophic events.
- Requirement modifications for Development Impact Analysis and neighborhood information meetings.
- Removal of duplicate definitions

In addition to the general modifications are significant additions to the ordinance governing data centers:

- Perimeter Security location to be added to the site plan
- Requiring Closed-Loop water or liquid cooling system
- Must be connected to an existing electric grid prior to Certificate of Occupancy
- Power Generators only to be used during emergency outages or for routine testing
- Noise Impact study required before and after completion of the project
- Decommissioning Requirements

Following this cover memo is a summary of all the recommended changes to the Randolph County Unified Development Ordinance.

The Randolph County Planning and Zoning Board unanimously recommended forwarding these changes to the Board of Commissioners for approval at their July Meeting.

Staff requests that the Board approve the updated Unified Development Ordinances.

Summary of Changes to the *Randolph County Unified Development Ordinance*

The following changes are proposed to the Unified Development Ordinance, which involve required legislative updates as well as general updates to provide clarity and adjustments to our existing regulations.

1. Floodplain Section of UDO (Article 900) has been updated to reflect the new State Model Floodplain Ordinance in anticipation of adopting the updated flood maps for Randolph County. The continued participation in the National Flood Insurance Program is based on the approval of these changes and includes moving the definitions specifically for floodplain to this section of the Ordinance.
2. Legislative Updates
 - Definition Updates
 - Recording requirements and processes relating to properties when zoning jurisdiction is split by County lines
 - Changes as they relate to down-zoning and Voluntary Ag Districts
 - Requirements related to denied or withdrawn Rezoning, Special Use, or Variance requests
 - Clarification of vested rights
 - Prohibiting zoning from setting minimum square footage on structures
 - Limits placed on local government to regulate the display of American Flags on private property.
 - State of NC or UNC construction projects being exempt from County zoning
3. General Updates:
 - Requirement modifications for Development Impact Analysis and Neighborhood Information Meetings (going from **will** prepare to **may** prepare Pg.180/181)
 - Removing electromagnetic frequency referencervs from the regulation requirements for Telecommunication Towers, as they are regulated by the FCC (Pg.259/262).
 - Clarification for front yard setbacks to make definition clearer for citizens
 - Removed marginal land from the additional land requirements for development (Pg.335)
 - Added Temporary RV as an allowable use (temporary residence) in catastrophic events (fire or natural disaster damage to primary residence, Pg. 264)
4. Data Processing Facility requirements (Pg. 214)
 - Perimeter Security location to be added to the site plan
 - Requiring Closed-Loop water or liquid cooling system
 - Must be connected to an existing electric grid prior to Certificate of Occupancy
 - Power Generators only to be used during emergency outages or for routine testing
 - Noise Impact study required before and after completion of the project
 - Decommissioning Requirements



READERS GUIDE

In 1905, the North Carolina General Assembly passed the first law to allow land development regulations in North Carolina.

On June 28, 2019, the North Carolina General Assembly passed NCGS § 160D, *An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State*, along with several other bills that made changes to land-use laws in North Carolina.

The process to approve these changes started in 2015 when changes were first introduced by the North Carolina Homebuilders Association. The North Carolina Bar Association Zoning, Planning, and Land Use Section introduced changes to the statutes that they thought needed to be included, and other organizations got involved. The North Carolina House of Representatives passed the bill in 2015, but the North Carolina Senate did not take up the bill. In 2017, the Senate passed the bill, but the House of Representatives did not consider the bill. Finally, in 2019, both houses of the North Carolina General Assembly took up the bill, passed it, and reconciled the bill with it ultimately being signed by the Governor on July 11, 2019. ~~Other revisions to the North Carolina General Statutes continue even today as this Ordinance is adopted.~~

~~Since the original adoption of NCGS § 160D, the North Carolina General Assembly had made numerous changes to the statutes, and, as a result, Randolph County has had to updated the *Randolph County Unified Development*. Over the years, there have also been changes to various Ordinances as directed by various State agencies such as the North Carolina Department of Environmental Quality and the North Carolina Department of Public Safety. When these changes are required the Planning Staff works to make the changes as required and brings these updates to the Randolph County Planning Board and the Randolph County Board of Commissioners for their review and ultimate adoption. The Planning Staff wishes to thank the Randolph County Planning Board, the Randolph County Board of Commissioners and the citizens of Randolph County for their review, adoption and understanding of the required changes. The changes contained in NCGS § 160D are numerous and complex. The Staff of the Randolph County Department of Planning and Zoning has worked for over a year implementing the changes as required by the new statutes. Part of the process of the overhaul was to make *The Randolph County Unified Development Ordinance* more user friendly and to comply with certain statutory provisions contained in NCGS § 160. What follows is the revised and updated *Randolph County Unified Development Ordinance*.~~

~~Readers and users shall make note of the following information.~~

~~1. Session Law 2019-111, the law that created NCGS § 160D, had a different numbering sequence. The Reconciliation Commission changed the numbering sequence, and the information contained in this *Randolph County Unified Development Ordinance* matches that sequence for most of this Ordinance.~~

2. ~~The existing *Randolph County Unified Development Ordinance* has been reformatted. Information that was previously contained in Article II (Zoning) of the previous Ordinance can be found in Article 600.~~





Whenever a city or Randolph County, according to NCGS § 160D-202, acquires jurisdiction over a territory that heretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights in the surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or Randolph County acquiring jurisdiction may take any action regarding such a development approval, certificate, or other evidence of compliance that could have been taken by the local government releasing jurisdiction according to its development regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or Randolph County has acquired jurisdiction is subject to the development regulations of the city or Randolph County.

209: SPLIT JURISDICTION

If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for this Ordinance, the local governments may, by mutual agreement according to Article 20 of Chapter 160A of the North Carolina General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Ordinance for the land including all development phases on the land, entire parcel to any one of those local governments.

In the event no mutual agreement or written consent under the above section exists, the landowner of land lying within the planning and development regulation jurisdiction of more than one local government may elect the planning and development regulations of the local government where the majority of the total acreage of the parcel of land is situated.

~~Such a mutual agreement~~ This section shall only apply to planning and development regulations and shall not affect taxation or other non-regulatory matters. The mutual agreement is evidenced by a resolution formally adopted by each governing board and recorded with the ~~Randolph County~~ Register of Deeds in every County where the land is located and within 14 days of the adoption of the last required resolution.

210: PENDING JURISDICTION

After consideration of a change in a local government jurisdiction has been formally proposed, the local government that is potentially receiving jurisdiction may receive and process proposals to adopt development regulations and any application for development approvals that would be required in that local government if the jurisdiction is changed. No final decision is made on any development approval before the actual transfer of jurisdiction. Acceptance of jurisdiction, adoption of development regulations, and decisions on development approvals may be made concurrently and may have a common effective date.



hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

B. DEVELOPMENT REGULATION ADOPTION

Any development regulations adopted according to NCGS § 160D shall be adopted by ordinance. If the newly adopted development regulation applies to any matter addressed in this Ordinance, this Ordinance shall be deemed amended when the proposed ordinance is adopted.

C. ORDINANCE REQUIRED

A development regulation adopted under this Chapter shall be adopted by ordinance.

D. DOWN-ZONING¹

No amendment to zoning regulations or a zoning map that down-zones property ~~shall be initiated, nor is it enforceable shall be initiated, enacted, or enforced~~ 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:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage; ~~or~~
- (2) 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; or
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

E. VOLUNTARY AGRICULTURAL DISTRICTS OR ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS

Randolph County requires additional review of rezoning projects in Voluntary Agricultural Districts per NCGS 106-740 and Session Law 2025-12. Any parcel in a Voluntary Agricultural District or Enhanced Voluntary

¹ HB161 has been filed in the North Carolina General Assembly in 2025. If adopted as a general statute, this section of the *Randolph County Unified Development Ordinance* would be removed.



Agricultural District must have the following review process completed by a State or local public agency or governmental unit:

- (1) The agency or body that intends to rezoning the qualifying farmland requests that the Randolph County Voluntary Agricultural District Advisory Board hold a public hearing and make a recommendation on the rezoning;
- (2) The Randolph County Voluntary Agricultural District Advisory Board has forty-five days from the date is received the request for a public hearing to hold the hearing and submit findings and recommendations; and
- (3) Randolph County must wait one hundred and twenty days after the Randolph County Voluntary Agricultural District Advisory Board submits findings and recommendations to initiate the rezoning.

409: NOTICE OF HEARING ON PROPOSED ZONING MAP AMENDMENTS

A. MAILED NOTICE

Subject to the limitations of this Article, the ordinance provides the way zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, following the provisions of this Article. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For this section, properties are *abutting* even if separated by a street, railroad, or other transportation corridors. This notice must be deposited in the mail at least ten but not more than twenty-five days before the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under NCGS § 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice, and the combined hearing notice mailed at least thirty days before the hearing.

B. OPTION OF MAILED NOTICE FOR LARGE-SCALE ZONING MAP AMENDMENTS

The first-class notice required under subsection (A) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than fifty parcels, owned by at least fifty different property owners, and Randolph County elects to use the expanded



The plan consistency statement is not subject to judicial review. If a zoning map amendment qualified as a *large-scale rezoning* under NCGS § 160D-602 (d), the Randolph County Planning Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

B. STATEMENT OF REASONABLENESS

When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed zoning shall be approved by the Randolph County Planning Board. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action is in the public interest; and (v) any changes or conditions warranting the amendment. If a zoning map amendment qualifies as a *large-scale rezoning* under NCGS § 160D-602 (b), the Randolph County Planning Board statement on reasonableness may address the overall rezoning.

C. APPEALS

Any appeals of the decision to adopt or reject any zoning text or map amendment made by the Randolph County Planning Board shall be made to the Randolph County Board of Commissioners as outlined in Article 400, Section 411 (A) above. The requirements for a Statement of Reasonableness and Plan Consistency Statement shall be the same for an appeal as it exist for the original action by the Randolph County Planning Board. This includes amending the adopted comprehensive or land-use plan as outlined in this section.

D. SINGLE STATEMENT PERMISSIBLE

The Statement of Reasonableness and the Plan Consistency Statement required by this section may be approved as a single statement.

E. REHEARING OF WITHDRAWAL OR DENIED REQUEST

~~No such proposed change in the Zoning Ordinance or map if denied by action of the Randolph County Board of Commissioners or the Randolph County Planning Board may be resubmitted within one year from the date of such denial, unless the Board that denied such request unanimously finds that changing conditions in the area or new information concerning the property requested for rezoning warrant a resubmission for change in the Zoning Ordinance or map. The Randolph County Unified Development Ordinance may not include waiting periods prohibiting a landowner.~~



developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval (ex. Special Use Permit or Variance).

Quasi-judicial requests are subject to judicial review as provided for in Article 600, Section 620.

413: MORATORIA

A. AUTHORITY

Randolph County may adopt temporary moratoria on any development approval required by law, except for developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable considering the specific conditions that warrant the imposition of the moratorium and may not exceed the period necessary to correct, modify, or resolve such conditions.

B. HEARING REQUIRED

Except in cases of an imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of sixty days or any shorter period, the Randolph County Board of Commissioners shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of sixty-one days or longer, and any extension of a moratorium so that the total duration is sixty-one days or longer, is subject to the notice and hearing requirements of NCGS § 160D-601.

C. EXEMPT PROJECTS

Absent an imminent threat to public health or safety, a development moratorium adopted under this section does not apply to any project for which a valid building permit issued according to NCGS § 160D-1108 is outstanding, to any project for which a Special Use Permit application has been accepted as complete, to development outlined in a site-specific vesting plan approved according to NCGS § 160D-108.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid development approval or to preliminary or final subdivision plats that have been accepted for review by Randolph County Planning and Zoning staff before the call for a hearing to adopt the moratorium. A preliminary subdivision plat accepted for review by Randolph County Planning and Zoning before the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval



change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by this Ordinance, except where a change in State or federal law mandating Randolph County enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.

D. DURATION OF VESTING

Upon issuance of a development permit, the statutory vesting granted by subsection (C) of this section for a development project is effective upon the filing of the application under NCGS § 143-755, for so long as the permit remains valid under the law. Unless otherwise specified by this section or other statutes, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For this section, a permit is issued either in the ordinary course of business of Randolph County or by Randolph County as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for not less than twenty-four consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for not less than twenty-four consecutive months. The twenty-four-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The twenty-four-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

E. MULTIPLE PERMITS FOR DEVELOPMENT PROJECT

Subject to subsection (D) of this section, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project, and update the submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within eighteen months of the date following the approval of an initial permit. This subsection does not limit or affect the duration of any vested right established under subsection (D) of this section. For



Any regulation relating to building design elements adopted under NCGS § 160D may not be applied to any structures subject to regulation under the North Carolina Residential Code except under one or more of the following circumstances:

- (1) The structures are in an area designated as a local historic district according to Part Four of Article Nine of NCGS § 160D;
- (2) The structures are in an area designated as a historic district on the National Register of Historic Places;
- (3) The structures are individually designated as local, State, or national historic landmarks;
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under NCGS § 143-138;
- (5) Where the regulations are applied to manufactured housing in a manner consistent with NCGS § 160D-907 and federal law; or
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional zoning district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review according to NCGS § 160D-604 or NCGS § 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive or land-use plan or other applicable officially adopted plans.

For this subsection, the phrase *building design elements* is defined in Article 100, Section 102.

Nothing in this Ordinance affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

C. MINIMUM SQUARE FOOTAGE LIMIT DESIGN METHODOLOGY AND CONSTRUCTION STANDARDS



~~The zoning regulations shall not set the minimum square footage of any structures subject to regulation under the North Carolina Residential Code. A zoning or other development regulations shall not do any of the following:~~

- ~~(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code;~~
- ~~(2) Require a parking space to be larger than nine feet wide by twenty feet long unless the parking space is designated for handicap, parallel, or diagonal parking;~~
- ~~(3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings; or~~
- ~~(4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.~~

~~For purposes of this section, the term *public road* shall mean any road, street, highway, thoroughfare, or other way of passage that is owned by a city or the Department of Transportation.~~

603: ZONING DISTRICTS

A. TYPES OF ZONING DISTRICTS

Randolph County has divided its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, this Ordinance applies regulations and restrictions to the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not limited to:

- (1) Conventional districts in which a variety of uses are allowed as permitted uses or uses by right, and that may also include uses permitted only with a Special Use Permit;
- (2) Conditional districts in which site plans or individualized development conditions are imposed; or



owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the Special Use Permit or regulations. Any modification applies only to those properties whose owners apply for the modification. . If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

D. **VARIANCES**

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Randolph County Zoning Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of evidence by the applicant of **all** the following requirements:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be a basis for granting a Variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a Variance is not self-created hardship; and
- (4) The requested Variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by a Variance. Appropriate conditions may be imposed on any Variance if the conditions are reasonably related to the Variance. Any other development regulation that regulates land use or development may provide for a Variance from the provisions of those ordinances consistent with the provisions of this subsection.



be used for bona fide farm purposes becomes subject to the exercise of the municipal extraterritorial planning and development regulation jurisdiction under NCGS 160D. For purposes of complying with State or federal law, property that is exempt from municipal zoning under this subsection shall be subject to the *Randolph County Flood Damage Prevention Ordinance*.

D. **BEEHIVES**

Restrictions on beehives shall be consistent with the limitations of NCGS § 160-645.

E. **VOLUNTARY AGRICULTURAL DISTRICTS**

Randolph County requires additional review of rezoning projects in Voluntary Agricultural Districts per NCGS 106-740 and Session Law 2025-12. Any parcel in a Voluntary Agricultural District or Enhanced Voluntary Agricultural District must have the following review process completed by a State or local public agency or governmental unit:

- (1) The agency or body that intends to rezoning the qualifying farmland requests that the Randolph County Voluntary Agricultural District Advisory Board hold a public hearing and make a recommendation on the rezoning;
- (2) The Randolph County Voluntary Agricultural District Advisory Board has forty-five days from the date is received the request for a public hearing to hold the hearing and submit findings and recommendations; and
- (3) Randolph County must wait one hundred and twenty days after the Randolph County Voluntary Agricultural District Advisory Board submits findings and recommendations to initiate the rezoning.

608: ZONING DISTRICTS

According to the authority granted in NCGS § 160D-703, the Randolph County Board of Commissioners divides the County into zoning districts with the designations as listed below, including any corresponding Conditional Districts. Furthermore, any Conditional Use District heretofore adopted by the Randolph County Board of Commissioners is changed to a Conditional District according to NCGS § 160D-703 upon the effective date of this Ordinance.

DISTRICT	NAME
CC	Community Commercial District



- (f) Proposed landscaping, with property buffers between other uses;
- (g) Location of flood hazard areas and any other lands not suitable for development;
- (h) Size and location of signs;
- (i) Location and type of security lighting; and
- (j) Water resource and stormwater management provisions.

L. WATERSHED OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

The *Watershed Overlay District* is designed to promote the public health, safety, and general welfare of the citizens of Randolph County. Specific information regarding this overlay district can be found in Article 800, Watershed Protection Ordinance.

615: PROCEDURES FOR SUBDIVISION OVERLAY DISTRICTS

A. DEVELOPMENT PRE-CONFERENCE

The applicant may meet with the designated Randolph County Planning and Zoning Staff on-site to discuss the overall design of the development and identify Open Space Areas that could be incorporated into the plan before filing for rezoning.

B. SUBMITTAL OF PRELIMINARY PLAT AND APPLICATION

The required information for the preliminary plat can be found in Article 700, Section 719, in this Ordinance. The preliminary plat may be submitted electronically.

C. TECHNICAL REVIEW

The Planning Staff ~~may~~**will** prepare a *Development Impact Analysis* under the requirements of this Ordinance. The Planning Staff shall also review the preliminary plat to ensure that it contains the required information found in Article 700, Section 719 in the Ordinance, and for clarity and understanding.

D. PLANNING STAFF RECOMMENDATIONS

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



applicant or surveyor will be told of the cut-off date for the final submission of the preliminary plat and the payment of any fees associated with the rezoning.

E. NEIGHBORHOOD INFORMATION MEETING

Randolph County ~~mayshall~~ sponsor a Neighborhood Information Meeting involving the developer, Randolph County Planning and Zoning Staff, and adjacent property owners. The informal meeting is designed to provide a time when adjoining property owners might meet with the developer and the Randolph County Planning Staff to review preliminary residential subdivision proposals before the formal presentation at public hearings to the Randolph County Planning Board. The Neighborhood Information Meeting ~~mayshall~~ be held by the Randolph County Planning and Zoning Department before scheduling the Randolph County Planning Board hearing. The notifications shall follow the procedures as outlined in NCGS § 160D, except for the legal advertisement, which shall not be required for Neighborhood Information Meetings. Also, the property for which the rezoning is proposed shall be posted before the public hearing.

F. TECHNICAL REVIEW COMMITTEE

The Technical Review Committee ~~mayshall~~ meet again in person or via electronic communications, including electronic mail, after the Neighborhood Information Meeting to consider the input received from the meeting. The Committee discusses all the information submitted and then makes a recommendation to the Randolph County Planning Board based upon the entirety of the proposal and its compliance or non-compliance with this Ordinance and the *Randolph County Growth Management Plan*.

G. ZONING CHANGE PROCEDURES

The applicant shall follow those procedures outlined in this Ordinance within Article 400, Sections 408 through 412.

616: IMPACT ANALYSIS FOR MAJOR RESIDENTIAL REZONING REQUESTS

A. PURPOSE AND INTENT

Development policies outlined in the *Randolph County Growth Management Plan* and regulated through this Ordinance are specifically designed to encourage long-term planning among property owners, developers, and ~~the~~ County government. The *Development Impact Analysis* is a key component of major residential rezoning requests. Its use allows the Randolph County Board of County Commissioners, Randolph County Planning Board, the citizens and appropriate staff to determine the feasibility of a rezoning proposal based on its impact on the



community and the capacity of Randolph County to provide adequate public facilities.

B. IMPACT ELEMENTS

The Technical Review Committee mayshall prepare ~~information outlined in thea~~ *Development Impact Analysis* for all major residential subdivision development proposals. ~~or related Special Use Permit applications.~~ The *Development Impact Analysis* mayshall consist of the following elements and shall use the best available data at the time of completion:

(1) — HOUSING DEVELOPMENT ANALYSIS

~~Existing housing patterns such as subdivisions, types of housing, etc.;~~

(2) — WATER RESOURCES

~~Proposed water resources and availability of public infrastructure. Proposed sewage disposal systems;~~

(3) — TRAFFIC ANALYSIS

~~Estimated number of trips generated, the volume of existing traffic on roads adjacent to and within one mile of the tract, directional distribution of traffic, and capacity analysis;~~

(4) — PUBLIC EDUCATION

~~The expected number of students generated for each dwelling unit using the Student Information Management System data as provided by the public school systems, the location of public schools expected to serve the development, and their student capacity; and~~

(5) — AGRICULTURAL IMPACT

~~Adjoining active working farms shall be noted on development plans. All well locations must be documented on subdivision plats with a setback of not less than one hundred feet from the farm's property lines. Farm operations that begin after the development of a major residential subdivision must abide by the one hundred foot waste setback rule (on the farm property).~~

(1) Housing development analysis;

(2) Water resource analysis;

(3) Traffic analysis;

(4) Public education analysis; or



(5) Agricultural impact analysis.

617: ADOPTED SCENIC CORRIDOR OVERLAY DISTRICT PLAN

A. NC HIGHWAY 705 SCENIC BUSINESS OVERLAY DISTRICT

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

(2) PURPOSE AND USES PERMITTED

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

- (a) Appealing streetscapes with trees, natural buffers, and provisions for pedestrian-friendly land-use standards that can enhance walkability and accessibility;
- (b) Provision for specific retail options that support locally made crafts, pottery, and related activities that enhance and promote the natural heritage of the Seagrove community;
- (c) The absence of large parking lots facing the street, with related new building setback standards;
- (d) The design of buildings, rooflines, colors, and landscaping is critical to the environment that supports safety and a sense of community. Lighting and signs have a big impact on the appearance of a neighborhood. Standards will limit the type, size, color, and brightness; and



DATA PROCESSING FACILITY

Zoning Districts: *HI*

Parking: Off-street parking and loading shall be provided per Article 600, Section 634.

Signs: Signs shall be permitted as described in Article 600, Section 635.

Site Considerations: The use of cargo containers, railroad cars, truck trailers, and other similar containers is strictly prohibited.

All outdoor equipment shall be at least 1,000 feet from any schools, daycare facilities, hospitals, churches, youth camps, public parks, community centers, community recreation centers, and existing residential structures.

Required Plans:

- a. Scaled drawings of all locations and sizes of all buildings, and equipment including noise-muffling devices.
- b. Site plan showing any schools, daycare facilities, hospitals, churches, youth camps, public parks, community centers, community recreation centers, and existing residential structures within 1,000 feet of any outdoor equipment.
- c. Location and type of perimeter security and lighting.
- d. Location and total power supplied by any solar panels.
- e. If solar panels are included on the site and **not** on the building, the provisions under Article 600, Section 621, Detailed Regulations for Specific Uses, Solar Energy Facility shall apply.
- f. Information stating that all electronic waste generated at the facility will be handled by a North Carolina Department of Environmental Quality licensed electronic waste recycling firm.
- g. Submit a certification sealed by a professional engineer that the facility will use a closed-loop water or a liquid cooling system that will result in a minimum



of water consumption as allowed in NCGS 143-355.5 (A). This certification shall also include estimated daily water usage for liquid cooling systems and how water will be supplied to the facility.

- h. Submit a certification that all applicable Federal and State regulations have been met.
- i. The facility must be connected to the existing electric grid prior to the final Certificate of Occupancy.
- j. On-site generators may only be used for (i) emergency power during grid outages and (ii) routine testing up to four hours a month.

Screening:

A Level III buffer around the property lines.

Noise Impact Study and Compliance:

The property owner and/or applicant shall have a pre-construction sound study performed by a third-party licensed acoustic engineer to determine baseline ambient noise levels as measured in decibels (dBa) along all exterior property lines of the proposed data center. The study shall provide data on the measured A-weighting, C-weighting, and Z-weighting and narrowband frequency analysis/tonal analysis. The noise study shall include a noise contour map and shall be sealed and signed by the licensed acoustic engineer. Ambient noise/decibel levels shall be documented from all perimeter property lines of the subject property on which the data center is proposed. The pre-construction noise study shall be submitted as part of the application.

Data centers shall be constructed to incorporate sound mitigation methods sufficient to prevent the sound levels emitted from the data center structure(s) from exceeding permitted decibel levels during normal operations. Post-construction sound levels along the exterior property lines of the data center site shall not exceed the documented pre-construction sound level as measured in dBA, dBC, and dBZ or 60 dBA, whichever is greater.

Decommissioning:

A data processing facility that ceases operations for a period of twelve consecutive months shall be considered decommissioned and/or abandoned unless the property owner, or other responsible party with a legal ownership



interest, provides substantial evidence demonstrating the intent and ability to resume operations.

Upon decommissioning or abandonment, the property owner or operator shall ensure that all technological hardware, infrastructure including, but not limited to, private on-site substations, fuel, and any hazardous materials including biocides, treatment chemicals, or similar substances are removed from the site and disposed of in accordance with all applicable Federal, State, and local laws and regulations. All materials shall be removed in a manner that eliminates any threat to public health, safety, or the environment.

As part of the decommissioning plan, the applicant shall provide financial assurance sufficient to cover the estimated cost of decommissioning, plus an additional ten percent contingency. Acceptable forms of financial assurance include a performance or surety bond, irrevocable letter of credit, or segregated cash escrow deposit held by a FDIC-insured financial institution authorized to do business in the State of North Carolina.

The estimated decommissioning cost shall be prepared, signed, and sealed by an independent professional engineer licensed in the State of North Carolina, which shall be reviewed and resubmitted to the Planning Department at least once every five years during the operational life of the facility.



TEMPORARY RECREATIONAL VEHICLE

Zoning District: All residential zoning districts.

- Details:**
- a. Temporary recreational vehicles, as defined by this Ordinance, are allowed in cases of catastrophic damage, such as fire, to the **primary dwelling** on a parcel
 - b. Temporary recreational vehicles must meet all requirements of Randolph County Building Inspections.
 - c. Temporary recreational vehicles must meet all requirements of Randolph County Environmental Health for sewage disposal and water supply.
 - d. Temporary recreational vehicles may only be used for a temporary residence for either (i) six months or (ii) until the repair or rebuilding of the primary dwelling is complete, whichever is last.
 - e. Temporary recreational vehicles must be disconnected from all utilities after either (i) six months or (ii) until the repair or rebuilding of the primary dwell is complete, whichever is last.
 - f. If the repair or rebuilding of the primary dwelling will take longer than six months, the property owner or the permit applicant shall contact the Randolph County Planning Director who may approve a three-month extension of the placement of the temporary recreational vehicle.



TELECOMMUNICATION TOWER

Zoning Districts: All districts.

Guidelines and Requirements:

Except as expressly stated, nothing in this Ordinance shall limit Randolph County from regulating applications to construct, modify, or maintain wireless support structures, or construct, modify, maintain, or collocate wireless facilities on a wireless support structure based on consideration of land use, public safety, and zoning considerations, including aesthetics, landscaping, structural design, setbacks, and fall zones, or State and local building code requirements, consistent with the provisions of federal law provided in NCGS § 160D-930. For purposes of this Ordinance, public safety includes, without limitation, federal, State, and local safety regulations, but does not include requirements relating to radiofrequency emissions of wireless facilities.

Any person who proposes to construct a new wireless support structure or substantially modify a wireless support structure within the planning and development regulation jurisdiction of a local government must do both of the following:

- (1) Submit a completed application with the necessary copies and attachments to the appropriate planning authority; and
- (2) Comply with any local ordinances concerning land use and any applicable permitting processes.

Purpose and Compliance:

The purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, to further the public safety and general welfare.

The deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina and, consistent



with section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012, 47 USC § 1455 (a), create a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures. Therefore, it is the policy of this State to facilitate the placement of wireless communications support structures in all areas of North Carolina. The following standards shall apply to Randolph County's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility.

The placement, construction, or modification of wireless communications facilities shall conform to the Federal Communications Act, 47 USC § 332, as amended, section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012, 47 USC § 1455 (a), and per the rules promulgated by the Federal Communications Commission.

Minimum Lot Size:

The minimum lot size requirement shall be per the Zoning District in which it is located.

Administrative Approvals:

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

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



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

Required Plans:

The site plan drawn to scale must include, but is not limited to, the following information:

- a. Property lines;
- b. Proposed structures;
- c. Existing structures within five hundred feet of any part of the tower structure;
- d. Proposed points of egress and ingress;
- e. Fencing and setbacks; and
- f. Proposed buffers.

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

Buffers:

In areas where a visual block from adjacent properties is necessary, a Level III buffer shall be required.

Fencing:

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

Setback Requirements:

Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. This setback may be reduced by the Randolph County Planning Board of



Adjustment upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless services, that the reduction serves the general intent and purpose of this section and the adopted *Randolph County Growth Management Plan* and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. In no case shall the setback be reduced to less than fifty percent of the tower height. To encourage shared use of towers, applications for towers that will operate with more than one user immediately upon completion may have a ten percent reduction in the required setbacks, but in no case shall the setbacks be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a twenty percent reduction in the required setbacks. To encourage the location of towers in existing forested areas with a minimum depth of sixty-five feet, the tower may have a twenty percent reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification that states that the structure's construction will cause the tower to crumble inward so that, in the event of a collapse, no damage to structures on adjacent zoning lots will result.

Towers shall have a minimum setback of 1,500 feet from other towers unless evidence is provided that demonstrates that reasonable efforts have been made to lease space on an existing tower or that an existing tower will not technically satisfy the applicant's needs to provide coverage in the area.

Site Considerations:

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

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

The color of the tower shall be neutral, except to the extent required by Federal law, to minimize its visual impact.

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



Other Requirements:

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

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

- a. Copies of letters sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:
 - (1) tower height;
 - (2) existing and planned tower users;
 - (3) whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and
 - (4) if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened ~~or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference~~, and a general description of the means and projected cost of shared use of the existing tower.
- b. A copy of all responses required by subsection 4a (1);
- c. A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.



- d. A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.
- e. Provision of sound engineering evidence demonstrating that the location in the proposed district is necessary and in the interest of public safety, or is a practical necessity.
- f. Evidence that the tower will be utilized by a wireless provider.

Under section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012, 47 USC § 1455 (a), Randolph County may not deny and shall approve any eligible facilities request as provided in this section. Nothing in this Part requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with the regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size. Randolph County may require an application for collocation or an eligible facility request.

A collocation or eligible facilities request application is deemed complete unless Randolph County provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed-upon period. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. Randolph County may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. Randolph County may not deem an application incomplete for any issue not related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

Randolph County shall issue a written decision approving an *Eligible Facilities Request Application* within 45 days of



such application being deemed complete. For a collocation application that is not an eligible facility request, Randolph County shall issue its written decision to approve or deny the application within 45 days of the application being deemed complete.

Randolph County may impose a fee not to exceed \$1,000 for technical consultation and the review of a collocation or eligible facilities request an application. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of a collocation application. Randolph County may engage a third-party consultant for technical consultation and the review of a collocation application. The fee imposed by Randolph County for the review of the application may not be used for either of the following:

- (1) Travel expenses incurred in a third-party review of a collocation application; or
- (2) Reimbursement for a consultation or other third-party, based on a contingent fee basis or results-based arrangement.

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

The telecommunications tower shall meet all applicable FAA standards, *Randolph County Municipal Airport Overlay District Standards*, and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Applicant must provide evidence that the tower would meet all FAA standards before issuance of permits to construct. Any lighting shall not project onto the surrounding residential property.



The Randolph County Planning Director shall notify all known airports within a five-mile radius of the application to locate a tower.

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

Notice shall be provided to the Randolph County Planning Director when the tower is placed out of service. Towers that are not used for six months or more shall be removed by the property owner within 120 days.

Randolph County's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, Randolph County may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from an area or site. Randolph County may not require information that concerns the specific need for the wireless support structure, including whether the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. Randolph County may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the local government may review the following:

- (1) Applicable public safety, land-use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use-based location priorities, structural design, setbacks, and fall zones;
- (2) Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the



construction of a new wireless support structure that residential, historic, and designated scenic areas cannot be served from outside the area or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure or replacement wireless support structure is necessary to provide the applicant's designed service; and

- (3) Randolph County may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter a contract for such use at fair market value. Randolph County may require the information necessary to determine whether collocation on existing wireless support structures is reasonably feasible.



Except as provided in NCGS 143-345.5, Randolph County zoning regulations apply to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

Except as provided in NCGS 143-345.5, Randolph County zoning regulations shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property by the State of North Carolina if the project is managed by the State Construction Office, or The University of North Carolina.

Except as provided in NCGS 143-345.5, Randolph County zoning regulations shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property by the State of North Carolina if the project is managed by the Legislative Services Commission.

Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a conditional zoning district without the approval of the Council of State or its delegate.

For properties exempt under this control of the State Construction Office, The University of North Carolina or the Legislative Services Commission, The State Construction Office or the Legislative Services Commission shall consult with Randolph County with regard to all of the following:

- A. Water and sewer services to be provided to the project;
- B. Stormwater implications of the project;
- C. Impacts on traffic patterns and parking;
- D. ~~Permitter~~Permitter buffering, landscaping, tree protection, and riparian buffer requirements; and
- E. Local environmental regulations.

628: MULTIPLE HOMES ON ONE PARCEL

Multiple homes are allowed on one parcel, provided that the following requirements are met.

- A. No more than two dwelling units are permitted on the parcel, and one of the dwelling units shall be occupied by the owner of the property.



Skylights, domes, flagpoles, cooling towers, and structures for the housing of elevator equipment, stairways, tanks, fans, air conditioning, or similar equipment required for the operation or maintenance of buildings may be erected above the height limit in any district.

(4) **FREE-STANDING CHIMNEYS, TANKS:**

Chimneys, smokestacks, tanks, and similar structures that are structurally independent of a building or located directly upon the land may be erected above the height limit in any district.

C. FRONT YARD SETBACK

All buildings erected must meet the requirements of the definition of *lot front* as found in Article 100, Section 102. Specifically, all buildings should have its primary façade directed towards the primary road. If it is necessary for the primary façade to be turned away from the road, the main entrance for the building shall be thirty-five feet from any property line, easement or right-of-way and the remainder of the building shall meet all other setback as outlined in Article 600, Section 631.

633: DEVELOPMENT AGREEMENTS

A. AUTHORIZATION

The General Assembly finds:

- (1) Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources;
- (2) Such developments often create community impacts and opportunities that are difficult to accommodate within traditional zoning processes;
- (3) Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules, and phasing of the private development;
- (4) Such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development;
- (5) Such developments often permit communities and developers to experiment with different or nontraditional



Any use for which a Special Use Permit is issued, as provided in this Ordinance, shall, without further action, be deemed a conforming use unless otherwise provided in this Ordinance or otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall meet all requirements of this Ordinance.

642: LIMIT LOCAL GOVERNMENT AUTHORITY TO REGULATE THE DISPLAY OF AMERICAN FLAGS ON PRIVATE PROPERTY.

Randolph County shall not prohibit an official governmental flag from being flown or displayed if the official government flag is flown or displayed:

- (1) In accordance with the patriotic customs set forth 4 U.S.C §§ 5-10 as amended; and
- (2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

Notwithstanding the above section: (i) for the purpose of protecting the public health, safety, and welfare, reasonable restrictions in flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner; and (ii) with respect to the flag of the United States of America and the flag of the State of North Carolina, however, enforcement of a restriction as to a particular property shall require evaluation of and written findings of fact to document the public health, safety, and welfare concerns justifying enforcement of the Ordinance at that particular property. If a traffic-based justification is asserted concerning such flag on a particular property, a site study conducted by the North Carolina Department of Transportation shall be performed to evaluate whether traffic concerns will arise with manner or placement of the display of such flag at a particular location, and such flag shall only be prohibited if the North Carolina Department of Transportation determined traffic concerns would in fact arise.

6423: FLOW CHARTS FOR PUBLIC HEARING REQUESTS

A. PURPOSE OF FLOW CHARTS

The following flow charts are intended to give interested citizens and developers an illustration of the process of the various hearing types allowed in this Ordinance. The charts do not indicate the entire process, such as internal processes, but do contain the process for each type of case.



~~(1)~~ **MARGINAL LAND**

~~Land subject to flooding or land that may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered platted for occupancy and shall not be used in determining the minimum lot area or maximum lot depth.~~

~~(2)~~**(1) FRONTAGE ON A PUBLIC STREET**

Every lot shall front or abut on a public street (except where private roads are permitted) and shall have a minimum of one hundred feet at the building line.

~~(3)~~**(2) DOUBLE AND REVERSE FRONTAGE**

Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the Randolph County Planning Board.

~~(4)~~**(3) SIDE LOT LINES**

Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

~~(5)~~**(4) AREA AND DIMENSIONS OF LOTS**

All lots shall conform to the minimum dimensional requirements for each zoning or as approved through the rezoning process.

H. SEWER FACILITIES SERVING LOTS

Where public sewer facilities are not available and individual sewage disposal systems are planned, the sub-divider, at his own expense, shall have the site investigated by Randolph County Public Health or another authorized, qualified, individual, firm, or agency, to determine whether or not such individual facilities are feasible and shall present proof that appropriate soil tests have been conducted and that each lot in the subdivision not served by public sewage disposal systems has been approved by Randolph County Public Health for sewage disposal systems before the final plat approval.

The site investigation for sewage disposal shall include soil evaluations. The number of soil evaluations needed and the depth of test holes shall be determined by the Randolph County Environmental Health Sanitarian.

Where individual septic systems are planned, minimum lot sizes specified in this Ordinance may need to be increased as required by the results of a soil and site evaluation performed by Randolph County Public Health, a Licensed Soil Scientist, or an Engineered Operation Permit under 15A NCAC 18A.1900.



RANDOLPH COUNTY

BOARD OF COMMISSIONERS

Randolph County Office Building 725 McDowell Road
Asheboro, North Carolina 27205 Telephone 336-318-6301

Darrell Frye, Chairman
Kenny Kidd, Vice-Chairman
David Allen
Hope Haywood
Lester Rivenbark

Zeb Holden, County Manager
Ben Morgan, County Attorney
Dana Crisco, Clerk to the Board

Ordinance Amending the *Randolph County Unified Development Ordinance*

WHEREAS, the North Carolina General Assembly and the *Randolph County Unified Development Ordinance* allow for the amendments of zoning regulations as necessary to achieve the goals of adequate light and air; preventing the overcrowding of land, avoiding undue concentration of population; lessening congestion in the streets, securing safety from fire, panic, and dangers; facilitating the efficient and adequate provision of transportation, water, sewer, schools, parks, and other public requirements; and to promote the health and well-being of the community; and

WHEREAS, the Randolph County Planning Board considered legislative updates, floodplain updates, and changes to RV allowable uses, development impact analysis, and definitions in the *Randolph County Unified Development Ordinance* which affect county zoning; and

WHEREAS, the Randolph County Planning Board has held a public meeting on the proposed changes and recommends to the Randolph County Board of Commissioners that these amendments be adopted.

THEREFORE, BE IT ORDAINED that the Randolph County Board of Commissioners has hereby held a public hearing and adopts by this Ordinance the proposed amendments as recommended by the Randolph County Planning Board, as included in the agenda packet, and as may be amended, and shall take effect and have full power on August 3, 2026.

Adopted this 3rd day of August 2026.

Darrell Frye, Chairman
Randolph County Board of Commissioners

ATTEST:

Dana Crisco, Clerk
Randolph County Board of Commissioners



RANDOLPH COUNTY

BOARD OF COMMISSIONERS

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WHEREAS, the Randolph County Planning Board considered regulations regarding data processing facilities in the *Randolph County Unified Development Ordinance* which affects county zoning; and

WHEREAS, the Randolph County Planning Board has held a public meeting on the proposed changes and recommends to the Randolph County Board of Commissioners that these amendments be adopted.

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