RANDOLPH COUNTY COMMISSIONERS MEETING AGENDA

April 1, 2024

Randolph County Office Building, 725 McDowell Rd., First Floor, Meeting Room A; Asheboro, NC 27205

I. Call to Order - *Chairman Frye*

II. Pledge of Allegiance - *Bishop Michael Trogdon*

III. Special Recognitions

A. Loretta Atkins Retiring with 25 Years of Service to Department of Social Services - *Tracie Murphy, Social Services Director*

B. Child Abuse Prevention Month Proclamation - *Tracie Murphy, Social Services Director*

IV. Public Comment Period

V. Consent Agenda

A. Approve Board of Commissioners Regular Meeting Minutes of March 4, 2024

B. Reappoint Ellen Greer, Stephen Grove, Tami Hinshaw, and Sue Spencer to the Randolph County Public Library Board of Trustees

C. Approve Budget Amendment - Public Health ($50,000)

D. Approve Project Amendment - ARPA Funds - 911 Building Renovations ($43,218)

E. Reappoint Christine Caviness to the Randolph County Nursing Home Community Advisory Committee and Christine Caviness and Laura Cox to the Randolph County Adult Care Home Community Advisory Committee

F. Approve Project Amendment - Public Health Renovation ($25,000)

G. Approve the Revised HCCGB Funding for FY 23-24 and the Associated Budget Amendment ($239,260)

H. Approve Reclassification for Debt Set-off Coordinator Position

VI. New Business

A. Consider Request of Ramseur for Additional Water and Sewer Funding - *John Grey, The Wooten Company*

B. Consider Soil and Water Position Request - *Soil and Water Chairman Craig Frazier*

C. RCC Construction and Renovation of Buildings - *Dr. Shah Ardalan, RCC President*

1. Consider RCC Construction and Renovation Requests
2. Financing Options - *William Massie, Interim County Manager/Finance Officer*

D. Randolph County Schools "Phase 1 of the Growth Plan for the Randolph County School System" - *Dr. Stephen Gainey, Randolph County Schools Superintendent*

1. Phase 1 Growth Plan Presentation
2. Financing Options - *William Massie, Interim County Manager/Finance Officer*

E. Historic Landmark Designation for Dr. Charles H. Phillips House - *Ross Holt, Public Library Director*

1. Public Hearing
2. Adopt Ordinance Designating the Exterior of the Dr. Charles Phillips House as a Local Historic Landmark

F. Legislative Updates to the *Randolph County Unified Development Ordinance* - *Tonya Caddle, Planning & Zoning Director*

1. Public Hearing
2. Consider Ordinance Adopting the Changes to the Unified Development Ordinance

G. Consider Updated Fee for Municipal Fire Inspections - *Erik Beard, Fire Marshal*

H. County Manager's Update

I. Commissioner's Updates

J. Closed Session - Economic Development & Property Acquisition [NCGS143-318.11(a)(4) & NCGS143-318.11(a)(5)]

Upcoming Board Term Expirations

June - Randolph County Historic Landmark Commission - Warren Dixon and Chip Womick; **Randolph County Nursing Home Community Advisory Committee -** Christine Caviness; **Randolph County Public Library Board of Trustees -** Lydia Craven, Ellen Greer, Stephen Grove, Ralph Hardison, Tami Hinshaw, and Sue Spencer

July - Randolph County Aging Services Planning Committee - Tara Aker, Lisa Canoy, Melody Cummings, Mark Hensley, Ann Hoover, Betty Hunt, W. McDuffy Johnson, Tyler Keziah, Robert Lawler, Elizabeth Mitchell, Randall Russell, Carolyn Vickery, and Emma Washington; **Randolph County Juvenile Crime Prevention Council -** Michael McKenzie; **RCC Board of Trustees -** James Gouty

Loretta W. Atkins

Retires from DSS – March 15, 2024

Loretta Atkins is celebrating her retirement from the Department of Social Services as of March 16, 2024 with twenty-five years. She started her career with Social Services in October of 1998 as a full-time temporary worker during the LIEAP season and in March of 1999 became full-time permanent.

Loretta is a graduate of Randleman High School, Class of 1986. She also attended Randolph Community College where she received her Associates Degree in Business Administration and Accounting in 1990.

While an employee at DSS, Loretta desired to make a difference, which she fulfilled by serving the citizens of Randolph County through several different programs. She is passionate about helping clients, advocating for them and often going above and beyond to ensure their needs are met. She is a hard worker and has consistently exceeded productivity standards while maintaining an excellent attendance record.

Loretta's family consists of her husband Tim Atkins of thirty-five years, and two children: William and Rebekah. Loretta is an active member of Church of God, Body of Christ 7th Day. "If someone has a need and asks me for help, I do". Loretta also enjoys watching her favorite shows, scrapbooking, hosting parties/gatherings, camping, traveling, reading, and helping others in need. Loretta's joy while working at Randolph County DSS is receiving her son through her DSS connections. She has made some lifetime friends as well. Advice that Loretta would share with new hires is to give yourself time to learn the job. Reach out, ask questions, and take great notes.

In retirement she looks forward to having lunch with friends and starting on the next adventure that God has for her.

Congratulations Loretta, you will be greatly missed. Best wishes for a very long and very happy retirement!

_____ March 15, 2024

Tracie Murphy, Director Date

RANDOLPH COUNTY
BOARD OF COMMISSIONERS

Randolph County Office Building 725 McDowell Road
Asheboro, North Carolina 27205 Telephone 336-318-6300

Darrell Frye, Chairman
David Allen, Vice-Chairman
Kenny Kidd
Maxton McDowell
Hope Haywood

Will Massie, County Manager
Ben Morgan, County Attorney
Dana Crisco, Clerk to the Board

Proclamation

WHEREAS, in fiscal year ending June 2023, 1,310 reports were made to Randolph County DSS child protective services; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, our children are our most valuable resources and will shape the future of Randolph County; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families; and

WHEREAS, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and continue to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, the Randolph County Board of Commissioners does hereby proclaim April 2024 as *NATIONAL CHILD ABUSE PREVENTION MONTH* in Randolph County and urges all citizens to recognize this month by dedicating themselves to the task of improving the quality of life for all children and families.

This the 1st day of April 2024.

Darrell Frye, Chairman
Randolph County Board of Commissioners

March 4, 2024

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in Meeting Room A, 725 McDowell Rd, Asheboro, NC. Chairman Darrell Frye, Vice-Chairman David Allen, Commissioner Kenny Kidd, and Commissioner Hope Haywood were present. Commissioner Maxton McDowell was absent. Also present were Interim County Manager/Finance Officer Will Massie, Assistant County Manager William Johnson, County Attorney Ben Morgan, and Clerk to the Board Dana Crisco. Chaplain Michael Mabe from the Randolph County Sheriff's Office gave the invocation and everyone recited the Pledge of Allegiance. The meeting was livestreamed on Facebook.

District Attorney Andrew Gregson commended Law Enforcement for having no murders during 2023. Special emphasis was on Project Safe Neighborhoods which is coordinated by Rodney Trogdon.

Public Comment Period

Pursuant to N.C.G.S. §153A-52.1, Chairman Frye opened the floor for public comment and closed it after everyone wishing to speak had done so. County Attorney Ben Morgan read aloud the Public Comment Rules of Procedure.

Chris Andreoli, 5626 Dashwood Dr., Pleasant Garden, spoke of mobile homes in the County. He said that there were more mobile homes in Randolph County than other counties. The manufactured housing creates a higher tax burden to citizens with stick-built homes. He said the majority of citizens do not want mobile and manufactured homes.

Mary Alice Asbury, 260 Red Cedar Ct., Randleman, is an employee of Toyota Battery Manufacturing. She had a difficult time finding a home. Guilford County is offering incentives to contractors to build houses. Many mobile homes are being sold at $200,000 as affordable housing.

Rhonda Carreras, 5823 Big Oak Way, Randleman, wants to address loopholes in Planning and Zoning. The department is "chasing" projects and may need to be divided into two departments. She called twice and was told that there is a loophole regarding manufactured homes. She thinks more regulation should occur in the Ordinance.

Franklin Suggs, 412 Ivy Rock Ct., Randleman, asked why the Confederate Monument does not bother some people. Listen to the requests of the community and move it.

Tonya Hayes, 5978 Fred Lineberry Rd., Randleman, sharing a plea to consider the Growth Plan for the Northeast. How do we want it to grow? What do we want it to look like?

Tim Saunders, 1402 E. Allred St., Asheboro, reminded the Board of his time speaking at Public Comment Period. He still believes the Confederate Memorial should be taken down.

Dwain Roberts, 4654 Rainbow Tr., Ramseur, read a verse from Proverbs. He thanked the Board for voting to keep the Confederate Memorial where it is.

Clyde Foust, 3749 Midway Acres Rd., Asheboro, stated that Asheboro High School hosted a Black History forum with members of the community that participated in the Civil Rights Movement. The students were able to ask questions about the movement. It was incredible, he said. He continues to advocate for the statue to be removed from the front of the Historic Courthouse.

Consent Agenda

On motion of Allen, seconded by Haywood, the Board voted 4-0 to approve the Consent Agenda, as presented, as follows:

- *approve Board of Commissioners Regular Meeting Minutes of February 5, 2024, Closed Session Minutes of February 5, 2024, and Special Meeting Minutes of February 8, 2024;*
- *approve Library Budget Amendment for Mobile Library Gift ($2,000), as follows:*

2023-2024 Budget Ordinance General Fund—Budget Amendment #63		
Revenues	***Increase***	***Decrease***
Appropriated Fund Balance	*$2,000*	
Appropriations	***Increase***	***Decrease***
Library Support	*$2,000*	

- *approve Budget Amendment - Animal Services ($10,731), as follows:*

2023-2024 Budget Ordinance General Fund—Budget Amendment #64		
Revenues	***Increase***	***Decrease***
Miscellaneous	*$10,731*	
Appropriations	***Increase***	***Decrease***
Animal Services	*$10,731*	

- *approve Budget Amendment - Animal Services ($19,630), as follows:*

2023-2024 Budget Ordinance General Fund—Budget Amendment #65		
Revenues	***Increase***	***Decrease***
Miscellaneous	*$19,630*	
Appropriations	***Increase***	***Decrease***
Animal Services	*$19,630*	

- *approve Budget Amendment - Social Services ($37,208), as follows:*

2023-2024 Budget Ordinance General Fund—Budget Amendment #66		
Revenues	***Increase***	***Decrease***
Restricted Intergovernmental	*$37,208*	
Appropriations	***Increase***	***Decrease***
Social Services	*$37,208*	

- *reappoint Tina Billings to the Randolph County Adult Home Community Advisory Committee;*
- *reappoint Thomas Rush to the City of Asheboro Planning Board;*
- *approve Grant for 911 Radios ($74,978), as follows:*

2023-2024 Budget Ordinance General Fund—Budget Amendment #67		
Revenues	***Increase***	***Decrease***
Restricted Intergovernmental	*$74,978*	
Appropriations	***Increase***	***Decrease***
Emergency Services	*$74,978*	

- *approve Project Amendment #6 for Northwest Human Services Building ($48,554), as follows:*

Northwest Randolph Human Services Building Project Amendment #6		
Revenues	***Increase***	***Decrease***
Investment Earnings	*$13,732*	
Appropriations	***Increase***	***Decrease***
Construction	*$59,300*	
Property Acquisition		*$45,568*

- *approve Budget Amendment - Agricultural Center Capital Project ($25,000), as follows:*

Agricultural Center Capital Project Amendment #12		
Revenues	***Increase***	***Decrease***
Investment Earnings	*$25,000*	
Appropriations	***Increase***	***Decrease***
Construction	*$25,000*	

- *reappoint Joy Sparks to the Archdale Planning Board.*

Ramseur Water and Sewer

John Grey, The Wooten Company, presented the Town of Ramseur's request. Mayor Spivey was unable to attend. Mr. Grey said the Town of Ramseur is at a critical time of growth. They will be supplying Wolfspeed around .600MGD of water. With this comes changes that are needed to allowing the mixing of Ramseur's water with the City of Asheboro and Siler City's water.

Ramseur currently disinfects the water with gas chlorine. To supply Wolfspeed, a switch to chloramines is necessary. Ramseur received a grant from the state to switch from gas chlorine to liquid bleach. They still need funding for ammonia feed/storage. This is estimated at approximately $1 million. Not only does this allow Ramseur to grow and sell the .600 MGD of water to Wolfspeed, but it is also a superior disinfection method compared to current processes.

Ramseur is also requesting funding for installation of a new sludge removal system. The current system is not operational and cannot be repaired. To remove sludge, Ramseur hires a company to pump out the sludge every three to four months. Once water usage increases to 1.19MGD, the amount of sludge produced will increase as well. The estimated cost for a new sludge removal system would be approximately $1 million.

These projects were not brought to the attention of the County in the initial funding requests because the Wolfspeed Project had not been announced. However, the Town did include funding for these items in a request to State Legislators submitted in fall of 2023.

Chairman Frye asked if the grant was for the chloramines and how much is the grant. Mr. Grey said it is for the distribution system. The amount is approximately $7 million.

Chairman Frye stated that the water needs to be comingled for the whole water/sewer line to function correctly for the design.

Vice-Chairman Allen questioned the proposed budget for both the Sludge Removal System and the Ammonia Feed System. They were identical. Mr. Grey said they were close in cost due to the volatility in the market.

Vice-Chairman Allen asked if sludge was usually a problem for a water system like this. Mr. Grey stated that because this is a surface water treatment plant, solids like leaves get into the entry to the system and are then filtered out.

Vice-Chairman Allen inquired if there was a process that could reduce the amount of sludge. Mr. Grey confirmed that this wasn't an unusual amount of sludge. He also stated that the water quality continues to improve.

Chairman Frye questioned if the $1 million Ramseur was asking the County for was to subsidize the $7 million grant. Mr. Grey responded that it was. The entire project will cost approximately $9 million.

Vice-Chairman Allen asked if there were other grants available. Mr. Grey stated there were, but they are very competitive.

Commissioner Kidd asked if the request to the legislature was still in consideration. Mr. Grey said there were no awards directly to Ramseur.

Chairman Frye commented that the Board needs to understand more specific information that affects the whole Eastern Randolph County Water District. Mr. Grey agreed and stated that the needs of Ramseur must be addressed now for the whole system to work by the end of 2025.

Vice-Chairman Allen asked to table this item until the April meeting.

On motion of Allen, seconded by Kidd, the Board voted 4-0 to table the Ramseur water and sewer requests until April to have more specific information available.

Randolph Community College (RCC) Land Purchase

Dr. Shah, President of RCC, stated the RCC Board of Trustees respectfully request funds to be used to acquire a 21.95-acre tract of land in Randolph County at 5269 NC Highway 49 North, Liberty, North Carolina 27298 (PIN 8725963334, Deed Book 2820, Page No. 1017) in the amount of $1,498,000.

This property will be used for the development of a higher education facility to enhance the educational opportunities for students and residents in this area of Randolph County. This acquisition is in direct response to the needs of the County and the future needs of the College. The Board of Trustees approved the purchase of this property during a Special Public Board Meeting on February 2, 2024.

Chairman Frye asked Interim County Manager Will Massie to give a history of the background of Article 46 taxes. Mr. Massie said projects such as the Cosmetology Center, the Continuing Education Center, and the Allied Health Center were completed using the Article 46 tax levy.

Public Hearing

Chairman Frye opened the Public Hearing and closed it after everyone who wished to speak had done so.

Carl Hicks, 744 Ivy Creek Dr., Randleman, is a graduate of RCC and hopes the students will have even more opportunities than he did.

Shirley Pabst, 234 S. Cook St., Liberty, agreed that RCC needed a Liberty campus.

Liberty Mayor Philmore York, 239 S. Fayetteville St., Liberty, spoke in favor of the request of RCC. It has been needed for a while.

Billy Hardin, 5010 Woody Mill Rd., Julian, said RCC has a history in Liberty but does not have permanent space.

Dr. Andrew Sykes, member of the RCC Board of Trustees, PO Box 875, Liberty, was highly in favor of the request.

Steven Maness, 4550 Woodfern Rd., Seagrove, worked in RCC's Advanced Manufacturing Department in the past. He spoke in favor of the request.

Vice-Chairman Allen commented that it seems like Liberty has a "ghost presence" in Randolph County and tends to get left out because of geography. He can get to Greensboro more quickly than Asheboro. The location of the proposed Center is very accessible.

On motion of Allen, seconded by Kidd, the Board voted 4-0 to approve the land purchase for RCC, as presented, and the associated Budget Amendment, as follows:

RCC Capital Project Ordinance *Project Amendment #16*		
Revenues	***Increase***	***Decrease***
Transfers from the General Fund	*$4,413,474*	
Interest earnings	*$560,000*	
Appropriations	***Increase***	***Decrease***
Liberty Training Center	*$1,498,000*	
Contingency	*$3,475,474*	

Child Fatality Prevention/Community Child Protection Team Annual Report

Public Health Director Tara Aker stated, in accordance with N.C.G.S. 7B-1406, the following is the annual report of the Child Fatality Prevention Team to the County Commissioners of recommendations for systems improvements that may prevent child fatalities in Randolph County.

Child Fatality Prevention Team Activities:
Child deaths from calendar year 2022 were reviewed by the Child Fatality Prevention Team (CFPT). The CFPT met in person five times during the calendar year 2023.

During calendar year 2023, the CFPT reviewed two additional Randolph County child deaths that occurred in 2021; the reports for these additional deaths were originally sent to other counties. The CFPT reviewed these deaths in the 1st quarter of 2023. Both deaths have been included with the causes of death and death numbers for the 2023 annual report.

There were 23 child deaths reviewed from the previous year (2022) and 2 child deaths reviewed from 2021.

Causes of death were:

Accidents	Includes 1 death from 2021	5
Birth Defects		4
Illnesses	Includes 1 death from 2021	8
Perinatal Condition		4
Other		4
Suicide		0
Homicide		0
SIDS		0
Total		25

The purpose of the **Child Fatality Prevention Team** is to review the deaths of all Randolph County children from birth up to 17 years of age. The review is to determine if system problems exist that contributed in any way to the delay of or lack of services that might have prevented the death. If gaps exist, the team works to improve/add services that will prevent problems for families in the future.

The team made the following recommendations:

No gaps were identified.

In November 2023, the team requested and received education from representatives of Young Life of Randolph County, Dr. Kathleen Riley, and Heather Voncannon. This community resource is a teen mentorship program that focuses on parenting education for teens, providing community resources, safe sleep education, basic CPR classes and more.

The Child Fatality Team Coordinator also requested a Safe Sleep Educational kit which includes: a retractable tabletop display of important safe sleep messaging in both English and Spanish, Pack 'n play/doll display from Cribs for Kids and 30 board books emphasizing safe sleep. The kit is anticipated to arrive in 2024. The Safe Sleep Educational kit will be used to train staff, community partners and CFPT members about creating a safe sleep environment for infants up to 12 months of age, with the goal of reducing the risk of death due to an unsafe sleep environment and/or sudden infant death syndrome (SIDS). The CFPT will continue to seek and obtain education regarding SIDS and Safe Sleep for children in 2024 since this continues to be an ongoing issue that needs to be addressed.

The team will continue to address any unsafe sleep conditions by making Pack 'n Play portable cribs available along with safe sleep education through the Books for Babies Program in partnership with the Randolph Partnership for Children and Randolph Health.

Commissioner Haywood asked about fentanyl in homes with children. She said children need just a very small amount of the drug to cause death. Ms. Aker stated that nothing specific had been documented for fentanyl deaths in children but that is not to say that it wasn't a factor.

Social Services Director Tracie Murphy, said in accordance with NCGS 143-576.1(a) (2), the following is the annual report of the Community Child Protection Team to the County Commissioners of recommendations for system improvements in Randolph County. She turned the presentation over to Janetta Butler, Assistant Social Services Director Child Protective Services.

Community Child Protection Team Activities:
The Community Child Protection Team (CCPT) met in person monthly during this year (January 1, 2023– December 31, 2023). Eleven current cases of children under the protection of Social Services were reviewed.

Areas of concern were:

Adult Mental Health Issues	1
Sex Abuse	2
Injurious Environment	6
Physical Abuse/Injury	2
Improper Supervision	2
Improper Care	2

Dependency	1
Improper Medical/Remedial Care	2
Total	18

The purpose of the Community Child Protection Team (CCPT) is to identify systemic deficiencies in child welfare services or resources. Once identified, teams develop strategies to address the gaps in the child welfare system within the County.

The following gaps and recommendations were identified:
Child deaths related to co-sleeping: CCPT had a training on safe sleep during a monthly meeting presented by Randolph Public Health.

Increase public awareness about conditions that have an impact on child protection within the community: CCPT recommended continuous community education with law enforcement, school system, daycare centers, all medical professions, mental health facilities and churches.

Action steps taken by DSS:
DSS held its second annual Safe Sleep training for all Child Protective Services (CPS) employees regarding the dangers of co-sleeping and processes to ensure that current guidelines of the dangers of co-sleeping is disseminated to parents.

DSS was able to take part in the Asheboro Police Department's and RCSO In-Service Training educating staff on making CPS reports, new policies, and procedures to increase awareness and open communication between DSS and community partners.

DSS continues to use 911 communications scheduling calendar. DSS keeps 911 communications aware of our afterhours CPS Supervisor with their contact information so that someone is always readily available to them. DSS also completed training with 911 communications educating them on making reports, new policies, and procedures to continue open and clear communication between DSS and 911 communications.

DSS met with the Charter Schools, Randolph County and Asheboro City Schools nurses and social workers keeping them abreast of all new policies and procedures.

DSS met with Randolph County Partnership for Children educating them on how to make reports, policies, procedures, and indicators of abuse and neglect to increase awareness and partner with our childcare providers that reach our 0-5 youth.

DSS completed a presentation with Latinx, a new community partner in Asheboro. The presentation provided information on how to make CPS reports, CPS policies, and procedures.

DSS held a training at Lydia's Place educating their staff on DSS' new policies and procedures and steps on making CPS reports.

DSS met with Randolph Health's nursing staff to educate and update them on new DSS policies and procedures to continue community engagement and education.

Each community partner was given informational handouts and flyers on how to report abuse, neglect, and dependency.

Were there any intensive death reviews during this reporting period?
The State Division of Social Services conducted one Intensive Fatality Review during this reporting period.

Chairman Frye questioned if the statistics included adoptive homes. Ms. Butler said yes, but the case is sent to another County for review.

Commissioner Kidd asked for an explanation of Intensive Review. Ms. Butler stated that there is a list of criteria that makes an occurrence intensive; co-sleeping and substance abuse are two examples.

Golden Leaf Grant for the Farm, Food, and Family Education Center (F3EC)

Kenny Sherin, Cooperative Extension Director, spoke of the meetings with Golden Leaf about a year ago. Each year, Golden LEAF provides competitive grant opportunities in three categories to designated Prosperity Zones. The FY 23-24 Community Based Grants Initiative (CBGI) targeted the Piedmont Triad Prosperity Zone for grant applications in Workforce Preparedness, Job Creation, and Agriculture. County Manager endorsement was necessary for submissions to be considered for funding.

Mr. Sherin and Ms. Leia Stiegmann, Strategic Program Coordinator, put together a proposal for the Food, Farm, and Family Education Center. The request was for $1.5 million for construction costs. It received Manager endorsement. Golden LEAF informed the County that funded construction projects were not eligible for the Grant. The Cooperative Extension team then developed an equipment budget to support farmer training.

On motion of Allen, seconded by Haywood, the Board voted 4-0 to accept the Golden Leaf Grant in the amount of $1 million, designate William Massie as the Authorized Representative for the documentation, and approve the associated Budget Amendment, as follows:

Agricultural Center Capital Project Amendment #13		
Revenues	***Increase***	***Decrease***
Miscellaneous	*$1,000,000*	
Appropriations	***Increase***	***Decrease***
Equipment	*$800,000*	
Construction	*$200,000*	

Sheriff's Office INVICTUS Renovation Project

Paxton Arthurs, County Engineer, said at the February Meeting, the Board awarded the construction contract to Garanco, Inc. to renovate the space at Northgate for the INVICTUS Lab. This contract contained an allowance for the mechanical system since the final design was not complete when the project was bid. Since that time, he met the Mechanical Engineer at the site and learned that the cooling needs for the lab are considerably more than originally estimated. This room will have multiple high-powered computers along with an internal rack for switches and storage equipment that put off a considerable amount of heat. This heat load requires an additional cooling unit for the room. The cost for this updated design is $38,000, which is $26,000 more than the original allowance of $12,000.

Chairman Frye asked if there were members from surrounding counties participating. Sheriff Seabolt said yes. They will work with them in the INVICTUS investigations.

On motion of Haywood, seconded by Kidd, the Board voted 4-0 to approve the change order to the Sheriff's Office INVICTUS Renovation Project, authorize the County Manager to sign the amendment, and approve the associated Budget Amendment, as follows:

Northgate Capital Project Fund Amendment #10		
Revenues	***Increase***	***Decrease***
Investment Income	*$26,000*	
Appropriations	***Increase***	***Decrease***
Construction	*$26,000*	

VIPER Tower

Will Massie, Interim County Manager/Finance Officer, said in September 2022, the Board approved the construction of an additional emergency communication tower for the center part of the county. At that time, it was to be fully funded with ARPA Revenue Loss monies.

Recently, it became clear that the project could fall within the Public Sector Capacity category of restricted ARPA funding. Accordingly, we would like to use a combination of this restricted funding and previously approved resources to fund the project.

Please authorize the Viper Tower project to be partially funded as an ARPA project and approve the following budget amendment presented.

On motion of Haywood, seconded by Allen, the Board voted 4-0 to approve the use of ARPA funds for the VIPER Tower in the amount of $1 million and the associated Budget Amendment, as follows:

Coronavirus Recovery Fund Amendment #23		
Revenues	***Increase***	***Decrease***
Appropriations	***Increase***	***Decrease***
Public Sector Capacity	*$1,000,000*	
Contingency		*$1,000,000*

County Manager's Update

Mr, Massie will be attending a Finance Officer's Conference Wednesday, Thursday, and Friday, March 6-8, 2024. He reminded the Board of the March 13th retreat. He also mentioned a joint meeting with the Seagrove-Ulah Metropolitan District Board that evening. The consensus of the Board was to go ahead and have that meeting.

Commissioner Updates

Chairman Frye commented on a Piedmont Triad Regional Council report for the year ending June 30, 2023.

Commissioner Haywood stated Grays Chapel Elementary School is celebrating their 100th anniversary soon. There will be a celebration and tickets on sale for a meal.

Adjournment

At 7:52 p.m. on motion of Allen, seconded by Hayworth, the Board voted 4-0 to adjourn.

_____ _____

Darrell Frye, Chairman David Allen

_____ _____

Kenny Kidd Hope Haywood

_____

Dana Crisco, Clerk to the Board

RANDOLPH COUNTY
PUBLIC LIBRARIES

March 4, 2024

TO: **Randolph County Board of Commissioners**
FROM: **Ralph Hardison, Chairman, Randolph County Public Library Board of Trustees**
Ross Holt, Library Director
RE: **Reappoint Ellen Greer, Steve Grove, Tami Hinshaw and Sue Spencer to library Board of Trustees**

We respectfully request the reappointment to the Randolph Public Library Board of Trustees of Ellen Greer, Steve Grove, Tami Hinshaw and Sue Spencer for six-year terms effective June 1, 2024 and running through June 1, 2030. All have provided excellent service to the board and wish to continue to serve.

Ellen is in her first term and represents the Franklinville area; she also is the board's secretary. Steve is in his third term and represent Asheboro; he is vice-chairman. Tami is in her third term and represents Randleman. Sue is in her second term and represents Seagrove.

Thank you.

Division of Public Health
Agreement Addendum
FY 23-24

Randolph County Public Health **Local Health Department Legal Name**	Local and Community Support / Local Technical Assistance & Training **DPH Section / Branch Name**
121 ARPA TSF Public Health Services **Activity Number and Description**	Susan H. Little, 919-215-4471 susan.little@dhhs.nc.gov **DPH Program Contact** (name, phone number, and email)
07/01/2023 – 05/31/2024 **Service Period**	**DPH Program Signature** **Date** (only required for a negotiable Agreement Addendum)
04/01/2024 – 06/30/2024 **Payment Period**	

☒ Original Agreement Addendum
☐ Agreement Addendum Revision # ___

I. Background:

This funding, provided through budget receipts transferred from the ARPA Temporary Savings fund and made available through the NCGA 2023 Appropriations Act, HB 259, provides a $50,000 grant in each year of the 2023-2025 fiscal biennium to each local health department to support activities authorized under the General Aid-to-Counties Agreement Addendum including the delivery of the 10 Essential Public Health Services per GS § 130A-1.1.[1], the core functions of public health (Assessment, Policy Development, Assurance), and the specific health needs or health status indicators selected by each local health department**.**

Per HB 259, Section 4.7.(i), "The funds appropriated from the State Fiscal Recovery Fund in this act and in prior enactments of the General Assembly shall not revert at the end of each fiscal year of the 2023-2025 fiscal biennium but shall remain available to expend and appropriate until the date set by applicable federal law or guidance."

II. Purpose:

This Agreement Addendum for Activity 121 further enhances the ability of local health departments to deliver the essential services and core functions of public health to address the specific health needs or health status indicators selected by the local health department.

[1] https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_130A/Article_1.pdf

Health Director Signature (use blue ink or verifiable digital signature) Date

LHD to complete: [For DPH to contact in case follow-up information is needed.]	LHD program contact name:	**Jennifer Layton**
	Phone and email address:	**336-318-6213 jennifer.layton@randolphcountync.gov**

Signature on this page signifies you have read and accepted all pages of this document.

The North Carolina General Statute § 130A-1.1(b) states: a local health department shall ensure that the following **10 Essential Public Health Services** are available and accessible to the population in each county served by the local health department:

Assessment

1. Monitor health status to identify community health problems.
2. Diagnose and investigate health problems and health hazards in the community.

Policy Development

3. Inform, educate, and empower people about health issues.
4. Mobilize community partnerships to identify and solve health problems.
5. Develop policies and plans that support individual and community health efforts.

Assurance

6. Enforce laws and regulations that protect health and ensure safety.
7. Link people to needed personal health services and assure the provision of health care when otherwise unavailable.
8. Assure a competent public health and personal health care workforce.
9. Evaluate effectiveness, accessibility, and quality of personal and population-based health services.
10. Research for new insights and innovative solutions to health problems.

III. Scope of Work and Deliverables:

These funds may be used for any public health program or purpose, any locally identified need or current health status indicator, and to support the delivery of the core functions of public health and 10 Essential Public Health Services. The Local Health Department must report at the end of the fiscal year how the funds were spent related to the 10 Essential Public Health Services and core public health functions to address priority health needs or health status indicators selected by each local health department. Use of these funds may NOT supplant current state, federal or local funding.

To qualify for these funds, the Local Health Department must have a Permanent or Interim Health Director per NC GS § 130A-40. In addition, if that Health Director has never served in that role in North Carolina previously, that Health Director must participate in the *Orientation for New Local Health Directors* coordinated by the North Carolina Association of Local Health Directors. Additionally, the Local Health Department must be currently accredited by the North Carolina Local Health Department Accreditation Board.

IV. Performance Measures / Reporting Requirements:

1. Performance Measures

a. **Measure #1:** The LHD shall invest this funding in specific health needs or health indicators including but not limited to the 10 Essential Public Health Services or core public health functions.

b. **Measure #2**: The LHD shall identify the specific health needs or health status indicators selected for prioritization under this funding.

c. **Measure #3:** The LHD shall identify the impact funding will have/had on the identified health needs or health status indicators selected for prioritization.

2. Reporting Requirements

By July 24, 2024, the LHD shall complete the following reports via the Smartsheet dashboard.[2]

[2] https://app.smartsheet.com/b/publish?EQBCT=82018408e7b44ef9b44e113b6e536ffb

a. **Expenditures by Type Report**: LHD will provide funding expenditures by type for the annual reporting period.
    1. Personnel (Salaries, Fringe, Benefits, etc. Do not include contracted staff)
    2. Training and Education
    3. Travel and Mileage
    4. Medical Supplies
    5. Office/Administrative Supplies
    6. Contracted Services (included contracted staff)
    7. Other administrative costs (specify)
    8. Other (specify)

b. **Prioritized Health Needs or Indicators and Statement of Impact Reports**: LHD will select one or more of the following health needs or indicators prioritized for the annual reporting period:
    1. Environmental Health
    2. Communicable Disease
    3. Maternal Health
    4. Child Health
    5. Chronic Disease
    6. Injury Prevention
    7. Access to or Linkage to Care
    8. Mental Health
    9. Behavioral Health
    10. Other health needs or indicators

    Statement of Impact: LHD will provide a statement that demonstrates what impact these funds had on prioritized health needs or indicators.

V. Performance Monitoring and Quality Assurance:

The LTAT Branch will monitor performance by reviewing the annual Expenditures by Type Report, the Prioritized Health Needs or Indicators and Statement of Impact Reports. These financial and performance reports are provided by the LHD via the Smartsheet dashboard.

If the LHD seeks assistance in clarifying any part of this Agreement Addendum's requirements, LTAT Branch staff shall provide technical assistance upon request. If additional information is required, a phone conference will be conducted.

VI. Funding Guidelines or Restrictions:

1. Requirements for pass-through entities: In compliance with 2 CFR §200.331 – *Requirements for pass-through entities*, the Division of Public Health provides Federal Award Reporting Supplements to the Local Health Department receiving federally funded Agreement Addenda.
    a. Definition: A Supplement discloses the required elements of a single federal award. Supplements address elements of federal funding sources only; state funding elements will not be included in the Supplement. Agreement Addenda (AAs) funded by more than one federal award will receive a disclosure Supplement for each federal award.

b. Frequency: Supplements will be generated as the Division of Public Health receives information for federal grants. Supplements will be issued to the Local Health Department throughout the state fiscal year. For federally funded AAs, Supplements will accompany the original AA. If AAs are revised and if the revision affects federal funds, the AA Revisions will include Supplements. Supplements can also be sent to the Local Health Department even if no change is needed to the AA. In those instances, the Supplements will be sent to provide newly received federal grant information for funds already allocated in the existing AA.

DPH-Aid-To-Counties **For Fiscal Year: 23/24** **Budgetary Estimate Number : 0**

Activity 121 Service Period Payment Period		AA	131204 2BTS190 2000400000 07/01-05/31 08/01-06/30	Total Allocated	Proposed Total	New Total
01 Alamance	*	0	50,000	$0.00	50,000	50,000
D1 Albemarle	*	0	50,000	$0.00	50,000	50,000
02 Alexander	*	0	50,000	$0.00	50,000	50,000
04 Anson	*	0	50,000	$0.00	50,000	50,000
D2 Appalachian	*	0	50,000	$0.00	50,000	50,000
07 Beaufort	*	0	50,000	$0.00	50,000	50,000
09 Bladen	*	0	50,000	$0.00	50,000	50,000
10 Brunswick	*	0	50,000	$0.00	50,000	50,000
11 Buncombe	*	0	50,000	$0.00	50,000	50,000
12 Burke	*	0	50,000	$0.00	50,000	50,000
13 Cabarrus	*	0	50,000	$0.00	50,000	50,000
14 Caldwell	*	0	50,000	$0.00	50,000	50,000
16 Carteret	*	0	50,000	$0.00	50,000	50,000
17 Caswell	*	0	50,000	$0.00	50,000	50,000
18 Catawba	*	0	50,000	$0.00	50,000	50,000
19 Chatham	*	0	50,000	$0.00	50,000	50,000
20 Cherokee	*	0	50,000	$0.00	50,000	50,000
22 Clay	*	0	50,000	$0.00	50,000	50,000
23 Cleveland	*	0	50,000	$0.00	50,000	50,000
24 Columbus	*	0	50,000	$0.00	50,000	50,000
25 Craven	*	0	50,000	$0.00	50,000	50,000
26 Cumberland	*	0	50,000	$0.00	50,000	50,000
28 Dare	*	0	50,000	$0.00	50,000	50,000
29 Davidson	*	0	50,000	$0.00	50,000	50,000
30 Davie	*	0	50,000	$0.00	50,000	50,000
31 Duplin	*	0	50,000	$0.00	50,000	50,000
32 Durham	*	0	50,000	$0.00	50,000	50,000
33 Edgecombe	*	0	50,000	$0.00	50,000	50,000
D7 Foothills	*	0	50,000	$0.00	50,000	50,000
34 Forsyth	*	0	50,000	$0.00	50,000	50,000
35 Franklin	*	0	50,000	$0.00	50,000	50,000
36 Gaston	*	0	50,000	$0.00	50,000	50,000
38 Graham	*	0	50,000	$0.00	50,000	50,000
D3 Gran-Vance	*	0	50,000	$0.00	50,000	50,000
40 Greene	*	0	50,000	$0.00	50,000	50,000
41 Guilford	*	0	50,000	$0.00	50,000	50,000
42 Halifax	*	0	50,000	$0.00	50,000	50,000
43 Harnett	*	0	50,000	$0.00	50,000	50,000
44 Haywood	*	0	50,000	$0.00	50,000	50,000
45 Henderson	*	0	50,000	$0.00	50,000	50,000
47 Hoke	*	0	50,000	$0.00	50,000	50,000
48 Hyde	*	0	50,000	$0.00	50,000	50,000
49 Iredell	*	0	50,000	$0.00	50,000	50,000
50 Jackson	*	0	50,000	$0.00	50,000	50,000

51 Johnston	*	0	50,000	$0.00	50,000	50,000
52 Jones	*	0	50,000	$0.00	50,000	50,000
53 Lee	*	0	50,000	$0.00	50,000	50,000
54 Lenoir	*	0	50,000	$0.00	50,000	50,000
55 Lincoln	*	0	50,000	$0.00	50,000	50,000
56 Macon	*	0	50,000	$0.00	50,000	50,000
57 Madison	*	0	50,000	$0.00	50,000	50,000
D4 M-T-W	*	0	50,000	$0.00	50,000	50,000
60 Mecklenburg	*	0	50,000	$0.00	50,000	50,000
62 Montgomery	*	0	50,000	$0.00	50,000	50,000
63 Moore	*	0	50,000	$0.00	50,000	50,000
64 Nash	*	0	50,000	$0.00	50,000	50,000
65 New Hanover	*	0	50,000	$0.00	50,000	50,000
66 Northampton	*	0	50,000	$0.00	50,000	50,000
67 Onslow	*	0	50,000	$0.00	50,000	50,000
68 Orange	*	0	50,000	$0.00	50,000	50,000
69 Pamlico	*	0	50,000	$0.00	50,000	50,000
71 Pender	*	0	50,000	$0.00	50,000	50,000
73 Person	*	0	50,000	$0.00	50,000	50,000
74 Pitt	*	0	50,000	$0.00	50,000	50,000
75 Polk	*	0	50,000	$0.00	50,000	50,000
76 Randolph	*	0	50,000	$0.00	50,000	50,000
77 Richmond	*	0	50,000	$0.00	50,000	50,000
78 Robeson	*	0	50,000	$0.00	50,000	50,000
79 Rockingham	*	0	50,000	$0.00	50,000	50,000
80 Rowan	*	0	50,000	$0.00	50,000	50,000
82 Sampson	*	0	50,000	$0.00	50,000	50,000
83 Scotland	*	0	50,000	$0.00	50,000	50,000
84 Stanly	*	0	50,000	$0.00	50,000	50,000
85 Stokes	*	0	50,000	$0.00	50,000	50,000
86 Surry	*	0	50,000	$0.00	50,000	50,000
87 Swain	*	0	50,000	$0.00	50,000	50,000
D6 Toe River	*	0	50,000	$0.00	50,000	50,000
88 Transylvania	*	0	50,000	$0.00	50,000	50,000
90 Union	*	0	50,000	$0.00	50,000	50,000
92 Wake	*	0	50,000	$0.00	50,000	50,000
93 Warren	*	0	50,000	$0.00	50,000	50,000
96 Wayne	*	0	50,000	$0.00	50,000	50,000
97 Wilkes	*	0	50,000	$0.00	50,000	50,000
98 Wilson	*	0	50,000	$0.00	50,000	50,000
99 Yadkin	*	0	50,000	$0.00	50,000	50,000
00 Yancey	*	0	50,000	$0.00	50,000	50,000
Totals			4,300,000	0	4,300,000	4,300,000

Sign and Date - DPH Program Administrator DocuSigned by: signed on behalf of Susan Little by Lindsay Novacek 03/06/2024	Sign and Date - DPH Section Chief DocuSigned by: 03/07/2024
Sign and Date - DPH Budget Office – ATC Coordinator 3/7/2024	Sign and Date - DPH Budget Officer 3/7/2024

SH 3/7/2024

Randolph County Public Health

ASHEBORO, NORTH CAROLINA 27205-7368

Ira McDowell Governmental Center

2222-B South Fayetteville Street

Telephone (336) 318-6200

Fax (336) 318-6234

Memo – Budget Amendment

To: Randolph County Board of Commissioners

From: Tara Aker, Health Director

Date: 3/11/2024

Re: Budget Amendment – Public Health

Randolph County Public Health has been awarded temporary grant funding in the amount of $50,000 from the ARPA Temporary Savings Fund. Funding will be used further enhance the ability of the local health department to deliver the essential services and core functions of public health to address specific health needs and health status indicators as determined by the local health department.

Please make the following budget amendment to the General Fund:

2022-23 Budget Ordinance

General Fund

Budget amendment #_____

Revenues	**Increase**	**Decrease**
Restricted Intergovernmental	$50,000	
Appropriations	**Increase**	**Decrease**
Public Health	$50,000	

Randolph County Administration

Memo

To: Randolph County Board of Commissioners

From: Will Massie, Assistant County Manager / Finance Officer

Date: 3/12/2024

Re: Renovation of 911 Backup Center Building

Randolph County currently uses the former Courier Tribune building as its backup 911 Center. The building was originally constructed in 1957, and after acquisition, was renovated to hold the original emergency telephone system. With the construction of our new Emergency Services Headquarters in 2017, the original facility became our required backup center. The backup center must be maintained to the same standards as the main center. However, the backup facility currently has only 9 stations, while the main 911 Center has twelve. In addition, due to its age the building needs infrastructure improvements.

We have solicited requests for qualifications for the initial review of the building to identify need for improvements. We selected Stewart Cooper Newell Architects, PA due to their experience. They have submitted a contract for $43,218 for the initial evaluation of the building. We can utilize ARPA funds for this contract under the Public Sector Capacity category.

Please a) approve the contact with Stewart Cooper for $43,218, b) authorize this project under Public Sector Capacity of ARPA Expenditure Categories, and c) approve the following budget amendment in the Coronavirus Recovery Grant Project Fund:

Coronavirus Recovery Grant Project Ordinance
Amendment #24

Revenues	Increase	Decrease
Appropriations	**Increase**	**Decrease**
Public Sector Capacity	$43,218	
Contingency		$43,218

Piedmont Triad Regional Council

Memo

To: Dana Crisco

From: Miranda Taylor

Date: 03/14/2024

Re: Christine Caviness

Christine Caviness, currently serving on the Adult Care Home and Nursing Home Community Advisory Committee in Randolph County, would like to renew her term and keep serving on the committee. Please reappoint Ms. Caviness to the ACH and NH CAC.

Piedmont Triad Regional Council

Memo

To: Dana Crisco

From: Miranda Taylor

Date: 03/22/2024

Re: Laura Cox

Laura Cox, currently serving on the Adult Care Home Community Advisory Committee in Randolph County, would like to renew her term and keep serving on the committee. Please reappoint Ms. Cox to the ACH CAC.

Randolph County Administration

Memo

To: Randolph County Board of Commissioners

From: Will Massie, Assistant County Manager / Finance Officer

Date: 3/18/2024

Re: Project Amendment #1 –Health Facility Renovation Capital Project

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In September 2022, the County established a capital project to account for the Public Health facility renovation project. The project is financed with a combination of the State of NC's federal ARPA grants and local funding. The original capital project listed everything in construction. However, there are architectural and other costs with this project. Accordingly, we request an amendment to reallocate the budget for expenditures.

Please approve the following project amendment:

Health Facility Renovation Capital Project Ordinance

Amendment # 1

Revenues	**Increase**	**Decrease**
Appropriations	**Increase**	**Decrease**
Professional services	$15,000	
Miscellaneous	$10,000	
Construction		$25,000

Randolph County Administration

Memo

To: Randolph County Board of Commissioners

From: Will Massie, Finance Officer

Date: 3/27/2024

Re: Budget Amendment – HCCBG Funding for 2023-24

The Home and Community Care Block Grant Funding is pass-through federal funding from the State through the Piedmont Triad Regional Council, through the County, and finally to the Randolph Senior Adults Assn. (RSAA) and Regional Consolidated Services. This grant was originally budgeted for $1,035,740. This did not include some ARPA funding that will be received. To update this balance to the currently approved level, an additional $239,260 should be budgeted. In addition, the allocation of available funding between Randolph Senior Adults Assn. and Regional Consolidated Services is being updated on Form DAAS-731. This change was approved by the Aging Services Planning Committee.

Based on the increased funding, please a) approve the revised DAAS-731 and b) approve the following budget amendment to the General Fund:

2023-2024 Budget Ordinance

Budget amendment #_____

General Fund

Revenues	**Increase**	**Decrease**
Restricted Intergovernmental	$239,260	
Appropriations	**Increase**	**Decrease**
Other Human Services Appropriations	$239,260	

DAAS-731 (Rev. 4/16)
PTRC 4-2023

Home and Community Care Block Grant for Older Adults

County Funding Plan

County Services Summary

County: Randolph
July 1, 2023 through June 30, 2024
Rev. 1; 3/26/2024

		A				B	C	D	E	F	G	H	I
		Block Grant Funding				Required	Net	NSIP	Total	Projected HCCBG	Projected eimbursemer	Projected HCCBG	Projected Total
Provider	Services	Access	In-Home	Other	Total	Local Match	Service Cost	Subsidy	Funding	Units	Rate	Clients	Units
Randolph Senior	Transportation- Gen	120000				13333	133333		133333	12299	10.8408	275	15500
Adults Association,	Congregate Meals			93480		10387	103867	19200	123067	10056	10.3289	260	24000
Inc.	Home Delivered			323326		35925	359251	62891	422142	48689	7.3785	360	78614
	Adult Day Care		75000			8333	83333		83333	1285	64.8317	45	3500
	Info & Options	56000				6222	62222		62222	#DIV/0!			
						0	0		0	#DIV/0!			
						0	0		0	#DIV/0!			
Regional Consolidated	Lvl 1-Home Mgmt		80169			8908	89077		89077	2300	38.7290	50	2300
Services	Lvl 2-Personal Care		55967			6219	62186		62186	1320	47.1236	25	1320
	Lvl 3-Personal Care		89273			9919	99192		99192	2069	47.9488	20	2069
	Housing/Home Impr.		63322			7036	70358		70358	#DIV/0!		28	
						0	0		0	#DIV/0!			
						0	0		0	#DIV/0!			
						0	0		0	#DIV/0!			
	Total	176000	363731	416806	956537	106282	1062819	82091	1144910	#DIV/0!	\\\\\\\\\\\\\\	1063	127303

B. Mark Headley 3/26/2024
Signature, Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioner Date

RANDOLPH COUNTY

TAX DEPARTMENT
725 MCDOWELL RD, ASHEBORO, NC 27205-7370

Date: **March 20, 2024**

To: **Randolph County Commissioners**

From: **Debra P Hill, Tax Administrator**

RE: **Reclassification of Debt Setoff Coordinator to Delinquent Accounts Technician**

I am requesting the reclassification of Debt Setoff Coordinator. This position was created when the debt setoff program was first started when we were receiving large amount of monies. Over time this program has continued to collect less and has decreased the amount of time it takes to process the payments. This position is now performing skilled technical tasks in collecting and reporting delinquent taxes. This position currently processes wage garnishments and bank attachments along with the debt setoff program, initiates collections efforts in the ongoing task to increase collection rates and equal taxation, and serves as back-up cashier which requires balancing payments with money collected.

Commented [HDP1]:

For this change, I am requesting the Debt Setoff Coordinator Grade 110 position be reclassified to Delinquent Accounts Technician Grade 112. No additional funding is needed for this reclassification.

Thank you for your consideration.

Ramseur WTP Improvements
Randolph County
3/4/2024

Item	Description	Quantity	Unit	Unit Price	Total
1	Sludge Removal System	1	LS	$900,000	$900,000
2	Ammonia Feed System*	1	LS	$210,000	$210,000
3	Repairs to Flash Mixer & Flocculator	1	LS	$110,000	$110,000
4	Replace Sedimentation Basin Valving	1	LS	$180,000	$180,000
5	Sludge Thickener Equipment	1	LS	$215,000	$215,000
6	Ferric Sulfate Bulk Tank Repairs	1	LS	$7,000	$7,000
7	Structural Evaluation and Repairs	1	LS	$100,000	$100,000
	Opinion of Probably Construction Cost				$1,722,000
	Contingency	10%			$172,200
	Engineering				$268,300
	Opinion of Probable Project Cost				**$2,162,500**

*Ammonia Feed System will allow Ramseur to convert to chloramine disinfection which will match City of Asheboro and PTRWA disinfection processes so the waters can be blended.

Improvements that are included in the current Ramseur Water System Improvements project are the switching of the chlorine from gas feed to liquid feed and replace the filter media and some valving on the filters.

This is **Task Order No. 1**
consisting of 4 pages.

Task Order No. 1

In accordance with Paragraph 1.01 of the Agreement between Owner and Engineer for Professional Services, dated **March 7, 2024** ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

A. Title: **Ammonia Feed and Sludge Removal System for Ramseur WTP**

B. Description: **Engineering Design and limited construction administration/observation services for the design and installation of improvements to the Ammonia Feed and Sludge Removal System for Ramseur WTP**

C. Number of Construction Contracts

The Specific Project is anticipated to be constructed under **1** Construction Contracts separate from the Town of Ramseur 2023 Water System Improvements project.

2. Services of Engineer

Additional Scope: Design, Bidding, Construction Services as described below

✓ Design Services

Size ammonia feed equipment to meet 1.5 mgd capacity.
Locate storage and equipment for ammonia feed system.
Design piping system and feed point for ammonia feed.
Provide complete design for improvements for installation of sludge removal system.
Provide design for sludge thickener equipment and pump replacement
Design flash mixer and flocculator motors and mixer replacement
Design repairs to the ferric sulfate bulk tank
Confer with possible equipment manufacturers.
Provide Structural Engineer inspection of facility and design recommended repairs (estimated at a total of $100,000 including inspection and repair costs)
Provide Supplemental Surveying Services for areas as needed.
Complete Drawings and Specifications for the County to use in bidding the work.

✓ Bidding or Negotiating Services

Assist with advertising, conduct pre-bid meeting and assist the County with receipt and tabulation of Bids.

✓ Construction Contract Administration Services

Provide Construction Administration and Observation of the work for installation of the improvements. Does not include PWS required testing and startup services for chloramine system.

✓ Resident Project Representative Services

Engineer will provide Resident Project Representative services (i.e., Construction Observation) pursuant to Part 5 of Appendix 1. – Part Time for a total of 450 hours, approx. 16 hours per week for 6 months. Does not include PWS required testing and startup services for chloramine system

✓ Additional Services

Allowance for assisting with permitting and start-up of chloramine system.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Appendix 1, subject to the following: **N/A**

4. Times for Rendering Services

Phase	Completion Date
Design	Aug 2024
Bidding Assistance	Dec 2024
Construction Admin	Aug 2025
Construction Observation	Aug 2025
Start up and Testing	Oct 2025

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

Category of Services	***Compensation Method***	***Estimate of Compensation for Services***
Design Services	Lump Sum	$125,000
Bidding Assistance	Lump Sum	$ 8,300
Construction Admin Services	Standard Hourly Rate	$ 40,000
Construction Observation	Standard Hourly Rate	$ 60,000
Startup and Testing Allowance	Standard Hourly Rate	$ 35,000
		$268,300

B. The terms of payment are set forth in Article 2 of the Agreement.

6. Consultants; N/A

7. Other Modifications to Agreement:: N/A

8. Attachments: **Standard Hourly Rate Schedule**

9. Documents Incorporated By Reference: N/A

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is March , 2024 .

OWNER:
Randolph County

By (Signature): _____

Typed Name: **Will Massie**
Title: **Interim County Manager**

Date Signed: _____

ENGINEER:
L.E. Wooten & Company dba
The Wooten Company

By (Signature): W. B. J.

Typed Name: **W. Brian Johnson, PE**
Title: **Vice President**

Date Signed: 3/26/24

Engineer License or Firm's
Certificate No. **F-0115**
State of: **NC**

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Typed Name: _____

Title: _____

Address: _____

_____

E-Mail
Address: _____

Phone: _____

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Typed Name: **John Grey**

Title: **Western Division Lead**

Address: **119 Brookstown Avenue**
Suite 100
Winston Salem NC 27101

E-Mail
Address: **jgrey@thewootencompany.com**

Phone: **336-722-5326**

PRE-AUDITED STATEMENT

This instrument has been pre-audited in a manner Required by the Local Government Budget and Fiscal Control Act.

Print Name: _____

Title: _____

By (Signature): _____

Date Signed: _____

Randolph County Administration

Memo

To: Randolph County Board of Commissioners

From: Will Massie, Assistant County Manager / Finance Officer

Date: 4/1/2024

Re: Project Amendment – Ramseur Water & Sewer Project

A multi-year capital project fund has already been established to account for Ramseur Water and Sewer Improvements, separate from the General Fund.

If the Board wishes to approve the sludge removal and ammonia feed system projects for $2,162,500, the County can finance them using the state water and sewer directed grant.

To update the budget for the Ramseur Water and Sewer Improvements Capital Project, please approve the following project amendment:

Ramseur Water and Sewer Capital Project Fund

Amendment #1

Revenues	**Increase**	**Decrease**
Restricted Intergovernmental	$2,162,500	
Appropriations	**Increase**	**Decrease**
Professional Services	$268,300	
Construction	$1,722,000	
Contingency	$172,200	

Randolph County Soil & Water Conservation District

2222 A South Fayetteville Street ◆ Asheboro, North Carolina 27205
Phone: (336) 318-6490 ◆ Fax: (336) 636-7691

Memorandum

Date: March 18,2024

To: Will Massie

From: Jessica Davis

Re: Board of County Commissioners Meeting- April 1st, 2024

The Randolph County Soil and Water Conservation District would like to hire an Education Coordinator. The salary for this position would be partially funded by the NC Association of Soil and Water Conservation Districts.

Job duties of this position include provide training for new soil and water environmental educators, facilitate workshops, coordinate state level education contests, assist in planning education sessions at statewide meetings, develop curriculum focused on conservation practices used in agriculture and assist the current environmental educator with offering school and community outreach programs in Randolph County.

The Randolph County Soil and Water District Board would like to request the support of the County Commissioners in the addition of this position.

Yours for Life

RANDOLPH COMMUNITY COLLEGE | ADMINISTRATIVE SERVICES

March 19, 2024

William L. Massie, CPA
Interim County Manager/Finance Officer
725 McDowell Road
Asheboro, North Carolina 27205

Re: RCC Request for Funds for Projects - $8,517,000

Dear Mr. Massie:

The Board of Trustees for Randolph Community College respectfully requests funds for the following projects at the College:

1. **Emergency Services Training Center (ESTC) Improvements**
   a. Purchase and install of Burning building structure - $612,000.
   b. Purchase and install Tactical (Clean) building structure - $434,000.
   c. Repairs and Renovations to existing buildings and grounds (roof repairs, painting, flooring, lighting, parking lot repairs/repaving, clear new area, and pave new rescue parking lot) - $675,000.

   TOTAL - $1,721,000

2. **Applied Industrial Artificial Intelligence Center of North Carolina (AI2C)**
   a. Renovation of existing Building 13 to create the Applied Industrial Artificial Intelligence Center of North Carolina. This building will include space for our Building Trades, Advanced Manufacturing, and Agri-business Programs - $5,895,000.

   TOTAL - $5,895,000

3. **Campus Repairs and Renovations**
   a. Repairs and Renovations to existing buildings (roof repairs, boiler replacements, HVAC repairs, and parking lot repairs/repaving) - $901,000.

   TOTAL - $901,000

These projects were all part of the previous special presentation to the Commissioners, and we are now ready to begin starting these projects and respectfully request the funding be approved. Should you have any questions, or require additional information, please feel free to contact me at any time.

Respectfully submitted,

Richard N. Weldon
Vice President for Administrative Services/CFO

Randolph County Administration

Memo

To: Randolph County Board of Commissioners

From: Will Massie, Assistant County Manager / Finance Officer

Date: 3/25/2024

Re: Randolph Community College Capital Project

The Board of County Commissioners have previously adopted a capital project ordinance for RCC improvements. To date, these improvements include the Continuing Education / Industrial Center, Photography, Cosmetology, the Allied Health Center, and land for the Liberty Training Center.

If the Board wishes to fund the currently requested projects, we can utilize the existing balance in Contingency and add future proceeds of the Article 46 sales tax.

Please approve the following budget amendments in the RCC Capital Project Fund:

RCC Capital Project Ordinance
Amendment # 17

Revenues	**Increase**	**Decrease**
Transfers from the General Fund	$5,041,526	
Appropriations	**Increase**	**Decrease**
Emergency Svcs Training Center	$1,721,000	
Artificial Intelligence Center	$5,895,000	
Campus Renovations	$901,000	
Contingency		$3,475,474

RANDOLPH
County School System

Superintendent's Office
Dr. Stephen Gainey, Superintendent

2222-C South Fayetteville Street
Asheboro, NC 27205
Phone 336.633.5000
Fax 336.633.5155
randolph.k12.nc.us

April 1, 2024

Dear Randolph County Board of Commissioners:

I have attached a document entitled "Phase 1 of the Growth Plan for the Randolph County School System." This plan was developed due to the anticipated increase in student enrollment in our school system as a result of the economic growth to be experienced by our county during the next few years. More specifically, this document outlines the plan for the Randolph County School System to address facility needs and student assignment needs in relation to our current school facilities. Please know that I greatly appreciate your support of our school system. Our positive relationship/partnership with you is highly valued by the members of the Randolph County Board of Education, my staff members, and me.

Respectfully,

Stephen Gainey
Superintendent

Phase 1 of the Growth Plan for the Randolph County School System

Based on the current data, Randolph County is projected to grow by 100,000 people during the next five years. This population growth also will impact our school system in terms of growth in our number of students. As a result, our school system must respond to this growth in two phases:

Phase 1: The school system will address facility and student assignment needs in relation to our current school facilities.

Phase 2: The school system will make plans for future school sites and the construction of additional schools as needed based on the projected growth in student population.

At this time, the components of Phase 1 will be the focus of the school system's leadership. These components are as follows:

1) A new Liberty Elementary School will be built in the eastern part of the school system.
2) A new Randleman High School will be built in Randleman.
3) Eastern Randolph High School, Southwestern Randolph High School, and Trinity High School will be renovated.
4) Braxton Craven School will be demolished. However, the school system will retain the land from that school site for use in the future as needed. Likewise, as schools are replaced in the future, such as Liberty Elementary School and Randleman High School, the school system will demolish those buildings and retain those tracts of land for future use or sell the land if not needed for future school facilities.
5) The school system will engage with a consulting group to assess the current attendance zones and identify needed adjustments to attendance zones per school. Also, with this group's help, the school system will assess the current student assignment processes and identify needed changes. This work will occur during the time period of Spring 2024-Winter 2025.
6) The school system will create a Student Assignment/Growth Management Department to implement/manage the student assignment process, work with county leaders/municipality leaders to monitor growth with regard to future housing developments throughout the county, and handle the acquisition of land for new school sites.
7) The leadership of the school system will bring recommendations to the Board of Education for changes to the attendance zones per school. Recommendations for changes to the student assignment process will be made to the Board of Education as well.

The upcoming years will be a very exciting, yet challenging, time due to the projected growth to be experienced by our county as a result of the economic development on the horizon. Thus, it is critical for our school system to start this journey as soon as possible. The work with Phase 1 of this plan will help with the identification of components for Phase 2 with regard to our school system's future facility needs.

Randolph County Historic Landmark Preservation Commission
201 Worth Street, Asheboro, North Carolina 27203 ♦ 336-318-6806 ♦ www.rchlpc.org

March 4, 2024

TO: **Randolph County Board of Commissioners**
FROM: **L. McKay Whatley, Jr., Chairman**
RE: **Landmark Designation of Dr. Charles H. Phillips House**

On Behalf of the Randolph County Historic Landmark Preservation Commission, I am pleased to recommend the following site to be considered for Local Historic Landmark designation:

Dr. Charles H. Phillips House, ca. 1850-ca. 1890
1482 Fuller Mill Road
Thomasville, N.C. 27360

The Historic Landmark Preservation Commission conducted a public hearing on February 28, 2024, and unanimously passed a resolution recommending landmark designation of the house and its parcel. A copy of the resolution, along with the Landmark Designation Report, accompanies this memo.

Final authority for Local Historic Landmark Designation rest with the elected officials of the local government within whose planning jurisdiction the landmark is located. The designation consideration requires a legislative hearing that will include a public hearing, proper notice for which will have been given by the time of your meeting.

Also accompanying is a proposed ordinance necessary to formally designate the Dr. Charles H. Phillips House as a Randolph County Local Historic Landmark.

Thank you.

Randolph County Historic Landmark Preservation Commission
201 Worth Street, Asheboro, North Carolina 27203 ♦ 336-318-6806 ♦ www.rchlpc.org

Resolution Recommending Local Historic Landmark Designation Charles H. Phillips House, ca. 1850-ca. 1890

WHEREAS, Chapter 160D, Article 9, Part 4 of the North Carolina General Statues provides for the designation of local historic landmarks; and

WHEREAS, the Randolph County Board of Commissioners has appointed the Randolph County Historic Landmark Preservation Commission, having the authority to exercise all powers and duties given it by the Randolph County Historic Preservation Ordinance; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the Charles H. Phillips House, ca. 1850-ca. 1890, and its parcel; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the Local Landmark Designation Report and has advised that the Randolph County Historic Landmark Preservation Commission will have sufficient evidence to prove that the Charles H. Phillips House and its parcel possess the requisite special character and integrity for designation as a local historic landmark; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission conducted the required public hearing, having published legal notices with mailings to adjoining property owners; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission finds that the Charles H. Phillips House, ca. 1850-ca. 1890 and its parcel, meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Its important architecture as an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials or craftsmanship; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the development of Randolph County; (4) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive area.

WHEREAS, the property is more specifically described as follows:

The Charles H. Phillips House is located on a 21.7 acre parcel at 1482 Fuller Mill Road, Thomasville, NC 27360, PIN 6793792220, Tabernacle Township, Randolph County, N.C.

NOW, THEREFORE, BE IT RESOLVED, this 28th day of February, 2024, that the Randolph County Historic Landmark Preservation Commission approves the application for local landmark designation, and recommends to the Randolph County Board of Commissioners that the exterior

of the Charles H. Phillips House, ca. 1850-ca. 1890, and its 21.7 acre parcel, be designated as a Local Historic Landmark.

Randolph County Historic Landmark Preservation Commission

L. McKay Whatley Jr. Chairman

Attest: Jenny Parks

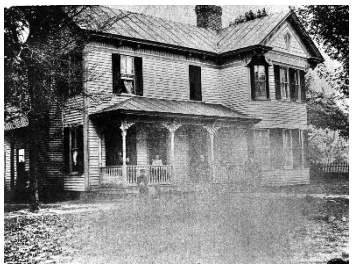
Date: 2-28-24

Randolph County Historic Landmark Preservation Commission

201 Worth Street ♦ Asheboro, North Carolina 27203

LOCAL LANDMARK DESIGNATION REPORT

Dr. Charles Phillips House, ca. 1850-ca. 1890







1. Name of Property

Historic name: Dr. Charles Phillips House, ca. 1855, ca. 1890

Other Name: Riverbend Farm

2. Location

Street Address: 1482 Fuller Mill Road N

City/Town/Jurisdiction: Tabernacle Township, Randolph County

Zoning Jurisdiction: Randolph County, NC

Tax Parcel ID Number: 6793792220

3. Owner Information

Name: Amy and Frederick Wang

Address: 1482 Fuller Mill Road N, Thomasville, NC 27360

Phone: 336-908-6731

4. Applicant/Contact Person

Name: Amy and Frederick Wang

Contact: 336-908-6731

5. General Data/Site Information

A. Date of Construction and major additions/alterations: ca. 1850 to ca. 1890

B. Number, type and date of construction of outbuildings: Barn and shed, mid- to late-19th century

C. Approximate lot size or acreage: 21.7 acres

D. Architect, builder, carpenter, and/or mason: Unknown

E. Previous Field Documentation: L. McKay Whatley Jr., 1979; North Carolina Department of Transportation, Survey Site No. RD0026, 1995

E. Original Use: Residence

F. Present Use: Residence

6. Classification

Ownership of Property: Private

Category of Property: Building and parcel

7. Function or Use

Historic Functions: Residence, farming, doctor's office

Current Functions: Residence

8. Description

Architectural Classification: Dwelling

LOCAL LANDMARK DESIGNATION REPORT

Dr. Charles Philips House, ca. 1850-ca. 1890

ABSTRACT

The nucleus of the house widely associated with Dr. Charles Hoover Phillips, a prominent physician serving western Randolph County in the late 19th and early 20th centuries, possibly was built as early as 1850 by Penuel Wood Keerans (later Kearns). By 1890, the house had been significantly expanded, probably after it came into the possession of Phillips's father, Methodist minister Charles Haley Phillips, in 1873, into a T-plan home with a cross-gable polygonal end pavilion and elaborate exterior ornamentation. A further expansion in the 1890s added more adornment, making it today one of the few houses remaining in Randolph County that demonstrates a strong Victorian era Queen Anne influence. Both the exterior and interior retain a high degree of originality. Following a North Carolina Department of Transportation (DOT) survey in 1995, the house was identified as eligible for inclusion on the National Register of Historic Places because of its architectural significance (Survey Site No. RD00026). The State Historic Preservation Office additionally recommended including a contemporaneous shed and bank barn north of the house in any National Register designation effort.

The parcel on which the house sits includes interesting remnants of the property's agricultural past, including the bank barn and shed; two hand-dug, stone-lined wells; farm fencing; a livestock exclusion gate; earthen erosion control berms; and a grove of pecan trees dating to Dr. Phillips's time. The northern edge of the property, which adjoins the Little Uwharrie River, includes remnants of historical modes of transportation, including the southern end of a river ford used from the 18th century until the Fuller Mill Covered Bridge was built in 1907; the old Fuller Mill Road bed; and the southern abutment of a since-demolished 1949 bridge that incorporates elements of the covered bridge abutment.

The house is of special significance due to its architectural importance and high degree of originality. The house and outbuildings meet criteria for designation as a Local Historic Landmark due to important architecture exemplifying an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials, or craftsmanship; and due to associations with significant persons, in that Dr. Charles Hoover Phillips was a locally important figure who chaired the Randolph County Board of Education and later became influential in Thomasville. The parcel includes significant elements of setting and feeling that tie the house to its past and to the history of the community, and meets criteria for inclusion in the designation as a result of its representation of a cultural, economic, historic, or social theme expressed through a distinctive area.

While the interior of the house includes many original and significant design elements, the proposed landmark designation covers only the exterior. The designation boundary encompasses the entire 21-acre parcel (see Appendix A: Site Plan and Designation Boundary).

HISTORICAL CONTEXT AND SIGNIFICANCE

The Dr. Charles Phillips house sits in an unincorporated community known as Fuller's Mill, for the productive grist mill established before the Civil War by Allen Skeen (1810-1890), but acquired in the late 1890s and operated into the 20th century by Albert Walter Fuller (1865-

1934).[1] Prior to and during its early association with the mill, the area was known as Fullers, and was the site of Fullers Ford, an important crossing point on the Little Uwharrie River as far back as the late 18th century. The house and its parcel are situated along the south/west bank of the Little Uwharrie River, on the east side of Fuller Miller Road just downstream of the mill site, in Randolph County's Tabernacle Township.

Although previous surveys date the house to circa 1890, it appears to have been built somewhat earlier as a vernacular farm house with two-rooms, or two stories with two rooms each, and a separate kitchen (see Architectural and Site Analysis, following, and Appendix C: Floor Plan). The house was part of a 95-acre parcel purchased by the Rev. Charles Haley Phillips in 1873 from Penuel Wood Keerans (1826-1982), a farmer (see Appendix B, Chain of Title). Phillips was born in Moore County, North Carolina and entered the Methodist Episcopal ministry in 1850.[2] His first posting was to the church's Fayetteville circuit in 1851. He was moved to the Greensboro circuit in 1852. In 1853, he married Caroline Elizabeth (Lizzie) Skeen (1833-1891). Skeen was the daughter of mill owner Allen Skeen. Phillips and his family lived in Guilford County until relocating to Randolph County and settling on their new property.[3] By 1873 Phillips had been appointed to the Davidson circuit of the church, and by 1878 to the Randolph circuit.[4] Phillips added another 106 acres to his holdings in 1877 and 1880.[5]

By the time of his death in 1885, the Rev. Phillips appears to have expanded and adorned – if not rebuilt – the original house. Either before or during Phillips's ownership the kitchen was incorporated into the home, forming a dining room between the living room and the kitchen. Phillips's expansion of the house encompassed an addition to the south which included a polygonal end pavilion with a parlor and a bedroom downstairs, and two bedrooms upstairs.

After Lizzie's death in 1891, the entire 200 acres passed to their son, Dr. Charles Hoover Phillips (1871-1948). Dr. Phillips attended school at Mount Airy Military Academy under the tutelage of Harris Skeen, his uncle.[6] He studied medicine with Dr. Alson Fuller (1832-1906) of Randolph County, and in 1892 graduated from the University of Maryland Medical School in Baltimore.[7] He returned to Randolph County and practiced with Fuller. In 1893, he married Bessie Emma Fuller (1873-1936), Dr. Fuller's niece and the sister of Fuller Mill's A.W. Fuller.

During Dr. Phillips's ownership, the house was expanded again. A two-story addition to the north included a room with its own exterior entrance that was used as Phillips's doctor's office. More Queen Anne adornments and a wrap-around porch were added. In the 20th century, a two-story addition was built on the south end of the house that may have included as many as four bathrooms. The current homeowners have heard from members of the community that the house was one of the first in Randolph County to be electrified, and ceramic tubes remain in the walls.

Phillips practiced as a "horse-and-buggy" doctor for 29 years before moving to Thomasville in 1920.[8] He served patients as many as 40 miles from home. In 1910, he was appointed to the Randolph County Board of Education to fill the unexpired term of a member who resigned.[9] He would serve for 10 years, eight of those as chairman, ending his term in 1920 when he moved.[10] He also sat on the board of directors of the First National Bank of Thomasville from its inception in 1907 until his death.

Phillips was instrumental in establishing telephone service in the area of his home. In 1899, he and Dr. Fuller undertook an effort to construct a telephone line between Fullers and Thomasville.[11] In 1903, he and Randolph County Sheriff Thomas Jefferson Finch (1861-1929), a Tabernacle native and Trinity resident, built a line to the Randleman Telephone Company's Caraway hub, linking Fullers with Randleman and High Point.[12]

After relocating, Phillips became prominent in Thomasville, helping to establish the Thomasville City Memorial Hospital and engaging in other civic activities.[13] He was said to have brought more than 10,000 infants into the world during his medical career.

In 1936, Phillips deeded his Randolph County property to his son Marion Sims Phillips (1908-1982).[14] Marion Phillips resided in Thomasville and served as Davidson County Register of Deeds. Marion made the house a rental property. In 1973, he sold the entire acreage to Holt-Rooks Equipment and Truck Company.[15] This business had recently sold its International Harvester dealership in Asheboro, and saw the now 220 acres as an opportunity for a residential subdivision.[16] When the subdivision did not come to fruition, the property was parceled out beginning in 1976. The house and its 21 acres on the east side of Fuller Mill Road were sold to Stan and Linda Swofford.[17] Stan Swofford was the longtime, highly-regarded investigative reporter for the *Greensboro Daily News*.

The current owners purchased the farm from the estate of Linda Swofford in 2015.[18] They have engaged in a careful analysis and authentic restoration effort, which is documented on their blog "Our Old House Adventure" (ouroldnchouse.blogspot.com.)

ARCHITECTURAL AND SITE ANALYSIS

The Phillips House is one of the few remaining homes in Randolph County to demonstrate a strong Queen Anne influence. A property inventory and evaluation conducted by the North Carolina Department of Transportation in 1995, in preparation for a replacement of the bridge over the Little Uwharrie River at Fuller's Mill, states, "The Phillips House is an intact and elaborately detailed example of the Queen Anne style from the 1890s. the Phillips House embodies the distinctive characteristics of the style in its asymmetrical plan, prominent cross gable and polygonal end bay, ornate sawn brackets and spindlework, and varied wall textures. The Phillips House is one of the best remaining examples in the rural areas of Randolph County."[19]

The NC DOT survey and a 1979 survey assume a circa-1890 date for construction of the house.[20] However, examination by the homeowner during restoration has suggested that the central portion of the home, now comprising a living room and foyer, was built somewhat earlier. [21] Based on the presence of hand-hewn beams supporting the floor that are different from other structural elements, the original house would have had a two-room footprint. It may have been one or two stories. The construction date of the house is shown in Randolph County tax records as 1850, the same year Penuel Keerans purchased the property.[22] Two 1850s-era Greek Revival doors also were found in the house. A separate kitchen, situated behind the house to the east, was connected to the house at some point before 1890, and a dining room created in between.

The kitchen may have been incorporated between the time of the Rev. Phillips's acquisition of the house in 1873 and his death in 1885. During this period the house was expanded and adorned with ornate Queen Anne features. A two-story polygonal pavilion was added to the south end to include what are now a parlor and three bedrooms. The pavilion was capped by a front-facing gable with diamond-pattern fish scale shingles and a vent. A porch extending from the pavilion along the front of the house was supported on turned posts with carved cornice brackets and corbels.

The 1873-1885 date range for this initial work is assumed because houses in this period were beginning to display Victorian influences. The DOT report notes that "…[T]he Queen Anne style was the dominant style of domestic architecture nationwide in the 1880s and 1890s and was made popular through magazines and mail-order catalogs. Effective distribution of materials, standardized plans, and pre-cut architectural details via railroad also contributed to its broad appeal."[23] Thomasville, incorporated in 1851 and just ten miles away, was served by a railroad beginning in 1855. It is unlikely that Lizzie Phillips, late in her life, would have undertaken a major renovation of her house between the time of the Rev. Phillips's death in 1885 and her death in 1891. Moreover, it is known that Dr. Phillips made further modifications, likely circa 1892 when he returned to Randolph County to practice medicine; a photograph is extant showing the house prior to Dr. Phillips's changes (see accompanying images).

These changes included a two-story addition to the north end of the house that incorporated a formerly exterior chimney. The addition included the first-floor room that Phillips used as his doctor's office. This room had two independent exterior doors. The Queen Anne adornments were carried on into the new section, with the porch wrapping around the north side and along the east side as far as the ell created by the kitchen and dining room. The roofline was modified with a central gable. Windows and Eastlake-style bargeboards were added to each gable end. A portion of the wrap-around porch on the north side of the ell was enclosed, according to the homeowners, in 1902. At a later time, a two-story bathroom addition was added to the south side of the house, evidently to serve the downstairs and upstairs bedrooms. The space consisted of four small rooms with a cast-iron stack from bottom to top (the current homeowners have reconfigured the space into two bathrooms, and the no-longer-functional stack was removed). Although the DOT report dates the addition to circa 1950, the homeowners report finding in one of the bathrooms a sink and a claw-foot bathtub stamped with a manufacture date of 1910. The exterior of the house remains highly original; the NC DOT report notes its "weatherboard siding, reeded corner boards, and double hung window sash."[24]

The interior of the house includes eight fireplaces, five of which have matching mantels and two which have more ornate mantles. Most of the original wood windows remain. Two Greek Revival doors that appear to date to the 1850s are present. Walls and ceilings are beadboard, and floors are quarter-sawn heart pine. There are 10 exterior doors, including a double door into the foyer. The northernmost door on the front appears to have been an independent entrance into the doctor's office. Interior trim is comprised of a variety of styles, with bulls-eye corner blocks, wainscoting, plinth blocks, picture rail, and extensive woodwork in the doctor's office. The homeowners have attempted to restore many of the original features of the house using salvaged materials as much as possible.

The parcel on which the house sits includes many interesting features. A gable-roof frame barn on the north end of the property was constructed in the mid- to late-19th Century and is an excellent example of a bank barn. A small shed, built about the same time as the barn, stands between the house and the barn. There are two hand-dug, stone-lined wells, one near the kitchen and another near the barn. During Dr. Phillips's tenure, a molded concrete block wall was constructed on the west side of the property between the house and Fuller Mill Road.

The property was part of a larger tract used for agriculture in the 19th and early 20th centuries.[25] Some farm fencing remains, including a livestock exclusion gate (a variant of a "kissing gate"), as well as earthen berms across the lot constructed during the farming period to control erosion as the land slopes downward toward a large meadow and the Little Uwharrie River to the east. A grove of pecan trees dating from Dr. Phillips's era can be found on the southern boundary near the house.

The south end of a river crossing used prior to the construction of the 1907 Fuller Mill Covered Bridge is located at the northern edge of the property. The crossing known as Fuller's Ford was a significant landmark in the area as early as 1793, when Methodist circuit-riding Bishop Francis Asbury crossed there. "Here we were assisted by some young men with a canoe," he wrote in his journal. "Thank the Lord, both men and horses were preserved! The young men sometimes prayed and sometimes swore." [26] In 1860, prominent Jamestown attorney George Mendenhall, on his way home from a Stanly County Superior Court session, drowned while attempting to cross the ford during a flood.[27]

The southern abutment of a modern bridge that in 1949 replaced the 1907 covered bridge stands just downstream of the ford. This bridge has since been replaced by a newer bridge to the west (the reason for the 1995 NC DOT study).[28] The abutment incorporates elements of the covered bridge abutment. The old roadbed approaching the former bridge site crosses the northwestern corner of the property.

NATIONAL REGISTER CONSIDERATIONS

Although local historic landmarks do not have to meet National Register standards, it is useful to consider a proposed landmark against those standards.

In its 1995 survey, DOT recommended only the house and its "immediate setting" for inclusion on the National Register under Criterion C, architecture, stating, "The Phillips House is an intact and elaborately detailed example of the Queen Anne style from the 1890s."[29] The DOT recommended a square designation boundary of just under one acre including the house, several mature trees, the concrete wall and a garden.[30]

The State Historic Preservation Office (SHPO) recommended extending the boundaries to include the well house, shed and barn, noting that these are "located within the larger domestic space of a rural residence, and contribute to the house's setting, feeling and associations."[31] The SHPO found that remains of the 1949 bridge abutment "lack integrity and are not sufficient to convey the significance of the covered bridge," and therefore were not eligible for the National Register.[32] Neither the DOT report nor the SHPO response made reference to any of the agricultural features on of the parcel, nor did they make note of the ford.

This judgement notwithstanding, the remnants of 19th century agricultural activity on the property and 18th through 20th century transportation are suggestive of distinctive historical themes, and offer a setting and feeling, that may warrant local landmark designation of the entire parcel.

The DOT concluded that the property was not eligible under National Register Criterion B, "association with the lives of significant persons in our past." The reporting official's research led him to conclude that although Dr. Phillips was successful in his profession, he "made no important contributions beyond his accepted responsibilities as a physician." However, more recent study shows that Phillips had a countywide impact in Randolph County as a long-serving school board member and chairman, and in Thomasville in his medical, business and civic activities.

---

[1] See Howard Hayes, "At Least for a While, Mill to Be Preserved," *Thomasville Times*, 16 February 1967, 1B; and Phillip Reese, "Turning Into Memories: Almost All of the Old Grist Mills That Were Once So Prevalent in Randolph County Are Gone," *The Greensboro News & Record* 7 July 2001, https://greensboro.com/turning-into-memories-almost-all-of-the-old-grist-mills-that-were-once-so-prevalent/article_a3b1fca1-ebe2-5639-bd7c-

d3fe7375ecdf.html). According to local historian Betty Brown, quoted in the New & Record article, Skeen sold Isham Fuller (1839-1921) an interest in the mill in the 1880s; Isham Fuller was A.W. Fuller's father.

[2] "Memoir of Charles H. Phillips," J*ournal of the Forty-Ninth Session of the North Carolina Annual Conference of the Methodist Episcopal Church, South*, Donald W. Bain, ed. (Raleigh, N.C.: Edwards. Broughton & Co., Power Printers and Binders, 1886), 43.

[3] See "Dr. Charles Hoover Phillips" in Hugh Talmage Lefler, *History of North Carolina: Family and Personal History*, Vol. IV (New York: Lewis Historical Publishing Company, 1956), 479-480. Charles Hoover Phillips, born in 1871 and son of the Rev. Charles Haley Phillips, is identified as a Greensboro native. The 1870 census places the family in Sumner in southwestern Guilford County.

[4] See "Appointments North Carolina Annual Conference, M.E. Church South," *Carolina Watchman*, 25 December 1873, 2; and "Appointments for 1879," *Greensboro North State*, 5 December 1878, 2.

[5] Randolph County Deed Books 54/639 and 57/638

[6] Lefler, 479.

[7] Ibid. Dr. Alson Fuller was a native of western Randolph County He received a bachelors degree from Trinity College in 1855. He studied at the University of Louisiana medical school and graduated from Jefferson Medical College in Philadelphia. See "Dr. A Fuller," *The Dispatch* (Lexington, N.C.), 3 June 1903, 3.

[8] Ibid., 480.

[9] "Neighborhood Notes," *The Union Republican* (Winston-Salem, N.C.), 9 March 1910, 3, citing *The Courier* of Asheboro.

[10] Lefler, 480.

[11] "Neighborhood Notes," *The Union Republican* (Winston-Salem, N.C.), 9 February 1899, 7, citing *The Courier* of Asheboro.

[12] "Items from Caraway," *The Weekly High Point Enterprise* (High Point, N.C.), 9 September 1903, 5.

[13] Lefler, 480.

[14] Randolph County Deed Book 282/333.

[15] Randolph County Deed Book 1060/243.

[16] Recollection of Ross A. Holt, Randolph County Historic Landmark Preservation Commission member who compiled of this section of this report based on the landmark application and research provided by the homeowners. He is the son of Allen F. Holt, owner of Holt-Rooks Equipment and Truck Company.

[17] Randolph County Deed Book 1086/800.

[18] Randolph County Deed Book 2472/1093.

[19] Clay Griffith, "Historic Architectural Survey Report Phase II (Abridged)," *Replace Bridge no. 59 on SR 1404 over Little Uwharrie River in Randolph County North Carolina, TIP No. B-3021,*" (Raleigh, N.C.: North Carolina Department of Transportation, 1995), State Historic Preservation Office Survey RD0026.

[20] Ibid., and L. McKay Whatley, *The Architectural History of Randolph County* (Asheboro, N.C.: City of Asheboro, County of Randolph et.al., 1985), 134.

[21] The primary architectural analysis originates from homeowner Frederick (Fritz) Wang's deconstruction of elements of the house as he restores it, documented at *Our 1850 House Adventure: Restoring an 1850 Farm House in Randolph County, North Carolina* (ouroldhouse.blogspot.com, 2016-present).

[22] Building Summary, Property Summary, 1482 Fuller Mill N, Randolph County Tax Department (REID 2648, http://txpwa.co.randolph.nc.us/camapwa/PropertySummary.aspx?REID=2648), 2023.

[23] Griffith.

[24] Ibid.

[25] In 1909, Phillips's son, Charles Fuller Phillips (1895-1876), was lauded in newspapers statewide for raising 135 bushels of corn on one acre. "Rah for Charles. There is many a grown man in Randolph County who has never done half so important a thing, we dare say." "Great Corn-Raising by a Boy 10 Years Old," *The Evening Chronicle* (Charlotte, N.C.), 29 November 1909, 4, citing an article from the *Asheville Gazette-News*, which in turn cited *The Courier* of Asheboro.

[26] Francis Asbury, *The Journal and Letters of Francis Asbury, Vol. I, 1771 to 1793*, Elmer T. Clark, Editor-in-Chief (Nashville: Abingdon Press, 1958), 777.

[27] "Death of George C. Mendenhall," *Weekly Raleigh Register*, 28 March 1860, 4.

[28] A 1907 newspaper article dates the covered bridge by noting that the bridge, "which Superintendent Kennedy and the road forces are building," is almost complete; see "Local and Personal, *The Courier* (Asheboro, N.C.), 4 April 1907, 5.
[29] Griffith.
[30] Ibid.
[31] David Brook, Deputy State Historic Preservation Officer, letter to Nicholas L. Graf, Division Administrator, Federal Highway Administration, [North Carolina] Department of Transportation, 17 November 1995.
[32] Ibid. The memo cites survey RD0872 for its conclusions about the bridge abutment.

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Appendix A: Site Plan and Designation Boundary

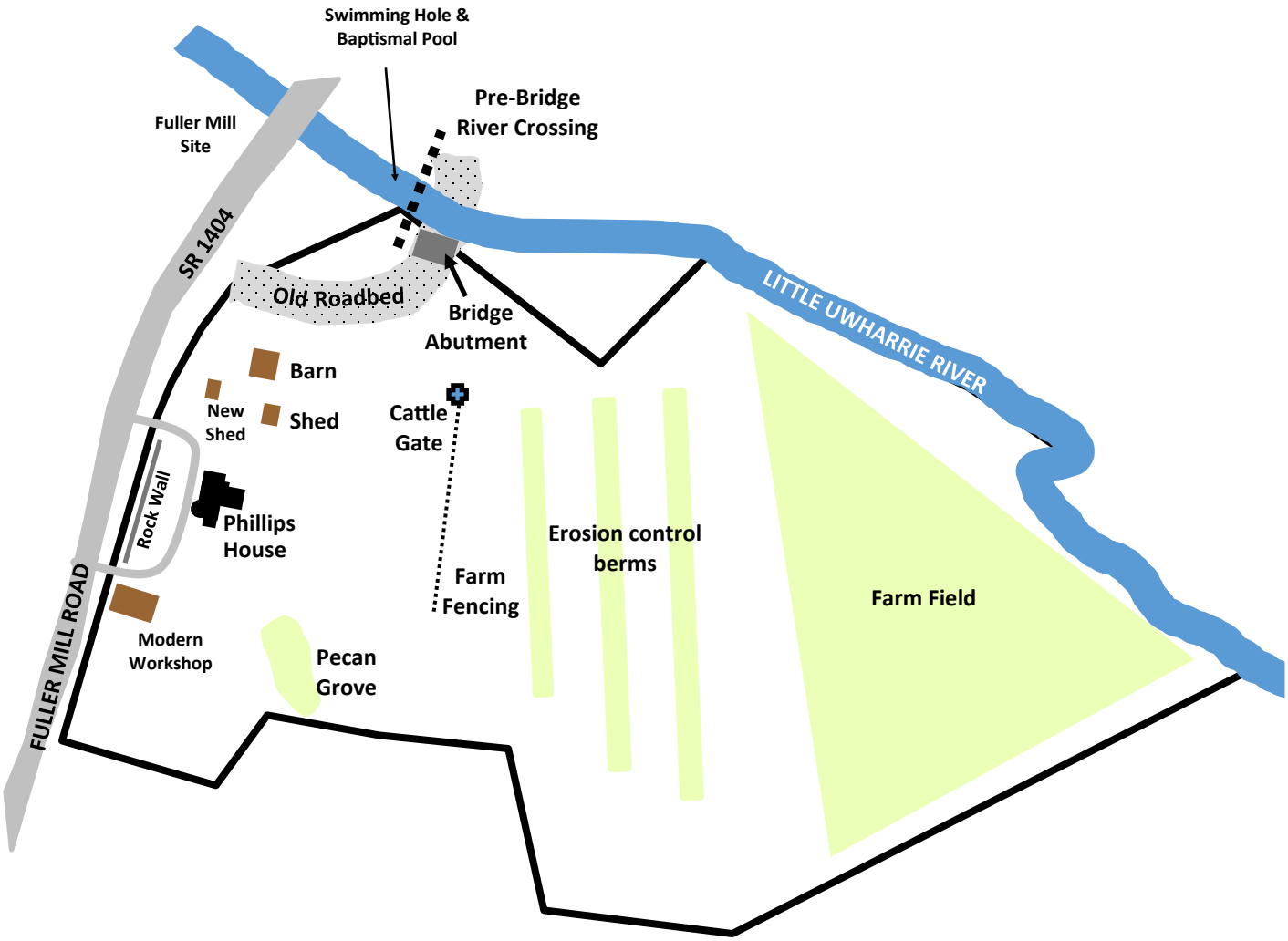


REID	2648	OWNER ADDRESS2	
PIN	6793792220	OWNER CITY	THOMASVILLE
TAXED ACREAGE	21.7	OWNER STATE	NC
PROPERTY DESCRIPTION	R1404;BOTH	OWNER ZIP	27360
DEED BOOK & PAGE	002472/01090	LOCATION ADDRESS	1438 FULLER MILL RD N - Additional Addresses
PLAT BOOK & PAGE		LOCATION ZIP	THOMASVILLE,27360
OWNER	WANG, FREDERICK K (WANG, AMY E)	DATA REFRESHED	10/1/2023
OWNER ADDRESS	1482 FULLER MILL RD N		

Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
1 inch = 282 feet
10/3/2023

Appendix A (cont'd): Site Plan and Designation Boundary



Appendix B: Chain of Title

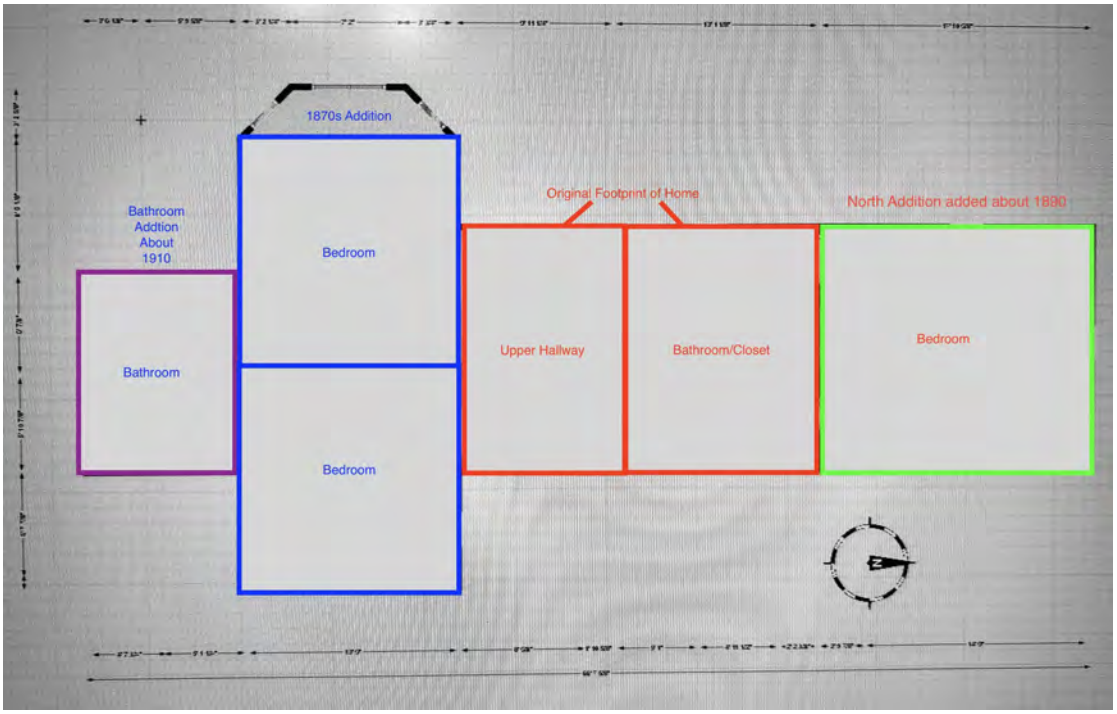
2015	DB 2472/1093	Darla Gayle Stedman, executor, Estate of Lynda Faye Stedman Swofford; Darla Gayle Stedman and Robert Burke Stedman, to Frederick K. Wang and Amy E. Wang, 21.754 acres.
1976	DB 1086/800	Holt Rooks Equipment & Truck Co. to Stan Swofford and Linda [Lynda] Swofford, 21.74 acres
1973	DB 1060/243	Marion S. Phillips to Holt-Rooks Equipment and Truck Company, 220 acres
1936	DB 282/333	C.H. [Charles Hoover] Phillips to Marion S. Phillips, 220 acres (two tracts)
1885		Death of Charles Haley Phillips
1874	DB 38/176	P. W. Keeran to C.H. [Charles Haley] Phillips, 95.75 acres
1850	DB 28/214	Addison Hale to Penuel W. Keerans, 121 acres
1849	DB 28/231	John Robbins and his wife Holland; John Hoover and his wife Elizabeth; Elizabeth and Doctor Whisenhunt, heirs of David Whisenhunt, to Addison J. Hale, 120.5 acres
1826	DB 18/390	Abraham Elliott [Jr.] to David Whisenhunt, 120.5 Acres
1785-1826		*Abraham Elliott Sr. (1725-1808) and Abraham Elliot Jr. (1756-1843) receive significant acreage on the waters of the Uwharrie River in northwestern Randolph County through state land grants and private transactions.*

Appendix C: Dr. Charles Phillips House Floor Plan

First Floor



Second Floor



Charles H. Phillips House, ca. 1850-ca. 1890



West (front) elevation, top; South elevation from southeast, bottom



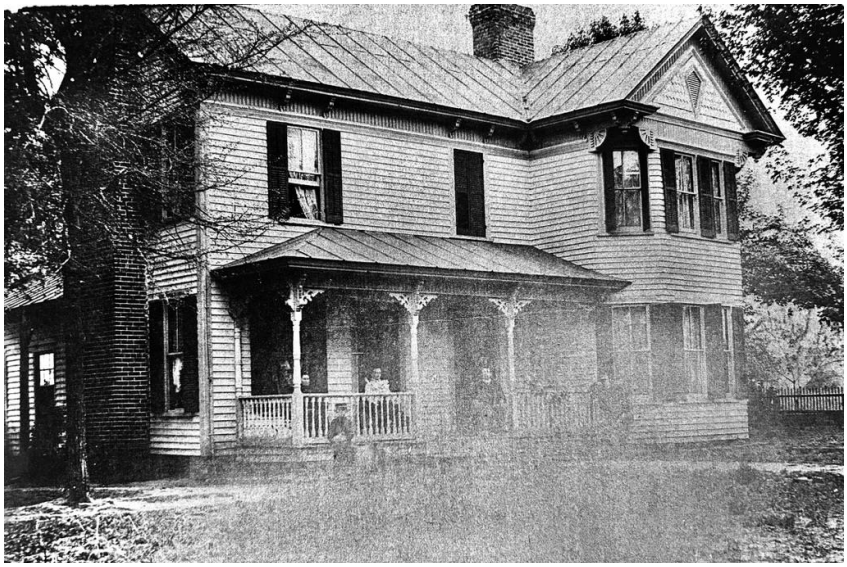
Charles H. Phillips House, ca. 1850-ca. 1890



East elevation, top showing ell created by enclosures of formerly detached kitchen; north elevation showing north side of ell, bottom



Charles H. Phillips House, ca. 1850-ca. 1890







Top — Pre-1890 prior to addition to northern end; middle — house in 1979; bottom — hand-hewn beams under central portion of house

Charles H. Phillips House, ca. 1850-ca. 1890













Victorian adornments: top — pre-1890s gable end with vent; post-1890s gable end with window and Eastlake-style bargeboards. Middle — gable end; cornice bracket detail. Bottom — front porch detail with corbels and brackets and turned posts; bracket detail.

Charles H. Phillips House, ca. 1850-ca. 1890









Exterior doors: top —Main entry front double door; central front door. Bottom — door to doctor's office; screen door to porch/kitchen.

Charles H. Phillips House, ca. 1850-ca. 1890










Interior details: top row — doors, including two Greek Revival-style doors ca. 1850 and interior of front double doors. Middle row — mantles. Bottom row — elaborate woodwork in doctor's office; window detail. Note bullseye corner block in window and door frames.

Charles H. Phillips House, ca. 1850-ca. 1890, Site







Top — 19th century bank barn. Bottom — shed; hand-dug, stone-lined well

Charles H. Phillips House, ca. 1850-ca. 1890, Site







Top — Fullers Ford. Bottom — bridge abutment behind summer foliage; Fuller Mill Road bed

Charles H. Phillips House, ca. 1850-ca. 1890, Site











Top — pecan grove; meadow. Middle — livestock exclusion gate and farm fencing; earthen erosion control berms. Bottom – molded concrete block wall.

Charles H. Phillips House, ca. 1850-ca. 1890









Top: Dr. Charles Hoover Phillips from a newspaper 1908 sketch: Dr. Phillips later in life. Bottom: the Rev. Charles Haley Phillips; Dr. Alson Fuller from a 1903 newpaper sketch.

Fuller's Mill

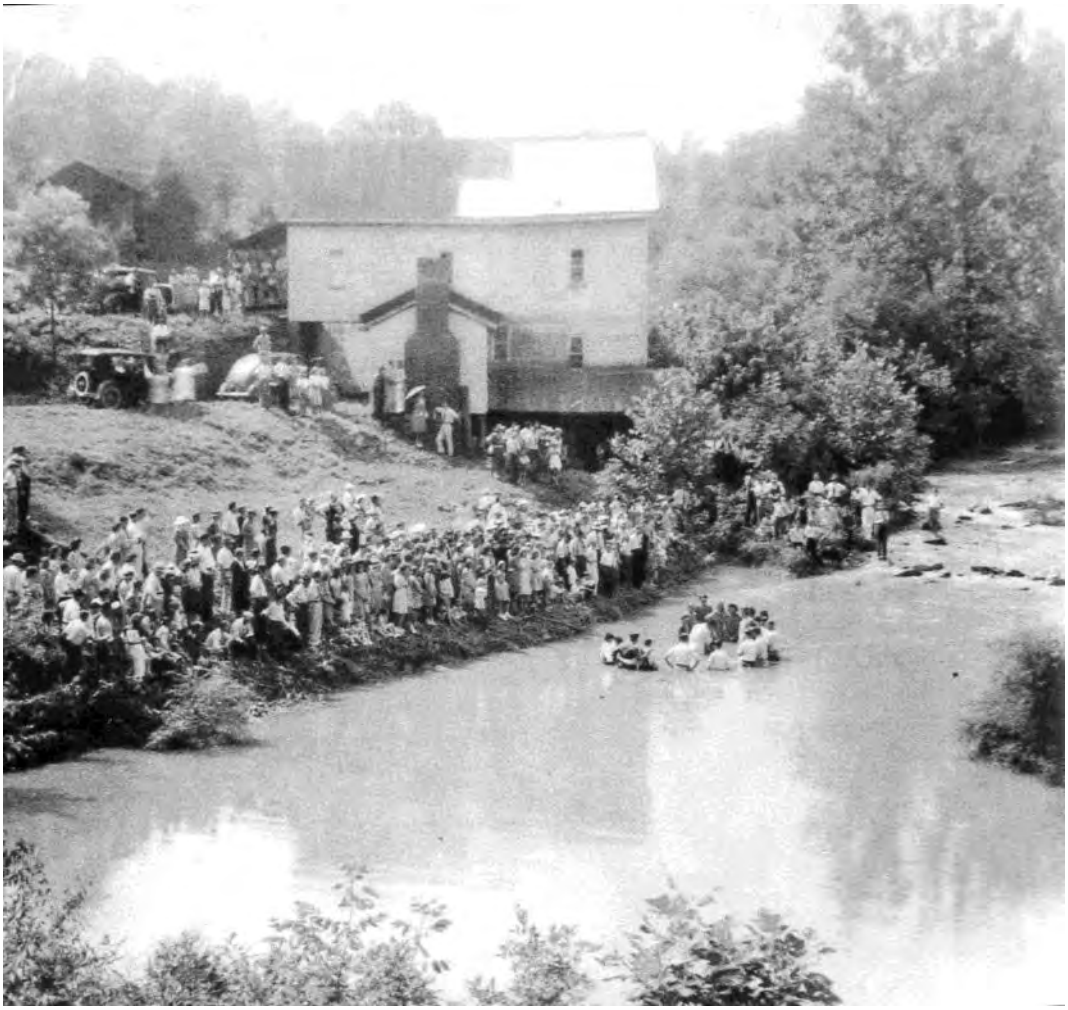




Top — rock bridge at Fullers Ford, 1933. Bottom: Fuller's Mill Covered Bridge

Fuller's Mill





Top — Fuller's Mill Covered Bridge; Bottom — A baptism on the Little Uwharrie River just northwest of the Phillips tract, with Fuller's Mill in the background.

Ordinance Number _____

Ordinance Designating the Exterior of the DR. CHARLES H. PHILLIPS HOUSE, ca. 1850-ca. 1890, as Local Historic Landmarks in Randolph County, North Carolina

WHEREAS, Chapter 160D, Article 9, Part 4 of the North Carolina General Statues provides for the designation of local historic landmarks; and

WHEREAS, on June 2, 2008, the Randolph County Board of Commissioners adopted an ordinance which established the Randolph County Historic Landmark Preservation Commission to perform those duties of designating and regulating historic local landmarks pursuant to the North Carolina General Statutes; and

WHEREAS, the Randolph County Board of Commissioners has taken into consideration all information contained in the Historic Landmark Designation Application for the Dr. Charles H. Phillips House, ca. 1850- ca.1890, as submitted by the Randolph County Historic Landmark Preservation Commission; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the Local Landmark designation report which contains the historical information necessary for the Randolph County Board of Commissioners to determine special historical significance and integrity; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Randolph County Board of Commissioners conducted the require public hearings, and published legal notices; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the County of Randolph to designate the exterior of the Dr. Charles H. Phillips House, ca. 1850- ca.1890, and its parcel, as a local historic landmark; and

WHEREAS the Randolph County Board of Commissioners finds that the Dr. Charles H. Phillips House, ca. 1850-ca. 1890 and its parcel, meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Its important architecture as an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials or craftsmanship; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the

development of Randolph County; (4) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive area; and

WHEREAS, the property is more specifically described as follows:

The Dr. Charles H. Phillips House is located on a 21.7 acre parcel at 1482 Fuller Mill Road, Thomasville, NC 27360, PIN 6793792220, Tabernacle Township, Randolph County, N.C.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Randolph County, North Carolina, that:

1: The property known as the exterior of the Dr. Charles H. Phillips House, ca. 1850-ca.1890, and parcel, located at 1482 Fuller Mill Road, Thomasville, NC 27360, within the planning jurisdiction of the County of Randolph, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160D, Article 9, Part 4, of the North Carolina General Statutes;

2: That the exterior of the Dr. Charles Phillips House may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission;

3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such features when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations;

4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information;

5: That Amy and Frederick Wang, owners of the Dr. Charles H. Phillips House, hereby accept notice as required by the applicable law of this action, and that copies of this Ordinance be filed and indexed in the office of the Randolph County Register of Deeds, the Randolph County Tax Department, and the Randolph County Planning and Inspections Departments as required by applicable law.

This ordinance shall be in full force and effect from and after the date of its passage.

This the Xth day of MONTH 2024

_____

Darrell Frye, Chairman
Randolph County Board of Commissioners

CERTIFICATE
Upon the motion of _____ , and a second by _____,
the foregoing ordinance was passed upon its first reading by a vote of _____.

_____
Dana Crisco, Clerk to the Board
Randolph County Board of Commissioners

RANDOLPH COUNTY
PLANNING AND ZONING
204 E Academy Street, Asheboro NC 27203 (336) 318-6555

M E M O R A N D U M

TO: Randolph County Board of Commissioners

FROM: Randolph County Planning Board

DATE: April 1, 2024

SUBJECT: Randolph County Unified Development Ordinance -Text Amendment for Legislative Updates

On March 5, 2024, the Randolph County Planning Board conducted legislative hearings on the following text amendment changes to the *Unified Development Ordinance.* A brief summary of the proposed language changes is attached.

The Planning Board received the proposed changes at their regularly scheduled February meeting on February 6, 2024, as discussion and for consideration. The item was voted unanimously by the Board at their March 5th meeting to recommend approval to the Randolph County Board of Commissioners.

The duly published and notified public hearing for the request is being heard on Monday, April 1, 2024, at 6:00 pm. by the Randolph County Board of Commissioners with the Planning Board's recommendation.

Summary of Legislative Changes in the *Randolph County Unified Development Ordinance*

Since the adoption of North Carolina General Statute § 160D, NCGS § 160D, the North Carolina General Assembly has made several changes to NCGS § 160D. These changes have now been incorporated into the *Randolph County Unified Development Ordinance* along with various grammar and formatting corrections. The following is a summary of the changes required by the General Assembly.

The term *mobile,* as used in referring to a mobile home, mobile home park, etc., has been updated in the entire *Randolph County Unified Development Ordinance* to match the language from NCGS § 160D to now refer to them as *manufactured homes.*

Article 100: General Provisions

Section 102: Unified Development Ordinance Definitions

The following definitions were added or amended as required:

1. Blockchain;
2. Cessation of Operations;
3. Cryptocurrency;
4. Cryptocurrency Facility;
5. Data Center Facility;
6. Date Processing Facility;
7. Expansion/Expanded;
8. Municipality;
9. Off-Premise Sign;
10. Parking Area/Lot;
11. Persons with Disabilities;
12. Photovoltaic Module;
13. Rebuild/Rebuilt;
14. Recycle;
15. Storage Container;
16. Towing Service; and
17. Utility-scale Solar Project.

Section 103: Watershed Protection Ordinance Definitions

The following definitions were added or amended as required:

1. Buffer;
2. Built-upon Area;
3. Common Plan of Development;

4. Existing Development;
5. Existing Lot (Lot of Record);
6. Lot;
7. Non-Conforming Existing Lot;
8. Perennial Waterbody; and
9. Subdivision.

Section 104: Flood Damage Prevention Ordinance Definitions

The following definitions were added or amended as required:

1. Area of Future-Conditions Flood Hazard;
2. Area of Shallow Flooding;
3. Digital Flood Insurance Rate Map (DFIRM);
4. Existing Building and Existing Structure;
5. Flood Insurance Study (FIS);
6. Map Repository;
7. NAVD 1988 (deleted); and
8. Reference Level.

Section 107: Maps

This section was updated to reflect that zoning maps are maintained in a digital format.

Article 300: Boards and Organizational Arrangements

Section 306: Remote Meetings During Declared Emergencies

A. Remote Meetings

Added the sentence, *"Compliance with this statute establishes a presumption that a remote meeting is open to the public."* at the end of the paragraph.

E. Public Hearings

Additional wording was added regarding rules to be followed in the case of a remote meeting and how notifications must be distributed.

Article 400: Administration, Enforcement, and Appeals

Section 404: Enforcement

B. Stop Work Orders

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 405: Fines and Penalties

I. Non-payment of Penalties

This section was updated to add the ability to place a lien on a property in case the payment of penalties or "equitable settlement" is not completed within thirty days of the demand for payment. The section specifies that the County Attorney, General Court of Justice, and the Planning Director are involved in this process.

J. Criminal Penalties

This entire section was removed as criminal penalties are no longer allowed for zoning violations.

Section 406: Appeals of Administrative Decisions

A. Appeals

Added the sentence, *"Appeals of administrative decisions on subdivision plats shall be made as provided in NCGS § 160D-1403."*

E. Stays

Added wording stating that an appeal of a Notice of Violation can be appealed to the Zoning Board of Adjustment and the procedures to be followed in case the staff member that issued the Notice of Violation is no longer a County employee. (This information is currently in the *Unified Development Ordinance,* but the State added further clarification.)

Section 407: Quas-Judicial Procedure

K. Judicial Review

Added wording stating that the Board of Commissioners or the Planning Board has the authority to settle litigation as part of a judicial review process.

Section 411: Planning Board Review and Comment

A. Zoning Amendments

Added wording that specifies that no rezoning approvals are to be sent until after the fifteen-day appeal period has expired unless there is an appeal filed with the Board of Commissioners.

E. Rehearing of Denied Request

Added wording that was in previous versions of the *Unified Development Ordinance* that states that if a rezoning request is denied, the request cannot be heard again for one year unless the Planning Board "unanimously finds" the conditions have changed or new information has been submitted.

Section 414: Vested Rights and Permit Choice

B. Permit Choice

Added wording that clarifies the rules regarding permit choice in the case that regulations change after an application is submitted and new regulations are in place once the application is reviewed and approved. The section states that the applicant can choose to either follow the regulations in place at the time the application was made or follow the new regulations that were approved after the application was submitted.

E. Multiple Permits for Development Project

Added a statement that this section does not impact the duration of vested rights under item D in this section.

Article 600: Zoning Ordinance

Removed all references to *"One and Two-Family Dwellings"* and updated names of various Building Code Councils due to changes in the General Statutes made by General Assembly.

Updated the term *"comprehensive plan"* to become *"comprehensive or land-use plan."*

Section 603: Zoning Districts

B. Conditional Districts

Added wording at the end of the section stating that the County cannot *"impose a harmony requirement . . . if the development contains affordable housing units for families or individuals with incomes below eighty percent of the area median income."*

Section 606: Zoning Conflicts with Other Development Standards

Added wording at the beginning of the section that includes how to handle conflicts of standards under NCGS § 160A-174 (b) and NCGS § 160D.

A. Bona Fide Farming Exempt from County Zoning

Added new guidelines from the General Statutes that accessory buildings for the storage of certain crops, and byproducts is a bona fide farm use. The section also adds that turkey brooder litter that is dried and sent for reuse is also a bona fide farm purpose.

Section 612: Buffer Standards

Adding wording the plantings in buffer areas should be mixed planting to prevent pests and diseases from destroying the entire planting area.

Section 613: Zoning Districts Established

Added clarification that minimum lot sizes are calculated by excluding any area in rights-of-way and land that is subject to flooding or land that may make flooding worse.

Section 618: Table of Permitted Uses

Deleted *"Compartmentalized storage for individual storage of residential and commercial goods."*

Added *"Cryptocurrency."*

Clarified the types of mobile homes that are allowed on individual lots based on the type of mobile home and the location of the property (ex. In a subdivision vs. outside a subdivision.)

Section 621: Detailed Regulations for Specific Uses

Adding wording allowing County staff to require additional information that may not be specifically listed under the specific uses.

Added *"Data Processing Facility"* to the specific uses.
Modified the lot size requirements in mobile home parks to meet the state-required minimum lot sizes in watersheds and critical areas.

Added a statement under *"Schools, Academic and Business/Trade"* that the public water and sewer providers for a proposed school location that the Board of Education has submitted questions to see if the provider can serve the proposed school. If the provider has the capacity, they must reserve the capacity for the proposed school.

Updated the entire *"Solar Energy Facility"* guidelines to include the new guidelines adopted by the General Assembly.

Section 626: Manufactured Homes
E. Set-Up and Installation Standards
Added a new section that does not allow the County to require masonry curtail wall or masonry skirting for manufactured homes on leased property.

Section 629: Adopted Small Area Plans
A. Birkhead Wilderness/Uwharrie Forest Small Area Plan
Updated the table under item two in this section to clarify the setbacks in the Small Area Plan.

Section 635: Signs
B. General Regulations
Modified item seven to clarify how to calculate the area of a sign when sign faces are back to back. Also added new requirements that signs be placed where the public has clear sight distance and tells how the "sight triangle" is to be calculated.

Article 700: Subdivision Ordinance

Section 701: Authority
Updated the entire section to comply with the new language adopted by the General Assembly.

Section 704: Contents and Requirements of Regulations
Added Item H as required by the General Assembly states that private driveway standards cannot be more stringent than the minimum design standards adopted by the North Carolina Department of Transportation, NCDOT.

Section 707: Penalties for Transferring Lots in Unapproved Subdivisions

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 718: Enforcement

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 719: Specifications for Preliminary Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Section 720: Specifications for Preliminary Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Section 721: Specifications for Minor Subdivision Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Article 800: Watershed Protection Ordinance

The entire *Watershed Protection Ordinance* will be updated to reflect the new State model watershed protection ordinance.

Article 900: Flood Damage Prevention Ordinance

The entire *Flood Damage Prevention Ordinance* will be updated to reflect the new State model ordinance by the end of the year.

Article 1000: Judicial Review

Section 1002: Appeals in the Nature of Certiorari

Added a new statement under item I that, *"A failure to object to a hearing by a person with standing . . . shall not constitute a waiver of a right to assert impermissible conflict involving a member of the decision-making Board."*

Added Item M that states if a Special Use Permit is issued by the Planning Board due to a Court order, any appeal of the Court order is moot.

Section 1003: Appeals of Decisions on Subdivision Plats

The wording of the section is changed to allow for appeals based on how the decision of the plat is made whether is it made by the Planning Board or County Planning staff.

Section 1005: Statutes of Limitation

B. Text Adoption of Amendment

Adds text that any challenges to regulations adopted under the *Unified Development Ordinance* must be brought within one year.

Preserving our past while planning for our future.

The Randolph County Unified Development Ordinance

Adopted and Published by Order
Of the Randolph County Board of Commissioners
July 15, 2021

RANDOLPH COUNTY
BOARD OF COMMISSIONERS

The Honorable Darrell Frye, Chair

The Honorable David Allen, Vice-Chair

The Honorable Hope Haywood

The Honorable Kenny Kidd

The Honorable Maxton McDowell

RANDOLPH COUNTY
PLANNING BOARD

Mr. Reid Pell, Chair

Mr. Kemp Davis, Vice-Chair

Mr. Brandon Hedrick

Mr. John Cable

Mr. Ken Austin

Mrs. Melinda Vaughan

Mr. Reggie Beeson

Mrs. Tonya Caddle, Planning Director

Every attempt has been made by the Randolph County Planning and Zoning staff to ensure that all spelling errors and grammar errors have been corrected based upon the *Chicago Manual of Style*. There could be errors remaining but those errors, while not intentional, do not affect the provisions of this *Randolph County Unified Development Ordinance*. The spirit and intent of these regulations shall govern instances where errors remain.

Amended August 15, 2022

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 then 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.

The changes contained in NCGS § 160D are numerous and complex. The Staff of the Randolph County Department of Planning and Zoning have 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.

RandolphCounty
Serving with Heart from the Heart of North Carolina

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AMENDMENTS II

ARTICLE 100: GENERAL PROVISIONS

101: APPLICATION

A. The provisions of this Ordinance shall apply to all development projects and programs pursuant to NCGS § 160D or applicable or related local acts. To the extent there are contrary provisions in local chapters or acts, NCGS § 160D-1011 is applicable unless this Ordinance expressly provides otherwise. The provisions of this Ordinance also apply to any other local ordinances that substantially affects land use and development.

B. To the extent there are conflicts between the provisions of other development regulations and the provisions of this Ordinance, the more specific provisions shall control.

C. Randolph County shall also apply any of the definitions and procedures authorized by NCGS § 160D to any ordinance that does not substantially affect land and development regulations adopted under the general police power of cities and counties, Article Eight of Chapter 160A, and Article Six of Chapter 153A respectively, and may employ any organizational structure, Board, Commission or staffing arrangement authorized by this Ordinance to any or all aspects of those ordinances. The inclusion of a regulation authorized by NCGS § 160D or a local act in this Ordinance does not expand, diminish, or alter the scope of authority for those regulations.

D. NCGS § 160D does not expand, diminish, or alter the scope of authority for planning and development regulation authorized by other Chapters of the General Statutes.

102: UNIFIED DEVELOPMENT ORDINANCE DEFINITIONS

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance. Unless otherwise specifically provided, all references to specific North Carolina General Statutes shall mean the definition at the date of adoption of this Ordinance and as the statute may be amended in the future by the North Carolina General Assembly.

Any term not defined by this Ordinance shall have the commonly accepted definition as found in a dictionary or the most recent edition of *Black's Law Dictionary* or as determined by the Randolph County Planning Director.

(1) **Abandoned Motor Vehicle:** A vehicle that is:

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(a) Left on public grounds or County-owned property in violation of a law or ordinance prohibiting parking;

(b) Left for longer than 24 hours on property owned or operated by the County;

(c) Left for longer than two hours on private property without the consent of the landowner, occupant, or lessees of the property; or

(d) Left for longer than seven days on public grounds.

(2) **Access Lot:** A lot having lake or river frontage and road frontage, which offers lake frontage and/or lake access to those lots not having direct lake frontage within lakefront subdivisions.

(3) **Access Corridor:** A strip of land lying between the side lot boundary lines of lakefront lots offering access to lots one lot depth away from the water's edge.

(4) **Accessory Building:** A detached subordinate building that is usually smaller than the primary building, the use of which is incidental to that of a principal building on the same lot. For this Ordinance, an *accessory building* cannot be used for residential purposes or commercial operations unless the parcel is properly zoned.

(5) **Accessory ~~Mobile~~Manufactured Home:** A ~~mobile~~manufactured home that is incidental and subordinate to the principal use or building and located on the same lot as the principal use or building. **The use of an *accessory ~~mobile~~manufactured* *home* for storage in any zoning district is strictly prohibited.**

(6) **Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(7) **Advertising Sign:** A large display outdoors that is used to advertise various businesses or activities to the traveling public.

(8) **Activities of Daily Living:** Bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.

(9) **Address:** A unique identification of a location that may consist of a number, road name, unit number if any, and ZIP Code.

(10) **Addressing Axes:** A paralleled grid system shall be used to assign starting numbers on both public and private roads. Baselines selected for the paralleled grids are US Highway 220 Business from north to south and that portion of Randleman Rd to Guilford County and US Highway 64 from east to west. Each addressing baseline shall pass through the County from boundary to boundary.

The computer-generated grid system shall be used in such a manner and grid as to generate addressable numbers for every twenty feet per road frontage.

(11) **Administrative Decision:** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards outlined in this Ordinance. These are sometimes referred to as *ministerial decisions* or *administrative determinations.*

(12) **Administrative Hearing:** A proceeding to gather facts needed to make an administrative decision.

(13) **Adult Bookstore:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(14) **Adult Entertainment Establishment:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(15) **Adult Live Entertainment:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(16) **Adult Live Entertainment Business:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(17) **Adult Motel:** A hotel, motel, or similar commercial establishment that:

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

(b) Offers a sleeping room for rent for a period that is less than ten hours; or

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

(18) **Adult Motion Picture Theatre:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(19) **Adult Mini Motion Picture Theatre:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

(20) **Adult Theatre:** See *Adult Motion Picture Theatre* and *Adult Mini Motion Picture Theatre.*

(21) **Adult Video/Bookstore:** See *Adult Bookstore.*

(22) **Aerospace:** The study of science, engineering, and businesses to allow flight in the atmosphere of Earth and surrounding space.

(23) **Aerospace Business:** Researches, designs, manufactures, operates, and maintains aircraft or spacecraft.

(24) **Agritourism:** Any activity carried out on a farm or ranch that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions.

(25) **Airfields (General Aviation):** See *Airport.*

(26) **Airport:** Means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

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

(28) **Alley:** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(29) **Alterations:** This word shall include any of the following:

(a) Any addition to the height or depth of a building;

(b) Any change in the location of any of the exterior walls of a building; or

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

(30) **Alternative Tower Structure:** Clock towers, sculptures, bell steeples, light poles, and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

(31) **Amusements, Indoor Commercial:** See *Indoor Commercial Amusements.*

(32) **Amusements, Outdoor Commercial:** See *Outdoor Commercial Amusements.*

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(33) **Animal Breeding:** The process of selective mating of various animals to maintain or enhance the breed or species.

(34) **Antenna:** Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

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

(36) **Apparel:** Any type of clothing.

(37) **Appeal:** An action initiated at the request of a citizen to challenge or overturn a decision of any administrative officer (e.g., Planning Director, Code Enforcement Officer, etc.) or Board (e.g., Randolph County Planning Board, etc.) following the procedures outlined in this Ordinance.

(38) **Appliance Sales:** A facility that sells machines that are used around the home or business such as a stove, oven, microwave oven, water heater, clothes washing, or drying machine.

(39) **Applicable Codes:** The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

(40) **Application:** A request submitted by an applicant to Randolph County for a permit. For Article 600, Section 620, Wireless Telecommunication Facilities, this definition shall include collating wireless facilities or approving the installation, modification, or replacement of a utility pole, city utility post, or a wireless support structure.

(41) **Asphalt Plant:** A facility designed to mix aggregates and other components to create asphalt.

(42) **Auction Sales:** A sales event where potential buyers place bids in an open or closed format.

(43) **Auction Sales Yard (Permanent):** A permanent location where auction sales take place on a regular or near regular basis (e.g., weekly, bi-weekly, monthly).

(44) **Auction Sales Yard (Temporary):** A location where an auction sale takes place on a short-term basis (e.g., one day or two days).

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(45) **Automobile and Truck Rental:** A facility designed for short-term rentals of automobiles and trucks.

(46) **Automobile Body Shops:** Businesses that specialize in bodywork repair of automobiles or large vehicles. This definition does not include the open storage of wrecked vehicles.

(47) **Automobile Car Wash:** A facility used to clean the exterior and, in some instances, the interior of a motor vehicle.

(48) **Automobile Part Sales:** A facility that offers repair parts and accessories for automobiles and large vehicles for retail or wholesale sales.

(49) **Automobile Racetrack:** A facility designed, built, and used for racing vehicles. This term shall be applied to all facilities used for racing vehicles regardless of the size of the facility.

(50) **Automobile Service Station:** A building or other structure or a tract of land where gasoline or other similar fuel, stored in tanks, is dispensed directly to users of motor vehicles. The following activities are included as accessory uses to a service station: the dispensing of oil, grease, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel, and brake adjustment, waxing and polishing, and other minor servicing and repair to the extent of installation of the items listed above; washing of automobiles, provided that no chain conveyor, blower, steam cleaner or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glasswork, painting, welding, tire recapping, auto dismantling, and auto sales.

(51) **Automobile Wrecking Establishment:** A facility or business for the dismantling or destruction of used motor vehicles and trailers.

(52) **Automotive Storage:** A facility designed for the storage of automotive vehicles. This term does not include the storage of wrecked or junked automotive vehicles.

(53) **Aviation:** The activities surrounding mechanical flight and the aircraft industry.

(54) **Bakery:** A location that produces and sells foods baked in any type of oven.

(55) **Bank:** A financial institution that is licensed to receive deposits, make loans, and provide financial services such as wealth management, currency exchanges and safe deposit boxes.

(56) **Barber/Beauty Shop:** A location where a customer can go for haircuts and other services related to hair care.

(57) **Base Station:** A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

(58) **Base Tract:** A piece of property as it existed before dividing the property or merging a portion of the parcel with another piece of land. These parcels are generally ten acres or larger.

(59) **Battery:** A device consisting of one or more electrochemical cells with external connections provided to power electrical devices such as flashlights, mobile phones, and electric cars.

(60) **Beauty Shop:** See *Barber/Beauty Shop.*

(61) **Bedroom:** See *Sleeping Unit.*

(62) **Biofuel:** A fuel that is produced from renewable sources such as new and used vegetable oils and animal fats.

(63) **Biofuel Production:** A facility that produces biofuels.

(64) **Biotechnology Manufacturing:** The exploration of biological processes for industrial and other purposes and can include the genetic manipulation of microorganisms to produce other products such as antibiotics or hormones.

(65) **Blockchain:** A type of distributed ledger maintained usually on a peer-to-peer (P2P) computer network for recording transactions, tracking assets, and building trust.

(66) **Board of Adjustment:** See *Zoning Board of Adjustment.*

(67) **Boat Sales and Service:** A facility for the retail sales of marine craft and/or repair of marine craft.

(68) **Bona fide farm:** Agricultural activities as outlined in NCGS § 160D-903.

(69) **Bona fide farm purposes:** Agricultural activities as outlined in NCGS §160D-903.

(70) **Bottling Plant:** A facility where the operation is for the bottling of various beverages for distribution.

(71) **Brick Manufacturing:** A facility for the manufacturing and sales of brick used in construction.

(72) **Building:** A structure with a roof and walls such as a house, school, or store used or intended for supporting or sheltering any use or occupancy.

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

(74) **Buffer Strip:** An area shown on a site plan as a buffer as defined in this Ordinance, which shall be established and maintained in perpetuity by the owner of the property when a buffer is required under the terms and provisions of this Ordinance.

(75) **Builders Supply Sales:** A facility for retail or wholesale sales of various products used in the construction industry.

(76) **Building, Accessory:** See *Accessory Building.*

(77) **Building Design Element:** This term includes the exterior building color; type or style of exterior cladding material; style or materials of roof structures and porches; exterior non-structural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and type of rooms; and the interior layout of rules. This term does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted according to this Ordinance governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

(78) **Building Permit:** For interpretation of Article 600, Section 620, Wireless Telecommunication Facilities, this term shall mean an official administrative authorization issued by Randolph County before beginning construction consistent with the provisions of NCGS § 160D-1110.

(79) **Building, Principal:** The main building or structure on a single lot where the principal use of the property is conducted.

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

(81) **Business School:** A high-level education facility where students learn subjects related to business and commerce such as economics, finance, and computer science.

(82) **Bus Station:** A facility for the arrival and departure of buses used for commercial transportation.

(83) **Business Offices:** See *Professional Offices.*

(84) **Cabinet Making:** A facility used for the manufacturing of cabinets and other home furnishings.

(85) **Car Cover:** Specifically manufactured and retailed for covering a car.

(86) **Caregiver:** An individual eighteen years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

(87) **Cemetery:** A facility established for the burial or interment of remains of deceased people.

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

(89) **Certiorari:** An order issued by a superior court to an inferior court requiring the latter to produce certified records of a case tried by the inferior court.

(90) **Cessation of Operations:** A utility-scale solar project that has not produced power for twelve months. This twelve-month period shall not, however, include a period in which the (i) project fails to produce power due to an event of force majeure or (ii) the owner has retained legal control of the project's footprint and has commenced rebuilding the facility.

(91) **Chapter:** For this Ordinance, this term is interpreted as defined in NCGS § 160A-1 (2).

(92) **Chemical Manufacturing:** A facility that is used for the transformation of organic and inorganic raw materials via chemical process into another type of material.

(93) **Church:** A facility used by the public for worship. This term shall also mean temples, mosques, synagogues, and all other places of worship.

(94) **Cement Manufacturing:** A facility for the manufacturing and sales of various cement or concrete products used in the construction industry.

(95) **Citation:** An order to pay a civil penalty for a violation, delivered to a violator by the Randolph County Planning Director or designated Code Enforcement Officer, issued after the period set out in the Notice of Violation for taking corrective measures has expired.

(96) **Civil Penalty:** Remedial monetary penalties assessed as partial reimbursement to Randolph County for the enforcement of this Ordinance.

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(97) **Class *A* Manufactured Home:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfy the following additional criteria:

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

(b) The pitch of the manufactured home's roof has a minimum vertical rise of two and 2/10 inches for every twelve feet of a horizontal run (2.2 inches in twelve feet) and the roof is finished with shingles;

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

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

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

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

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

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

(100) **Classic Vehicle:** A vehicle that:

(a) Is titled (vehicle owner must possess title);

(b) Is listed with the Randolph County Tax Department;

(c) Has a minimum value of $400;

(d) Is restorable; and

(e) Contains a power train (including motor and transmission).

(101) **Clerk of Superior Court:** Clerk of Superior Court of Randolph County, North Carolina.

(102) **Clinic:** A facility where outpatients receive medical treatment or advice.

(103) **Club, Private, non-profit:** See *Private Club, Non-profit.*

(104) **Coal Sales and Storage:** A facility for the sales and commercial storage of coal for use in either homes or industries.

(105) **Coating Manufacturing:** A facility that makes coverings that are applied to the surface of an object.

(106) **Co-location:** The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles or wireless support structures.

(107) **Communications Facility:** For interpretation of Article 600, Section 620, Wireless Telecommunication Facilities, this term shall mean the set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

(108) **Communications Service:** Cable service as defined in 47 USC § 522 (6), information service as defined in 47 USC § 153 (24), telecommunications service as defined in 47 USC § 153 (53), or wireless services.

(109) **Communications Service Provider:** A cable operator as defined in 47 USC § 522 (5); a provider of information service, as defined in 47 USC § 153 (24); a telecommunications carrier, as defined in 47 USC § 153 (51) or a wireless provider.

(110) **Community Center:** A facility where people from a community can meet for social, educational, or recreational activities. This term shall include private or public community centers.

(111) **Community Development Target Area:** An area that has characteristics of an urban progress zone under NCGS § 143B-437.09.

(112) **Compartmentalized Storage Facility:** See *Mini warehouse.*

(113) **Component:** Any assembly, subassembly, or combination of elements designed to be combined with other components to form part of a building or structure. An example of a component includes an excavated footing trench containing no concrete. A component is not a system.

(114) **Component Manufacturing:** A facility where components are made, or components are put together to form a larger part.

(115) **Comprehensive Plan:** A comprehensive plan that has been officially adopted by the Randolph County Board of Commissioners according to NCGS § 160D-501. See *Randolph County Growth Management Plan.*

(116) **Concrete Plant:** A facility that has the equipment to mix the ingredients to form concrete.

(117) **Conditional District:** An area in which site plans or individualized development conditions are imposed at the request of the property owner(s).

(118) **Conditional Zoning:** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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

(120) **Container:** A metal, paper, or plastic receptacle with a tight-fitting lid used for the disposal and storage of solid waste.

(121) **Contractor Storage Yard:** A facility or land used for the storage of equipment, vehicles, machinery, and building materials, for the use of the owner in the conduct of building trade. For this Ordinance, *building trade* shall be, but not limited to, general contractors, electrical contractors, and landscaping contractors.

(122) **Convenience Store:** A retail business that stocks various food items (e.g., coffee, snack foods, drinks, etc.) for the traveling public and may or may not have the sale of fuel for various vehicles.

(123) **Conventional Modular Home:** See *Modular Home, Conventional.*

(124) **Corner Lot:** See *Lot, Corner.*

(125) **Corporate Offices:** A facility that serves as the central location for a company where decisions are made and usually maintains the offices of top executives.

(126) **County:** Any one of the counties listed in NCGS § 153A-10. For this Ordinance, County means Randolph County.

(127) **Credit Union:** A non-profit cooperative where members can deposit funds and members can borrow from pooled deposits at low-interest rates.

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(128) **Cryptocurrency:** A digital currency designed to work as a medium of exchange through a computer network that is not reliant on any central authority, such as a government or bank, to uphold or maintain it.

(129) **Cryptocurrency Facility:** An establishment of specialized computer equipment for mining blockchain-based cryptocurrencies, such as, but not limited to, Bitcoin. These activities may be described, but not limited to, "crypto mining," "proof of work," or "proof of stake" which involve algorithms as part of the development and maintenance of a block change. Typical equipment used in this facility can include computer hardware for mining operations as well as equipment to cool the hardware and operating space.

~~(129)~~(130) **Cul-de-sac:** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

~~(130)~~(131) **Cut Stone Manufacturing and Sales:** A facility established for cutting, shaping, and finishing natural stones for use in buildings and other various uses.

~~(131)~~(132) **Day Care Facility (corporate):** A facility inside a commercial structure that is for the care of children of the employees only.

~~(132)~~(133) **Day Care Facility (freestanding):** A facility with its own building that is used for the care of children.

~~(133)~~(134) **Day Care Facility (in-home):** A facility within the home of the operator that is used for the care of children.

~~(134)~~(135) **Dairy Products Processing:** A facility used to manufacture various dairy products such as milk, butter, and cream.

~~(135)~~(136) **Data Center Facility:** An establishment that is used to store critical applications and data and is shared on a network of computer storage devises that allows the delivery of shared applications and data. The facility may include routers, switches, firewalls, storage systems, servers, and application-delivery controllers.

~~(136)~~(137) **Data Processing Facility:** An establishment for industrial-scale, compiling, storage, and maintenance of any type of data in a digital format using computers or servers.

~~(137)~~(138) **Decision-Making Board:** A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Ordinance.

~~(138)~~(139) **Dedication:** A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is

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involved, the dedication shall be by a written instrument and recorded with an acceptance.

~~(139)~~(140) **Dental Clinic:** A facility where dental services are rendered including facilities established for educational uses for outpatient use.

~~(140)~~(141) **Dental Laboratory:** A facility that specializes in manufacturing a variety of products used by dentists to assist in the provision of oral health care.

~~(141)~~(142) **Determination:** A written, final, and binding order, requirement, or determination regarding an administrative decision.

~~(142)~~(143) **Developer:** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

~~(143)~~(144) **Development:** Unless the context 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 NCGS § 160D-802; or

(d) The initiation of a substantial change in the use of land or the intensity of the use of land.

~~(144)~~(145) **Development Approval:** A written administrative or quasi-judicial approval made according to this Ordinance and the General Statutes of North Carolina is required before commencing development or undertaking a specific activity, project, or development proposal. Development Approvals include but are not limited to, Zoning Permits, site plan approvals, Special Use Permits, Variances, and Certificates of Appropriateness. This term also includes all other regulatory approvals required by regulations adopted according to NCGS § 160D, including plat approvals, permits issued, development agreements entered, and building permits issued.

~~(145)~~(146) **Development Impact Analysis:** Information provided by the Randolph County Planning and Zoning Department necessary for the Randolph County Planning Board and County Staff to determine the feasibility of a development proposal based on its impact to the community and the capacity of the County government to provide adequate public facilities.

~~(146)~~(147) **Development Permit:** This term means an administrative or quasi-judicial approval that is written and that is required before commencing development or undertaking a specific activity, project, or development proposal including any of the following:

(a) Zoning permits;

(b) Site plan approvals;

(c) Special Use Permits;

(d) Variances;

(e) Certificates of Appropriateness;

(f) Plat approvals;

(g) Development agreements;

(h) Building permits;

(i) Subdivision of land;

(j) State agency permits for development;

(k) Driveway permits;

(l) Erosion and sedimentation control permits; or

(m) Sign permit.

~~(147)~~(148) **Development Regulation:** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, North Carolina State Building Code enforcement, or any other regulation adopted according to NCGS § 160D or a local act or charter that regulates land use or development.

~~(148)~~(149) **Directional Gateway Sign:** A sign designed to promote safety, and traffic flow and enhance area economic development by directing the public to a business or industrial development. Directional signs are off-premise signs limited exclusively to the name of the establishment, location, or direction of route to such establishment. Advertising messages are prohibited.

~~(149)~~(150) **Distribution Center:** A facility, often a warehouse or specialized building used to ship products to various parts of the State, country, and world.

~~(150)~~(151) **Distribution:** The act or process of shipping goods.

~~(151)~~(152) **Double-Frontage Lot:** See *Lot, Double-Frontage.*

~~(152)~~(153) **Down-zoning:** For this Ordinance, this means a rezoning that affects a parcel or zoning district 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 or zoning; or

(b) By reducing the permitted uses of the land as specified in this Ordinance or the *Randolph County Growth Management Plan* to fewer uses than were allowed under its previous usage or zoning.

~~(153)~~(154) **Drive, Private:** See *Private Drive.*

~~(154)~~(155) **Drive-in Theater:** An outdoor facility that consists of a large movie screen, projection booth and a parking area for patrons.

~~(155)~~(156) **Drive-in Window Services:** A facility where customers or patrons can remain in their vehicle to obtain services or goods.

~~(156)~~(157) **Drive-Through:** A facility where customers or patrons can use a facility while remaining in their motor vehicle. Vehicle stacking can result from the use of a drive-through.

~~(157)~~(158) **Driveway:** An access, with no specified development standards, to a single lot from either a public or a private roadway.

~~(158)~~(159) **Drugstore:** A facility where a pharmacist dispenses medication.

~~(159)~~(160) **Dry Cleaning:** The process of using chemicals like organic solvents to clean garments.

~~(160)~~(161) **Duplex:** A residential structure consisting of two apartments.

~~(161)~~(162) **Dwelling:** Any building, structure, manufactured home, ~~mobile~~manufactured home, or part thereof, used and occupied for human habitation or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For this Ordinance, the term does not include any manufactured home, ~~mobile~~manufactured home, or recreational vehicle, if used solely for a seasonal vacation purpose.

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~~(162)~~(163) **Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

~~(163)~~(164) **Dwelling, Multi-Family:** A building containing three or more dwelling units.

~~(164)~~(165) **Dwelling, Single-Family:** A detached building containing one dwelling unit.

~~(165)~~(166) **Dwelling, Two Family:** A detached building containing two dwelling units.

~~(166)~~(167) **Educational Facility:** Facilities or centers established for learning new skills and for training in various occupations.

~~(167)~~(168) **Electronic Changeable Face Sign:** A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composted of a series of lights, including light-emitting diodes, fiber optic, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face signs include computer-programmable, microprocessor-controlled electronic digital displays that show electronic, static images, static graphics, or static pictures. Electronic changeable face signs shall not dim, flash, fade, or scroll messages; have no moving, rotating, or flashing elements; no animation, video, audio pyrotechnic components, or similar technology. Electronic changeable face signs continuously show one message for a minimum of five seconds in time before switching to another message.

~~(168)~~(169) **Electronics Manufacturing:** A facility that is used to design, manufacture, test, distribute, and repair electronic parts.

~~(169)~~(170) **Element:** A combination of products designed to be combined with other elements to form all or part of a building component. An element is not a system.

~~(170)~~(171) **Eligible Facilities Request:** A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

~~(171)~~(172) **Emergency Services Facilities:** Facilities that can be used by fire departments, law enforcement and emergency medical services providers to use as a basis for operation and where necessary supplies for their duties can be stored.

~~(172)~~(173) **End-of-Life:** Photovoltaic modules, energy storage system batteries, and other equipment used in utility-scale solar and wind energy projects that are removed and taken out of service not to be reused.

~~(173)~~(174) **Energy Storage:** A process where energy is captured for use later.

~~(174)~~(175) **Energy Storage System Battery:** A battery that is part of a system used to store chemical energy, for use in a process that contributes to end-user demand management or grid operation and reliability. This term does not include energy storage system batteries that are part of a: (i) consumer electronic device for which it provides the electricity needed to make the consumer electronic device function or (ii) a plug-in vehicle as defined in NCGS § 20-4.01 (28a), or an alternative fuel vehicle as that term is defined in NCGS § 143-58.4 (a) (1).

~~(175)~~(176) **Engine Part Production:** The process of taking raw materials and making components and parts used in engine production.

~~(176)~~(177) **Engine Production:** The process of taking various components and assembling the components to make an engine.

~~(177)~~(178) **EPA:** The United States Environmental Protection Agency.

~~(178)~~(179) **Equipment Compound:** An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

~~(179)~~(180) **Equipment Manufacturing:** A facility designed and used for building or assembling components that, when put together, results in a piece of equipment such as farming equipment.

~~(180)~~(181) **Estoppel:** A principle that prevents someone from asserting a claim or right that goes against what someone has said or done before that was used to establish truth in a public hearing.

~~(181)~~(182) **Event Center:** A building designed specifically to be used for events such as weddings, entertainment, or other types of functions.

~~(182)~~(183) **Evidentiary Hearing:** A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by this Ordinance.

~~(183)~~(184) ***Ex parte* Communication:** Communication representing only one side of a matter or done for, on behalf of or on the application of only one party in a quasi-judicial decision.

~~(128)~~(185) **Expansion/Expanded:** When used ~~in reference to~~ in ~~about~~ a utility-scale solar project it means adding two megawatts AC or more of directly connected solar energy generating capacity to the local or regional electrical grid with the ability to deliver power to the electrical grid, or increasing the ability of the project to deliver power to the electrical grid by th~~i~~irty-five percent, whichever is larger.

~~(184)~~(186) **Expressway:** An expressway is a street or road usually with a median that serves through traffic with full or partial control of access and generally, with grade

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separations at intersections; however, infrequent at-grade crossings may be permitted.

~~(185)~~(187) **Exterminating Services:** A business where the primary service is the elimination of pests ranging from insects to vermin.

~~(186)~~(188) **Fabricate:** The process of constructing and manufacturing an item from prepared components.

~~(187)~~(189) **Fall Zone:** The area in which a wireless support structure may fall in the event of a structural failure, as measured by engineering standards.

~~(188)~~(190) **Familial Relationship:** For this Ordinance, this term means a spouse, parent, child, brother, sister, grandparent, or grandchild. This term also includes the step, half, and in-law relationships.

~~(189)~~(191) **Family:** Any number of related persons living together as a single housekeeping unit.

~~(190)~~(192) **Family Care Home:** A home defined and described in Article Three of NCGS §168 as having support and supervisory personnel, that provides room and board, personal care, and habitation services in a family environment for not more than six resident persons with disabilities. A person with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing, and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS § 122-58.2 (1) (b).

~~(191)~~(193) **Farm:** See *Bona fide farm.*

~~(192)~~(194) **Farm Machinery:** Vehicular implements or attachments that are designed for use in farming whether planting, cultivating, or harvesting farm products.

~~(193)~~(195) **Farm Machinery Sales:** A location for the sales of farm machinery.

~~(194)~~(196) **Farm Supply Sales:** A facility or business that sells materials, vehicles, equipment, and other products such as feed, seed, and fertilizer, that is essential to agricultural uses of the property.

~~(195)~~(197) **FAA:** The United States Federal Aviation Administration.

~~(196)~~(198) **FCC:** The United States Federal Communications Commission.

~~(197)~~(199) **Fence:** A barrier used to mark boundaries such as property lines or the limit of public access on a property.

~~(198)~~(200) **First Degree Relative:** A spouse, lineal ascendant, lineal descendant, and siblings and includes half, step, and in-law relationships.

~~(199)~~(201) **Fitness Center:** A facility containing special equipment that allows people to do physical exercise and/or receive fitness training or physical and occupational therapy by licensed providers. These facilities can be gender-specific or gender-neutral, whether for competition or non-competition of members.

~~(200)~~(202) **Flashing Sign:** A sign that uses intermittent or flashing light sources or mechanically moved reflective material to attract attention is prohibited, except for those signs otherwise in compliance with this Ordinance that show messages continuously for a minimum of five seconds in time before switching to another message.

~~(201)~~(203) **Flea Market:** Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of items such as those which are either homemade, handcrafted, used, old or obsolete.

~~(202)~~(204) **Florist:** A facility where the primary business is to sell or arrange plants and cut flowers.

~~(203)~~(205) **Food Freezer Operations:** A facility designed and built for either the freezing or storage of frozen foods and the distribution of frozen foods.

~~(204)~~(206) **Food Processing:** The changing of agricultural products whether from seed or cattle and livestock into food products for consumption.

~~(205)~~(207) **Foundry, Metal:** See *Metal Foundry.*

~~(206)~~(208) **Freeway:** A freeway is a divided street or road that serves through traffic with full control of access and with grade separations at all intersections.

~~(207)~~(209) **Frontage:** All the property abutting on one side of a street between two intersecting streets, measured along the street line.

~~(208)~~(210) **Frontage Road:** A local street or road that is parallel to a full or partial access- controlled facility and functions to provide access to adjacent land.

~~(209)~~(211) **Fuel Cell:** An electrochemical cell that converts the chemical energy of fuel, often hydrogen, and an oxidizing agent, often oxygen, into electricity through a pair of oxidation-reduction reactions.

~~(210)~~(212) **Funeral Home:** A facility where deceased people are prepared for burial or cremation. This definition shall also include the establishment and use of a crematorium.

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~~(211)~~(213) **Furniture Manufacturing:** The process of assembling various components to produce furniture for the home or office.

~~(212)~~(214) **Garage, Private:** An accessory structure used for storage, primarily of motor vehicles.

~~(213)~~(215) **Garage, Repair:** A facility in which machinery operated by mechanical power is installed for making major repairs to motor vehicles.

~~(214)~~(216) **Garbage:** All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products but excluding sewage and human wastes.

~~(215)~~(217) **Gift Shop:** A facility that sells items that can be used around the home or given as gifts.

~~(216)~~(218) **GIS (Geographic Information System):** A system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data. GIS applications are tools that allow users to create interactive queries, analyze spatial information, edit data in maps, and present the results of all those operations.

~~(217)~~(219) **Glass Manufacturing:** The production of glass via either the float glass process that produces sheets of glass or glassblowing that can produce various items made from glass.

~~(218)~~(220) **Golf Course:** An area of land used for playing golf whether designed for nine or eighteen holes. A golf course can be private or open to the public.

~~(219)~~(221) **Golf, Miniature:** See *Miniature Golf.*

~~(220)~~(222) **Governing Board:** The Randolph County Board of County Commissioners. This term is interchangeable with the term *Board of Commissioners* and shall mean any governing board without regard to the terminology employed in the General Statutes of North Carolina or local customary usage.

~~(221)~~(223) **Government Offices:** An office where employees of the government work and provide services to the citizens of a given jurisdiction.

~~(222)~~(224) **Greenways:** A series of independent and interconnected paths, officially designated by a County Open Space Plan, that will allow bikers, walkers, and joggers, to go from one area of the County to another without driving their car or using County roads.

~~(223)~~(225) **Grocery Store:** A facility that sells food and other household supplies. This term shall also apply to facilities called *supermarkets.*

~~(224)~~(226) **Gross Floor Area:** The interior floor area of a building exclusive of stairways, storage, closets, and elevator shafts.

~~(225)~~(227) **Ground Sign:** A sign resting directly on the ground and supported using wheels, upright pillars, braces, or posts placed upon or in the ground and not attached to any parts of a building. This definition includes temporary rental signs usually attached to wheels.

~~(226)~~(228) **Group Home:** This definition, for this Ordinance, shall follow NCGS § 131D-2.

~~(227)~~(229) **Growth Management Area:** Specific growth areas identified as *Primary Growth, Secondary Growth, Rural Growth, Zoological Park Environmental, Municipal,* and *Watershed Overlay* and identified through broad policy statements in the *Randolph County Growth Management Plan.*

~~(228)~~(230) **Guest Home (Tourist Home):** Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

~~(229)~~(231) **Gunsmith:** A person who makes, sells, and repairs small firearms.

~~(230)~~(232) **Hardware Store:** A facility for the selling of tools, paint, gardening tools and other items used around a home or business.

~~(231)~~(233) **Headquarters:** See *Corporate Offices.*

~~(232)~~(234) **Health Center:** A facility that is a community-based and patient-directed organization that delivers comprehensive primary health care services. For this Ordinance, this definition also includes the Randolph County Public Health Department.

~~(233)~~(235) **Home Furnishing:** A facility that sells personal property such as furniture, appliances, rugs, cooking utensils and other items used around the home.

~~(234)~~(236) **Home Occupation:** Any use conducted entirely within a dwelling and carried on by the occupants, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character, and in connection with which there is no display and no more than one person, not a resident on the premises, is employed specifically in connection with the home occupation. Uses for a Home Occupation shall include only the following:

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(a) The office or studio of a physician or surgeon, dentist, artist, craftsperson, musician, lawyer, architect, teacher, or other professional person residing on the premises;

(b) Workshops not conducted for profit; or

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

There shall be no show window or salesroom on the premises and no mechanical equipment installed or used except such that is normally used for domestic or professional purposes and provided further that not over twenty-five percent of the total actual floor area or five hundred square feet, whichever is less, of any structure shall be used for home occupations or professional purposes. Off-street parking shall meet the standards and requirements as outlined in this Ordinance.

~~(235)~~(237) **Homeowners Association:** An organization in a subdivision, planned unit development or planned community that is responsible for making and enforcing rules for the property under their control as defined by the organizing documents. The Association is also responsible for the maintenance of any off-site septic areas within the area under their control.

~~(236)~~(238) **Hospital:** A facility designed and built to provide medical and surgical care as well as nursing care for sick or injured people.

~~(237)~~(239) **Hotel and Motel:** A building, or other structure which is used, kept maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transients or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

~~(238)~~(240) **Household Product Manufacturing:** A facility that makes consumer goods for use in and around a home.

~~(239)~~(241) **HUD:** The United States Department of Housing and Urban Development

~~(240)~~(242) **Impervious Area:** Is a surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt, or compacted gravel surface. Public roads are excluded from computations of impervious areas.

~~(241)~~(243) **Indoor Commercial Amusements:** Uses that provide commercial amusements indoors including, but not limited to, movie theaters, bowling alleys, skating rinks, or video arcades. This definition does not include sexually oriented businesses as defined in this Ordinance.

~~(242)~~(244) **Industrial Equipment Sales and Service:** A facility that specializes in the sales and repair of various items for use in various industries.

~~(243)~~(245) **Industrial Park:** An area properly zoned and planned as a site for manufacturing and other industrial businesses.

~~(244)~~(246) **Integrated Industrial Park:** An area properly zoned and planned as a site for supporting and supplying manufacturing and other industrial businesses.

~~(245)~~(247) **IRS:** The United States Internal Revenue Service

~~(246)~~(248) **Joint Development Project:** See *Downtown Development Project.*

~~(247)~~(249) **Junked Motor Vehicle:** A motor vehicle that meets any of the following:

(a) Partially dismantled or wrecked;

(b) Cannot be self-propelled or moved in the way it was originally intended to move;

(c) More than five years old and appears to be worth less than $100; or,

(d) Does not display a current license plate.

~~(248)~~(250) **Junkyard:** The use of more than six hundred square feet of any lot for the storage of junk, including scrap metals or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery.

~~(249)~~(251) **Junkyard (Salvage):** Any land or area used, in whole or in part, for the storage, keeping or accumulation of materials, including scrap materials or used building materials, for the dismantling, demolition or abandonment of automobiles or other motor vehicles or machinery or parts thereof.

~~(250)~~(252) **Kennel:** A small shelter for a cat or dog.

~~(251)~~(253) **Land Clearing Debris:** Solid waste that is generated solely from land-clearing activities per NCGS 130A-290 (a) (15) and as may be amended.

~~(252)~~(254) **Land Development Plan:** See *Randolph County Growth Management Plan.*

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~~(253)~~(255) **Land Development Regulation:** Any State statute, rule, regulation, or local ordinance affecting the development or use of real property, including any of the following:

(a) Unified Development Ordinance;

(b) Zoning regulation, including zoning maps;

(c) Subdivision regulation;

(d) Erosion and sedimentation control regulation;

(e) Floodplain or flood damage prevention regulation;

(f) Mountain ridge protection regulation;

(g) Stormwater control regulation;

(h) Wireless telecommunication facility regulation;

(i) Historic preservation or landmark regulation; or

(j) Housing code.

~~(254)~~(256) **Landfill:** A facility and location designed for the disposal of solid waste using approved methods outlined in North Carolina Administrative Code Title 15A, Chapter 13B as Approved Disposal Methods.

~~(255)~~(257) **Landowner/Owner:** The holder of the title in fee simple. Absent evidence to the contrary, the Randolph County Planning and Zoning Department may rely on the Randolph County Tax Records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for making applications for development approvals.

~~(256)~~(258) **Laundry:** A facility where garments and other fabrics can be washed, dried, and ironed.

~~(257)~~(259) **Legislative Decision:** The adoption, amendment, or repeal of a regulation under NCGS § 160D.

~~(258)~~(260) **Legislative Hearing:** A hearing to solicit public comment on a proposed legislative decision.

~~(259)~~(261) **Life Science Manufacturing:** A collective term to mean any manufacturing in the fields of biotechnology, pharmaceuticals, biomedical technologies, life

system technologies, nutraceuticals, cosmeceuticals, food process, environmental, biomedical devices or organizations and institutions that devote most of their efforts to any stage or research, development, technology transfer and commercialization of any of these fields.

~~(260)~~(262) **Litter:** Any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed following their intended uses, *litter* does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

~~(261)~~(263) **Livestock Sales:** A place of business where the public consigns livestock for sale by auction or sold on a commission basis.

~~(262)~~(264) **Local Act:** For this Ordinance, a local act is defined in NCGS § 160A-1(2).

~~(263)~~(265) **Local Government:** For this Ordinance, the local government is Randolph County.

~~(264)~~(266) **Local Street:** Any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility.

~~(265)~~(267) **Locksmith:** A person who makes or repairs locks.

~~(266)~~(268) **Lodges, For-Profit:** See *Private Club, For-Profit.*

~~(267)~~(269) **Lodges, Non-profit:** See *Private Club, Non-profit.*

~~(268)~~(270) **Logistics Center:** A facility where all activities of transportation and shipping of goods are coordinated.

~~(269)~~(271) **Lot:** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word *lot* includes the words *peat* or *parcel*.

~~(270)~~(272) **Lot, Corner:** A lot abutting two streets at their intersections. The street line forming the least frontage shall be the front of the lot.

~~(271)~~(273) **Lot, Double-Frontage:** A continuous (through) lot that is accessible from the parallel streets upon which it fronts.

~~(272)~~(274) **Lot Depth:** The depth of a lot is the average distance of the lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

~~(273)~~(275) **Lot Front:** That part of the lot adjacent to the street or land access.

~~(274)~~(276) **Lot of Record:** A lot, which is part of a subdivision, a plat of which has been recorded in the Randolph County Register of Deeds, or a lot described by metes and bounds, the description of which has been so recorded.

~~(275)~~(277) **Lot, Reverse Frontage:** A continuous (through) lot, which is accessible from only one of the parallel streets upon which it fronts.

~~(276)~~(278) **Lot Width:** The distance between side lot lines measured at the building setback line.

~~(277)~~(279) **Machine Shop:** A facility for making or repairing mechanical items.

~~(278)~~(280) **Major Arterials, Roads, and Highways:** Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the NCDOT, or that may be approved by the NCDOT.

~~(279)~~(281) **Major Collector:** A road that serves major intra-County travel corridors and traffic generators and provides access to the arterial system.

~~(280)~~(282) **Major Modification:** For this Ordinance, this term shall include increasing the number and/or size of approved buildings or the alteration of the location of a building more than twenty-five feet from the location on the approved site plan.

~~(281)~~(283) **Major Subdivision:** A subdivision with four or more owner-occupied lots created for sale or building development.

~~(282)~~(284) **Major Thoroughfares:** Consist of Interstates, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

~~(283)~~(285) **Manufactured Home:** See *~~Mobile~~Manufactured Home.*

~~(284)~~(286) **Manufactured Home, Class *A*:** See *Class A Manufactured Home.*

~~(285)~~(287) **Manufactured Home, Class *B*:** See *Class B Manufactured Home.*

~~(286)~~(288) **Manufactured Home, Class *C*:** See *Class C Manufactured Home.*

~~(287)~~(289) **Manufacturing Plant:** A facility where raw goods or components are assembled to produce various items for sale to the public or businesses. This definition shall include, but is not limited to, machine tool manufacturing, chemical manufacturing, fertilizer manufacturing, paving materials, wood products, paper, apparel, soft goods, or textiles.

~~(288)~~(290) **Marquee Sign:** A sign affixed to the top of any hood or canopy over the entrance to a store, building or place of public assembly.

~~(289)~~(291) **Meat Packing:** A facility for slaughtering cattle or other meat animals and processing the carcass and remains for sale.

~~(290)~~(292) **Medical Clinic:** A facility for providing medical or psychiatric services for outpatients only.

~~(291)~~(293) **Medical Manufacturing:** A facility used to make implants, instruments and equipment intended for therapeutics, monitoring, and diagnostics in the healthcare field.

~~(292)~~(294) **Medical Laboratory:** A facility where clinical pathology tests are done on clinical specimens to obtain information about the health of a patient to aid in the diagnosis, treatment, and prevention of disease.

~~(293)~~(295) **Mentally Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

~~(294)~~(296) **Metal Fabrication:** The process of creating structures or components by cutting, bending, and assembling metal.

~~(295)~~(297) **Metal Foundry:** A factory that produces metal castings where liquid metal is poured or injected into a mold to make the desired shape or appearance.

~~(296)~~(298) **Micro Wireless Facility:** A small wireless facility that is no larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, no longer than eleven inches.

~~(297)~~(299) **Miniature Golf:** A facility designed for a game of golf played with the use of a putter on a small course usually having tunnels, bridges, corners, and other obstacles.

~~(298)~~(300) **Mini warehouse:** A facility designed for the storage of personal or commercial goods.

~~(299)~~(301) **Minor Arterial:** A rural link in a network joining cities and larger towns and providing intrastate and inter-County service at relatively high (e.g., 85 miles per hour) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

~~(300)~~(302) **Minor Collector:** A road that provides service to small local communities and links the locally important traffic generators with their rural hinterland.

~~(301)~~(303) **Minor Modification:** A small alteration of an approved site plan. For this Ordinance, this term shall include reducing the number and size of approved buildings or the alteration of the location of a building no more than twenty-five feet from the location on the approved site plan.

~~(302)~~(304) **Minor Subdivision:** A subdivision with three or fewer owner-occupied lots created for sale or building development with all lots having access to an existing state-maintained road. The Randolph County Planning Director is authorized to approve minor subdivisions upon review and determination that the subdivision meets the standards of this Ordinance.

~~(303)~~(305) **Minor Thoroughfares:** Important streets in urban systems that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may serve the abutting property.

~~(304)~~(306) ~~Mobile~~Manufactured **Home:** For this Ordinance, a manufactured home or ~~mobile~~manufactured home is a structure as defined in NCGS § 143-145 (7). **Travel trailers and campers are not considered ~~mobile~~manufactured homes but recreational vehicles. ~~Mobile~~Manufactured homes as defined in this Ordinance and the North Carolina General Statutes are for residential use only and may not be used for an accessory storage building.**

~~(305)~~(307) ~~Mobile~~Manufactured **Home Park:** A plot of ground that has been planned for the placement of three or more ~~mobile~~manufactured homes for dwelling purposes.

~~(306)~~(308) **Modular Home, Conventional:** A manufactured home that is built under the North Carolina State Building Code with wood frame construction and set-up on a brick foundation.

~~(307)~~(309) **Modular Home, On-Frame:** A manufactured home that is constructed under the North Carolina State Building Code on a metal frame and is set up on block piers with brick underpinning.

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~~(308)~~(310) **Monument Manufacturing and Sales:** A facility designed for the production and sales of various monuments such as cemetery monuments or signs.

~~(309)~~(311) **Motor Vehicle:** Any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled motor vehicle.

~~(310)~~(312) **Motor Vehicle Parts Manufacturing:** A facility for manufacturing (i) complete motor vehicles, (ii) trailers and vehicle accessories and (iii) any of the components used in producing motor vehicles.

~~(311)~~(313) **Multi-Family Dwelling:** See *Dwelling, Multi-Family.*

~~(312)~~(314) **Multi-Family Residence:** A building used or designed as a residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each unit.

~~(313)~~(315) **Multi-phased Development:** A development containing twenty-five acres or more that is both of the following:

(a) Submitted for development permit approval to occur in more than one phase; and

(b) Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

(316) **Municipality:** Any incorporated community, whether designated as a city, town, or village~~,~~ and any area over which it exercises any of the powers granted by Chapter 160D of the General Statutes.

~~(314)~~(317) **NCDOT:** North Carolina Department of Transportation.

~~(315)~~(318) **NCGS:** North Carolina General Statutes. This Ordinance intends to reflect the General Statutes as existed at the time of adoption of this Ordinance and as may be amended by the North Carolina General Assembly.

~~(316)~~(319) **Nonconforming Use:** A structure or land lawfully occupied by an existing use that does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or because of subsequent amendments to this Ordinance.

~~(317)~~(320) **Nonresidential Redevelopment Area:** An area with similar characteristics designated by the Randolph County Board of Commissioners as being in special need of revitalization for the benefit and welfare of its citizens.

~~(318)~~(321) **Notice of Violation:** A written notification of a violation of this Ordinance, delivered to a violator by the Randolph County Planning Director or designated Code Enforcement Officer, indicating the nature of the violation and prescribing a period for taking corrective measures.

~~(319)~~(322) **Nuisance Motor Vehicle:** A motor vehicle on public or private property that is determined to be a health or safety hazard, a public nuisance or unlawful including a motor vehicle found to be any of the following:

(a) A breeding ground or harbor for mosquitoes or other insects or rats or other pests;

(b) A point of heavy grown of weeds or other noxious vegetation over eight inches in height;

(c) A point or collection of pools or ponds of water;

(d) A point of concentration of quantities of gasoline, oil, and other flammable or explosive materials as evidenced by odor;

(e) One which has areas of confinement that cannot be operated from the inside such as trunks or hoods;

(f) Situated or located that there is a danger of its falling or turning over;

(g) A point of collection of garbage, food, waste, animal waste or any other rotten or putrescible matter of any kind;

(h) One which has sharp parts that are jagged or contain sharp edges of metal or glass;

(i) Offensive to sight as to damage the community, neighborhood, or area appearance; or

(j) For other reasons declared a health and safety hazard and a public nuisance by Randolph County Public Health and/or the Randolph County Planning and Zoning Department.

~~(320)~~(323) **Nursery Sales:** A location where plants are grown to a usable size and then sold to the public.

~~(321)~~(324) **Nursing Home:** A private facility providing residential accommodations for healthcare, especially for elderly or frail people.

~~(322)~~(325) **Obstruction:** Any structure, growth, or other objects, including a mobile object, which exceeds a limiting height outlined in this Ordinance.

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~~(323)~~(326) **Off-Frame Modular Home:** See *Modular Home, Conventional.*

~~(324)~~(327) **Off-Premise Sign:** A large display advertising products or services that are sold on property other than where the sign is located.

~~(325)~~(328) **Office Supply Sales:** A facility established to sell various items used in the exercise of business such as paper, pens and small business equipment like computers and printers.

~~(326)~~(329) **Official Meeting:** A meeting as defined in NCGS § 143-318.10 (d).

~~(327)~~(330) **On-Frame Modular Home:** See *Modular Home, On-Frame.*

~~(328)~~(331) **On-Premise Sign:** A large display advertising products or services that are sold or made on the property.

~~(329)~~(332) **Open Area:** See *Open Space.*

~~(330)~~(333) **Open Space:** Any space or area characterized by great natural scenic beauty or where the existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. The terms also include interests or rights in real property and open space land or use.

~~(331)~~(334) **Open Space Land:** Any undeveloped or predominantly undeveloped land in an urban area that has value for or is used for one or more of the following purposes:

a. Park and recreational purposes;

b. Conservation of land and other natural resources; or

c. Historic or scenic purposes.

~~(332)~~(335) **Open Space Uses:** See *Open Space Land.*

~~(333)~~(336) **Outdoor Advertising Sign:** See *Advertising Sign.*

~~(334)~~(337) **Outdoor Commercial Amusements:** An outdoor facility or area for sports, entertainment, or recreation to the public for a fee. Examples may include, but are not limited to, game courts, water slides, miniature golf, practice, instructional fields, driving ranges, and sports events such as a stadium or arena.

~~(335)~~(338) **Outdoor Storage Yard:** A facility that includes, but is not limited to, storage of automobiles, trailers, moving equipment, construction equipment and materials and items used for manufacturing.

~~(336)~~(339) **Owner:** See *Landowner/Owner.*

~~(337)~~(340) **Paint Manufacturing:** A facility where raw materials are combined along with various pigments to produce paint for use in the home and various industries.

~~(338)~~(341) **Paint Shop:** A facility where various goods are covered with paint.

~~(339)~~(342) **Parcel:** A piece of land that is intended to be sold as one unit of land.

~~(340)~~(343) **Parcel Identification Number:** A number that is constructed from the North Carolina State Plane Coordinate System of the visual center of a parcel of land to identify it and its location in the Randolph County Tax Mapping system.

(344) **Parity:** Odd and even address numbers. For this Ordinance, odd address numbers are applied to only one side of the road, usually the left side, and even address numbers on the other side of the road, usually the right side. Odd and even address numbers shall not be on the same side of the road.

~~(129)~~(345) **Parking Area/Lot:** A surfaced area where any vehicles may be left temporarily.

~~(341)~~(346) **Parking Space:** A surfaced area not less than nine feet wide and eighteen feet long either within a structure or in the open, exclusive of driveways or access drives.

~~(342)~~(347) **Parties in Interest:** All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

~~(343)~~(348) **Performance Guarantee:** A financial commitment from a developer of a subdivision to ensure that Randolph County will have funds available to complete any required infrastructure in the event the developer fails to do so.

~~(344)~~(349) **Person:** An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, a public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions or other legal entity.

(350) **Persons with Disabilities:** A person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairm~~ne~~ents, emotional dist~~ru~~urbances, and orthopedic impairments but not

include with a mental illness who are dangerous to others as defined in NCGS § 122C-3 (11) b.

~~(345)~~(351) **Pet Boarding:** The act of temporarily caring for another person's pet for a set period.

~~(346)~~(352) **Pharmacy:** A facility where medicinal drugs, usually requiring a prescription, are dispensed, and sold.

~~(347)~~(353) **Pharmaceutical Manufacturing:** A facility designed for the industrial-scale formulation and creation of new drugs for use in the healthcare field.

(354) **Photovoltaic Module:** The smallest non-divisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight which is part of a utility-scale solar project.~~, except that *photovoltaic module* does not include a photovoltaic cell that is part of a consumer electronic device for which it provides the electricity needed to make the consumer electronic device function. *The photovoltaic module* includes interconnections, terminals, and protective devices such as diodes that: (i) are installed on, connected to, or integral with buildings or (ii) are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street, and signage lights, and other commercial or agricultural purposes.~~

~~(348)~~(355) **Physically Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

~~(349)~~(356) **Planing Mill:** A facility, either permanent or temporary, in which wood is smoothed, cut, matched, and fitted for various uses.

~~(350)~~(357) **Planned Business Development:** An area of land under unified control developed for business, commercial, or industrial uses, consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets or lots.

~~(351)~~(358) **Planned Rural Development:** An area of land under single ownership developed for a number and variety of single-family dwelling units primarily for family use.

~~(352)~~(359) **Planned Unit Development:** An area of land under unified control to be developed as a single entity for a number and variety of site-built dwelling units both attached and detached housing.

~~(353)~~(360) **Planning and Development Regulation Jurisdiction:** The geographic area defined in Article 200, Section 201 of this Ordinance within which Randolph

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County may undertake planning and apply development regulations authorized by NCGS § 160D.

~~(354)~~(361) **Planning Board:** See *Randolph County Planning Board.*

~~(355)~~(362) **Plant Cultivation and Sales:** The process of caring for and raising plants until they are suitable for sale to the public.

~~(356)~~(363) **Plastics Manufacturing:** A facility where various components including polymers undergo processing to create plastic products.

~~(357)~~(364) **Plat:** A map or plan of a parcel of land that is to be or has been subdivided.

~~(358)~~(365) **Police Power:** The basic right of the government to make laws and regulations for the benefit of their communities as established by the Tenth Amendment to the United States Constitution. For this Ordinance, *police power* refers to the basis for enacting land use development regulations.

~~(359)~~(366) **Post Office:** A facility that is responsible for the collection and delivery of mail. This definition shall include a facility operated by the United States Postal Service or businesses that offer private mailbox service.

~~(360)~~(367) **Pottery Manufacturing and Sales:** A facility used to make various items made of earthenware or baked clay and sales of completed items.

~~(361)~~(368) **Poultry Processing:** A facility that converts live poultry into raw poultry products for human or animal consumption.

~~(362)~~(369) **Pre-existing Towers and Antennas.** Any tower or antenna on which a permit has been properly issued before the effective date of this Ordinance.

~~(363)~~(370) **Press Shop:** A facility that uses equipment to apply pressure on various items to produce another usable item such as gears.

~~(364)~~(371) **Principal Arterial:** A rural link in a network of continuous routes serving corridor movements having the trip length and travel density characteristics indicative of substantial state-wide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

~~(365)~~(372) **Principal Building:** See *Building, Principal.*

~~(366)~~(373) **Printing Shop:** A facility used for the printing of newspapers, books, or other material for use in-home or business.

~~(367)~~(374) **Private Club, for-profit:** A facility owned and operated by an association, corporation or group of individuals established for the cultural, educational, fraternal, recreational, or social enrichment of its members who pay dues and meet certain prescribed qualifications for membership. This term shall also include Lodges, For-Profit.

~~(368)~~(375) **Private Club, Non-profit:** A group that is engaged in a social or public benefit activity and is registered with the IRS. The revenue for such clubs is usually from a small group of donors. This term shall also be used for Lodges, Non-profits.

~~(369)~~(376) **Private Drive:** A travel way not dedicated or offered for dedication as a public street providing access to three or more principal buildings. A private drive is not part of the State maintenance system and is designed for use and naming for public safety only.

~~(370)~~(377) **Private Road:** A vehicular right-of-way indicated on an approved survey plat and recorded in the Office of the Register of Deeds intended to serve residential subdivision of lots or tracts and not offered for dedication as a public road. Private roads shall require a subdivision road disclosure statement under NCGS § 136-102.6, shall be privately maintained, and meet the design standards for private roads in this Ordinance, Article 700, Section 717, Subsection *E*.

~~(371)~~(378) **Private Street:** An undedicated private right-of-way that affords access to abutting properties and requires a subdivision street disclosure statement under NCGS § 136-102.6. Emergency and other public services may not be provided over such private streets, and they shall be privately maintained. Private streets are usually not addressed.

~~(372)~~(379) **Professional Offices:** A room or suite of rooms used for various business transactions.

~~(373)~~(380) **Projecting Sign:** A sign projecting out from, and attached to, the exterior wall of a building and forming an angle of 30 degrees or more with the wall.

~~(374)~~(381) **Property:** All real property subject to land-use regulation by Randolph County and includes any improvements or structures customarily regarded as part of real property.

~~(375)~~(382) **Property Owners Association:** See *Homeowners Association.*

~~(376)~~(383) **Public Body:** A group as defined in NCGS § 143-318.10 (b) and (c). For this Ordinance, the Randolph County Planning Board, the Randolph County Zoning Board of Adjustment, and the Randolph County Board of Commissioners is a public body.

~~(377)~~(384) **Public Facilities:** Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks, recreational, and health systems, and facilities.

~~(378)~~(385) **Public Grounds:** The area outside of public buildings where members of the public may gather to engage in expressive activities.

~~(379)~~(386) **Public Library:** A facility open to the public that allows individuals to borrow books for a limited period for personal enjoyment or research.

~~(380)~~(387) **Public Officer:** The officer or officers who are authorized by regulations adopted hereunder to exercise the powers prescribed by the regulations.

~~(381)~~(388) **Public Street:** A street located on a right-of-way dedication under the requirements of this Ordinance.

~~(382)~~(389) **Public Utility Substation:** A facility owned by a utility and is used to supplement services (e.g., water, sewer, electricity, telephone, television) provided to the public.

~~(383)~~(390) **Quarry Operations:** A facility where materials are extracted from the ground.

~~(384)~~(391) **Quasi-Judicial Decision:** A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of this Ordinance. The term includes, but is not limited to, decisions involving Variances, Special Use Permits, Certificates of Appropriateness and Appeals of Administrative Determinations.

~~(385)~~(392) **Radio Studio:** A facility where live broadcasts or recorded programs are transmitted to the public.

~~(386)~~(393) **Radio Tower:** A mast containing one or more antennas to transmit radio signals.

~~(387)~~(394) **Railroad Rolling Stock Manufacturing:** A facility for assembling various components to create powered or unpowered vehicles used in the railroad industry.

~~(388)~~(395) **Railroad Yard:** A facility with railroad tracks for storing, sorting, loading, and unloading railroad cars and locomotives.

~~(389)~~(396) ***Randolph County Growth Management Plan:*** A comprehensive land-use plan designed as a guide for development by identifying growth areas and establishing broad policy statements and growth management philosophy for each area. This plan is designed to provide flexibility when allowing for changing

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circumstances and community desires while providing for an overall growth management philosophy for Randolph County.

~~(390)~~(397) **Randolph County Planning Board:** Citizens appointed by the Randolph County Board of County Commissioners to carry out the duties outlined in NCGS § 160D-301. In Randolph County, the *Randolph County Planning Board* and the *Randolph County Zoning Board of Adjustment* are the same individuals, which function as separate bodies according to the stated function and purpose for which a meeting is called.

~~(391)~~(398) **Randolph County Zoning Board of Adjustment:** A quasi-judicial board composed of residents of Randolph County empowered to hear appeals from decisions of the Randolph County Planning Director or Code Enforcement Officers in the issuance of a citation or Notice of Violation and grant minor variances from provisions of the Zoning Ordinance after an evidentiary hearing. In Randolph County, the *Randolph County Zoning Board of Adjustment* and the *Randolph County Planning Board* are comprised of the same individuals, functioning as separate bodies according to the stated function and purpose of the meeting.

~~(392)~~(399) **Reasonable:** Means having sound judgment, and something appropriate and fair as determined by the Randolph County Planning Director.

~~(393)~~(400) **Rebuild/Rebuilt:** A utility-scale solar project for which more than fifty percent of the original photovoltaic modules have been replaced with a different type of photovoltaic module or other fuel source and the project is deemed to be new for income tax purposes.

~~(394)~~(401) **Recreational Vehicle (RV):** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that has its own motive power or is mounted on, or towed by another vehicle. The basic entities are the camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term shall not include a manufactured home as defined in NCGS § 143-143.9 (6). The basic entities are defined as follows.

(a) **Camping trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(b) **Fifth-wheel trailer:** A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(c) **Motor home:** A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125-volt electrical power supply, or an LP gas supply as defined in NCGS § 20-4.01 (27) k.

(d) **Travel trailer:** A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

(e) **Truck camper:** A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

~~(395)~~(402) **Recreational Sports Center:** See *Fitness Center.*

~~(396)~~(403) **Recreational Vehicle Sales and Service:** A facility for the retail sales and/or repair of recreational vehicles as defined in this Ordinance.

~~(130)~~(404) **Recycle:** Processings, including disassembling, dismantling, and shredding of photovoltaic modules or other equipment from utility-scale solar projects, or their components, to recover usable product. This term **does not include** any process that results in the incineration of such equipment. Photovoltaic modules determined to be hazardous shall comply with applicable hazardous waste requirements even when recycled.

~~(397)~~(405) **Remote Meeting:** An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.

~~(398)~~(406) **Reproduction Shop:** A facility established for the art of copying or duplicating an original.

~~(399)~~(407) **Research and Development Facilities:** A facility used for scientific research for the development of new and innovative products for use by the public or specific markets.

~~(400)~~(408) **Research Laboratory:** A facility for conducting research or investigations into all branches of science.

~~(401)~~(409) **Residence:** Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term *residence* shall not be deemed to include a

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hotel, motel, tourist home, or other building designed for transient residence. The term shall not include travel trailers, campers, motor homes, or other vehicles designed for transient residences. The term *residence* shall include the term *dwelling unit.*

~~(402)~~(410) **Residential Property:** Property where the main use is for residential purposes.

~~(403)~~(411) **Resin Manufacturing:** A facility where typically viscous substances are converted into rigid polymers by the process of curing.

~~(404)~~(412) **Rest Home:** A residential facility designed for the care of old or frail people.

~~(405)~~(413) **Restaurant:** A facility where people pay to obtain meals that are cooked and served on the premises. For this Ordinance, this term shall also include facilities that have drive-through windows.

~~(406)~~(414) **Rezoning:** See *Zoning Map Amendment.*

~~(407)~~(415) **Riding Academy:** A facility or property where horses are boarded and where instruction in riding, jumping, and showing horses is offered.

~~(408)~~(416) **Reservation:** A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep the property free from development for a stated period.

~~(409)~~(417) **Reverse Frontage Lot:** See *Lot, Reverse Frontage.*

~~(410)~~(418) **Rezoning:** An amendment to a zoning regulation for changing the zoning district that is applied to a specified property or properties. This term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of Randolph County that has previously adopted zoning regulations and (ii) the application of an Overlay Zoning District or a Conditional Zoning District. The term does not include (i) the initial adoption of a zoning map by the Randolph County Board of County Commissioners, (ii) the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) the updating of zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

~~(411)~~(419) **Road, Private:** See *Private Road.*

~~(412)~~(420) **Rodeo:** A contest in which competitors demonstrate skills at riding horses, roping calves, and wrestling steers.

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~~(413)~~(421) **Roof Sign:** A sign erected, constructed, or maintained upon the roof of any building.

~~(414)~~(422) **Rooming House:** A building that contains more than three, but fewer than ten guest rooms that are rented to individuals for compensation.

~~(415)~~(423) **Rubber Products Manufacturing:** A facility where raw products are transformed through various processes to create rubber products such as automobile tires, mats and exercise stretching bands.

~~(416)~~(424) **Rural Family Occupation:** A facility where the property owner resides on the property and operates a small in-home business.

~~(417)~~(425) **Rural Family Occupation of a Commercial/Industrial Nature:** A facility where the property owner resides on the property and operates a small in-home business in a building separate from the residence.

~~(418)~~(426) **Sales Lot:** A parcel that is used for the sale of various durable goods like ~~mobile~~manufactured homes, travel trailers, campers, boats, or recreational vehicles.

~~(419)~~(427) **Salvage Yard:** See *Junkyard (Salvage).*

~~(420)~~(428) **Sanatorium:** A facility established for the treatment of individuals who are recovering from an injury or surgical procedure or individuals who have a chronic illness.

~~(421)~~(429) **Sanitary Landfill:** See *Landfill.*

~~(422)~~(430) **Savings and Loan:** An institution that receives deposits and lends money to customers primarily for home mortgage loans.

~~(423)~~(431) **Sawmill:** A facility, either permanent or temporary, where logs are sawed into lumber by machinery.

~~(424)~~(432) **Scenic Corridor Plan:** A site plan that describes unique qualities, conditions, boundaries, and requirements of a road corridor that creates a visually pleasing impression.

~~(425)~~(433) **School:** A facility that is used to educate children.

~~(426)~~(434) **Scrap Processor:** An establishment for the shredding of salvaged metal and other components.

~~(427)~~(435) **Screen:** See *Buffer.*

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~~(428)~~(436) **Search Ring:** The area within which a wireless support facility or wireless facility must meet the service objectives of the wireless service provider using the wireless facility or wireless support structure.

~~(429)~~(437) **Second Degree Relative:** An uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

~~(430)~~(438) **Septage:** This definition, for this Ordinance, shall follow NCGS § 13A-290 (32).

~~(431)~~(439) **Septage Land Application Site:** As regulated under the State requirements outlined in NCGS § 130A-291.1; NC Septage Management Rules and meaning the area of land on which septage is applied.

~~(432)~~(440) **Service Establishment:** A facility that provides a substantial function of the business on-site such as a beauty or barbershop or small item repair.

~~(433)~~(441) **Service Stations:** A facility, typically a gas station, which may have the ability to provide automotive repairs and maintenance.

~~(434)~~(442) **Sewage Disposal System:** This definition, for this Ordinance, shall follow NCGS § 130-A-334, and as may be amended.

~~(435)~~(443) **Sexually Oriented Device:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

~~(436)~~(444) **Sheet Metal Fabrication:** A facility that uses various machinery to shape pieces of metal into the desired shape either through removal or deformation of the piece of metal.

~~(437)~~(445) **Shooting Range:** An area planned for target practice or any type of shooting activity whether for-profit or not-for-profit. Shooting activity includes the use of any type of weapon that can fire or discharge any type of projectile that could be considered lethal.

~~(438)~~(446) **Signs:** Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences emblems, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

~~(439)~~(447) **Sign Area:** The sign area is measured by the smallest square, rectangle, triangle, circle, or a combination thereof, which will encompass the entire advertising copy area including architectural trim. In computing area, only one side of a double-faced sign shall be considered.

~~(440)~~(448) **Sign, Electronic Changeable Face:** See *Electronic Changeable Face Sign.*

~~(441)~~(449) **Sign, Flashing:** See *Flashing Sign.*

~~(442)~~(450) **Silviculture:** The art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands.

~~(443)~~(451) **Simultaneous Communication:** Any communication by conference telephone, conference video, or other electronic means.

~~(444)~~(452) **Single Family Dwelling:** See *Dwelling, Single Family.*

~~(445)~~(453) **Site Plan:** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building heights and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that apply to the project and the site plan review. A site plan approval based solely upon the application of objective standards in an Administrative Decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan shall also be approved as part of a Conditional District.

~~(446)~~(454) **Site-Specific Vesting Plan:** A plan submitted to Randolph County describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

~~(447)~~(455) **Sleeping Unit:** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

~~(448)~~(456) **Small Wireless Facility:** A wireless facility that meets the following qualifications:

(a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet; and

(b) All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight cubic feet. For this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes,

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ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

~~(449)~~(457) **Social Service Center:** A facility where a range of public services are offered to improve the well-being of individuals, families, and communities such as adult or child protective services, foster care, or adoption. For this Ordinance, the definition shall include the Randolph County Department of Social Services.

~~(450)~~(458) **Solar Energy Facility:** An energy facility or area of land principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall exclude those facilities that are installed on the roof of a building where residential or commercial production of electricity is not the primary use.

~~(451)~~(459) **Solid Waste:** As defined by NCGS § Chapter 130A, Article P is any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated before being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and community activities. Notwithstanding sub-sub-subdivision B.3. of this subdivision, the term includes coal combustion residuals. The term does not include:

(a) Fecal waste from fowls and animals other than humans;

(b) Solid or dissolved material in:

(1) Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems which are designed to discharge effluents to the surface waters;

(2) Irrigation return flows; or

(3) Wastewater discharges and the sludges incidental to and generated by a treatment which is point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under NCGS § 143-215.1 by the Commission, including coal combustion products. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be solid waste for this Article;

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(c) Oils and other liquid hydrocarbons are controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for this Article;

(d) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 USC § 2011);

(e) Mining refuse is covered by the North Carolina Mining Act, NCGS § 74-46 through 74-68, and regulated by the North Carolina Mining Commission (as defined under NCGS § 143B-293.1). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for this Article;

(f) Recovered material; or

(g) Steel slag that is a product of the electric arc furnace steelmaking process; provided, that such steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material or in a manner constituting disposal.

~~(452)~~(460) **Special Event:** An event such as a circus, bazaars, carnivals, fairs, seasonal greenhouses, tents, or open lot sales of Christmas trees that occur for no longer than fifteen calendar days and no more than two times per year.

~~(453)~~(461) **Special Use Permit:** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to a Conditional Use Permits or Special Exceptions.

~~(454)~~(462) **Specified Anatomical Areas:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

~~(455)~~(463) **Specified Sexual Activities:** This definition, for this Ordinance, shall follow NCGS § 14-202.10.

~~(456)~~(464) **Storage Container:** A unit that was designed for the transfer of materials from one location to another location whether by air, rail, sea, or other forms of transportation. For this Ordinance, a *storage container* may not be used as an accessory building or residence unless the conversion of such container into the

requested type of use is approved by the Randolph County Building Inspections Department as complying with the North Carolina Building Code.

~~(457)~~(465) **Storage Pod:** A container designed to be used for the storage of personal and household items that are brought to a site, filled, and then moved to a permanent storage site or facility.

~~(458)~~(466) **Sub-divider:** Any person, firm, corporation, or official agent thereof, who subdivides any land.

~~(459)~~(467) **Subdivision:** The division of land for sale or development as specified in NCGS § 160D-802. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations authorized by the W*atershed Protection Ordinance:*

(a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(b) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(c) The public acquisition by purchase of strips of land for the widening or opening of streets;

(d) 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 this Ordinance;

(e) The division of a tract into plots or lots used as a cemetery; or

(f) The division of property among heirs for the sole purpose of settling an estate.

~~(460)~~(468) **Subdivision, Major:** See *Major Subdivision.*

~~(461)~~(469) **Subdivision, Minor.** See *Minor Subdivision.*

~~(462)~~(470) **Subdivision Regulation:** A subdivision regulation authorized by Article 700 of this Ordinance.

~~(463)~~(471) **Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface, such as a canopy or marquee and is supported by such structure.

~~(464)~~(472) **Substantial:** Means something of considerable importance, size, worth and something real, and tangible as determined by the Randolph County Planning Director.

~~(465)~~(473) **Substantial Modification:** The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on Randolph County to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet;

b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than twenty feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or

c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

~~(466)~~(474) **Tailor Shop:** A facility that sells custom-made clothing and garments.

~~(467)~~(475) **Taxi Stand:** A facility where either (i) taxis park while waiting to be used by customers or (ii) where customers wait on taxis to pick up passengers.

~~(468)~~(476) **Technical Review Committee:** A committee to review and provide analysis of Development Impact Statements and other planning and development projects as may be required. This committee shall meet regularly and shall consist of appropriate Randolph County Planning and Zoning Department Staff and senior staff from related agencies as may be appointed by the Randolph County Planning Director.

~~(469)~~(477) **Telecommunications Tower:** Any structure that is designed and constructed primarily for supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers,

microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erectly solely for residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

~~(470)~~(478) **Television Studio:** A facility where live broadcasts or recorded programs are transmitted to the public.

~~(471)~~(479) **Television Tower:** A mast containing one or more antennas to transmit television signals.

~~(472)~~(480) **Temporary Building:** A facility on a property for a specific period that must later be removed.

~~(473)~~(481) **Temporary Carnival:** A facility that moves from location to location and uses amusement devices or mechanical rides such as Ferris wheels to provide entertainment to the public.

~~(474)~~(482) **Temporary Family Health Care Structure:** A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who is the mentally or physically impaired person, (iii) has no more than three hundred gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and NCGS § 143-139.1 (b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

~~(475)~~(483) **Temporary Special Use Permit:** A permit authorizing a special event as defined by this Ordinance. This permit is valid for one calendar year and may be renewed.

~~(476)~~(484) **Temporary Use:** Any use of a building or parcel that can be used or occupied for no more than sixty days from the date of issuance of a zoning permit.

~~(477)~~(485) **Theater, Drive-In:** See *Drive-in Theater.*

~~(478)~~(486) **Tile Manufacturing:** A facility for the manufacturing of any type of tiling used in the construction industry.

~~(479)~~(487) **Tire Manufacturing:** A facility for the manufacturing of tires used in the automobile industry.

~~(480)~~(488) **Towing Service:** A business using specialized vehicles to move disabled motor vehicles from one location to another location under any type of power other than that power designed and installed for the disabled motor vehicle.

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~~(481)~~(489) **Townhouse:** Two or more attached single-family residences contained within one or more residential structures with each unit located on a separate plot.

~~(482)~~(490) **Trade School:** A postsecondary facility to train students for a specific job or skilled trade.

~~(483)~~(491) **Training Center:** See *Educational Facilities.*

~~(484)~~(492) **Transportation Equipment Manufacturing:** A facility that allows for the manufacturing of aircraft and other aerospace equipment, railroad equipment, motor vehicles and auto parts as well as building, repairing, and breaking of ships.

~~(485)~~(493) **Travel Trailer Parks:** A facility where travel trailers can be set up overnight for camping.

~~(486)~~(494) **Truck Terminal:** A facility designed for the parking of trucks and can include features such as a dormitory, fuel pumps, restaurants, and repair shops.

~~(487)~~(495) **Two Family Dwelling:** See *Dwelling, Two Family.*

~~(488)~~(496) ***Ultra Vires:*** An act or regulation adopted without any authority delegated to Randolph County by the North Carolina General Assembly.

~~(489)~~(497) **Upholstering:** A facility where furniture is covered with various materials.

~~(490)~~(498) **Upholstering Refinish:** A facility where furniture is recovered with various materials to extend the life of the product.

~~(491)~~(499) **USDA:** The United States Department of Agriculture.

~~(492)~~(500) **Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which land or a building or structure is, or maybe, occupied or maintained.

~~(493)~~(501) **Use-Principal Permitted:** A use that is permitted outright in a district for which a Zoning Permit may be issued by the Randolph County Planning Director.

~~(494)~~(502) **USGS:** The United States Geological Survey.

~~(495)~~(503) **Utility Pole:** A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

~~(496)~~(504) **Utility-scale Solar Project:** A ground-mounted photovoltaic, concentrating photovoltaic, or concentrating solar power project capable of generating two megawatts AC or more directly connected to the electrical grid. The term includes the solar arrays, accessory buildings, battery storage facilities, transmission

facilities, and any other infrastructure necessary for the operation of the project. The term does not include renewable energy facilities owned or leased by a retail electric customer intended primarily for the customer's use to offset the customer's retail electrical energy consumption at the premises or for net metering.

~~(497)~~(505) **Vacant Industrial Warehouse:** Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

~~(498)~~(506) **Vacant Manufacturing Facility:** Any building or structure previously used for the lawful production or manufacturing of goods, that has not been used for that purpose for at least one year and has not been converted to another use.

~~(499)~~(507) **Variance:** A modification of the dimensional requirements of this Ordinance by the Randolph County Zoning Board of Adjustment, after an evidentiary hearing, when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

~~(500)~~(508) **Vested Right:** The right to undertake and complete the development and use of property under the terms and conditional of an approval secured as specified in NCGS § 160D-108.

~~(501)~~(509) **Veterinary Clinic:** A facility for the treatment of pets and large animals.

~~(502)~~(510) **Violation:** 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 Article 400 of this Ordinance is presumed to be in violation until that documentation is provided.

~~(503)~~(511) **Violator:** Any person or entity that owns, leases, rents, occupies, manages, or builds any structure or engages in any land development activity in violation of this Ordinance and any person or entity that owns, leases, rents, or occupies a use in violation of this Ordinance.

~~(504)~~(512) **Wall Sign:** A sign affixed to the surface of, and whose plane is parallel to the plane of the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall.

~~(505)~~(513) **Warehouse:** A facility with or without loading docks that are designed for storing goods produced by manufacturers that can include items for imports, exports, wholesale, or transportation services.

~~(506)~~(514) **Warehouse, Mini:** See *Mini warehouse.*

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~~(507)~~(515) **Warehousing and Distribution:** A facility with or without loading docks that are designed for storing goods produced by manufacturers that can include items for imports, exports, wholesale, or transportation services including the act or process of shipping goods to be made available to the public.

~~(508)~~(516) **Water Quality Protected Area (WQPA):** Land located adjacent to the shoreline of a public water supply reservoir and is located from normal pool level extending from one-half to one mile from the reservoir high water mark depending on the size of the watershed, and specifically delineated on the official watershed map as indicated on the County GIS and as approved by the Randolph County Board of County Commissioners and the appropriate State agencies.

~~(509)~~(517) **Water Supply System:** An approved water supply system which, depending upon ownership and/or the number of hook-ups, may be:

(a) Municipal system;

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

(c) A private well serving up to fourteen hook-ups in a ~~mobile~~manufactured home park (approved by Randolph County Public Health); or,

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

~~(510)~~(518) **Water Tower:** A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

~~(511)~~(519) **Watershed:** All other parts of the watersheds in Randolph County draining directly into a water supply reservoir. A watershed means an area in which all water drains to a body of water as indicated on the County GIS and as approved by the Randolph County Board of County Commissioners and the appropriate State agencies.

~~(512)~~(520) **Welding Shop:** A facility where one or more pieces of metal are fused to form one piece of metal.

~~(513)~~(521) **Wind Energy Facility:** The turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of one megawatt or more of energy.

~~(514)~~(522) **Wireless Facility:** Equipment at a fixed location that enables wireless communications between the user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following:

a. The structure or improvements on, under, within, or adjacent to which the equipment is co-located;

b. Wireline backhaul facilities; or

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with an antenna.

~~(515)~~(523) **Wireless Infrastructure Provider:** Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

~~(516)~~(524) **Wireless Provider:** A wireless infrastructure provider or a wireless services provider.

~~(517)~~(525) **Wireless Services:** Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

~~(518)~~(526) **Wireless Services Provider:** A person who provides wireless services.

~~(519)~~(527) **Wireless Support Structure:** A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

~~(520)~~(528) **Wrecked Vehicle:** A vehicle that has been destroyed or ruined by involvement in an accident or other causes of damage.

~~(521)~~(529) **Yard, Front:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the sidelines of the lot. Where a lot abuts more than one street, the Randolph County Planning Director shall determine the front yard for purposes of this Ordinance.

~~(522)~~(530) **Yard, Rear:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sideline of the lot.

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~~(523)~~(531) **Yard, Side:** An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

~~(524)~~(532) **ZIP Code:** A series of numbers assigned by the United States Postal Service that is designed to enhance the delivery of mail. (*ZIP* stands for Zone Improvement Plan.)

~~(525)~~(533) **Zoological Park:** A parklike area where various animals from all over the world are kept in cages or large enclosures for public exhibition.

~~(526)~~(534) **Zoning Board of Adjustment:** See *Randolph County Zoning Board of Adjustment.*

~~(527)~~(535) **Zoning Lot:** A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic system repair area.

~~(528)~~(536) **Zoning Map Amendment:** An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by Randolph County or the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

~~(529)~~(537) **Zoning Permit:** A permit issued by the Randolph County Planning Director, which must be obtained before the establishment of a use within a zoning district.

~~(530)~~(538) **Zoning Regulation:** A zoning regulation authorized by Article 7 of NCGS § 160D.

103: WATERSHED PROTECTION ORDINANCE DEFINITIONS

The definitions in this section are **only used** for interpreting terms in the *Randolph County Watershed Protection Ordinance* found in Article 800 of this Ordinance.

(1) **Access Trails:** Pedestrian trails constructed of pervious or impervious surfaces and related structures to access surface water, including boardwalks, steps, rails, and signage.

(2) **Agricultural Use:** The use of water for stock watering, irrigation, and other farm purposes.

(3) **Airport Facilities:** 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 or airport protection privileges* under NCGS § 63-1; the definition of *aeronautical facilities* in NCGS § 63-79 (1); the phrase *airport facilities* as used in NCGS § 159-48 (b) (1); the phrase *aeronautical facilities* as defined in NCGS § 159-81 and NCGS § 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 thereof 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:*

(a) Satellite parking facilities;

(b) Retail and commercial development outside of the terminal area, such as rental car facilities; or

(c) 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 a special governmental entity such as an airport authority, in which case they are included in the definition of *airport facilities.*

(4) **Animal Unit:** A unit of measurement developed by the EPA used to compare different types of animal operations.

(5) **Balance of Watershed Area (BW):** This area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The *balance of the*

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watershed is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located.

(6) **Best Management Practices (BMP):** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters to achieve water-quality-protection goals.

~~(6)~~(7) **Buffer:** An area of natural or ~~established~~ planted vegetation ~~adjacent to surface waters,~~ through which stormwater runoff flows ~~in a diffuse manner~~diffusely ~~to protect surface waters from degradation due to development activities or as defined by 15A NCAC 02B .0621 and 15A NCAC 02H .1002.~~

~~(7)~~(8) **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 utilizing 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.

~~(8)~~(9) **Built-upon area:** Impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. *Built upon area* does not include a slatted deck; the water area of a swimming pool; a surface of number fifty-seven stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in NCGS § 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hours); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle ~~or as defined in 15A NCAC 02H .1002 or NCGS § 143-214.7~~except such as exempted by State law.

~~(9)~~(10) **Cluster Development:** The grouping of buildings to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes non-residential development as well as single-family residential and multi-family developments. For the *Randolph County Watershed Protection Ordinance*, planned unit developments and mixed-use developments are considered cluster development.

~~(10)~~(11) **Common Plan of Development:** A site with multiple lots where there is a single development plan for all of the lots, usually represented by a master plan or a set of declarations of restrictive covenants.~~where multiple separate and distinct development activities may be taking place at different times or different schedules but governed by a single development plan regardless of the ownership of parcels.~~

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~~(11)~~(12) **Composting Facility:** A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations are deposited.

~~(12)~~(13) **Critical Area:** The area adjacent to a water supply intake or reservoir where the 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 ridgeline 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 ridgeline of the watershed (whichever comes first). Randolph County 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.

~~(13)~~(14) **Customary Home Occupations:** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is 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 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.

~~(14)~~(15) **DBH:** Diameter at breast height of a tree measured at four and one-half feet above ground surface level.

~~(15)~~(16) **Development:** Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

~~(16)~~(17) **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.

~~(17)~~(18) **Ditch:** 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.

~~(18)~~(19) **Dwelling Unit:** A building, or portion thereof, providing complete and permanent living facilities for one or more persons.

~~(19)~~(20) **Ephemeral Stream:** 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

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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.

~~(21)~~ **Existing Development:** Those projects that are built or that have established a vested right under North Carolina zoning law as of the effective date of the *Randolph County Watershed Protection Ordinance.* ~~those projects that at a minimum have established a vested right under the terms of the *Randolph County Unified Development Ordinance* and based on at least one of the following criteria:~~

(21)

~~(a) Substantial expenditures of resources (e.g., time, labor, money, etc.) based on a good faith reliance upon having received a valid Randolph County approval to proceed with the project;~~

~~(b) Having an outstanding valid building permit as authorized by the North Carolina General Statute § 160D-102; or~~

~~(c) Having an approved site-specific or phase development plan as authorized by the *Randolph County Unified Development Ordinance.*~~

~~(20)~~(22) **Existing Lot (Lot of Record):** A lot that is part of a subdivision, a plat of which has been recorded in the Randolph County Register of Deeds before the adoption of the *Randolph County Watershed Protection Ordinance* or a lot described by metes and bounds, the description of which has been so recorded before the adoption of the *Randolph County Watershed Protection Ordinance.*

~~(21)~~(23) **Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

~~(22)~~(24) **Family Subdivision:** A division of a tract of land that:

(a) To convey the resulting parcels, except parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or

(b) To divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

~~(23)~~(25) **Geotextile Fabric:** This term shall have the meaning as defined in 15A NCAC 02H .1002

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~~(24)~~(26) **Greenway/Hiking Trails:** 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.

~~(25)~~(27) **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).

~~(26)~~(28) **High-Value Tree:** A tree that meets or exceeds the following standards: for pine species, fourteen-inch DBH or greater or eighteen-inch or greater stump diameter; or hardwoods and wetland species, sixteen-inch DBH or greater or twenty-four-inch or greater stump diameter.

~~(27)~~(29) **Industrial Development:** Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

~~(28)~~(30) **Intermittent Stream:** 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.

~~(29)~~(31) **Landfill:** A facility for the disposal of solid waste on land in a sanitary manner under Chapter 130A Article Nine of the North Carolina General Statutes. For the *Randolph County Watershed Protection Ordinance,* this term does not include composting facilities.

~~(30)~~ **Lot:** A parcel of land that can be transferred separately from other parcels 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.~~

(32)

~~(31)~~(33) **Major Variance:** A variance that is not a *Minor Variance* as defined in the *Randolph County Watershed Protection Ordinance.*

~~(32)~~(34) **Minor Variance:** A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer; or that results in a relaxation, by a factor of up to ten percent of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of the built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

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~~(33)~~(35) **Modified Natural Stream:** 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.

~~(34)~~(36) **New Development:** Any development project that does not meet the definition of existing development set out in this Ordinance.

~~(35)~~(37) **Non-Conforming Existing Lot ~~of Record~~:** A lot described by a plat or a deed that was recorded before the effective date of the *Randolph County Watershed Protection Ordinance* that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

~~(36)~~(38) **Non-residential Development:** All development other than residential development, agriculture, and silviculture.

~~(37)~~(39) **Perennial Stream:** 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.

~~(38)~~ **Perennial Waterbody:** A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude the growth of non-hydrophilic rooted plants. ~~For the State's riparian buffer protection program, the water body must be part of a natural drainage way (e.g., connected by surface flow to a stream).~~

(40)

~~(39)~~(41) **Plat:** A map or plan of a parcel of land that is to be or has been subdivided.

~~(40)~~(42) **Project:** The proposed development activity for which an applicant is seeking a stormwater permit or watershed protection permit from the State or Randolph County. This term shall exclude any land adjacent to the area disturbed by the project that has been counted as pervious by other development regulated under a federal, State, or local stormwater or watershed protection regulation. For this Ordinance, and in compliance with State regulations, adjacent parcels undergoing development that require either a stormwater permit or watershed protection permit shall be merged into one parcel to calculate project density.

~~(41)~~(43) **Protected Area:** The area adjoining and upstream of the critical area of a WS-IV watershed. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of a reservoir or to the ridgeline

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of the watershed, or within ten miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

~~(42)~~(44) **Qualified Individual:** A person certified to perform stream determinations by completing and passing the Surface Water Identification Training and Certification (SWITC) course offered by the North Carolina Division of Water Resources at North Carolina State University.

~~(43)~~(45) **Residential Development:** Buildings for ~~residence~~ human habitation 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.

~~(44)~~(46) **Residuals:** Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

~~(45)~~(47) **Shoreline Stabilization:** The in-place stabilization of an eroding shoreline. Stabilization techniques that include soft methods or natural materials (such as root wads, or rock vanes) may be considered 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.

~~(46)~~(48) **Single Family Residential:** Any development where (i) no building contains more than one dwelling unit, (ii) every dwelling unit is on a separate lot, and (iii) no lot contains more than one dwelling unit.

~~(47)~~(49) **Stormwater Control Measure (SCM):** A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

~~(48)~~(50) **Stream Restoration:** The process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian zones 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 the transport of water and sediment produced by the stream's watershed to achieve dynamic equilibrium. *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.

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~~(49)~~(51) **Street (Road):** A right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

~~(50)~~(52) **Structure:** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having a permanent location on the land.

~~(51)~~(53) **Stump Diameter:** The diameter of a tree measured at six inches above the ground surface level.

~~(52)~~(54) **Subdivider:** Any person, firm, corporation, or official who subdivides or develops any land deemed a subdivision as herein defined.

~~(54)~~ **Subdivision:** The division of a tract or parcel of land into two or more lots, building sites, or other divisions for sale or building development (whether immediate or future) and shall include all divisions of a new street or a change in existing streets~~:~~ except those exempt from subdivision regulation by NCGS § 160D (a) (1) through (a) (5).~~divisions of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations authorized by the *Randolph County Watershed Protection Ordinance:*~~

(55)

~~(a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;~~

~~(b) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;~~

~~(c) The public acquisition by purchase of strips of land for the widening or opening of streets;~~

~~(d) 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 this Ordinance;~~

~~(e) The division of a tract into plots or lots used as a cemetery; or~~

~~(f) The division of a tract into parcels under the terms of a probated will or per intestate succession under Chapter 29 of the North Carolina General Statutes.~~

~~(53)~~(56) **Surface Waters:** All waters of the State as defined in NCGS § 143-212 except underground waters.

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~~(54)~~(57) **Temporary Road:** 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.

~~(55)~~(58) **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.

~~(56)~~(59) **Tree:** A woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

~~(57)~~(60) **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 the *Randolph County Watershed Protection Ordinance.*

~~(58)~~(61) **Vegetated Setback:** See *Buffer.*

~~(59)~~(62) **Vested Right:** The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. See NCGS § 160D-108 for more information.

~~(60)~~(63) **Water Dependent Structure:** Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purposes, such as boat ramps, boathouses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

~~(61)~~(64) **Watershed:** The entire land area contributing surface drainage to a specific point (e.g., the water supply intake) or the geographic region within which water drains to a particular river, stream, or body of water.

~~(62)~~(65) **Watershed Administrator:** The Randolph County Planning Director is responsible for the administration and enforcement of this Ordinance.

~~(63)~~(66) **Watershed Permit:** A permit, consistent with the Randolph County Central Permitting System, which indicates a specified land use is in a watershed.

104: FLOOD DAMAGE PREVENTION ORDINANCE DEFINITIONS

The definitions in this section are **only used** for interpreting terms in the *Randolph County Flood Damage Prevention Ordinance.*

(1) **Accessory Structure (Appurtenant Structure):** A structure located on the same parcel of property as the principal structure 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.

(2) **Addition:** An extension or increase in the floor area or height of a building or structure.

(3) **Alteration of a Watercourse:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

(4) **Appeal:** A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance.

(5) **Area of Future-Conditions Flood Hazard:** The land area that would be inundated by the one percent annual chance of flood based on future-conditions hydrology.

~~(5)~~(6) **Area of Shallow Flooding:** A designated Zone *AO* or *AH* on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three 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.

~~(6)~~(7) **Area of Special Flood Hazard:** See *Special Flood Hazard Area (SFHA).*

~~(7)~~(8) **Base Flood:** The flood area having a one percent chance of being equaled or exceeded in any given year.

~~(8)~~(9) **Base Flood Elevation (BFE):** 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.*

~~(9)~~(10) **Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

~~(10)~~(11) **Building:** See *Structure.*

~~(11)~~(12) **Chemical Storage Facility:** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

~~(12)~~(13) **Design Flood:** See *Regulatory Flood Protection Elevation.*

~~(13)~~(14) **Development:** 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.

~~(14)~~(15) **Development Activity:** Any activity defined as Development that will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including, but not limited to, fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

~~(15)~~(16) **Digital Flood Insurance Rate Map (DFIRM):** The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

~~(16)~~(17) **Disposal:** 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.

~~(17)~~(18) **Elevated Building:** A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~(18)~~(19) **Encroachment:** The advance or infringement of uses, fill, excavation, buildings, structures, or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

~~(19)~~(20) **Existing Building and Existing Structure:** Any building and/or structure for which the *start of construction* commenced before July 16, 1981, the effective date of the initial floodplain management regulations adopted by Randolph County.

~~(20)~~(21) **Existing Manufactured Home Park or Manufactured Home Subdivision:** 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 July 16, 1981, the initial effective date of the floodplain management regulations adopted by the community.

~~(21)~~(22) **Flood/Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

~~(22)~~(23) **Flood Boundary and Floodway Map (FBFM):** An official map of a community, issued by FEMA, 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).

~~(23)~~(24) **Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone *A*.

~~(24)~~(25) **Flood Insurance:** The insurance coverage is provided under the National Flood Insurance Program.

~~(25)~~(26) **Flood Insurance Rate Map (FIRM):** An official map of a community, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. Also, see *DFIRM.*

~~(26)~~(27) **Flood Insurance Study (FIS):** 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 FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (*FIRMs)* and Flood Boundary and Floodway Maps (*FBFMs)* if published.

~~(27)~~(28) **Flood Prone Area:** See *Floodplain.*

~~(28)~~(29) **Flood Zone:** 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.

~~(29)~~(30) **Floodplain:** Any land area susceptible to being inundated by water from any source.

~~(30)~~(31) **Floodplain Administrator:** The individual appointed to administer and enforce the floodplain management regulations. For this Ordinance, the Randolph County Planning Director is designated as the Floodplain Administrator.

~~(31)~~(32) **Floodplain Development Permit:** Any type of permit that is required in conformance with the provisions of this Ordinance, before the commencement of any development activity.

~~(32)~~(33) **Floodplain Management:** 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.

~~(33)~~(34) **Floodplain Management Regulations:** This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

~~(34)~~(35) **Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improve real property, water, and sanitation facilities, structures, and their contents.

~~(35)~~(36) **Flood Resistant Material:** Any building product, material, component, or system capable of withstanding direct and prolonged contact for a minimum of seventy-two hours with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in the water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

~~(36)~~(37) **Floodway:** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

~~(37)~~(38) **Floodway Encroachment Analysis:** An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the

occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

~~(38)~~(39) **Freeboard:** The height added to the 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 or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the *Regulatory Flood Protection Elevation.*

~~(39)~~(40) **Functionally Dependent Facility:** A facility that cannot be used for its intended purpose unless it is near 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.

~~(40)~~(41) **Hazardous Waste Management Facility:** As defined in NCGS § 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

~~(41)~~(42) **Highest Adjacent Grade (HAG):** The highest natural elevation of the ground surface, before construction, immediately next to the proposed walls of the structure.

~~(42)~~(43) **Historic Structure:** Any structure that is:

(a) Listed individually in the National Register of Historic Places, a listing maintained by the US Department of Interior, or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a *Certified Local Government Program (CLG);* or

(d) Certified as contributing to the historical significance of a historic district designated by a community with a *Certified Local Government Program (CLG).*

Certified Local Government 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.

~~(43)~~(44) **Letter of Map Change (LOMC):** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective National Flood Insurance Program map. A *LOMA* is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. A *LOMA* amends the current effective Flood Insurance Rate Map and establishes that a specific property, a portion of a property, or a structure is not located in a special flood hazard area.

(b) **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. To qualify for this determination, the fill must have been permitted and placed under the community's floodplain management regulations.

(d) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects concerning the delineation of special flood hazard areas. A *CLOMR* does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

~~(44)~~(45) **Light Duty Truck:** Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five square feet or less as defined in 40 CFR 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a

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derivation of such a vehicle, or

(b) Designed primarily for the transportation of persons and has a capacity of more than twelve persons; or

(c) Available with special features enabling off-street or off-highway operation and use.

~~(45)~~(46) **Lowest Adjacent Grade (LAG):** The lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

~~(46)~~(47) **Lowest Floor:** The lowest floor of the lowest enclosed area, including the 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 to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

~~(47)~~(48) **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a *recreational vehicle.*

~~(48)~~(49) **Manufactured Home Park or Subdivision:** A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

~~(49)~~(50) **Map Repository:** The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carries the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data, the FloodNC website (http://flood.nc.gov/ncflood/) is the map repository.

~~(50)~~(51) **Market Value:** 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 independently certified appraisal; replacement cost depreciated for the age of building and quality of construction, actual cash value; or adjusted tax assessed values.

~~(51) **NAVD 1988:** The vertical control datum was established in 1991 by the minimum-constraint adjustment of the Canadian, Mexican and United States leveling observations.~~

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(52) **New Construction:** Structures for which the *start of construction* commenced on or after July 16, 1981, the effective date of the initial floodplain management regulations, and includes any subsequent improvements to such structures.

(53) **Non-Conversion Agreement:** A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the Ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

(54) **Non-Encroachment Area (NEA):** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

(55) **Post-FIRM:** Construction or other development for which the "start of construction" occurred on or after July 16, 1981, the effective date of the initial Flood Insurance Rate Map.

(56) **Pre-FIRM:** Construction or other development for which the "start of construction" occurred before July 16, 1981, the effective date of the initial Flood Insurance Rate Map.

(57) **Principally Above Ground:** At least fifty-one percent of the actual cash value of the structure is above ground.

(58) **Public Safety/Public Nuisance:** 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 a customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

(59) **Recreational Vehicle (RV):** A vehicle, which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light-duty truck;

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and

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(e) Is fully licensed and ready for highway use.

For this Ordinance, *Tiny Homes/Houses* and *Park Models* that do **not** meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

~~(60)~~ **Reference Level:** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones *A, AE, AH, AO,* or *A99.* The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas designated as Zone *VE*.

~~(60)~~(61) **Regulatory Flood Protection Elevation:** The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where BFEs have been determined, this elevation shall be the BFE *plus* two feet freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

~~(61)~~(62) **Remedy a Violation:** 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 impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance, otherwise deterring future similar violations, or reducing federal financial exposure regarding the structure or other development.

~~(62)~~(63) **Riverine:** Relating to, formed by, or resembling a river, including tributaries, streams, brooks, etc.

~~(63)~~(64) **Salvage Yard:** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, including but not limited to vehicles, appliances, and related machinery.

~~(64)~~(65) **Solid Waste Disposal Facility:** Any facility involved in the disposal of solid waste, as defined in NCGS § 130A-290 (a) (35).

~~(65)~~(66) **Solid Waste Disposal Site:** 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.

~~(66)~~(67) **Special Flood Hazard Area (SFHA):** The land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in Article 900, Section 902 (B) of this Ordinance.

~~(67)~~(68) **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 parts of the building, whether that alteration affects the external dimensions of the building.

~~(68)~~(69) **Structure:** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

~~(69)~~(70) **Substantial Damage:** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. See the definition of *substantial improvement.* Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

~~(70)~~(71) **Substantial Improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvements of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred *substantial damage,* regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of State or community health, sanitary, or safety code specifications that have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued according to Article 900 Section 905, Item C of this Ordinance.

~~(71)~~(72) **Technical Bulletin/Technical Fact Sheet:** A FEMA publication that guides the building performance standards of the NFIP, which are contained in Title 44 of

the US Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets guide the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

~~(72)~~(73) **Temperature Controlled:** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

~~(73)~~(74) **Variance:** A grant of relief from the requirements of this Ordinance.

~~(74)~~(75) **Violation:** 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 900, Sections 903, and 906 is presumed to be in violation until such time as that documentation is provided.

~~(75)~~(76) **Water Surface Elevation (WSE):** The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

~~(76)~~(77) **Watercourse:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. The watercourse includes specifically designated areas in which substantial flood damage may occur.

105: UNIFIED DEVELOPMENT ORDINANCE

The Randolph County Board of Commissioners has elected to combine the regulations authorized by NCGS § 160D into a Unified Development Ordinance, the *Randolph County Unified Development Ordinance,* hereinafter called the Ordinance. Randolph County may apply any of the definitions and procedures authorized by law to any or all aspects of this Ordinance and may employ any organizational structure, Board, Commission, or staffing arrangement authorized by law to all aspects of this Ordinance. The inclusion of a regulation authorized by NCGS § 160D or local acts in this Ordinance does not expand, diminish, or alter the scope of authority for these regulations.

106: DEVELOPMENT APPROVALS RUN WITH THE LAND

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals (e.g., Rezonings, Special Use Permits, Variances) made according to this Ordinance shall attach to and run with the land for perpetuity.

107: MAPS

A. ZONING MAP

Zoning district boundaries adopted according to this Ordinance shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are adopted or amended shall be maintained for public inspection in the Randolph County Planning and Zoning Department as specified in the development regulation. The maps are maintained in a ~~may be in paper, or a~~ digital format approved by Randolph County.

B. INCORPORATION BY REFERENCE

Development regulations adopted according to this Ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps or other maps officially adopted or promulgated by State or federal agencies. 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. 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 inspections as provided in subsection (A) of this section.

C. COPIES

Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the Clerk to the Randolph County Planning Board per NCGS § 160A-79, shall be admissible in evidence and shall have the same force and effect as would the original map.

108: REFUND OF ILLEGAL FEES

If Randolph County is found to have illegally imposed a tax, fee or monetary contribution for development or a development approval not specifically authorized by law, Randolph County shall return the tax, fee, or monetary contribution plus interest of six percent per

annum to the person who made the payment or as directed by a court if the person making the payment is no longer in existence.

109: CONFLICTS OF INTEREST

A. GOVERNING BOARD

A Randolph County Board of Commissioners member shall not vote on any legislative decision regarding a development regulation adopted according to this Ordinance 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 Randolph County Board of Commissioners member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the application for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. **Any potential conflict of interest shall be disclosed by the Board member before the hearing or vote on the matter.**

B. APPOINTED BOARDS

Members of the appointed board shall not vote on any advisory or legislative decision regarding a development regulation adopted according to this Ordinance 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 is subject to a rezoning petition or the applicant for a text amendment if a person with whom the member has a close familial, business, or other associational relationship. **Any potential conflict of interest shall be disclosed by the Board member before the hearing or vote on the matter.**

C. ADMINISTRATIVE STAFF

No staff member shall make a final decision on an administrative decision required by this Ordinance 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 is assigned to the supervisor of the staff person, or such other staff person as may be designated by this Ordinance or the Randolph County Planning Director.

No staff member shall be financially interested or employed by a business that is financially interested in the development subject to regulation under

this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or employee of a company contracting with Randolph County to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of Randolph County as determined by Randolph County.

D. QUASI-JUDICIAL DECISIONS

A member of any Board exercising quasi-judicial functions according to this Ordinance 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 before 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. **Any impermissible violation of due process shall be disclosed by the Board member before the hearing or vote on the matter.**

E. RESOLUTION OF OBJECTION

If an objection is raised to a board member's participation at or before the hearing or vote on the matter and the board member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on that objection.

F. FAMILIAL RELATIONSHIP

For this Ordinance, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

110: CONSTRUCTION

The words *written* or *in writing* are deemed to include electronic documentation.

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

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

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

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

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The word *building* includes the word *structure.*

The word *shall* be always mandatory.

The word *may* be permissive.

The word *will* is always mandatory and not merely a directory.

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

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

The generic terms *road* and *street* are used in this Ordinance and are understood to be the same.

Unless specified otherwise, in the absence of evidence to the contrary, delivery by first-class mail is deemed received on the third business day following the deposit of the item for mailing with the United States Postal Service and delivery by electronic mail is deemed received on the date sent.

111: EFFECT ON PRIOR LAWS

A. ENACTMENT OF THIS ORDINANCE

The enactment of this Ordinance does not require the re-adoption of any Randolph County ordinances enacted according to laws that were in effect before the effective date of this Ordinance and are restated or revised herein. The provisions of this Ordinance do not affect any act heretofore done, any liability incurred, any right accrued or vested, any suit or prosecution begun, or cause of action accrued as of the effective date of this Ordinance. The enactment of this Ordinance does not amend the geographic area within which Randolph County development regulations adopted before July 1, 2021, are effective.

B. NCGS § 153A-3 AND NCGS § 160A-3

NCGS § 153A-3 and NCGS § 160A-3 apply to this Ordinance. Nothing in this Ordinance repeals or amends a charter or local act in effect as of the effective date of this Ordinance unless this Ordinance or a subsequent enactment of the General Assembly clearly shows a legislative intent to repeal or supersede that charter or local act.

C. REFERENCE TO ANOTHER GENERAL STATUE OR LOCAL ACT

Whenever a reference is made in another section of the General Statutes or any local act, or any Randolph County ordinance, resolution, or order, to

a portion of Article 19 of NCGS § 160A or Article 18 of NCGS § 153A of the General Statutes that is repealed or superseded by this Ordinance, the reference is deemed amended to refer to that portion of this Ordinance that most nearly corresponds to the repealed or superseded portion of Article 19 of NCGS § 160A or Article 18 of NCGS § 153A.

112: SEVERABILITY

Shall any provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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ARTICLE 200: PLANNING AND DEVELOPMENT REGULATION JURISDICTION

201: PLANNING AND DEVELOPMENT REGULATION JURISDICTION

All the powers granted by NCGS § 160D may be exercised by Randolph County throughout Randolph County except in areas subject to the municipal planning and development regulation jurisdiction. If a city fails to extend a development regulation to the extraterritorial area, Randolph County may elect to exercise that regulation in the extraterritorial area.

If a city elects to adopt zoning or subdivision regulations, each must be applied to the city's entire planning and development regulation jurisdiction. If Randolph County elects to adopt zoning or subdivision regulations, each may be applied to all or part of the County's planning and development regulation jurisdiction. Randolph County's planning and development regulation jurisdiction does not include areas in which it has ceded jurisdiction according to an agreement found in Section 209.

202: COUNTY APPROVAL OF MUNICIPAL JURISDICTION

No city may extend its extraterritorial powers into any area for which Randolph County has adopted and is enforcing County zoning and subdivision regulations. However, the city may do so where Randolph County is not exercising both powers or when the city and Randolph County have agreed upon the area within which each will exercise the powers conferred by NCGS § 160D. No city may extend its extraterritorial powers beyond one mile from its corporate limits without the approval of the Randolph County Board of County Commissioners with jurisdiction over the area.

203: COUNTY AUTHORITY WITHIN MUNICIPAL JURISDICTION

Randolph County may, on request of the municipal council, exercise any or all these powers in any or all areas lying within the city's corporate limits or the specified area of the extraterritorial jurisdiction. Such requests shall follow the provisions as outlined in Section 206.

204: TRANSFER OF JURISDICTION

When a city annexes, a new city is incorporated, or a city extends its jurisdiction to include an area that is currently being regulated by Randolph County, this Ordinance and powers of enforcement shall remain in effect until (i) the city has adopted such development regulations or (ii) 60 days have elapsed following the annexation, extension, or incorporation, whichever is sooner. Before the transfer of jurisdiction, the city may hold hearings and take any other measures consistent with NCGS § 160D-204 that may be required to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

205: RELINQUISHMENT OF JURISDICTION

When a city relinquishes jurisdiction over an area that it is regulating under NCGS § 160D to Randolph County, the municipal development regulations and powers of enforcement shall remain in effect until (i) Randolph County has adopted such development regulations or (ii) 60 days have elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. Before the transfer of jurisdiction, Randolph County shall hold hearings and take other measures consistent with NCGS §160D-204 that may be required to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

206: PROCESS FOR LOCAL GOVERNMENT APPROVAL

When a local government is granted powers by NCGS § 160D-202 subject to the request, approval, or agreement of another local government, the request, approval, or agreement is evidenced by a formally adopted resolution of the governing boards of the local governments. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other governing boards concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the governing boards concerned.

207: LOCAL ACTS

Nothing in this section shall repeal, modify, or amend any local act that defines the boundaries of a city’s extraterritorial jurisdiction by metes and bounds or courses and distances.

208: EFFECT ON VESTED RIGHTS

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 entire parcel to any one of those local governments. Such a mutual agreement shall only apply to 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 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 is 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.

ARTICLE 300: BOARDS AND ORGANIZATIONAL ARRANGEMENTS

301: PLANNING BOARD

A. COMPOSITION

The Randolph County Board of Commissioners, by an ordinance adopted May 1, 1967, and as amended, provides for the appointment of the Randolph County Planning Board. The Randolph County Board of Commissioners may appoint and provide compensation for alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending the appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

B. DUTIES

The Randolph County Planning Board is delegated the following powers and duties:

(1) Prepare, review, maintain, monitor, and periodically update and recommend to the Randolph County Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;

(2) Facilitate and coordinate citizen engagement and participation in the planning process;

(3) Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(4) Advise the Randolph County Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS § 160D-604;

(5) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Randolph County Board of Commissioners may direct;

(6) Provide a forum for review and determination of quasi-judicial decisions; and

(7) Perform any other related duties that the Randolph County Board of Commissioners may direct.

302: ZONING BOARD OF ADJUSTMENT

A. COMPOSITION

The Randolph County Board of Commissioners, by existing ordinance, also provides for the appointment and compensation of the Randolph County Zoning Board of Adjustment consisting of five or more members, each to be appointed for three years. The Randolph County Board of Commissioners may appoint and provide compensation for alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending the appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

By action of the Randolph County Board of Commissioners dated January 7, 1980, the Randolph County Planning Board shall perform the duties of the Randolph County Zoning Board of Adjustment.

B. DUTIES

The Randolph County Zoning Board of Adjustment shall hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Ordinance. The Randolph County Zoning Board of Adjustment is assigned decision-making authority for specific quasi-judicial causes and shall comply with all the procedures and processes applicable in making quasi-judicial decisions.

303: RULES OF PROCEDURE

Rules of Procedure that are consistent with the provisions of this Ordinance and NCGS § 160 D may be adopted by the Randolph County Board of Commissioners for any or all boards created under this Article. In the absence of action by the Randolph County Board of Commissioners, the Randolph County Planning Board and the Randolph County Zoning Board of Adjustment are authorized to adopt their own Rules of Procedure that are consistent with the provisions of this Ordinance. A copy of any adopted *Rules of Procedure* is maintained by the Clerk to the Randolph County Planning Board and the Randolph County Zoning Board of Adjustment or such other official as designated by

ordinance or the Randolph County Planning Director and posted on the Randolph County website. Each Board shall keep minutes of its proceedings.

304: OATH OF OFFICE

All members appointed to Boards shall, before entering their duties, qualify by taking an Oath of Office as required by NCGS § 153A-26 and NCGS § 160A-61.

305: APPOINTMENTS TO BOARDS

All appointments to the Boards authorized by this Ordinance are made by the Randolph County Board of Commissioners. The Randolph County Board of Commissioners may establish reasonable procedures to solicit, review, and make appointments.

306: REMOTE MEETINGS DURING DECLARED EMERGENCIES

A. REMOTE MEETINGS

Notwithstanding any other provision of law, upon issuance of a declaration of emergency under NCGS § 166A-19.20, any public body within the emergency area may conduct remote meetings under this section and Article 33 C of Chapter 143 of the North Carolina General Statutes throughout that declaration of emergency. Compliance with this statute establishes a presumption that a remote meeting is open to the public.

B. REQUIREMENTS

The public body shall comply with all the following for remote meetings conducted under this section:

(1) The public body shall give proper notice under NCGS § 143-318.12 and any other requirement for notice applicable to the public body. The notice shall also specify how the public can access the remote meeting as that remote meeting occurs.

(2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:

(a) When the roll is taken, or the remote meeting is commenced.

(b) Before participating in the deliberations, including making motions, proposing amendments, and raising points of order.

(c) Before voting.

(3) All documents to be considered during the remote meeting shall be provided to each member of the public body.

(4) The method of simultaneous communication shall allow for any member of the public body to do all the following:

(a) Hear what is said by the other members of the public body.

(b) Hear what is said by any individual addressing the public body.

(c) To be heard by the other members of the public body when speaking to the public body.

(5) All votes shall be roll call. No vote by secret or written ballots, whether by paper or electronic means or under NCGS § 143-318.13 (b), may be taken during the remote meeting.

(6) The public body shall comply with NCGS § 143-318.13 (c).

(7) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, in which members were participating by simultaneous communication, and when such members joined or left the remote meeting.

(8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.

(9) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

C. QUORUM

A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. The provisions of NCGS § 153A-44 and NCGS § 160A-75 shall apply to all votes of each member of the Randolph County Planning Board or Randolph County Zoning Board of Adjustment taken during a remote meeting.

D. VOTING BY MEMBERS OF THE PUBLIC BODY

Votes of each member of the Randolph County Planning Board or Randolph County Zoning Board of Adjustment made during a remote meeting under this section shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.

E. PUBLIC HEARINGS

The Randolph County Planning Board or Randolph County Zoning Board of Adjustment may conduct any public hearing required or authorized by law during a remote meeting, and act thereon, provided the Randolph County Planning Board or Randolph County Zoning Board of Adjustment allows for written comments about the public hearing to be submitted between the publication of any required notice and 24 hours ~~after~~ before the scheduled time for the beginning of the public hearing.

If the Randolph County Planning Board or Randolph County Zoning Board of Adjustment has provided notice of an official meeting and one or more members of the public body desire to participate remotely after the issuance of the notice, the Randolph County Planning Board or Randolph County Zoning Board of Adjustment may amend the notice of the meeting to include the means whereby the public can access the remote meeting as that remote meeting occurs. Such amended notice of a remote meeting shall comply with all of the following:

(1) Be issued no less than six hours before the official meeting;

(2) Be distributed per NCGS § 143-318.12 (b) (2) and (b) (3), as applicable; and

(3) Be posted per NCGS § 143-318.12 (e).

F. QUASI-JUDICIAL HEARINGS

A public body may conduct a quasi-judicial proceeding as a remote meeting only when all the following apply.

(1) The right of an individual to a hearing and decision occurs during an emergency.

(2) All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting.

(3) All due process rights of the parties affected are protected.

G. CLOSED SESSIONS

The Randolph County Planning Board or Randolph County Zoning Board of Adjustment may conduct a closed session as authorized in NCGS § 143-318.11. While in closed session, the Randolph County Planning Board or Randolph County Zoning Board of Adjustment is not required to provide access to the remote meeting to the public.

H. NOT EXCLUSIVE

Article 300, Section 306 applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33 C of Chapter 143 of the General Statutes.

ARTICLE 400: ADMINISTRATION, ENFORCEMENT, AND APPEALS

401: APPLICATION

The provisions of this Ordinance shall apply to all development regulations adopted under this Ordinance. Randolph County shall also apply any of the definitions and procedures authorized by this Ordinance to any ordinance adopted under the general police power of cities and counties, Article 8 of NCGS § 160A and Article 6 of NCGS § 153A respectively, and may employ any organizational structure, Board, Commission or staffing arrangement authorized by this Article to any or all aspects to those ordinances. The provisions of this Ordinance also apply to any other local ordinance that substantially affects land use and development.

The provisions of this Ordinance are supplemental to specific provisions included in other Articles of NCGS § 160D. To the extent there is a conflict between the provisions of this Ordinance and other Articles, the more specific provision shall control. This Ordinance does not expand, diminish, or alter the scope of authority for development regulations authorized by NCGS § 160D.

402: ADMINISTRATIVE STAFF

A. AUTHORIZATION

Randolph County may appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer, and enforce development regulations authorized by this Ordinance.

B. DUTIES

Duties assigned to staff may include, but are not limited to, the following:

(1) Drafting and implementing plans for development regulations to be adopted according to this Ordinance;

(2) Determining whether applications for development approvals are complete;

(3) Receipt and processing of applications for development approvals;

(4) Providing notices of applications and hearings;

(5) Making decisions and determinations regarding development regulation implementation;

(6) Determining whether applications for development approvals meet applicable standards as established by Randolph County;

(7) Conducting inspections;

(8) Issuing or denying Certificates of Compliance or Occupancy; enforcing development regulations, including issuing Notices of Violations, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; and

(9) Keeping adequate records; and any other actions that may be required to adequately enforce the laws and development regulations under their jurisdiction.

This Ordinance requires that Code Enforcement Officers take an oath of office. Randolph County has the authority to enact ordinances, procedures, and fee schedules relating to the administration and enforcement of this Ordinance. The administrative and enforcement provisions related to building permits outlined in NCGS § 160D - 1100 shall be followed for these permits.

C. FINANCIAL SUPPORT

Randolph County Board of Commissioners may appropriate for the support of the staff any funds that it deems necessary. It shall have the powers to fix reasonable fees for support, administration and implementation of programs authorized by NCGS § 160D and all such fees shall be used for no other purposes. When an inspection, for which the permit holder has paid a fee to Randolph County, is performed by a marketplace pool code-enforcement official upon request of the North Carolina Insurance Commissioners under NCGS § 143-151.12 (9) a., Randolph County shall promptly return to the permit holder the fee collected by Randolph County for such inspection. This applies to the following inspections: plumbing, electrical systems, general building restrictions and regulations, heating and air-conditioning, and the general construction of the buildings.

403: ADMINISTRATIVE DEVELOPMENT APPROVALS AND DETERMINATIONS

A. DEVELOPMENT APPROVALS

To the extent consistent with the scope of regulatory authority granted by the Articles of this Ordinance, no person shall commence or proceed with development without first securing the required development approval from Randolph County Planning and Zoning if Randolph County has jurisdiction over the site of the development. Development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. Randolph County may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

B. DETERMINATIONS AND NOTICE OF DETERMINATION

The Randolph County Planning Director, and other staff as may be designated, are charged with making determinations under the development regulations for uses permitted by right. Development approval for uses that require rezoning or Special Use Permits shall be made by the Randolph County Planning Board. Development approval for uses that require a variance shall be made by the Randolph County Zoning Board of Adjustment.

The Randolph County Planning Director shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the Randolph County Tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

It is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination so long as the sign remains on the property for at least ten days. A posted sign shall contain the words *Zoning Decision* or *Subdivision Decision* or similar language for other determinations in letters at least six inches high and shall identify the means to contact Randolph County Planning and Zoning staff members for information about the determination. Posting signs is not the only form of constructive notice. Any signposting is the responsibility of the landowner, applicant, or person sought the determination. Verification of the posting shall be provided to the Randolph County Planning Director in writing for documentation. Posting of signs related to any public hearings shall be

required not less than ten days before a public hearing and no more than twenty-five days before a public hearing. The posting of the property giving notice that a determination has been made is optional for the landowner, applicant, or person who sought the determination and is not required by this Ordinance.

C. DURATION OF DEVELOPMENT APPROVAL

Unless a different period is specified by this Ordinance or NCGS § 160D, including for a development agreement, development approval issued according to this Ordinance expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. This Ordinance may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar developments. This Ordinance may also provide for development approvals of longer duration for specified types of development approvals. Nothing in this subsection limits any vested rights secured under NCGS § 160D-108 or NCGS 160D-108.1.

D. CHANGES

After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. Randolph County may allow *minor modifications* to development approvals that can be exempted or administratively approved. For this Ordinance, a *minor modification* is a small alteration of an approved site plan and may include a reduction in the number or size of approved buildings or the alteration of the location of a building by no more than twenty-five feet from the location on the approved site plan. Randolph County shall follow the same development review and approval process required for the issuance of the development approval in the review and approval of any major modification of that approval.

E. INSPECTIONS

Administrative staff may inspect work undertaken according to a development approval to ensure that the work is being done following applicable State and local laws and the terms of the approval. In exercising this power, staff may enter any premises within the jurisdiction of Randolph County at all reasonable hours for inspection or other enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or an appropriate inspection warrant has been secured.

F. REVOCATION OF DEVELOPMENT APPROVALS

In addition to the initiation of enforcement actions under NCGS § 160D-404, development approvals may be revoked by Randolph County by notifying the holder in writing stating the reason for the revocation. Randolph County

shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to Randolph County for enforcement purposes instead of the State; or for false statement or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed according to NCGS § 160D-405. If an appeal is filed regarding a development regulation adopted by Randolph County according to NCGS § 160D, the provisions of NCGS § 160D-405 (f) regarding stays apply.

G. CERTIFICATE OF OCCUPANCY

Randolph County shall, upon completion of work or activity undertaken according to a development approval, make final inspections and issue a Certificate of Compliance or Occupancy if staff finds that the completed work complies with all applicable State and local laws and with the terms of the permit approval. **No building, structure or use of land that is subject to a building permit required by NCGS § 160D-1100 shall be occupied or used until a Certificate of Occupancy or Temporary Certificate of Occupancy according to NCGS § 160D-~~1114~~ 1116 has been issued.**

404: ENFORCEMENT

A. NOTICES OF VIOLATION

When staff determines work or activity has been undertaken in violation of this Ordinance or a development regulation adopted according to NCGS § 160D or other local development regulation or any State law delegated to Randolph County for enforcement purposes instead of the State or in violation of the terms of a development approval, a written Notice of Violation shall be issued. The Notice of Violation shall be delivered to the holder of the development approval and 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 Randolph County that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by NCGS § 160D-1123, NCGS § 160D-1206 or otherwise provided by law, a Notice of Violation may be appealed to the Randolph County Zoning Board of Adjustment according to NCGS § 160D-405.

B. STOP WORK ORDERS

Whenever any work or activity subject to regulation according to NCGS § 160D or this Ordinance or other applicable local development regulation or any State law delegated to Randolph County for enforcement purposes instead of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity and shall state the specific work or activity to be stopped, the reasons thereof and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval by personal delivery, electronic delivery or first- class mail. The person or persons delivering the stop-work order shall certify to Randolph County that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by NCGS § 160D-1112 and NCGS § 160D-1208, a stop-work order may be appealed according to NCGS § 160D-405. No further work or activity shall take place in violation of a stop-work order pending a ruling on the appeal. Violation of a stop-work order shall constitute ~~a Class One misdemeanor~~a violation of this Ordinance and be subject to Article 400, Section 405.

C. REMEDIES

(1) Subject to the provisions of the development regulation, any development regulation adopted under authority conferred by NCGS § 160D may be enforced by any remedy provided by NCGS § 160A-175 or NCGS § 153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used or developed in violation of NCGS § 160D or any development regulation or other regulation made under the authority of NCGS § 160D, Randolph County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or development; to restrain, correct or abate the violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

(2) In case any building, structure, site, area, or object designated as a historic landmark or located within a historic district designated according to NCGS § 160D is about to be demolished whether the result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the development

regulation or other provisions of NCGS § 160D, Randolph County, the Historic Landmark Preservation Commission or other parties aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal activity or conduct concerning such building, structure, site, area or object. Such remedies shall be in addition to others authorized by NCGS § 160D for violation of an ordinance.

405: FINES AND PENALTIES

The County may pursue civil penalties through the issuance of citations for violations as provided below.

A. CITATION

The Randolph County Planning Director or designated Code Enforcement Officer may issue a citation for a violation after the period set out in the Notice of Violation for taking corrective measures has expired.

B. SERVICE

The citation shall be delivered to the violator by:

(1) Hand delivery or certified mail to the violator's last known address;

(2) Hand delivery or certified mail to the property in violation; or

(3) Posting of the notice, in a conspicuous location, at the property in violation.

When service is made by certified mail, a copy of the citation may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the Post Office within ten days after mailing.

C. CONTENTS

The citation shall include the nature of the violation, the amount of the civil penalty, information about where to pay the civil penalty, the deadline for payment, notification of daily penalties for continuing violations, and the notification of possible civil ~~and criminal~~ enforcement.

D. PENALTY AMOUNT

The Randolph County Planning Director or designated Code Enforcement Officer shall assess a civil penalty of up to $500. Determination of the amount of the civil penalty for continuing violations shall be based upon the standards outlined in the *Code Enforcement Policies and Procedures Manual.*

E. DEADLINE FOR PAYING CIVIL PENALTIES

All civil penalties shall be paid on or before thirty days after receipt of the Notice of Violation. Failure to pay civil penalties within the said deadline may subject the violator to a civil action such as a debt.

F. CONTINUING VIOLATIONS

The citation shall also include a notice that a daily penalty of up to $500 shall be assessed for each day of continued violation and that the penalty shall be cumulative. If the violation continues for more than thirty days after receipt of the citation, payment of subsequent daily civil penalties must be made within twenty-four hours for every day of violation past the thirtieth day.

G. SETTLEMENT OF VIOLATIONS

Once a violation has been corrected, the Randolph County Planning Director or designated Code Enforcement Officer may waive payment of a single civil penalty or, in the case of a continuing violation, reduce the amount to a single-day civil penalty, if one or more of the following factors are present:

(1) The violator has not previously received a citation for a violation;

(2) The violation does not directly impact the public health and safety of the community;

(3) The violation was difficult to correct expeditiously; or

(4) The degree of non-compliance was not substantial.

If the violation has not been corrected, payment shall not release a violator from potential civil enforcement, criminal prosecution, injunctive relief, or an order of abatement.

H. APPEALS

All appeals of citations must be brought within thirty days after the date of receipt of the citation and following Article 400, Section 407 of this Ordinance.

I. NON-PAYMENT OF ~~JUDICIAL ACTION TO COLLECT CIVIL~~ PENALTIES

If payment of any violation penalties is not received or equitable settlement is reached within thirty days after the demand for payment is made, the violation shall be referred to the County Attorney for the institution of a Civil Action in the appropriate division of the General Courts of Justice for recovery of the violation penalties, reasonable attorney fees, and court costs. Provided, however, if the violation penalty is not paid within the time prescribed, the Planning Director may have a lien for all costs incurred placed upon the property that is the subject of the violation.

~~The County may file a civil action in a debt in any court of competent jurisdiction to collect an unpaid civil penalty after the thirty-day deadline for paying the civil penalty, set out in the Notice of Violation, has expired. Additional civil actions such as a debt may be filed to collect an unpaid civil penalty for a continuing violation lasting more than thirty days after receipt of the citation.~~

~~J.~~ CRIMINAL PENALTIES

~~A violation of this Ordinance shall constitute a Class Three misdemeanor, as provided by NCGS § 14-4, and shall be subject to a maximum fine of $500 per violation. Each day of continued violation shall constitute a separate and distinct offense for purposes of criminal prosecution.~~

~~K.~~J. PERMIT DENIAL OR CONDITIONS

Any permit, certificate, or other authorization that has been issued for the property on which there is an uncorrected violation may be withheld or may be conditioned on the correction of the violation and/or payment of a civil penalty, and/or posting of a performance bond.

~~L.~~K. PERMIT REVOCATION OR VOIDING

Any permit, certificate or other authorization may be revoked or voided upon a written determination by the Randolph County Planning Director that the violation is substantial. Any permit or certificate mistakenly issued in violation of State law or local ordinance, or issued based on misrepresentations by the applicant, owner, or owner's agent may be revoked or voided without written determination.

406: APPEALS OF ADMINISTRATIVE DECISIONS

A. APPEALS

Except as provided NCGS § 160D-1403.1, appeals of administrative decisions made by the staff under this Ordinance shall be made to the Randolph County Zoning Board of Adjustment. Appeals of administrative decisions on subdivision plats shall be made as provided in NCGS § 160D-1403.

B. STANDING

Any person who has standing under NCGS § 160D-1402 (d) or Randolph County may appeal an administrative decision to the Randolph County Zoning Board of Adjustment. An appeal is taken by filing a Notice of Appeal with the Clerk to the Randolph County Zoning Board of Adjustment. The Notice of Appeal shall state the grounds for the appeal along with the specific section of this Ordinance that supports the grounds for the appeal.

C. TIME TO APPEAL

The owner or other party has thirty days from receipt of the written notice of the determination within which to file an appeal. Any other person with the standing to appeal has thirty days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice according to NCGS § 160D-403 (b) given by first-class mail is deemed received on the third business day following the deposit of the notice for mailing with the United States Postal Service.

D. RECORD OF DECISION

The official who made the decision shall transmit to the Randolph County Zoning Board of Adjustment all documents and exhibits constituting the record upon which the decision appealed is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is subject to the appeal if the appellant is not the owner.

E. STAYS

An appeal of a Notice of Violation or other enforcement order to the Zoning Board of Adjustment and any subsequent appeal per NCGS § 160D-1402 stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal ~~to the Randolph County Zoning Board of Adjustment and any subsequent appeal under NCGS § 160D-1402~~ or during the pendency of any civil proceeding authorized by law or related appeal. If, however, the official who made the decision certifies to the Randolph County Zoning Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory, a stay would seriously interfere with the enforcement of the development regulation~~. In that case~~, then enforcement proceeding is not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings do not stay, the appellant may file with the official a request for an expedited hearing of the appeal, and the Randolph County Zoning Board of Adjustment shall meet to hear the appeal within fifteen days of the request being filed.

Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of the property is consistent with the development approvals to use the

property; in these situations, the appellant or Randolph County may request, and the Randolph County Zoning Board of Adjustment may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

F. ALTERNATIVE DISPUTE RESOLUTION

The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

G. NO ESTOPPEL

NCGS § 160D-1403.2, limiting Randolph County's use of the defense of estoppel, applies to proceedings under this section.

407: QUASI-JUDICIAL PROCEDURE

A. PROCESS REQUIRED

The appropriate Board shall follow quasi-judicial procedures in determining appeals of administrative decisions, Special Use Permit requests, and Variances or any other quasi-judicial decisions. The appropriate Board shall be determined by the matter being heard. Appeals of administrative decisions, Variances, or other quasi-judicial decisions shall be heard by the Randolph County Zoning Board of Adjustment. Requests for the issuance of a Special Use Permit shall be heard by the Randolph County Planning Board. For clarification, in this section, the term *Board* shall apply to either the Randolph County Zoning Board of Adjustment or the Randolph County Planning Board depending on the decision that must be rendered.

B. NOTICE OF HEARING

Notice of evidentiary hearings conducted under NCGS § 160D shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, Randolph County shall rely on the Randolph County Tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than twenty-five days, before the date of the hearing. Within that same period, Randolph County shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular meeting without further advertisement.

C. ADMINISTRATIVE MATERIALS

The Randolph County Planning Director or staff to the Board shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials shall be distributed to the members of the Board before the hearing if at the same time they are distributed to the Board a copy is also provided to the appellant or applicant and the landowner if the person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to the inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board at the hearing.

D. PRESENTATION OF EVIDENCE

The applicant, Randolph County and any person who would have standing to appeal the decision under NCGS § 160D-1402 (d) 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 under NCGS § 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

E. APPEARANCE OF OFFICIAL, NEW ISSUES

The official who made the decision, or the person currently occupying that position if the decision-maker is no longer employed by Randolph County, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or Randolph County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.

F. OATHS

The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding

before the Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class I~~One~~ misdemeanor.

G. SUBPOENAS

The Board making a quasi-judicial decision under NCGS § 160D through the Chair of the Board, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request the issuance of a subpoena, the applicant, Randolph County, and any person with the standing under NCGS § 160D-1402 (d) may make a written request to the Chair of the Board explaining why certain witnesses or evidence must be compelled. The Chair of the Board shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair of the Board shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair of the Board may be immediately appealed to the full Board. If a person fails or refuses to obey a subpoena issued according to this subjection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

H. APPEALS IN NATURE OF CERTIORARI

When hearing an appeal according to NCGS § 160D-947 (e) or any other appeal, like certiorari, the hearing shall be based on the records below and the scope of review shall be as provided in NCGS § 160D-1402 (k).

I. VOTING

The concurring vote of four-fifths of the Randolph County Zoning Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made like certiorari. For this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under NCGS § 160D-109 (d) shall not be considered members of the Board for calculation of the requisite majority if there are not qualified alternates available to take the place of such members. **A failure to vote by a member who is physically present at the public hearing, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.**

J. DECISIONS

The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Randolph County Zoning Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirements, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial

decision shall be reduced to writing and reflect the Board's determination of contested facts and the application to the applicable standards and be approved by the Board. The Order shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decisions of the Board shall be delivered within a reasonable time by personal delivery, electronic mail or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy before the date the decision becomes effective. The person required to provide notice shall certify to Randolph County that proper notice has been made and the certificate shall be deemed as conclusive in the absence of fraud.

K. JUDICIAL REVIEW

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings like certiorari according to NCGS § 160D-1402. Appeals shall be filed within the times specified in NCGS § 160D-1405 (d). The Randolph County Board of Commissioners or the Randolph County Planning Board that is a party to the judicial review of the quasi-judicial decision shall have the authority to settle the litigation, subject to Article 33C of Chapter 143 of the General Statutes.

408: PROCESS FOR ADOPTING, AMENDING OR REPEALING DEVELOPMENT REGULATIONS

A. MAILED NOTICE

Before adopting, amending, or repealing any ordinance or development regulation authorized by NCGS § 160D, Randolph County shall hold a legislative hearing. A notice of the hearing shall be given once a week for successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than twenty-five days before the date scheduled for the hearing. In computing such a 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 Ordinance shall be adopted by an ordinance.

D. 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:

(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.

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 published notice provided for in this subsection. In this instance, Randolph County may elect to make the mailed notice provided for in subsection (A) of this section, or as an alternative, elect to publish notice of the hearing as

required by NCGS § 160D-601 provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective for property owners who reside in the general circulation area of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Randolph County property tax listing for the affected property, shall be notified according to the provisions of subsection (A) of this section.

C. POSTED NOTICE

When a zoning map amendment is proposed, Randolph County shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each parcel is not required, but Randolph County shall post sufficient notices to provide reasonable notice to interested persons.

D. OPTIONAL COMMUNICATION REQUIREMENTS

When a zoning map amendment is proposed, Randolph County strongly suggests the person proposing the map amendments consult with and inform the neighboring property owners and residents. The person proposing the zoning map amendment shall report to the Randolph County Planning Board any communication with neighboring property owners and residents.

410: CITIZEN COMMENTS

Subject to the limitations in NCGS § 160D, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in Randolph County submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in NCGS § 160D-604, to the Clerk to the Randolph County Planning Board at least two business days before the proposed vote on such change, the Clerk to the Randolph County Planning Board shall deliver such written statement to the Randolph County Planning Board. If the proposed change is the subject of a quasi-judicial proceeding under NCGS § 160D-705 or any other statute, the Clerk shall provide only the names and addresses of the individuals providing the written comment, and the provision of such names and addresses to all members of the Randolph County Planning Board or the Randolph County Zoning Board of Adjustment shall not disqualify any member of the Randolph County Planning Board or the Randolph County Zoning Board of Adjustment from voting.

411: PLANNING BOARD REVIEW AND COMMENT

A. ZONING AMENDMENTS

All proposed amendments to the zoning regulation or zoning map shall be submitted to the Randolph County Planning Board for review and comment. Applications for proposed amendments to the zoning map shall only be submitted by the property owner or by the property owner's designated agent with written proof, from the property owner, that the agent has the permission of the property owner to make the application. Randolph County may proceed with a zoning map amendment without permission from the property owner. Any conditions shall be agreed to by the applicant or property owner in writing before the vote of the Randolph County Planning Board for the conditions to be enforceable. Randolph County may not use the defense of estoppel to enforce conditions to which an application did not consent to in writing.

If no written report is received from the Randolph County Planning Board within thirty days of referral of the amendment to the Randolph County Planning Board, the Randolph County Board of Commissioners may act on the amendment without the Randolph County Planning Board report. The Randolph County Board of Commissioners is not bound by the recommendations, if any, of the Randolph County Planning Board.

Under Session Law 2017-19, the Randolph County Board of Commissioners, by ordinance adopted on July 10, 2017, delegates to the Randolph County Planning Board the authority to conduct the public hearing required under this Article and make the final decision on the zoning map amendment proposals, including the adoption of a consistency statement according to NCGS § 160D. The Randolph County Planning Board shall make its final decision by a majority vote of the members of the Randolph County Planning Board.

Any person aggrieved by a final decision of the Randolph County Planning Board under this subsection may appeal to the Randolph County Board of Commissioners by providing written notice to the Randolph County Manager within fifteen days of the final decision. On appeal, the Randolph County Board of Commissioners shall review the decision of the Randolph County Planning Board *de novo.* The Randolph County Board of Commissioners may, by ordinance, rescind or modify any authority delegated to the Randolph County Planning Board under this subsection.

To allow time for appeals of rezonings approved by the Randolph County Planning Board, and to prevent expenditures on the part of the original applicant for the rezoning, no approvals for rezonings shall be prepared and delivered to the applicant for the rezoning or the zoning updated in GIS until sixteen days after the Randolph County Planning Board approval.

B. REVIEW OF OTHER ORDINANCES AND ACTIONS

Any development regulation other than a zoning regulation that is proposed to be adopted according to NCGS § 160D may be referred to the Randolph County Planning Board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the Randolph County Planning Board for review and comment. Any other action proposed to be taken according to NCGS § 160D may be referred to the Randolph County Planning Board for review and comment.

C. PLAN CONSISTENCY

When conducting a review of proposed zoning text or map amendments under this section, the Randolph County Planning Board shall find and comment on whether the proposed action is consistent with the *Growth Management Plan* that has been adopted and any other officially adopted applicable plan. If a zoning map amendment qualified as a *large-scale rezoning* under NCGS § 160D-602 (b), 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 decision made.

412: FINAL ACTION STATEMENT

A. PLAN CONSISTENCY

When adopting or rejecting any zoning text or map amendment, the Randolph County Planning Board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Randolph County Planning Board that at the time of action on the amendment the Randolph County Planning Board was aware of and considered the Technical Review Committee's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If the amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use-map in the approved plan and no additional request of application for a plan amendment shall be required. A plan adjustment and a zoning amendment may be considered concurrently. 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 plants 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 exists 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 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.

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 without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for development approval has been submitted before the effective date of a moratorium, Section 414 applies when permit processing resumes.

D. REQUIRED STATEMENTS

Any land development regulation establishing a development moratorium must include at the time of adoption each of the following:

(1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, an alternative to a moratorium, were considered by Randolph County and why those alternative courses of action were not deemed adequate;

(2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will

address the problems or conditions leading to the imposition of the moratorium;

(3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to the imposition of the moratorium; and

(4) A statement of the actions, and the schedule for those actions, proposed to be taken by Randolph County during the duration of the moratorium to address the problems or conditions leading to the imposition of the moratorium.

E. LIMIT ON RENEWAL OR EXTENSION

No moratorium may be subsequently renewed or extended for any additional period unless Randolph County shall have taken all reasonable and feasible steps proposed in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings outlined in subdivisions one through four of this subsection, including what new facts or conditions warrant the extension.

F. EXPEDITED JUDICIAL REVIEW

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought under this section shall be scheduled for an expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, Randolph County shall have the burden of showing compliance with the procedural requirements of this subsection.

414: VESTED RIGHTS AND PERMIT CHOICE

A. FINDINGS

The General Assembly recognizes that Randolph County's approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and desirable to provide for the establishment of certain vested rights to ensure reasonable certainty, stability, and fairness in the development regulation process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. These provisions of this section and NCGS § 160D-108.1 strike

an appropriate balance between private expectations and the public interest.

B. PERMIT CHOICE

If a land development regulation is amended, including an amendment to any applicable land development regulation, between the time a development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. ~~or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, NCGS § 143-755 applies.~~

If the development permit applicant chooses the version of the rule or Ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or Ordinance before acting on the development permit. If an applicable rule or Ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or Ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

This section applies to all development permits issued by the State and local governments.

If a permit application is placed on hold at the request of the applicant for six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by Randolph County or State government for six consecutive months or more, the application review shall be discontinued and the development regulations in effect at the time permit processing is resumed shall be applied apply to the application.

Any person aggrieved by the failure of a State agency or Randolph County to comply with this section or NCGS § 160A-360.1 or NCGS § 153A-320.1. NCGS § 160D-108 (b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the offending agency or Randolph County, and the court shall have jurisdiction to issue that order. Actions brought under any of these sections shall be set down for immediate

hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

C. VESTED RIGHT

Amendments in land development regulations are not applicable or enforceable without the written consent of the owner about any of the following:

(1) Buildings of uses of buildings or land for which a development permit application has been submitted and subsequently issued under NCGS § 143-755.

(2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued under NCGS § 143-755.

(3) A site-specific vesting plan according to NCGS § 160D-108.1.

(4) A multi-phased development under subsection (F) of this section.

(5) A vested right established by the terms of a development agreement authorized by Article 10 of this section.

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by Randolph County that would 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.

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 update 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 purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

F. MULTI-PHASED DEVELOPMENT

A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right that has been vested as provided for in this subsection remains vested for seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

G. CONTINUING REVIEW

Following the issuance of a development permit, Randolph County may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.

H. PROCESS TO CLAIM VESTED RIGHTS

A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Randolph County Planning

Director or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the Randolph County Planning Director or officer may be appealed under NCGS § 160D-405. On appeal, the existence of a vested right shall be reviewed *de novo*. Instead of seeking such a determination or pursuing an appeal under NCGS § 160D-405, a person claiming a vested right may bring an original civil action as provided by NCGS § 160D-1403.1.

I. MISCELLANEOUS PROVISIONS

The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by NCGS § 136-131.1 and NCGS § 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a 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.

415: VESTED RIGHTS FOR SITE-SPECIFIC VESTING PLANS

A. SITE-SPECIFIC VESTING PLAN

A site-specific vesting plan consists of a plan submitted to Randolph County in which the applicant requests vesting under this section, describing with reasonable certainty on the plan 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 preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by Randolph County. Unless otherwise expressly provided by Randolph County, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting the development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by Randolph County under a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance is obtained does 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.

B. ESTABLISHMENT OF VESTED RIGHT

A vested right is established for any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.

C. APPROVAL AND AMENDMENT OF PLANS

If a site-specific vesting plan is based on an approval required by this Ordinance, Randolph County shall provide whatever notice and hearing are required for that underlying approval. The duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such approval, a legislative hearing with notice as required by NCGS § 160D-602 shall be held.

Randolph County may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. Randolph County shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the Randolph County Planning Board or Randolph County Board of Commissioners decision approving the plan or another date determined by the approving Board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and Randolph County 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 Randolph County Planning Director if such is defined and authorized by local regulation.

D. CONTINUING REVIEW

Following approval or conditional approval of a site-specific vesting plan, Randolph County may make subsequent reviews and require subsequent approvals by Randolph County to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. Randolph County may, according to NCGS § 160D-403 (f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

E. DURATION AND TERMINATION OF VESTED RIGHT

(1) A vested right for a site-specific vesting plan remains vested for two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Randolph County.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, Randolph County may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted considering all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are at the sound discretion of Randolph County and shall be made following the process specified for the form of a site-specific vesting plan involved under subsection (A) of this section.

(3) Upon issuance of a building permit, the provisions of NCGS § 160D-1111 and NCGS § 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

(4) A right vested as provided in this section terminates at the end of the applicable vesting period for buildings and uses for which no valid building permit applications have been filed.

F. SUBSEQUENT CHANGES PROHIBITED AND EXCEPTIONS

(1) A vested right, once established as provided for in this section, 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 outlined in an approved site-specific vesting plan, except under one or more of the following conditions:

(a) With the written consent of the affected landowner;

(b) Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or near 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 vesting plan;

(c) To the extent that 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 Randolph County, together with interest as provided under NCGS § 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

(d) Upon findings, by ordinance 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 Randolph County of the site-specific vesting plan or the phased development plan.

(e) Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case Randolph County may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations that impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general and apply 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 become effective for the property that is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the

authority of a local government to adopt and enforce development regulations governing nonconforming situations or uses.

G. MISCELLANEOUS PROVISIONS

(1) A vested right obtained under this section is not a personal right but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

(2) Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a 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.

(3) In the event Randolph County fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right for property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice.

ARTICLE 500: PLANNING

501: PLANS

A. REQUIREMENTS FOR ZONING

As a condition of adopting and applying zoning regulations under NCGS § 160D, Randolph County shall adopt and reasonably maintain a comprehensive plan or land-use plan.

A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of Randolph County. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the Randolph County Planning and Development regulation jurisdiction based on an analysis of present and future needs.

The planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.

Randolph County may prepare and adopt other plans as deemed appropriate. This may include, but is not limited to small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans.

B. COMPREHENSIVE PLAN CONTENTS

A comprehensive plan may, among other topics, address any of the following as determined by Randolph County:

(1) Issues and opportunities facing Randolph County, including consideration of trends, the values expressed by citizens, community vision, and guiding principles for growth and development;

(2) The pattern of desired growth, development, and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks;

(3) Employment opportunities, economic development, and community development;

(4) Acceptable levels of public services and infrastructure to support development, including water, waste disposal, utilities, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for the provision of and financing for public infrastructure;

(5) Housing with a range of types and affordability to accommodate persons and households of all types and income levels;

(6) Recreation and open spaces;

(7) Mitigation of natural hazards such as flooding, winds, wildfires, unstable lands, and other issues identified by the federally mandated Hazard Mitigation Plan;

(8) Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality;

(9) Protection of architectural, scenic, cultural, historical, or archaeological resources; and

(10) Analysis and evaluation of implementation measures, including regulations, public investments, and educational programs.

C. ADOPTION AND EFFECT OF PLANS

Plans shall be adopted by the Randolph County Board of County Commissioners with the advice and consultation of the Randolph County Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by NCGS § 160D-601. Plans adopted under this Ordinance may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including but not limited to the plans required by NCGS § 113A-110. Plans adopted under this Ordinance shall be advisory without independent regulatory effect. Plans adopted under this Ordinance do not expand, diminish, or alter the scope of authority for development regulations adopted under this Ordinance. Plans adopted under this section shall be considered by the Randolph County Planning Board and the Randolph County Board of County Commissioners when considering proposed amendments to zoning regulations as required by NCGS § 160D-604 and NCGS § 160D-605.

If a plan is deemed amended by NCGS § 160D-605 under the adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan requires review and approval subject to NCGS § 113A-110, the plan amendment shall not be effective until that review and approval is completed.

502: GRANTS, CONTRACTS, AND TECHNICAL ASSISTANCE

A. GRANTS AND SERVICES

Randolph County may accept, receive, and disburse in furtherance of its functions any funds, grants, and services made available by the federal government and its agencies, the State government and its agencies, the local government and its agencies, and any private and civic sources. Randolph County may enter and carry out contracts with the State and federal government or any agencies thereof under which financial or other planning assistance is made available to Randolph County and may agree to and comply with any reasonable conditions that are imposed upon such assistance.

B. CONTRACTS

Randolph County may enter and carry out contracts with any other city, county, regional council, planning agency, or private consultant under which it agrees to furnish technical planning assistance to the other local governments or planning agencies. Randolph County may enter and carry out contracts with any other city, county, regional council, or planning agency under which it agrees to pay the other local government for technical planning assistance.

C. APPROPRIATIONS, COMPENSATION AND FINANCING

Randolph County is authorized to make appropriations that may be necessary to carry out activities or contracts authorized by this Article or to support and compensate members of a Board that it may create under this Ordinance and to levy taxes for these purposes as a necessary expense.

503: COORDINATION OF PLANNING

Randolph County may undertake any of the planning activities authorized by this Article in coordination with other local governments, State agencies, or regional agencies created under Article 19 of Chapter 153A or Article 20 of Chapter 160A.

ARTICLE 600: ZONING ORDINANCE

601: PURPOSES

Zoning regulations for the Randolph County planning and development regulation jurisdiction shall be made following a comprehensive plan and shall be designed to promote public health, safety, and general welfare. The regulations may address, among other things, the following public purposes: (i) to provide adequate light and air; (ii) to prevent the overcrowding of land; (iii) to avoid undue concentration of population; (iv) to lessen congestion in the streets; (v) to secure safety from fire, panic, and dangers; (vi) to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and (vii) to promote the health, safety, morals or the general welfare of the community.

The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for specific uses and to conserve the value of buildings and encourage the most appropriate use of land throughout Randolph County's planning and development regulation jurisdiction. The regulations may not include, as a basis for denying a zoning or rezoning request from a school, the level of service of a road facility or facilities abutting the school or proximately located to the school.

602: GRANT OF POWER

A. ZONING REGULATIONS

Randolph County hereby adopts zoning regulations as described in this Ordinance. Except as provided in subsections (B) and (C) of this section, a zoning regulation may regulate and restrict the height, the 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. Randolph County may regulate development, including floating homes, over estuarine waters, and over lands covered by navigable waters owned by the State according to NCGS § 146-12. The regulations shall provide density credits or severable development rights for dedicated rights-of-way according to NCGS § 136-66.10 or NCGS § 136-66.11. Where appropriate, the zoning regulations may include requirements that street and utility rights-of-way be dedicated to the public, that provision is made for recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in NCGS § 160D-804 and NCGS § 160D-804.1.

B. BUILDING DESIGN ELEMENTS

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 ~~for One-and Two-Family Dwellings~~ 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

The zoning regulations shall not set minimum square footage of any structures subject to regulation under the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~.

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

(3) Overlay districts in which additional requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.

B. CONDITIONAL DISTRICTS

Randolph County recognizes that certain types of zoning districts would be inappropriate at certain locations in the absence of clearly defined conditions such as those allowed by these land-use regulations. Such districts may include, but are not limited to, general-use districts in which additional requirements are imposed within an underlying general-use district along with site-specific site plans.

Property may be placed in a Conditional District only in response to a petition by all owners to be included. Specific conditions may be proposed by the petitioner or Randolph County, but only those conditions approved by Randolph County and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, Randolph County may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS § 160D-702 (b), driveway-related improvements above those allowed in NCGS § 136-18 (29) and NCGS § 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a Conditional District shall be limited to those that address the conformance of the development and use of the site considering the requirements of this Ordinance, plans adopted according to NCGS § 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

This Ordinance provides that defined *minor modifications* in Conditional District 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 District shall follow the same process for approval as applies to zoning map amendments. If multiple parcels of land are subject to conditional zoning, the owners of individual parcels may apply for a modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

The authorization of a Conditional Zoning District for any use that is permitted only through a Special Use Permit in the general use district that corresponds to the Conditional Zoning District shall preclude the requirements for obtaining a Special Use Permit in addition to the Conditional Zoning District.

For parcels where multifamily structures are an allowable use, Randolph County may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent of the area median income.

C. UNIFORMITY WITHIN DISTRICTS

Except as authorized by this Ordinance, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

D. STANDARDS APPLICABLE REGARDLESS OF DISTRICT

This Ordinance also includes development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts.

604: INCENTIVES

For reducing the amount of energy consumption by new development, Randolph County, as part of this Ordinance, has procedures to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives within its planning and development regulation jurisdiction, if the person receiving the incentives agrees to construct new development or reconstruct existing development in a manner that Randolph County determines, based on generally recognized standards established for such purposes, makes a significant contribution to the reduction of energy consumption and increased use of sustainable design principles.

To encourage construction that uses sustainable design principles and to improve energy efficiency in buildings, Randolph County may charge reduced building permit fees or provide partial rebates of building permit fees for buildings that are constructed or renovated using design principles that conform to or exceed one or more of the following certifications or ratings:

(1) Leadership in Energy and Environmental Design (LEED) certification or higher rating under certification standards adopted by the US Green Building Council;

(2) A One Globe or higher rating under the Green Globes program standards adopted by the Green Building Initiative; or

(3) A certification or rating by another nationally recognized certification or rating system that is equivalent or greater than those listed in subdivisions (1) or (2) of this subjection.

605: QUASI-JUDICIAL ZONING DECISIONS

A. PROVISIONS OF ORDINANCE

This Ordinance provides that the Randolph County Planning Board or the Randolph County Zoning Board of Adjustment hear and decide quasi-judicial zoning decisions. The Randolph County Planning Board or the Randolph County Zoning Board of Adjustment shall follow quasi-judicial procedures as specified in Article 400, Section 407 when making any quasi-judicial decision.

B. APPEALS

Except as otherwise provided by NCGS § 160D, the Randolph County Zoning Board of Adjustment shall hear and decide appeals from administrative decisions regarding the administration and enforcement of this Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of NCGS § 160D-405 and NCGS § 160D-406 apply to these appeals.

C. SPECIAL USE PERMITS

This Ordinance provides that the Randolph County Planning Board hear and decide Special Use Permits following principles, conditions, safeguards, and procedures specified in this Ordinance. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way are dedicated to the public and that provision be made for recreation space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which Randolph County does not have authority under the statute to regulate nor

requirements for which the courts have held to be unenforceable if imposed directly by Randolph County, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS § 160D-702 (b), driveway-related improvements over those allowed in NCGS § 136-18 (29) and NCGS § 160A-307, or other unauthorized limitations on the development or use of land.

This Ordinance provides that *minor modifications* to Special Use Permits 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 or revocation of a Special Use Permit shall follow the same process for approval as applies to the approval of a Special Use Permit. If multiple parcels of land are subject to a Special Use Permit, the 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.

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 hardship 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 existing 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 Variance from the provisions of those ordinances consistent with the provisions of this subsection.

606: ZONING CONFLICTS WITH OTHER DEVELOPMENT STANDARDS

Unless otherwise prohibited by NCGS § 160A-174 (b), when regulations made under the authority of this Ordinance require a greater width or size of yards or courts or require a lower height of a building or fewer number of stories or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under the authority of this Article shall govern. Unless otherwise prohibited by NCGS § 160A-174 (b), when the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts or require a lower height of a building or a fewer number of stories or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required by the regulations made under the authority of this Article, the provisions of this Ordinance govern.

Randolph County may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of these terms in another statute or a rule adopted by a State agency, including the North Carolina State Building Code Council or Residential Code Council. The definitions for these terms can be found in Article 100, Section 102.

When property under consideration for development has been identified and the property has more than one Growth Management Area as defined in the *Randolph County Growth Management Plan,* County Planning Staff shall determine the percentage of the proposed development in each Growth Management Area and the development shall follow the requirements of the predominate Growth Management Area. For example, if a project for development is seventy percent in a Primary Growth Area and thirty percent in a Rural Growth Area, the development shall follow the guidelines established in the Primary Growth Area.

607: BONA FIDE FARMS

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasture lands, orchards, idle or other farmlands, nor over any farmhouse, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms if such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

A. BONA FIDE FARMING EXEMPT FROM COUNTY ZONING

County zoning regulations may not affect property used for bona fide farm purposes, provided, however, that this section does not limit zoning regulation concerning the use of farm property for nonfarm purposes. Except as provided in NCGS § 106-743.4 for farms that are subject to a conservation agreement under NCGS § 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS § 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

A building or structure that is used solely for the storage of cotton, peanuts or sweet potatoes, or any byproduct of these commodities, is a bona fide purpose, including a building or structure on a property that does not have the documentation listed in subdivisions (1) through (4) of this subsection.

For purposes of this section, a facility that receives used turkey brooder litter from brooder farms and recycles the used litter utilizing a drying process to reduce the moisture content of the litter sufficient to send the recycled litter to a turkey grow-out far for reuse is a bona fide farm purpose.

For purposes of this section, *when performed on the farm* in NCGS § 106-581.1 (6) includes the farm within the jurisdiction of Randolph County and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a *Goodness Grows in North Carolina* product that is produced on a farm subject to a conservation agreement under NCGS § 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, ~~any of the following is sufficient evidence that the property is being used for bona fide farm purposes~~other evidence may also be considered:

(1) A farm sales tax exemption certificate issued by the North Carolina Department of Revenue;

(2) A copy of the Randolph County Tax Department's property tax listing showing that the property is eligible for participation in the present-use value program according to NCGS § 105-277.3;

(3) A copy of the farm owner's or operator's Schedule *F* from the owner's or operator's most recent federal income tax return; or

(4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the North Carolina Department of Revenue according to NCGS § 105-164.13 E (a) or (ii) is enrolled in the present-use value program according to NCGS § 105-277.3. Failure to maintain the requirements of this subsection for three years after the date the building or structure was originally classified as a bona fide farm purpose under this subsection subjects the buildings or structures to applicable zoning and development regulation ordinances adopted by Randolph County under subsection (A) of this section in effect on the date the property no longer meets the requirements of this subsection.

For purposes of this section, *agritourism* is defined in Article 100, Section 102. Furthermore, a building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

B. COUNTY ZONING OF RESIDENTIAL USES ON LARGE LOTS IN AGRICULTURAL DISTRICTS

Randolph County's zoning regulation shall not prohibit single-family detached residential uses constructed following the North Carolina State Building Code on lots greater than ten acres in size and in zoning districts where more than fifty percent of the land is in use for agricultural or silvicultural purposes, except that this restriction does not apply to commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. A zoning regulation shall not require that a lot greater than ten acres in size have frontage on a public road or Randolph County-approved private road or be served by public water or sewer lines to be developed for single-family residential purposes.

C. AGRICULTURAL AREAS IN MUNICIPAL EXTRATERRITORIAL JURISDICTION

Property that is in a municipal extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the municipal zoning regulation to the same extent bona fide farming activities are exempt from Randolph County's zoning under this section. As used in this subsection, *property* means a single tract of property or an identifiable portion of a single tract. Property that ceases to 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.

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
CEO	Commercial Environmental Overlay District
CLO	Cluster Subdivision Overlay District
CON	Conservation Subdivision Overlay District
CS	Community Shopping District
CVO	Conventional Subdivision Overlay District
E-1	First Environmental District
HC	Highway Commercial District
HI	Heavy Industrial District
IO	Industrial Overlay District
LI	Light Industrial District
MAO	Municipal Airport Overlay District
O-I	Office and Institutional District
RA	Residential Agricultural District
RBO	Rural Business Overlay District
RE	Residential Exclusive District
RIO	Rural Industrial Overlay District
RLO	Rural Lot Subdivision Overlay District
RM	Residential Mixed District
RR	Residential Restricted District
SCO	Scenic Corridor Overlay District
SEO	Special Entertainment Overlay District

Table 1: Randolph County Zoning Districts

609: DISTRICT BOUNDARIES SHOWN ON ZONING MAP

According to NCGS § 160D-105, the boundaries of the zoning districts are shown on the zoning map and are incorporated into this Ordinance by reference. The maps are maintained and are available for public inspection in the Office of the Clerk to the Randolph County Planning Board as outlined in Article 100, Section 105.

610: INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists to the boundaries of any of the zoning districts as shown on a zoning map, the following shall apply:

A. Where such district boundaries are indicated as approximately following streets or highway lines, such lines shall be construed to be such boundaries;

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

C. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

611: APPLICATION OF REGULATIONS

A. ZONING AFFECTS EVERY BUILDING AND USE
No building or land shall be used and no building or part thereof erected, moved, or altered except in conformity with the land development regulations specified for the district where the building or land is located.

B. REDUCTION OF LOT AND YARD AREAS PROHIBITED
No yard or lot existing at the time of adoption of this Ordinance shall be reduced in size or area below the minimum requirement outlined in the land development regulations except for street widening. Any yards or lots created after the adoption of these land development regulations shall meet the minimum requirements established by these regulations.

C. RELATIONSHIP OF BUILDING TO LOT
Any building erected, moved, or altered shall be located on a lot. In no case shall there be more than one principal building and its customary accessory

buildings on any lot except in the case of a specially designed complex in an appropriate zoning district.

D. REQUIRED OPEN SPACE NOT USED FOR OTHER BUILDING

No part of any yard, other open space, or off-street parking or loading space required for any building, structure, or other use shall be a part of a required yard, open space, off-street parking, or loading space for any other buildings, structures or use except as provided in this article.

E. ROAD ACCESS

No building shall be erected on a new lot created after the adoption of this amendment that does not have access, directly or by an easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained under the specifications outlined in Article 700, Section 717, Subsection E.

No private road within Randolph County shall be longer than 1,320 feet. Also, no private road, created after the adoption of this Ordinance, and as defined by the *Randolph County Subdivision Ordinance,* Article 700, within the County shall serve more than six lots. All private roads shall connect to a public road. Private roads require a subdivision road disclosure statement under NCGS § 136-120.6, indicating the way they shall be privately maintained. This provision shall not apply to driveways or planned unit developments as specified by other provisions of this Ordinance.

612: BUFFER STANDARDS

Buffers and screens are optional in some instances and required in other instances. Buffers and screens provide additional protection to exposed areas and properties vulnerable to erosion and stormwater runoff that could harm the adjoining land, streams, and other water resources of Randolph County. Buffers and screens also provide landscaping and screening that help preserve the scenic and rural character of Randolph County. Plantings contained in buffers should consist of a mix of plantings from various species that will create a natural landscape that is less susceptible to pests and diseases.

There are three levels of buffer standards designed to provide flexibility and innovation while considering the unique features of land development projects.

A. BUFFER LEVELS

BUFFER LEVEL	WIDTH	TYPE OF PLANING MATERIAL
Level I	35 ft.	Existing natural vegetation
Level II	35 ft.	A single row of fast-growing evergreen trees evenly spaced 10 ft. apart

Level III	35 ft.	Two staggered rows of fast-growing evergreen trees evenly spaced 10 ft. apart with 10 ft. between each row and 1 row of mixed vegetation including evergreen trees and shrubs, canopy trees, and under-story trees. This row shall include at least 4 trees and 14 shrubs per every 100 linear ft.

Table 2: Randolph County Buffer Levels

B. SIZE AND TYPE OF PLANT MATERIAL

(1) Evergreen trees shall be a minimum of four feet at the time of planting.

(2) Canopy and under-story trees shall be a minimum of eight feet at the time of planting.

(3) Evergreen shrubs shall be a minimum of three-gallon size at the time of planting.

C. USES OR ACTIVITIES PERMITTED IN BUFFER AREAS

The following uses are permitted within the buffer areas if no required plant material is eliminated, and all other requirements of the land development regulations are met:

(1) Use of buffer to meet minimum setback requirements; and

(2) Passive recreation.

D. USES OR ACTIVITIES PROHIBITED IN THE BUFFER AREA

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

(2) Active recreation including, but not limited to, playfields, stables, swimming pools, and tennis courts; and

(3) Buildings, storage, or parking facilities.

E. MAINTENANCE OF BUFFER AREA

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

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

(a) Reforestation;

(b) Woodland management;

(c) Landscaping;

(d) Stream-bank protection; or

(e) Wetlands management.

613: ZONING DISTRICTS ESTABLISHED

A. INTENT OF ZONING DISTRICTS

The following pages include detailed descriptions of the base zoning districts contained within this Ordinance. Overlay Zoning Districts are not included in the following charts since the districts *lay over* the base districts and the specific guidelines are covered in more detail later in this section. *Conditional Districts* are not listed below as there are notes on each page that addresses the Conditional Districts.

B. MINIMUM LOT SIZES

For this Ordinance, all minimum lot sizes shall be computed by excluding any area in a designed right-of-way, and land subject to flooding or land that may aggravate the flood hazard.

CS: COMMUNITY SHOPPING DISTRICT	
PURPOSE	
The purpose of the *Community Shopping (CS) District* is to provide a place for crossroads shopping and community shopping establishments.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from the right-of-way
Corner side setback	35 ft. from the right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 3: *CS: Community Shopping District*

E-1: FIRST ENVIRONMENTAL DISTRICT

PURPOSE

The purpose of the *First Environmental (E-1) District* is to provide an area around the North Carolina Zoological Park for low-density mixed land uses, where environmental sensitivity, retention of natural features, and preservation of heritage assets combine to maintain the rural setting. The uses permitted in this District are intended to enhance and preserve the character of the Zoo site. Requests for higher-intensity residential use are considered through standards established in this Ordinance and found to be consistent, reasonable, and in the public interest with the *Randolph County Growth Management Plan.*

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 4: E-1: *First Environmental District*

HC: HIGHWAY COMMERCIAL DISTRICT	
PURPOSE	
The purpose of the *Highway Commercial (HC) District* is to provide a place in which the principal use of land is for the retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 5: *HC: Highway Commercial District*

HI: HEAVY INDUSTRIAL DISTRICT

PURPOSE

The purpose of the *Heavy Industrial (HI) District* is to provide a place to accommodate those industries whose normal operations include dust, noise, odor, or other emissions that may be deemed as objectionable.

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 6: *HI: Heavy Industrial District*

LI: LIGHT INDUSTRIAL DISTRICT	
PURPOSE	
The purpose of the *Light Industrial (LI) District* is to provide a place for light industrial, warehousing and distribution, and sales of large-item products.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 7: *LI: Light Industrial District*

O-I: OFFICE AND INSTITUTIONAL DISTRICT	
PURPOSE	
The purpose of the *Office and Institutional (O-I) District* is to provide a place for office and institutional uses.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 8: *O-I: Office and Institutional District*

RA: RESIDENTIAL AGRICULTURAL DISTRICT

PURPOSE

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

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 9: *RA: Residential Agricultural District*

RE: RESIDENTIAL EXCLUSIVE DISTRICT

PURPOSE

The purpose of the *Residential Exclusive (RE) District* is to allow only major single-family residential subdivisions intended to accommodate site-built residential dwellings and conventional modular homes as defined by this Ordinance. Requests for higher-intensity residential use are considered through standards established in this Ordinance and found to be consistent, reasonable, and in the public interest with the *Randolph County Growth Management Plan.*

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 10: *RE: Residential Exclusive District*

RM: RESIDENTIAL MIXED DISTRICT

PURPOSE

The purpose of the *Residential Mixed (RM) District* is to provide a place for residential uses of all types including single-family residences, multi-family residences, ~~mobile~~manufactured home parks, and Class *A, B,* or *C* manufactured housing. Requests for higher-intensity residential use are considered through standards established in this Ordinance and found to be consistent, reasonable, and in the public interest with the *Randolph County Growth Management Plan.*

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage for single unit	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 11: *RM: Residential Mixed District*

RR: RESIDENTIAL RESTRICTED DISTRICT

PURPOSE

The purpose of the *Residential Restricted (RR) District* is to provide a place for single-family residential uses including site-built homes, conventional and on-frame modular homes, and Class *A* manufactured housing. Requests for higher-intensity residential use are considered through standards established in this Ordinance and found to be consistent, reasonable, and in the public interest with the *Randolph County Growth Management Plan.*

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watersheds and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. The minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon the signed petition of all owners of the land to be included in the Conditional District.

Table 12: *RR: Residential Restricted District*

614: OVERLAY DISTRICT REGULATIONS

A. CEO: COMMERCIAL ENVIRONMENTAL OVERLAY DISTRICT

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

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

(1) PURPOSE AND USES PERMITTED

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

(2) BUFFER REQUIREMENTS

Where the property adjoins residential uses, a Level III buffer shall be installed.

(3) SITE CONSIDERATIONS

Yards shall only be used for driveways, landscaping, and screening.

(4) SIGNAGE

Signage is permitted as allowed by Article 600, Section 634, later in the land development regulations.

(5) REQUIRED PLANS

Plans shall be submitted with the following information:

(a) Dimensions of the property and adjacent lots and streets;

(b) Location and proposed use of all buildings along with dimensions and ground area;

(c) Proposed points on ingress and egress with traffic circulation and parking areas with spaces marked;

(d) Service areas, off-street loading facilities, service drives, and dimensions of such areas;

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

(f) Proposed landscaping with property buffers between other uses;

(g) Location of flood hazard areas and other lands not suitable for development;

(h) Size and location of signs;

(i) Location and type of security lighting;

(j) Water resource and stormwater management provisions;

(k) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using a minimum vegetated buffer area.

B. CLO: CLUSTER SUBDIVISION OVERLAY DISTRICT

The *Cluster Subdivision Overlay District* is established to accommodate major residential subdivision developments designed to preserve rural character by the preservation of open space and significant environmentally sensitive areas. The district permits open space, recreational, residential, and limited rural neighborhood business uses that are part of a unified design. The cluster subdivision development provides for the grouping of lots and buildings to conserve open space land resources and promotes innovation in the design of the development to minimize stormwater runoff impacts and other adverse rural environmental impacts. Housing characteristics within the *CLO* district will be designated *Exclusive (CLOE), Restricted (CLOR),* or *Mixed (CLOM),* in conformance with other major subdivision zoning districts. Cluster subdivisions are **not** allowed in the Birkhead Wilderness/Uwharrie Forest Small Area Plan area.

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

Growth Areas and *Rural Growth Areas* as reflected in the *Randolph County Growth Management Plan.*

(1) PURPOSE AND USES PERMITTED

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

(2) CLUSTER SUBDIVISION DEVELOPMENT STANDARDS AND INTENSITY

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

The total number of building lots or dwelling units in a cluster subdivision development shall be calculated based on the total land area in the tract minus the required fifty percent open space and any proposed rights-of-ways. Fifty percent of the total area located within federally designated Class *A* Flood Zones may be utilized when calculating required Open Space.

PROJECT AREA	BASE DENSITY	MINIMUM OPEN SPACE REQUIRED
Secondary Growth Area	1 residence per 40,000 sq. ft.	50%
Rural Growth Area	1 residence per 3 acres	50%

Table 13: Cluster Subdivision Development Standards

(3) DENSITY BONUS

A developer may be granted density bonuses to increase the density within a cluster subdivision development. These bonuses may be granted within a cluster subdivision development only if the developer meets the required standards described below.

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

(a) Each additional five percent open space;

(b) Preservation of County Designated Natural Heritage Site;

(c) Five hundred feet of existing road frontage maintained as open space with a minimum depth of two hundred feet as measured from the road right-of-way;

(d) Maintain forestation and natural thirty-five feet buffer along existing parcel lines; or

(e) An approved forestry management plan for open space.

When granting density bonuses, lot sizes may be flexible with a minimum of 20,000 square feet in size within a *Secondary Growth Area* and a one-acre minimum within a *Rural Growth Area.* Density within cluster subdivision developments located in designated Watershed Balance or Water Quality Protected Areas shall not exceed mandated requirements.

(4) USES OR ACTIVITIES PERMITTED IN OPEN SPACE AREAS

(a) Conservation of land in its natural state (e.g., woodland, fallow field, or managed meadow);

(b) Agricultural uses including the raising of crops or livestock;

(c) Passive recreation including, but not limited to, trails, picnic areas, and community gardens;

(d) Easements for drainage, access, sewer or water lines, or other public purposes;

(e) Stormwater management facilities for the proposed development or a larger area in compliance with a watershed management plan; or

(f) Other uses consistent with open space preservation and as approved through the appropriate development approval process.

(5) USES OR ACTIVITIES PROHIBITED IN OPEN SPACE AREAS

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

(b) Private driveway connections within the open space area.

(6) OWNERSHIP AND MAINTENANCE OF OPEN SPACE

(a) Ownership of open space may be handled through one or more of the following and shall be permanently restricted from future development through deed restrictions:

(i) Homeowner's Association;

(ii) Transfer to a private conservation organization; or

(iii) Ownership is retained by the developer.

(b) Natural features shall be maintained in their natural condition but may be modified to improve their appearance, function, or overall condition. Permitted modifications may include, but are not limited to:

(i) Reforestation;

(ii) Woodland management;

(iii) Meadow management;

(iv) Buffer area landscaping;

(v) Stream-bank protection; or

(vi) Wetlands management.

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

(7) SITING ON PUBLIC ROADWAYS AND ADJACENT RURAL ZONING DISTRICTS

Cluster neighborhoods shall be placed in such a way as to not be fully visible from the primary thoroughfare. Natural features, such as

tree stands and slight rises in topography, shall be retained to allow a rural landscape to adjoin residential zoning districts and existing roads.

(8) DEVELOPMENT CONSIDERATIONS

(a) Preserve scenic views and elements of Randolph County's rural character by minimizing perceived density by minimizing views of new development for the existing road by use of natural buffers and open space.

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

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

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

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

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

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

(h) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using a minimum vegetated buffer area.

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

(i) Land with a floodway;

(ii) Wetlands;

(iii) Groundwater recharge areas; and

(iv) Critical ecological areas.

C. CON – CONSERVATION SUBDIVISION OVERLAY DISTRICT

The *Conservation Subdivision Overlay District* is established to accommodate major residential subdivision developments designed to preserve rural character by the preservation of open space and significant environmentally sensitive areas. The district permits open space, recreational, residential, and limited rural neighborhood business uses that are part of the unified design. The conservation subdivision development provides for the grouping of lots and buildings to conserve open space land resources and promotes innovation in the design of the development to further minimize stormwater runoff impacts and other adverse rural environmental impacts. Housing characteristics in the *CON* district will be designed *Exclusive (CONE), Residential (CONR),* or *Mixed (CONM),* in conformance with other major subdivision zoning districts**.** Conservation subdivisions are **not** allowed in the Birkhead Wilderness/Uwharrie Forest Small Area Plan area.

The *Conservation Subdivision Overlay District* is designed for those areas of Randolph County where the requirements of such an Overlay District can help achieve the policies and objectives of the *Randolph County Growth Management Plan.* This district is specifically designed for *Primary Growth Areas, Secondary Growth Areas,* and *Rural Growth Areas* as reflected in the *Randolph County Growth Management Plan.*

(1) PURPOSE AND USES PERMITTED

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

(2) CONSERVATION SUBDIVISION DEVELOPMENT STANDARDS AND INTENSITY

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

The total number of building lots or dwelling units in a conservation subdivision development shall be calculated based on the total land area in the tract minus the required thirty percent open space and any proposed rights-of-way. Thirty percent of the total area located within federally designated Class *A* Flood Zones may be utilized

when calculating the required Open Space. In a *Secondary Growth Area,* lot frontage widths may be reduced to ninety feet.

PROJECT AREA	BASE DENSITY	MINIMUM OPEN SPACE REQUIRED
Primary Growth Area	1 residence per 30,000 sq. ft.	30%
Secondary Growth Area	1 residence per 30,000 sq. ft.	30%
Rural Growth Area	1 residence per 1.5 acres	30%

Table 14: Conservation Subdivision Development Standards

(3) DENSITY BONUS

A developer may be granted density bonuses to increase the density within a conservation subdivision development. These bonuses may be granted within a conservation subdivision development only if the developer meets the required standards described below.

When granting density bonuses, lot sizes may be flexible with a minimum of 20,000 square feet in size within a *Secondary Growth Area* and a 40,000 square feet minimum within a *Rural Growth Area.* Density within conservation subdivision developments located in designed Watershed Balance or Water Quality Protected Areas shall not exceed mandated requirements.

(4) USES OR ACTIVITIES PERMITTED IN OPEN SPACE AREAS

(a) Conservation of land in its natural state (e.g., woodland, fallow field, or managed meadow);

(b) Agricultural uses including the raising of crops or livestock;

(c) Passive recreation including, but not limited to, trails, picnic areas, and community gardens;

(d) Easements for drainage, access, sewer or water lines, or other public purposes;

(e) Stormwater management facilities for the proposed development or a larger area in compliance with a watershed management plan; or

(f) Other uses consistent with open space preservation and as approved through the appropriate development approval process.

(5) USES OR ACTIVITIES PROHIBITED IN OPEN SPACE AREAS

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

(b) Private driveway connections within the open space area.

(6) OWNERSHIP AND MAINTENANCE OF OPEN SPACE

(a) Ownership of open space may be handled through one or more of the following and shall be permanently restricted from future development through deed restrictions:

(i) Homeowner's Association;

(ii) Transfer to a private conservation organization; or

(iii) Ownership is retained by the developer.

(b) Natural features shall be maintained in their natural condition but may be modified to improve their appearance, function, or overall condition. Permitted modifications may include, but are not limited to:

(i) Reforestation;

(ii) Woodland management;

(iii) Meadow management;

(iv) Buffer area landscaping;

(v) Stream-bank protection; or

(vi) Wetlands management.

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

developer, property owner, and/or homeowners association as required by the private deed restrictions.

(7) SITING ON PUBLIC ROADWAYS AND ADJACENT RURAL ZONING DISTRICTS

Cluster neighborhoods shall be placed in such a way as to not be fully visible from the primary thoroughfare. Natural features, such as tree stands and slight rises in topography, shall be retained to allow a rural landscape to adjoin residential zoning districts and existing roads.

(8) DEVELOPMENT CONSIDERATIONS

(a) Preserve scenic views and elements of Randolph County's rural character by minimizing perceived density by minimizing views of new development for the existing road by use of natural buffers and open space.

(b) The location and availability of public water and sewer.

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

(d) Minimize site disturbance and erosion through the retention of existing vegetation.

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

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

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

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

(i) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using a minimum vegetated buffer area.

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

(i) Land with a floodway;

(ii) Wetlands;

(v) Groundwater recharge areas; and

(vi) Critical ecological areas.

D. CVO: CONVENTIONAL SUBDIVISION OVERLAY DISTRICT

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

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

(1) PURPOSE AND USES PERMITTED

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

(2) CONVENTIONAL SUBDIVISION STANDARDS

(a) All standards as required by the land development regulations contained within this Ordinance.

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

(c) Designed under the policies and guidelines outlined in the comprehensive land-use plan.

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

(e) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

(3) SITING ON PUBLIC ROADWAYS

Conventional subdivisions shall be designed to minimize the number of private driveway connections to existing public roads.

E. IO: INDUSTRIAL OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

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

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

(2) BUFFER REQUIREMENTS

Buffers and landscaping shall include a Level III buffer.

(3) SITE CONSIDERATIONS

Yards shall only be used for driveways, landscaping, and screening.

Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

(4) SIGNAGE

Signage shall be permitted as allowed by Article 600, Section 634.

F. MAO: MUNICIPAL AIRPORT OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

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

Such approach areas are depicted on the *Official Zoning Maps of Randolph County.* The *Municipal Airport Overlay District* shall be considered as an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

(2) AIRPORT APPROACH ZONES

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

(3) RESTRICTIONS

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

Notwithstanding any other provisions of this District, no use may be made of land within the Overlay District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft making it difficult for pilots to distinguish between airport light and other lights, resulting in glare in the eyes of pilots using the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. Public landfills, septage application sites used for anything other than agricultural operations involved in the production of crops or other agricultural products for sale or consumption, and similar activities shall be prohibited within 20,000 feet of the runway.

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

Before the Randolph County Planning Board public hearing, plans shall be submitted by the applicant to the Municipal Airport Authority for review and comment. Any comments regarding the plans by the Municipal Airport Authority must be received in writing before the public hearing. A delay in receiving the written comments will delay the public hearing.

G. RBO: RURAL BUSINESS OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

The *Rural Business Overlay District* is established to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be in general proximity to established rural residential areas to reduce automobile travel distances and promote better livability in the rural community.

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

(2) BUFFER REQUIREMENTS

Where the property adjoins a residential use, a Level III buffer shall be installed.

(3) SITE CONSIDERATIONS

Yards may be used only for driveways, landscaping, and screening. The minimum lot size is three acres.

Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

(4) SIGNAGE

Signage shall be permitted as allowed by Article 600, Section 634.

H. RIO: RURAL INDUSTRIAL OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

This overlay district is designed for *Rural Growth Areas* and in rare instances *Secondary Growth Areas* as reflected on the *Randolph*

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

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

(2) PERMITTED USES

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

(a) Production, process, assembling, packaging, storage, and treatment of farm or forest products;

(b) Sawmills, lumber manufacturing, and processing of forest products;

(c) Manufacturing of stone, clay, glass, and concrete products;

(d) Mineral and aggregate materials manufacturing;

(e) Asphalt and concrete plants;

(f) Farm and forest-related machinery repair, truck and incidental automobile repair, welding, and service part facilities;

(g) Special trade contractors include excavating, septic installers, construction, concrete, distribution, trucking, and electrical;

(h) Recycling facilities;

(i) Alternative energy facilities (e.g., wind, solar, biofuels, geothermal); and

~~(h)~~(j) Research and development facilities (new products and technologies for farm, forest, and renewable products).

(3) CONDITIONS

(a) The minimum lot size is three acres.

(b) The minimum State road frontage is one hundred feet.

(c) The front setback area shall only be used for driveways, landscaping, and screening. The side and rear setbacks shall only be used for landscaping and screening.

(d) The site shall have a minimum open space requirement of thirty percent.

(e) The use shall not exceed the capacity of the site to provide adequate water and wastewater absorption.

(f) All areas shown on the site plan not devoted to development (e.g., building, storage, driveways, parking) shall include retention of Level III buffer.

(g) New development shall be in areas of the site that would lessen noise and operational impact to adjoining residential and agricultural land uses.

(h) Security lighting shall be directed and designed to reduce glare for adjoining residences.

(i) No new development is allowed within the Class *A* Flood Zone or fifty feet of a perennial stream.

(j) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

(4) COMPLIANCE MONITORING

The applicant shall agree to furnish Randolph County Planning and Zoning, on an annual basis, information showing that the use complies with the development approval and all State and federal guidelines on dust, noise, and related issues.

(5) MINIMUM SITE PLAN REQUIREMENTS

(a) Dimensions of the property and adjacent lots and streets.

(b) Location, use, and ownership of all existing and proposed buildings and dimensions.

(c) Streets, traffic circulation, and parking areas with spaces marked.

(d) Service areas, off-street loading facilities, service drive, and dimensions of all areas.

(e) Location of all proposed landscaping with Level III buffer between other uses and open spaces.

(f) Location of all flood zones and streams.

(g) Stormwater drainage and sanitary sewer where applicable.

(h) Size and location of signs.

(i) Erosion and sedimentation control plan.

(j) Location and type of security lighting.

(k) Signage.

I. RLO: RURAL LOT SUBDIVISION OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

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

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

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

(2) RURAL LOT SUBDIVISION DEVELOPMENT STANDARDS

Lot sizes for any lots in a *Rural Lot Subdivision* shall be a minimum of three acres. The lots shall not have a lot depth-to-lot width ratio greater than four times the width at the minimum front street setback. Lots in *Rural Lot Subdivisions* are prohibited against further subdivisions.

(3) SITING ON PUBLIC ROADWAYS AND ADJACENT RURAL ZONING DISTRICTS

Rural lot subdivisions shall be sited in such a way as to be not fully visible from the primary thoroughfare. Natural features such as tree stands and slight rises in topography shall be retained to afford a rural landscape to adjoining residential zoning districts and existing roads.

(4) DEVELOPMENT CONSIDERATIONS

Preserve scenic views and elements of Randolph County's rural character by minimizing perceived density by minimizing views of new development from existing roads using natural buffers and open space.

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

(b) Minimize site disturbance and erosion through the retention of existing vegetation.

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

(d) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

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

(i) Land within a floodway;

(ii) Wetlands;

(iii) Groundwater recharge areas; or

(iv) Critical ecological areas.

J. SCO: SCENIC CORRIDOR OVERLAY DISTRICTS

(1) PURPOSE AND USES PERMITTED

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

(2) SUPPLEMENTARY DISTRICT REQUIREMENTS

Scenic Corridor Plans may include additional guidelines to the underlying zoning district, such as the following:

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

(b) Additional guidelines for all signage with the *Scenic Corridor Overlay District* will be specified in the corridor plan to support the issues and objectives of the *Scenic Corridor Overlay District;* or

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

(d) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area.

(3) SCENIC CORRIDOR PLAN

Before a *Scenic Corridor Overlay District* is established for any road, a corridor plan shall be prepared by the Randolph County Planning

and Zoning Department staff describing the conditions, boundaries, and requirements for each proposed *Scenic Corridor Overlay District.* The plan shall address the following issues:

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

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

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

A *Scenic Corridor Overlay District* plan shall be sent, along with recommendations, to the Randolph County Planning Board for a legislative hearing for either the adoption or rejection of the proposed *Scenic Corridor Overlay District*.

K. SEO: SPECIAL ENTERTAINMENT OVERLAY DISTRICT

(1) PURPOSE AND USES PERMITTED

The *Special Entertainment Overlay District* is designed primarily to supplement the underlying general use districts by permitting, in addition to all other permitted uses in the underlying district, retail operations that specialize in legally operated adult entertainment establishments. This district intends to prevent the concentration of adult entertainment establishments within the County's regulatory jurisdiction. The *Special Entertainment Overlay District* is established to ensure that the adverse effects created by adult entertainment establishments are minimized and controlled so as not to adversely affect the adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, hospitals, churches, day-care facilities, youth camps, civic facilities, other adult entertainment establishments, and residentially zoned areas. For a complete list of permitted uses and uses allowed under prescribed conditions, please refer to Article 600, Section 618.

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

(2) SITE CONSIDERATIONS

Yards shall be used only for driveways, landscaping, and screening.

(3) SUPPLEMENTARY DISTRICT REQUIREMENTS

(a) No adult entertainment establishment shall be located within a radius of 1,500 feet of any other adult entertainment establishment;

(b) No adult entertainment establishment shall be located within a radius of 1,500 feet of any portion of a residentially zoned lot;

(c) No adult entertainment establishment shall be located within a radius of 1,500 feet of any lot upon which a school, hospital, church, day-care facility, youth camp, community center, or community recreational facility is located;

(d) Site plans shall be submitted to reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flows using as a minimum vegetated buffer area; and

(e) The *Special Entertainment Overlay District* may be applied only to lots that are zoned *Highway Commercial.*

(4) SIGNAGE

One ground sign per street front shall be permitted with a maximum area of twenty-four square feet Sign may be indirectly lighted and must be located off the road right-of-way. No sign shall be located on-premises that flashes, revolves, rotates, or swings by mechanical means (lights must be motionless) or that uses a change of lighting to depict action or to create a special effect or scene. Nude, semi-nude, or vulgar depictions on signs are not permitted. Also, all signs are subject to provisions of Article 600, Section 634.

(5) LIGHT AND NOISE

(a) Signs shall be permitted as established in Article 600, Section 634.

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

(6) REQUIRED PLANS

Plans shall be submitted with the following information:

(a) Dimensions of the property and adjacent lots and streets;

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

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

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

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

(f) Proposed landscaping, with property buffers between other uses;

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

(h) Size and location of signs;

(i) 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 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 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 shall 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 shall 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 shall meet again 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, and appropriate staff to determine the feasibility of a rezoning proposal based on its impact to the community and the capacity of Randolph County to provide adequate public facilities.

B. IMPACT ELEMENTS

The Technical Review Committee shall prepare information outlined in the *Development Impact Analysis* for all major residential subdivision development proposals or related Special Use Permit applications. The *Development Impact Analysis* shall consist of the following elements:

(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 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 feet waste setback rule (on the farm property).

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

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

(3) DEVELOPMENT GUIDELINES

(a) STRUCTURAL/ARCHITECTURAL

(i) Buildings shall not be stylized or designed as advertising signage or corporate symbols.

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

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

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

(v) Building construction using manufactured materials (e.g., blocks) with an unfinished appearance shall not be used.

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

(vii) All windows shall have grids with clear, stained, or obscure glass.

(b) Exterior lighting shall be assessed for compatibility with the community in terms of antique design, material, use, size, scale, color, and brightness.

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

(d) The exterior front door shall have a wood grain surface and any glass used shall be stained or obscure glass. Clear glass may be used if the glass has grids.

(e) Service areas and loading docks shall not be sited on the major pedestrian side of a building and must be screened from pedestrian view by landscaping or with architectural elements.

(4) SITE DEVELOPMENT

(a) All on-site utilities shall be installed underground where possible for new development.

(b) Signs shall not be designed to be in visual competition with other signs in the area.

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

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

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

(f) All utility cabinet pad areas must be completely enclosed with exterior landscaping. Site and construction plans must be approved before installation.

(5) LANDSCAPING, BUFFERS AND SCREENS

(ii) Landscape materials shall be appropriate in scale and nature to the site and architecture.

(iii) A Level III buffer shall be required between adjacent buildings and streets to create an attractive view to and from the building. This setback would allow for grassed and landscaped areas and a sidewalk for pedestrian traffic.

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

(v) Landscape buffer height shall effectively obscure the elements to be screened.

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

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

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

(ix) There shall be a natural flow of landscaping from one commercial lot to another.

(6) SIGNS

All signs must be constructed and installed under the North Carolina State Building Code and shall be permitted as described in Article 600, Section 634.

(7) PARKING

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

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

(c) Loading/unloading zones shall be located away from pedestrian view.

(8) PERMITTED USES

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

(a) Accessory structures in the front yard area;

(b) Adult establishments;

(c) Auto paint and body shops;

(d) Automotive repair, sales, or storage;

(e) Billboards (off-premise signs);

(f) Carwashes;

(g) Car wrecker service;

(h) Inert debris landfills;

(i) Junkyards;

(j) Mini-warehouse storage facilities;

(k) ~~Mobile~~Manufactured home, camper, marine, or RV sales;

(l) Outdoor flea markets; or

(m) Outdoor storage.

618: TABLE OF PERMITTED USES

Districts in which uses are permitted as a use by right are indicated by a checkmark. Districts in which uses are prohibited are indicated by a blank. Districts in which uses are permitted as a Special Use upon approval by the Randolph County Planning Board are indicated by *S.* Districts in which a particular use is permitted in an Overlay District are indicated by *O.* Districts in which a particular use is permitted as a temporary use as defined by these land development regulations, are indicated by *T.* See Article 600, Section 620 for further information. Districts in which uses are permitted as in a Special Entertainment Overlay District upon approval by the Randolph County Planning Board are indicated by *SE.*

TABLE OF PERMITTED USES

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Accessory uses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adult bookstore										SE		
Adult entertainment establishment										SE		
Adult motion picture theatre (including mini theatres)										SE		
Advanced battery or fuel cell development												✓
Aerospace, aviation, and military/defense manufacturing												✓
Agricultural uses[2]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Airfields and airports	S									S	S	S
Amusements, indoor commercial (e.g., bowling alleys, skating rinks)						S	S	✓	✓	✓		
Amusements, out-of-doors commercial (e.g., roller coasters, fairgrounds)								✓	S	✓		
Apparel and accessory sales							✓	✓	✓	✓		
Athletic fields, recreation buildings, playgrounds, swim, and racquet clubs (no commercial gain)	✓	✓	✓	✓		✓			✓			✓
Auction sales, yards, permanent									✓	✓	✓	✓
Auction sales, temporary, one-time use	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Automobile and truck rental							✓	✓		✓		

NOTES TO THE TABLE OF PERMITTED USES

1. All uses listed in these charts for the *E-1* districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
2. *Bone fide farms* and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article 600, Section 607.
3. Commercial outdoor storage (except for junkyards as defined and regulated by this Ordinance) including contractor's yards, building supply sales and coal sales and storage are permitted in the zones where indicated only if the storage yard is enclosed by a fence not less than eight feet in height which completely screens from view the stored material.
4. New junkyards permitted only by Special Use Permit in *LI* and *HI* must be a minimum of three acres in size. Junkyards existing in other districts at the time of adoption of this Ordinance are made nonconforming uses, subject to the provisions of Article 700, Section 726 of this Ordinance. Outdoor storage of more than four wrecked or immobilized motor vehicles is expressly prohibited in the *RR* and *RM districts.*
5. Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
6. Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Automobile body shops (excluding open storage of wrecked vehicles)									✓	✓	✓	✓
Automobile carwash, drive-through, requiring vehicle stacking							✓	✓	✓	✓	✓	
Automobile parts sales							✓	✓	✓	✓	✓	
Automobile racetracks												✓
Automobile sales							✓	✓	✓	✓	✓	✓
Automobile service stations							✓	✓	✓	✓	✓	✓
Automobile storage (excluding wrecked and junked vehicles)[3]									✓	✓	✓	✓
Automotive, truck, and heavy equipment manufacturing and assembly												✓
Bakery								✓	✓	✓	✓	
Banks, savings and loans, credit unions					✓		✓	✓		✓		
Barber and beauty service	S	S	S				✓	✓	✓	✓		
Biofuels production												✓
Biotechnology, pharmaceuticals, medical, and life sciences manufacturing												✓
Boats, recreational vehicles sales, and service							✓		✓	✓	✓	
Bottling plants										✓	✓	✓
Brick, tile, and cement manufacturing												✓

NOTES TO THE TABLE OF PERMITTED USES

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5. Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
6. Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Builders supply sales[3]								✓	✓	✓	✓	✓
Bus station										✓		✓
Cabinet making								✓	✓	✓	✓	✓
Camping	S		S			S	S		S			
Cemetery	✓	✓	✓	✓		✓						
Chemical manufacturing												✓
Churches and their customary uses including childcare on-premises	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Clinics, medical, dental					✓		✓	✓	✓	✓		
Clubs and lodges, private, non-profit	✓	✓	✓	✓		✓	✓	✓	✓	✓		
Clubs and places of entertainment (commercial)							S	✓	✓	✓		
Coal sales and storage[3]												✓
Community centers, public or private non-profit, for assembly and recreation	✓	✓	✓			S	S	✓	✓	✓		
~~**Compartmentalized storage for individual storage of residential and commercial goods**~~									~~✓~~	~~✓~~	~~✓~~	
Concrete and asphalt products plant												✓
Contractor's yard and outdoor storage area[3]									✓	✓	✓	✓
Convenience store									✓	✓		

NOTES TO THE TABLE OF PERMITTED USES

1. All uses listed in these charts for the *E-1* districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
2. *Bone fide farms* and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article 600, Section 607.
3. Commercial outdoor storage (except for junkyards as defined and regulated by this Ordinance) including contractor's yards, building supply sales and coal sales and storage are permitted in the zones where indicated only if the storage yard is enclosed by a fence not less than eight feet in height which completely screens from view the stored material.
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5. Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
6. Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Conventional Major Subdivision home, Class *A* manufactured housing, modular home		O	O			O						
Conventional Major Subdivision home, Class ~~*A &*~~ *B* manufactured housing, modular home			O									
Conventional Major Subdivision homes (site-built) and conventional modular		O	O	O		O						
Corporate offices or headquarters					✓				✓		✓	✓
Cryptocurrency												✓
Dairy products, wholesale, and processing									✓		✓	✓
Daycare facility (corporate)											✓	✓
Daycare facility (freestanding)	✓	✓	✓			S	✓	✓	✓	✓		
Distribution or logistics center												✓
Drive-in window services (banks, laundries, fast food) if permitted in the district					✓		✓	✓	✓	✓		
Drugstores					✓				✓	✓		✓
Dry cleaning and laundry								✓		✓		
Educational facilities and training centers												✓
Electronics and component manufacturing												✓
Energy storage												✓

NOTES TO THE TABLE OF PERMITTED USES

1. All uses listed in these charts for the *E-1* districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Engine or engine parts production												✓
Event center									S	S		
Exterminating services								✓	✓	✓		
Fabricated or primary metal manufacturing												✓
Family care home	✓	✓	✓				S					
Farm machinery sales							✓		✓	✓	✓	✓
Farm supplies sales (feed, seed, fertilizer)	✓						✓		✓	✓		
Fire, sheriff, and emergency services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fitness and ~~recreational sports c~~Recreational Sports Center									✓	✓		✓
Flea markets (indoors)								✓	✓	✓		
Flea markets (out-of-doors)								✓	✓	✓		
Florists							✓	✓	✓	✓		
Food freezer operations									✓	✓	✓	
Food processing												✓
Foundries, metal												✓
Funeral homes					✓			✓	✓	✓		
Furniture manufacturing												✓
Gift shops							✓	✓	✓	✓		
Glass Manufacturing												✓
Golf, miniature							✓	✓		✓		
Golf courses	✓	✓	✓	✓		✓	✓					
Governmental offices					✓		✓	✓	✓	✓		
Grocery stores							S	✓	✓	✓		

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Group homes	S		S		S		S					
Gun range												✓
Gun sales	S	S	S	S			S	✓	✓	✓		
Gunsmith	S	S	S	S			S	✓	✓	✓		
Hardware, paint, and garden supplies								✓	✓	✓		
Home occupations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hotels and motels						S	S	✓		✓		
Home furnishings and appliance sales								✓	✓	✓		
Hospital or sanatoriums	S	S	S		S	S	S					
Health and social services centers					✓			✓	✓	✓		
Household product manufacturing												✓
Industrial equipment sales and service										✓	✓	
Junkyards (3 acres or more in size)[4]											S	S
Kennels	✓								✓		✓	
Laboratory, medical, and dental					✓			✓		✓		✓
Laboratory, research										✓	✓	
Landfill	S											
Laundry or dry cleaning, self-service								✓	✓	✓		
Library, public					✓	✓	✓	✓	✓	✓		
Livestock sales	✓								✓			✓

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Locksmith	S	S	S	S			S	✓	✓	✓		
Machine shop, welding shop									✓	✓	✓	✓
Manufacturing, machine tools, chemicals, fertilizer, paving materials, wood products, paper												✓
Manufacturing, apparel, soft goods, textiles												✓
Meat packing and poultry processing												✓
Medical/Dental clinics or laboratories					✓		✓	✓	✓	✓		✓
Mini warehouse									✓	✓	✓	
Mixed commercial and residential use where commercial use is primary and both occupy the same structure or lot							S	✓	✓	✓	✓	
~~Mobile~~Manufactured home park			S									
~~Mobile~~Manufactured home on individual lot Class *A~~, B, or C~~*	✓	✓	✓		✓	✓						
~~Mobile~~Manufactured home on individual lot Class *B~~A~~*	✓	~~✓~~	✓		~~✓~~	✓						
~~Mobile~~Manufactured home on individual lot Class *~~A or B~~C*	✓		✓			~~✓~~						
~~Mobile~~Manufactured home in major subdivision Class *A*		✓										

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
~~Mobile~~Manufactured home in major subdivision Class ~~A or~~ B			✓									
~~Mobile~~Manufactured home in minor subdivision Class A	✓	✓	✓			✓						
~~Mobile~~Manufactured home in minor subdivision Class ~~A or~~ B	✓		✓			✓						
~~Mobile~~Manufactured home, travel trailer, camper, marine, recreational vehicle sales										✓	✓	
Modular home, conventional	✓	✓	✓	✓		✓						
Modular home, on-frame	✓	✓	✓			✓						
Monument and cut stone manufacture and sales									✓	✓	✓	
Motor vehicle parts manufacturing												✓
Multi-family residence			✓									
Nursery and plant cultivation and sales	✓					✓	✓	✓	✓	✓	✓	✓
Nursing and rest homes	S		S		S	S	S					
Office supplies sales								✓		✓		
Outdoor storage yard									✓	✓	✓	✓
Paint and coating manufacturing												✓
Paint shop												✓
Pharmacy and drugstore								✓	✓	✓		✓
Planned Business Development						S	S	S	S	S	S	
Planned Rural Development	S	S	S	S		S						

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Planned Unit Development		S	S	S		S						
Plastics and resin manufacturing												✓
Post Office					✓	✓	✓	✓	✓	✓		
Pottery manufacturing and sales	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Press Shop												✓
Printing and reproduction shop								✓	✓	✓	✓	✓
Professional and business offices					✓		✓	✓	✓	✓		✓
Public utility substations	S	S	S	S	S	S	S	S	S	S	S	S
Quarry operations												✓
Radio or television studio							S	✓	✓	✓	✓	
Radio or television tower	S	S	S				S	S	S	S	S	S
Railroad rolling stock manufacturing												✓
Railroad yard												✓
Recreational vehicle (RV) park	S		S			S	S					
Research and development facilities												✓
Retail sales, not listed elsewhere							S	✓	✓	✓		
Repair, rental, and service of products sold at retail in the same district								✓	✓	✓		
Residence, apartments, condominiums			✓									
Residence, duplex	✓		✓			✓						

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Residence, single-family detached	✓	✓	✓	✓	✓	✓						
Residence, townhouses			✓									
Residential solar collector	✓	✓	✓	✓	✓							
Restaurant							S	✓	✓	✓		
Retail stores and shops (excluding vehicle sales) not otherwise listed herein							S	✓	✓	✓		
Riding academy, commercial stables	✓						S		✓			
Rodeo									✓			✓
Rooming house	✓	✓	✓									
Rubber products manufacturing												✓
Rural family occupation of commercial/industrial nature	S	S	S	S		S						
Sanitary landfill	S											
Sawmills, planing mills - permanent												✓
Sawmills, planing mills - temporary	✓											✓
Schools, academic	S	S	S	S	S	S		S	S	S		
Schools, business/trade	S	S	S	S	S	S		S	S	✓		
Septage land application site	S											
Service stations							✓	✓	✓	✓	✓	✓

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Service establishments include but are not limited to barber and beauty shops, small-item repair, and rental							S	✓	✓	✓		
Sheet metal fabrication											✓	✓
Shooting range												S
Sign, directional gateway	S	S	S	S		S				✓	✓	✓
Sign, on-premise	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sign, outdoor advertising (off-premises)										✓	✓	✓
Skills games, games of chance								S		S		
Solar energy facility											S	S
Solar energy residential use	✓	✓	✓	✓		✓						
Special events	✓					✓						
Storage, flammable liquids above ground in quantities for distribution											S	S
Storage pods	T	T	T	T		T						
Subdivisions, Minor (Residential)	✓	✓	✓	✓		✓						
Tailor shop								✓	✓	✓		
Taxi stand								✓		✓		
Telecommunications tower	S	S	S	S	S	S	S	S	S	S	S	S
Temporary buildings, incidental to the development	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary carnivals, rides, Ferris wheels									✓	✓	✓	✓

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USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Temporary healthcare structures	✓	✓	✓	✓	✓							
Theater, Drive-In										✓	✓	✓
Tire manufacturing												✓
Tobacco sales and warehousing											✓	✓
Towing services										✓	✓	
Trailer rentals									✓	✓	✓	✓
Transportation equipment manufacturing												✓
Truck terminal											✓	✓
Upholstering and furniture refinishing									✓	✓	✓	
Veterinary clinics	✓				✓		✓		✓	✓	✓	
Warehousing and distribution												✓
Warehouses, sales, or service									✓	✓	✓	
Wholesale sales, not otherwise listed								✓	✓	✓	✓	
Zoological park						✓						

Table 15: Table of Permitted Uses

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619: NEW OR UNLISTED USES

While the Randolph County Planning and Zoning staff has worked to ensure that all uses are listed in the *Table of Permitted Uses* there may be new uses or uses that were omitted. To assist in determining the zoning district that uses should be located within, the following guidelines are to be followed. The authority for the use of these guidelines shall fall to the Randolph County Planning Director who shall provide a written determination for the district where the use would be allowed based on the following:

(1) The characteristics of the proposed uses;

(2) The size and extent of the development of the proposed development such as retail sales or industrial or commercial uses;

(3) The existing use of the property such as single-family residential or commercial;

(4) The type of operations being conducted on the property;

(5) The amount and type of hazardous chemicals that could be used on the property;

(6) The amount of indoor or outdoor storage needed or required by the proposed use;

(7) The amount of any nuisances that may be created from the proposed use;

(8) The applicable *Randolph County Watershed Protection Ordinance* and the *Randolph County Flood Damage Prevention Ordinance;* or

(9) Any other information not listed here has a direct impact on the type of development being proposed.

An appeal of the decision of the Randolph County Planning Director shall be to the Randolph County Zoning Board of Adjustment. Nothing in this Ordinance shall prohibit the Randolph County Planning Director from seeking guidance or requesting approval from the Randolph County Planning Board on any use that is new or not listed above. Absent an appeal from the decision of the Randolph County Planning Director, the new use shall be included in the *Table of Permitted Uses* of this Ordinance and the definitions section updated to reflect the new use.

620: SPECIAL USE PERMITS

A. OBJECTIVE AND PURPOSES

Special Use Permits add flexibility to land development regulations. Subject to high standards of planning and design, certain property uses are allowed in districts where these uses would not otherwise be acceptable. Utilizing controls exercised through the Special Use Permit procedures and the quasi-judicial hearing, property uses that would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

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

Conditions and safeguards imposed under this section shall not include requirements for which Randolph County Planning Board does not have authority under existing Statutes to regulate nor requirements for which the Courts have held to be unenforceable if imposed directly by Randolph County Planning Board, including, without limitations, taxes, impact fees, building design elements, driveway-related improvements over those allowed in NCGS § 136-18 (29), or other unauthorized limitation on the development or use of the land. Any conditions shall be agreed to by the applicant or property owner in writing before the vote of the Randolph County Planning Board for the conditions to be enforceable. Randolph County may not use the defense of estoppel to enforce conditions to which an application did not consent to in writing.

B. PROCESS REQUIRED

The Randolph County Planning Board shall follow quasi-judicial procedures in determining Special Use Permits as found in Article 400, Section 407.

C. NOTICE OF HEARING

Notice of quasi-judicial hearings conducted according to NCGS § 160D-406 shall be mailed to the person or entity whose application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, Randolph County may rely on the Randolph County Tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than twenty-five days, before the date of the hearing. Within that same period, Randolph County shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The Randolph County Planning Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the Randolph County Planning Board is not then present, the hearing shall be continued until the next regular meeting without further advertisement.

D. PRESENTATION OF EVIDENCE

The applicant, Randolph County and any person who would have standing shall have the right to participate as a party at the quasi-judicial hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Randolph County Planning Board. Even if there is no objection before the Board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property values and traffic impacts.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the standing of a party, may be made to the Randolph County Planning Board. The Randolph County Planning Board Chair shall rule on any objections and the Chair's rulings may be appealed to the full Randolph County Planning Board. These rulings are also subject to judicial review according to NCGS § 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

E. OATHS

The Chair of the Randolph County Planning Board or any members acting as Chair and the Clerk to the Randolph County Planning Board is authorized to administer oaths to witnesses in any matter coming before the Randolph County Zoning Board of Adjustment. Any person who, while under oath during a proceeding before the Randolph County Planning Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class ~~One~~ I misdemeanor.

F. VOTING

A majority of the members shall be required to decide upon the issuance of a Special Use Permit. For this subsection, vacant positions on the Randolph County Planning Board and members who are disqualified from voting on a quasi-judicial matter under NCGS § 160D-109 (d) shall not be considered members of the Randolph County Planning Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. A failure to vote by a member who is physically present at the public hearing, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

G. DECISIONS

Every quasi-judicial decision on the issuance of a Special Use Permit shall be reduced to writing, reflecting the Randolph County Planning Board's determination that the following requirements have been met:

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

(2) That the use meets all required conditions and specifications;

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with this Ordinance.

A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Randolph County Planning Board. The decisions of the Randolph County Planning Board shall be delivered within a reasonable time by personal delivery, electronic mail or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy before the date the decision becomes effective. The person required to provide notice shall certify to Randolph County that proper notice has been made and the certificate shall be deemed as conclusive in the absence of fraud.

H. JUDICIAL REVIEW

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings like certiorari according to NCGS § 160D-1402.

621: DETAILED REGULATIONS FOR SPECIFIC USES

Detailed regulations for specific uses are subject to this section and outlined in the following pages and the notes related to those provisions. The *Zoning District* shown on the following pages may be used allowed by right or via a Special Use Permit. Please refer to the *Table of Permitted Uses* in Article 600, Section 618, for the specific district.

Anything on the following pages that are shown as *Required* or *Other Requirement* must be submitted to the Randolph Planning and Zoning staff **before the public hearing will be scheduled. Failure to submit the required documents will delay the public hearing.** **County Planning Staff can request additional information (ex. lighting plans, landscaping, etc.,) to clarify proposals or requests.**

AIRFIELD, GENERAL AVIATION

Zoning Districts: *HC, HI, LI, RA*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans:

a. Approval from all required State and federal agencies.

b. Scaled drawings of all locations and sizes of landing strips and all existing and proposed structures.

c. Location and type of security lighting.

d. Anticipated type of and extent of use including the type of aircraft and an approximate number of flights.

e. Map of all property within five hundred feet of the proposed airfield, including names of property owners.

AMUSEMENTS (COMMERCIAL, INDOOR)

Zoning Districts: *CEO, CS, E-1, HC, RBO*

Screening and Fencing: Where the property adjoins a residential use, a Level III buffer shall be required.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans:

a. Topography of the site at contour intervals no greater than five feet.

b. Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet of the site.

c. Location and type of security lighting.

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

e. Proposed parking areas.

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

g. Proposed hours and days of operation.

CAMPING (INCLUDING TENTING AND OTHER FORMS OF COVERED CAMPING)

Zoning Districts: *CEO, E-1, RA, RBO, RM*

Minimum Area: Five acres is *CEO, RA, RBO,* and *RM.*
Ten acres with one hundred feet front yard depth in *E-1.*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Site Considerations: Trailers shall be separated from each other and other structures by at least fifteen feet. Any accessory structure such as attached awnings, carports, or storage facilities shall be considered part of the trailer.

The minimum size of space shall be as required by Randolph County Public Health.

There shall be at least one recreation area that shall be accessible from all trailer spaces. The size of such a recreation area shall not be less than eight percent of the gross site area.

Roadways shall be stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic and in any case, shall meet the following minimum requirements:

a. One-way, no parking: twelve feet; or

b. Two-way, no parking: twenty-four feet.

No roadway parking shall be permitted.

The water supply, the sewerage system, and service buildings shall be reasonably accommodated and shall meet the requirements of the appropriate State and County regulatory agency.

Screening: A Level III buffer shall be required in all districts where the use is permitted.

Required Plans:

a. Topography of site, at contour interval no greater than five feet.

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

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

d. Proposed parking areas.

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

Space Rental: Spaces shall be rented by the day.

CONVENIENCE STORE (WITH OR WITHOUT GAS PUMPS)

Zoning Districts: *HC, RBO*

Screening and Fencing: Where the property adjoins a residential use, a Level III buffer shall be required.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans:

a. Site plan showing all buildings including dimensions of buildings, and gas tanks (if any).

b. Proposed points of access, egress, and pattern of internal circulation.

c. Layout of parking spaces.

d. Location and type of security lighting.

DATA PROCESSING FACILITY

Zoning Districts: *HI*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

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 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 security 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.

Screening: A Level III buffer around the property lines.

DAY CARE FACILITY (CORPORATE)

Zoning District: *HI*

Minimum Lot Area: As prescribed by State regulations where applicable.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Screening and Fencing: Playspace shall be enclosed by a fence at least four feet high.

Required Plans:

a. No plans are required if the facility is inside the commercial structure.

Other Requirements: All required State licenses and permits.

DAY CARE FACILITY (FREESTANDING)

Zoning Districts: *CEO, CS, E-1, HC, LI, RA, RBO, RM, RR*

Minimum Lot Area: As prescribed by State regulations where applicable.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Screening and Fencing: Playspace shall be enclosed by a fence at least four feet high.

Required Plans:

a. Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

b. Proposed points of access and egress and pattern of internal circulation.

c. The layout of parking spaces.

d. Location and extent of an open play area.

e. Location and type of security lighting.

Other Requirements: All required State licenses and permits.

EVENT CENTER

Zoning Districts: *HC, RBO*

Site Considerations: Landscaping of the site shall be done by installing and maintaining a Level III buffer.

Sign Requirements: Signs shall be permitted as described in Article 600, Section 634, Signs, later in this Ordinance.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Required Plans:

a. Site plan showing all buildings including dimensions of buildings, maximum occupancy, and ways that sound will be controlled to minimize impacts on adjoining property.

b. Proposed points of access, egress, and pattern of internal circulation.

c. Layout of parking spaces.

d. Location and type of security lighting.

e. Emergency action plan in case of emergency.

GROUP HOME

Zoning Districts: *CEO, OI, RA, RM*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Other Requirements:

a. Signs shall be permitted as described in Article 600, Section 634.

b. All group homes shall be licensed and/or sponsored by the appropriate State or local agency.

c. The zoning lot on which one rehabilitation residence is proposed shall not be located within a one-half-mile radius of a zoning lot containing another such facility.

HOSPITALS, REST HOMES, NURSING HOMES

Zoning Districts: *CEO, E-1, OI, RA, RM, RR*

Minimum Lot Area: Minimum lot area of the district in which located plus 1,000 square feet for each person to be accommodated.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans:

a. Location and approximate size of all existing and proposed buildings and structures within the site and on adjacent lots.

b. Proposed points in ingress, egress, and pattern of internal circulation.

c. Layout of parking spaces.

Other Requirements: Must meet all requirements for licensing by the State of North Carolina. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure, and other considerations, including a Level III buffer, to the character of the neighborhood so that the residential nature will be preserved.

HOTELS, MOTELS

Zoning Districts: *CEO, CS, E-1*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Site Considerations:

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

b. The minimum front yard shall be one hundred feet. Yards shall be used only for driveways, landscaping, and screening.

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

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

Screening, Buffers: Where the property adjoins a residential use, a Level III buffer shall be required.

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

a. The topography of the site, at contour intervals no greater than five feet.

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

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

d. Traffic circulation and parking areas with spaces.

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

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

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

h. Size and location of signs.

i. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.

j. Erosion and sedimentation control plan.

k. Location and type of security lighting.

JUNKYARD, SCRAP PROCESSOR, AUTO WRECKING ESTABLISHMENTS

Zoning Districts: *HI, LI*

Required Area: Junkyards and scrap processors as defined in Article 100, Section 102 must be located on a minimum of three acres of land.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Screening: Screening is required which completely screens from view the stored items. Such screening shall be a durable wall or fence at least eight feet in height that completely screens from view the stored material. A Level III buffer shall also be required.

Required Plans: The Randolph County Planning Board may require the submission of plans showing the location of existing and proposed structures within the site and existing structures and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.

LANDFILL

Zoning District: *RA*

Screening:

a. A Level I buffer shall be maintained along landfill property boundaries consisting of natural vegetation. Existing vegetation shall be used where possible. Where vegetation is nonexistent, screening shall consist of thickly planted evergreens planted in staggered rows. Trees shall be of such height when planted that they shall reach a height of ten feet in two years and be maintained by the property owner.

b. Buffers may be used to satisfy minimum landfill setback requirements, installation of utilities and road access, and security fencing.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans: All landfill plans and designs shall strictly follow:

a. The requirements and provisions of the Solid Waste Act of 2007 and any subsequent modifications or amendments to the Act;

b. Rules governing sanitary landfills established in North Carolina Administrative Code Title 15A, Chapter 13B and any subsequent modifications or amendments to applicable Rules;

c. Any other rules applicable to landfills that have been adopted by State agencies with oversight of the activity in question;

d. The terms and requirements of Permit to Construct and Permits to Operate issued by the NC Department of Environment and Natural Resources, and any modifications or amendments to such permits;

e. The terms of a driveway permit issued by the NC Department of Transportation and any other traffic improvements required by NCDOT;

f. Conditions and requirements of a franchise Ordinance adopted by Randolph County and any subsequent modifications or amendments to this Ordinance; and

g. Conditions and requirements adopted according to a Special Use Permit issued to the owner or operator that responds to and addresses specific local matters.

MINI WAREHOUSE STORAGE FACILITY

Zoning District:	*HC, LI, RBO*
Parking:	Off-street parking and loading shall be provided per Article 600, Section 633.
Signs:	Signs shall be permitted as described in Article 600, Section 634.
Required Plans:	Site plan showing all buildings, parking, ingress, and egress. Level II buffer Location and type of security lighting.

~~MOBILE~~MANUFACTURED HOME PARK

Zoning District: *RM*

Minimum Lot Size:

a. 40,000 square feet with individual well and septic system; 40,000 square feet inside the watershed or 80,000 square feet inside the water critical area.

b. 15,000 square feet with an individual septic system and public or community water system; 40,000 square feet inside the watershed or 80,000 square feet inside the water critical area.

c. ~~7,500~~15,000 square feet with individual well and public community sewer; ~~12,500~~40,000 square feet inside the watershed or 80,000 square feet inside the water critical area.

d. ~~7,500~~15,000 square feet with public or community water and sewer system; ~~12,500~~40,000 square feet inside the watershed or 80,000 square feet inside the water critical area.

e. All lot sizes may be increased by the Randolph County Planning Board to protect public health, safety, and welfare.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Setbacks and Buffers:

a. Twenty feet minimum setback for all ~~mobile~~manufactured homes from the front lot line of the park. This area may be used for required parking.

b. Twenty feet minimum clearance between ~~mobile~~manufactured homes.

c. Twenty-five feet minimum setback from adjoining property lines.

Site Development:

a. Off-street parking spaces shall be provided with each ~~mobile~~manufactured home park at a ratio of at least two spaces per lot, the minimum of which shall be at least nine feet by eighteen feet.

b. ~~Mobile~~Manufactured homes shall be located so that there is at least twenty feet of clearance between ~~mobile~~manufactured homes.

c. Each ~~mobile~~manufactured home park shall have located at its primary entrance a permanent non-lighted sign, not to exceed twelve square feet, indicating the park's name.

d. Each proposed lot in a ~~mobile~~manufactured home park shall be clearly marked by a permanent lot number sign or marker that identifies each ~~mobile~~manufactured home lot. The lot number shall be such that the location is readily identifiable by emergency personnel and inspectors. The lot number sign or marker shall be located on each ~~mobile~~manufactured home park lot or each ~~mobile~~manufactured home, but the method must be consistent throughout. Numbers shall be at least four inches high and with a reflective surface.

e. ~~Mobile~~Manufactured home park lots shall be properly staked.

Roads Systems: Roads shall be constructed to NCDOT, Division of Highway, minimum standards. The most recent edition of *Subdivision Roads, Minimum Construction Standards,* shall be used as a guideline with the following exceptions:

a. Roads do not have to be paved.

b. The base can be reduced to four inches of stabilized material. All roads within new parks or additions to existing parks shall have a forty-five-foot minimum right-of-way and a four-inch minimum stabilized base.

Application Process:

a. The developer shall have a registered surveyor prepare a survey plat. The plat shall be drawn to scale on a map size of eighteen inches by twenty-four inches, twenty-one inches by thirty inches or twenty-four inches by thirty inches, or twenty-four inches by thirty-six inches and shall clearly set out the following, and maybe required:

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

and the name and address of the surveyor.

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

(3) Date, graphic scale, and approximate north arrow.

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

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

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

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

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

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

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

b. Signs shall be permitted as described in Article 600, Section 634.

c. The developer shall take the survey plat to Randolph County Public Health for individual lot evaluations.

d. The Randolph County Public Health Department shall issue a letter of survey plat approval to the developer. Before issuing this letter of approval, the Randolph County Public Health department may require letters of approval from State and/or federal agencies.

e. The developer shall submit the Randolph County Public Health Department's letter of survey plat approval, one copy of the survey plat, and funds sufficient to pay the Special Use Permit application fee as found on the approved fee schedule.

f. The Planning Director shall set and advertise a date and time for a public hearing before the Randolph County Planning Board.

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

After Permit is Granted:

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

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

c. After road construction has been completed, Randolph County Code Enforcement Staff shall notify by letter to the Randolph County Planning Director that all new roads have been built to all NCDOT standards as a public road, except for paving.

d. When all improvements as required by this Ordinance have been completed, a Certificate of

~~Mobile~~Manufactured Home Park Operation shall be issued. The Certificate of ~~Mobile~~Manufactured Home Park Operation shall be signed by the Randolph County Planning Director and the Randolph County Public Health Director certifying that the ~~mobile~~manufactured home park complies with all County and State regulations. This shall apply to new parks or expansions to existing parks. The ~~mobile~~manufactured home park developer may then begin placing ~~mobile~~manufactured homes in the park.

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

GENERAL REQUIREMENTS APPLICABLE TO ~~MOBILE~~MANUFACTURED HOME PARK OWNERS

EROSION CONTROL

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

~~MOBILE~~MANUFACTURED HOME PARK OWNERSHIP

~~Mobile~~Manufactured home park operators shall be required under this Ordinance to specifically comply with NCGS § 105-316 (a) (1), which requires that each year ~~mobile~~manufactured home park operators furnish the Randolph County Tax Administrator with the name of the owner and a description of each ~~mobile~~manufactured home located in the park.

SALE OF PARKS OR LOTS

~~Mobile~~Manufactured home parks may not be sold or transferred unless the existing water and sewer systems meet Randolph County Public Health department standards. Individual spaces in a ~~mobile~~manufactured home park may not be sold unless the individual lot size and road construction meet all County and State regulations.

ANIMAL CONTROL

~~Mobile~~Manufactured home park owners shall establish park regulations to ensure adequate control of animals.

GARBAGE DISPOSAL

The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance. Junked vehicles, appliances, furniture, and similar materials shall not be allowed to accumulate on ~~mobile~~manufactured home park premises.

FENCING OF PRIVATE SEWAGE TREATMENT PLANTS

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

WATER SUPPLY

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

PLANNED BUSINESS DEVELOPMENT

Zoning District: *CEO, CS, E-1, HC, LI, RBO*

Minimum Area:

a. 40,000 sq. ft., 250 feet minimum plot width in *CEO, CS, HC,* and *LI*

b. Three acres, 250 feet minimum plot width in *E-1* and *RBO*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Site Considerations:

a. These developments shall abut a major highway or a collector street and shall have direct access thereto.

b. Yards shall be used only for driveways, landscaping, and screening.

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

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

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

f. Required buffers when Planned Business Development is in *E-1* or adjoins *E-1* or a residential zone shall be a Level III buffer.

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

a. The topography of the site, at contour intervals no greater than five feet;

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

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

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

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

f. All pedestrian ways;

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

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

i. Signs shall be permitted as described in Article 600, Section 634;

j. Proposed water system and firefighting facilities such as hydrants or sprinkler connections;

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

l. Profiles of publicly maintained water and sewer lines;

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

n. Erosion and sedimentation control plan; and

o. Location and type of security lighting.

Uses:

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

a. Any non-residential use permitted by right in the *E-1* district;

b. Bakeries, retail, including manufacturing of goods for sale on the premises only;

c. Banks and lending institutions;

d. Barbershops and beauty shops;

e. Drive-in windows associated with permitted use;

f. Flowers, shrubbery, and trees, display, and sales;

g. Food stores, grocery stores, meat markets, bakeries, and delicatessens, provided that all goods produced on the premises shall be sold at retail on the premises where produced;

h. Frozen food stores, including locker rental;

i. Garden supply and seed stores;

j. Laundries and dry cleaning establishments operated in conjunction with customer service counters, if laundering and dry cleaning permitted on the premises shall be limited to articles delivered to the premises by customers. Self-service *laundromats* are permitted;

k. Locksmiths and gunsmiths;

l. Motels and motor hotels;

m. Photographic studios, including the development of film and pictures when conducted as incidental to the studio;

n. Places of indoor entertainment;

o. Professional and business offices;

p. Public and private clubs;

q. Radio, television, and appliance repairs and rental service;

r. Retail sales of consumer goods, all sales, and products to be located within the retail shop;

s. Shoe repair shops;

t. Specialty shops;

u. Tailor shops; or

v. Restaurants, not to include curb service restaurants.

PLANNED RURAL DEVELOPMENT

Zoning Districts: *E-1, RA, RE, RM, RR*

Number of Dwellings: No more than four dwelling units one of which shall be the property owner. There shall be no less than the required area and road frontage per dwelling unit for the district in which the development is located.

Site Considerations:

a. Points of ingress and egress shall consist of a driveway or roadway with a minimum width of twenty feet and located in such a way as to minimize traffic hazards, inconvenience, and congestion.

b. Stormwater and sanitary sewerage shall be provided as approved by the Randolph County Planning Board and Randolph County Public Health.

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

a. Dimensions of the property.

b. Location, use, and ownership of all existing and proposed buildings.

c. Public and private roads, parking areas.

d. Stormwater drainage and sanitary sewer where applicable.

e. The location and heights of all fences, hedges, and natural buffers shall be shown.

f. Location of all flood zones and streams.

PLANNED UNIT DEVELOPMENT

Zoning Districts: *E-1, RE, RM, RR*

Minimum Area:

a. Five acres in *RE, RM,* and *RR;* 10 acres in *E-1,* provided development is consistent with requirements for water and septic system installations. There shall be no less than the required area per dwelling unit for the district in which the development is located.

b. The yard regulations and height regulations outlined in Article 600, Section 628 may be modified for a Planned Unit Development, provided that, for such development, excluding streets, easements, and required buffers but including parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located. The development itself shall have a minimum frontage of one hundred feet in all permitted districts that shall be used only for driveways, landscaping, and screening.

Site Considerations:

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

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

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

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

e. A Level III buffer shall be required.

Homeowners' Association:

The developer shall submit a draft of the Articles of Incorporation for the Homeowners' Association. The Articles of Incorporation shall provide that all owners of property within the development share automatic membership rights and

assessment obligations for the maintenance of commonly owned areas (including recreation areas, open space, and private streets.) The automatic membership rights and assessment obligations of all owners of property within the Planned Unit Development shall be so covered by covenants running with the land and other contractual provisions as to ensure the property maintenance of all commonly owned areas and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before granting of a Special Use Permit, the Articles of Incorporation shall be approved by the Randolph County Attorney.

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

a. The topography of the site;

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

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

d. Streets, parking areas with spaces, and channelization.

e. All pedestrian ways;

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

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

h. Storm drainage and sanitary sewer where applicable;

i. Signs shall be permitted as described in Article 600, Section 634 later in this Ordinance;

j. Proposed water system and firefighting facilities such as hydrants or sprinkler connections;

k. The location and heights of all fences, walls, and hedges;
l. Profiles of publicly maintained water and sewer lines;
m. Profiles, cross-sections, and slopes of on-site, and off-site ditches carrying water runoff;
n. Erosion and sedimentation control plan;
o. Location and type of security lighting; and
p. Location and amount of recreation area.

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

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

PUBLIC UTILITIES

Zoning Districts: Any district.

Screening and Fencing: Substations and transformer stations shall be enclosed by a fence not less than eight feet in height.

Required Plans:

a. Location and approximate size of all existing and proposed structures within the site and all buildings and structures within five hundred feet.

b. Proposed points of access and egress

c. Location and arrangement of all proposed off-street parking

d. Other details:

(1) A Level III buffer shall be required when the location of the public utility abuts residential property; and

(2) The anticipated service area of the facility to be constructed.

RURAL FAMILY OCCUPATIONS OF COMMERCIAL NATURE

Zoning Districts: *E-1, RA, RE, RM, RR*

Requirements:

a. Owner must reside on the property on which the business is located.

b. Unlike home occupations, Rural Family Occupations of a Commercial Nature may be conducted within an accessory building that meets the North Carolina State Building Code.

c. The business use must be set back at least fifty feet from road rights-of-way.

d. Business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.

e. Restrictions as to fencing, indoor storage, and other appearance criteria may be added, as necessary.

Signs: Signs shall be permitted as described in Article 600, Section 634.

SCHOOLS, ACADEMIC AND BUILDING/TRADE

Zoning Districts: Academics schools: All districts where permitted by Special Use.

Business/Trade: *CS, E-1, HC, OI, RA, RBO, RM, RE,* and *RR.*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans:

a. Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

b. Proposed points of access and egress and pattern of internal circulation.

c. The layout of parking spaces.

d. Signs shall be permitted as described in Article 600, Section 634.

e. Statement from the public water and sewer system that the Board of Education has submitted a written inquiry as to whether the system has the capacity to serve the school facility as outlined in NCGS § 115C-521 and that such capacity has been reserved for the school system.

~~e.~~f. Other details:

(1) Location and extent of open recreation or training area;

(2) Estimated number of students; and

(3) Subjects to be taught outside of regular classroom facilities (e.g., in laboratories, gyms)

SEPTAGE LAND APPLICATION SITE

Zoning District: *RA*

Required Plans: Scaled drawings of location and size of proposed sites; all existing and proposed structures; topography; flood zones; streams; location of the residence on all adjoining property and proposed access routes into the property.

Certificate by the State Division of Health Services that the proposed site would meet the minimum criteria established by North Carolina General Statutes.

Certification by Randolph County Public Health that the proposed site would comply with local health regulations relative to septage disposal management.

The Randolph County Planning Board may require any additional plans or information as it may deem necessary to judge the probable effect of the proposed site on neighboring properties and to safeguard the intent of the County land-use plan for the area in promoting public health, safety, and welfare.

Other Requirements:

a. No Septage Land Application Site shall be permitted within the designated Watershed Protection jurisdiction of Randolph County. This shall include specific reference to those areas designated as Watersheds for Randolph County.

b. Only that individual receiving a permit is authorized to utilize the site for septage disposal and shall be responsible for compliance with all additional State and local regulations.

c. All septage applied to land and permitted must be generated from within Randolph County unless specific authorization is granted in the review process.

d. Randolph County Public Health shall be responsible for conducting regular inspections of approved septage sites to ensure compliance with local and State regulations.

SHOOTING RANGE

Zoning District: *HI*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Site Consideration:

a. All these regulations shall apply equally if the range is for-profit or not-for-profit.

b. A shooting range shall be at least 1,000 feet from any school facility, church facility, or camp facility.

Required Plans:

a. A Level III buffer shall be installed and maintained along all property lines.

b. A plan for securing the property (to prevent individuals from wandering onto the property) must be submitted along with the application.

c. A plan for a berm that will collect and capture all fired projectiles shall be included with the application.

d. A map showing all properties within five hundred feet of the proposed location along with the property owner's name.

e. The Randolph County Planning Board shall be provided with the hours and days of operation with the application.

f. Location and type of security lighting.

SKILLS GAMES, GAMES OF CHANCE

Zoning District: *CS* and *HC*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Site Considerations:

a. Skills games or games of chance shall be located at least 1,000 feet from any school facility, church facility, or manufacturing/industrial facility.

b. When the operation adjoins a residential area, a Level III buffer shall be planted and maintained.

Required Plans:

a. A detailed drawing of the property showing the building location and adequate parking area. The drawing shall also include an interior floor plan. The plan shall also include the location of any emergency exits.

b. The applicant for skills games or games of chance operations shall include hours and days of operation along with the application.

c. A location and type of security lighting plan shall be submitted.

d. An emergency action plan shall be submitted with the application.

SOLAR ENERGY FACILITY

Zoning District: *HI, LI, RIO*

Screening and Fencing: Solar Energy Facilities shall be enclosed by a fence not less than eight feet in height. Solar Energy Facilities shall maintain a Level III Buffer.

Required Plans:

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

b. Location, use, and ownership of all existing and proposed buildings, and their dimensions.

c. Streets, traffic circulation, and parking areas with spaces.

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

e. Location of all proposed landscaping, with property buffers between other uses and open spaces.

f. Location of all flood zones and streams.

g. Stormwater drainage and sanitary sewer where applicable.

h. Erosion and sedimentation control plan.

i. Location and type of security lighting.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Other Requirements:

a. The applicant will be required to submit a plan that will show scheduled maintenance of the property (trimming of vegetation, routine maintenance of the equipment.)

~~b. The applicant will be required to submit a plan defining conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for twelve months, abandonment.) Furthermore, a form of surety equal to one-hundred percent of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer under seal, and~~

~~approved by the Randolph County Planning Director and Randolph County Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instruments readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. This surety shall be retained by the County to cover the cost of the decommissioning requirements.~~

Decommissioning Requirements: The owner of a utility-scale solar project shall be responsible for proper decommissioning of the project upon cessation of operations and restoration of the property in compliance with subsection (iii) below, including all costs associated therewith, no less than one year following cessation of operations. The owner shall notify Randolph County and the North Carolina Department of Environmental Quality within thirty days of cessation of operations, which notice shall include a detailed description of the steps to be taken to properly decommission the project and for restoration of the site. At a minimum, an owner shall take all of the following steps in decommissioning a project:

(i) Disconnect the solar project from the power grid;

(ii) Remove all equipment from the solar project, and collect and ship equipment for reuse, or recycle all of the components thereof practicably capable of being recycled, including the photovoltaic modules; the entire solar module racking system; aboveground electrical interconnection and distribution cables that are no longer deemed necessary; subsurface cable no longer deemed necessary; electrical and electronic devices, including transformers and inverters; and energy storage system batteries, as that term is defined in this Ordinance. Components that will not be shipped for reuse, are incapable of being recycled, and do not meet the definition of hazardous waste shall be properly disposed of in (i) an

industrial landfill or (11) a municipal solid waste landfill. Photovoltaic modules that meet the definition of hazardous waste shall comply with hazardous waste requirements for recycling and disposal as applicable.

(iii) Restore the property (i) as nearly as practicable to its condition before the utility-scale solar project was sited or (ii) to an alternative condition agreed upon in a written contract or lease agreement between the landowner and the project owner. A copy of the agreement signed by both parties shall be provided to Randolph County and the North Carolina Department of Environmental Quality before decommissioning. The condition of the property shall otherwise comply with any applicable statutory requirements, rules adopted thereunder, and requirements in local ordinances. Land that was cleared of trees for the solar project may be revegetated or reforested with seedlings.

Decommissioning Plans: The owner of a utility-scale solar project shall submit a decommissioning plan to Randolph County and the North Carolina Department of Environmental Quality for approval, which shall be prepared, signed, and sealed by a professional engineer licensed in the State and shall contain all of the following information:

(i) The name, address, and contact information for the owner of the project, and the name, address, and contact information for the landowner of the property on which the project is sited, if different than the owner.

(ii) A narrative description of how the decommissioning will be conducted, including the decommissioning sequencing; the disposition of materials to be used upon decommissioning, such as landfilling, reuse, or recycling of

project equipment, which shall specifically delineate methods to be used for solid and hazardous waste; and a schedule for completion of the decommissioning activities.

(iii) Information on equipment proposed to be salvaged, including estimated salvage value of the equipment to determine financial assurance.

(iv) Information on steps to be taken to restore the property in compliance with the Decommissioning Requirements above.

(v) A cost estimate for decommissioning the project and restoration of the property in compliance with the Decommissioning Requirements above.

(vi) The proposed mechanism to satisfy the financial assurance requirements established under the Financial Assurance Requirement found in Session Law 2023-58, including information on which legal entity will establish the mechanism, when it will be established under the requirements of this section, and how the North Carolina Department of Environmental Quality will access the funds from the mechanism if needed.

SPECIAL EVENTS

Zoning Districts: *RA, E-1* if the use will exceed 15 calendar days at a time or occurs more than two times per year.

Minimum Lot Size: Five acres.

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Setbacks: One hundred feet from any residential use.

Calendar Days: Calendar days shall be counted from the date the event starts until the day the event ends. If an event is only held on weekends, the first day (e.g., Friday) the event is open to the public shall count as day one. At the end of the first weekend, the count shall be three days. The days the event is closed shall not count toward the total calendar days of operations.

Permit Required: If the event meets the definition and requirements of this section, a Temporary Special Use Permit shall be required. The Temporary Special Use Permit shall contain:

a. Site plan showing any structure, or trail, that will be used for the event;

b. Dates and time of operation;

c. Maximum capacity of the event;

d. Access points for attendees and emergency responders; and

e. Amount of parking and locations for parking.

A *Temporary Special Use Permit* shall be valid for one calendar year and may be renewed annually by the completion of a new application and payment of any fees.

If the event exceeds the 15 calendar days or shall occur more than two times a year, a Special Use Permit shall be required with all the above information contained on a site plan and the application for a Special Use Permit.

STORAGE OF FLAMMABLE LIQUIDS (IN BULK) ABOVE GROUND (FOR DISTRIBUTION AND WHOLESALE)

Zoning Districts: *HI, LI*

Required Plans:

a. Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

b. The storage capacity of all storage units.

c. Proposed layout of pipelines.

d. Location and type of security lighting.

e. Level II Buffer.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Other Requirements:

a. Written comments and the approval of the Randolph County Fire Marshall shall be obtained before a Special Use Permit is granted.

b. The storage of flammable liquids (in bulk) above ground (for distribution and wholesale) is not allowed in any of the watersheds of Randolph County.

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 with 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 that 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: The 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 be 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 location in the proposed district is necessary and in the interest of public safety or is a practical necessity.

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 if 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.

WAREHOUSING AND DISTRIBUTION

Zoning District: *HI*

Parking: Off-street parking and loading shall be provided per Article 600, Section 633.

Signs: Signs shall be permitted as described in Article 600, Section 634.

Required Plans: Site plan

Location and type of security lighting

A buffer plan.

622: TEMPORARY HEALTHCARE STRUCTURES

A. DEFINITIONS
The definitions used in this section are included in Article 100, Section 102.

B. PERMITTED ACCESSORY USE
Randolph County shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

C. ZONING DISTRICTS
Randolph County shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings per this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

D. ONE PERMITTED PER PARCEL
Only one temporary family healthcare structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (B) and (C) of this section shall not require a Special Use Permit or be subjected to any other Randolph County zoning requirements beyond those imposed upon other authorized accessory use structures, except otherwise provided in this section. Such temporary family healthcare structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor- area-ratio-limitations that may apply to the primary structure.

E. PERMIT REQUIRED
Any person proposing to install a temporary family health care structure shall first obtain a permit from Randolph County. Randolph County may not withhold a permit if the applicant provides sufficient proof of compliance with this section. Randolph County requires that the applicant provide evidence of compliance with this section on an annual basis while the temporary family healthcare structure remains on the property. The evidence may involve the inspection by Randolph County of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation and annual renewal of the doctor's certification.

F. UTILITIES REQUIRED

Notwithstanding subsection (I) of this section, any temporary family health care structure installed under this section shall be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements as if the temporary family health care structure were permanent real property.

G. SIGNS

No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

H. REMOVAL OF FACILITY

Any temporary family health care structure installed under this section shall be removed within 60 days when the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

I. REVOCATION OF PERMIT

Randolph County may revoke the permit granted according to subsection (E) of this section if the permit holder violates any provision of this section or NCGS § 160A-202. The local government may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or NCGS § 160A-202.

J. TAXATION

Temporary family healthcare structures shall be treated as tangible personal property for purposes of taxation.

623: FAMILY CARE HOMES

A. FINDINGS

The General Assembly finds it is the public policy of this State to provide persons with disabilities with the opportunity to live in a normal residential environment.

B. DEFINITIONS

The definitions used in this part are included in Article 100, Section 102.

C. RESIDENTIAL USE OF PROPERTY

A family care home is deemed a residential use of the property for zoning purposes and shall be a permissible use in all residential districts. Randolph County may not require that a family care home, its owner, or operator

obtain, because of the use, a Special Use Permit or Variance from any such zoning regulation, provided, however, Randolph County prohibits a family care home from being located within a one-half mile radius of an existing family care home.

A family care home shall be deemed a residential use of the property to determine charges or assessments imposed by Randolph County or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

624: FENCES

It is recognized by Randolph County that many times property owners wish to place fences on or around their property to either mark their property boundaries or to keep animals or livestock from wandering. Any applicable deed restrictions or restrictive covenants should be examined to determine additional regulations on the placement of fences. The following regulations shall be followed when establishing new fences or repairing existing fences.

1. No fence shall be located in any road right-of-way or easement for the safety of the traveling public.

2. No fence shall contain any messages or have flashing lights except as allowed by other provisions of this Ordinance.

3. Fences shall not be constructed of any material such as brick or block that could cause further injuries in the case of a traffic accident.

625: FENCE WRAPS

Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation on signage under this Article until the Certificate of Occupancy is issued for the final portion of any construction at that site or twenty-four months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of twenty-four months from the time the fence wrap was installed, Randolph County may regulate the signage but shall continue to allow fence-wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed under this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

626: MANUFACTURED HOMES

A. FINDINGS

The General Assembly finds that manufactured housing offers affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own homes. The General Assembly further finds that some local governments have adopted zoning regulations that severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that local governments reexamine their land-use practices to assure compliance with applicable statutes and case law and consider allocating more residential land areas for manufactured homes based upon local housing needs.

B. DEFINITIONS

For this section, the term *manufactured home* is defined as provided in NCGS § 143-145 (7).

C. ZONING REGULATIONS

Randolph County may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.

D. CONFLICTS WITH OTHER REGULATIONS

Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms ~~*mobile*~~*manufactured home* and *trailer* in any valid restrictive covenants running with the land shall include the term *manufactured home* as defined in this section.

E. SET-UP AND INSTALLATION STANDARDS

Randolph County requires by this *Ordinance* that manufactured homes be installed per the Set-Up and Installation Standards adopted by the North Carolina Commissioner of Insurance; provided, however, Randolph County shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner.

627: PUBLIC BUILDINGS

Randolph County zoning regulations apply to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

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.

628: SMALL AREA PLANS

A. PURPOSE AND USES PERMITTED

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

B. SUPPLEMENTAL DISTRICT REQUIREMENTS

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

1. DEVELOPMENT

The specific development requirements of a specific Small Area Plan shall apply uniformly to all property within said district, as specified in the officially adopted Small Area Plan; and

2. PRESERVATION OF COMMUNITY CHARACTERISTICS

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

C. SMALL AREA PLAN

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

629: ADOPTED SMALL AREA PLANS

A. BIRKHEAD WILDERNESS/UWHARRIE FOREST SMALL AREA PLAN

(1) INTENT

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

Two types of major subdivisions called *Natural Heritage Subdivision (Overlay District)* and *Natural Heritage Cluster Subdivision (Overlay District)* are specifically designed to accomplish this intent. Conventional Overlay Subdivisions are **not** allowed in the *Birkhead Wilderness/Uwharrie Forest Small Area Plan.*

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

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

(b) The base density of natural heritage residential developments shall not exceed the six-acre minimum lot size requirements;

(c) Require major residential subdivisions to have a mixture of lot sizes to avoid monotonous streetscapes in the existing community;

(d) Provide for the continued practice of agriculture, farm operations, agriculturally related and

home-based business, forestry management, low-density residential developments, and other uses in a predominantly rural environment;

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

(f) Ensure that rural business uses are compatible with permitted residential development;

(g) Recognize farms and woodlands as an integral part of the County's open space system;

(h) Ensure that new development in the Small Area Plan is consistent with scenic byway preservation;

(i) Preserve scenic views by minimizing major residential subdivision visibility from existing roads; and

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

2. RESIDENTIAL DEVELOPMENT GUIDELINES

MINIMUM DEVELOPMENT STANDARDS FOR THE BIRKHEAD WILDERNESS/UWHARRIE FOREST SMALL AREA PLAN	
MINIMUM LOT SIZE	6 acres
MINIMUM FRONT SETBACK REQUIREMENT FOR A SINGLE-FAMILY RESIDENCE	50 ft.
MINIMUM INTERIOR SIDE SETBACK REQUIREMENT FOR A SINGLE-FAMILY RESIDENCE	30 ft.
MINIMUM REAR SETBACK REQUIREMENTS FOR A SINGLE-FAMILY RESIDENCE	50 ft.
MINIMUM LOT WIDTH REQUIREMENTS FOR A SINGLE-FAMILY RESIDENCE	200 ft.
MINIMUM INTERIOR SETBACK FROM THE PROPERTY LINE FOR AN ACCESSORY BUILDING	5 ft.

MINIMUM SETBACK FRONT STREET LINE FOR AN ACCESSORY BUILDING	20 ft.

Table 16: Minimum Development Standards for Birkhead Wilderness Small Area Plan

3. ADDITIONAL DEVELOPMENT REQUIREMENTS FOR RESIDENTIAL OVERLAY DISTRICTS WITHIN THE BIRKHEAD WILDERNESS/UWHARRIE FOREST SMALL AREA PLAN

(a) Major residential subdivision developments must maintain a one hundred feet natural buffer along all existing State roads.

(b) All lots within major residential subdivisions shall be accessed by newly constructed roads meeting standards established by the County (private roads) or NCDOT (public roads.)

(c) Major residential subdivision tracts shall be restricted against further subdivisions.

(d) The length of single-access driveways shall not be restricted.

(e) Two types of major subdivisions called *Natural Heritage Subdivision (Overlay District)* and *Natural Heritage Cluster Subdivision (Overlay District)* are established:

(x) *NATURAL HERITAGE CLUSTER SUBDIVISION OVERLAY DISTRICT*

Natural Heritage Cluster Subdivision Overlay Districts must maintain a base density of one residence per six acres with fifty percent open space. Lot sizes may be flexible with a minimum of three acres per residence within this district. Natural Heritage Cluster Subdivisions shall meet all other cluster/open space subdivision regulations as referenced in Article 600, Section 614; and

(ii) NATURAL HERITAGE SUBDIVISION OVERLAY DISTRICT

A special *Natural Heritage Subdivision Overlay Option* is

established within this designated area to provide for low-density residential development in the *Birkhead Wilderness/Uwharrie Forest Small Area.* Housing characteristics will be designated Exclusive *(NHOE),* Restricted *(NHOR),* or Mixed *(NHOM)* in conformance with other major subdivision zoning districts.

4. PURPOSE AND USES PERMITTED IN THE NATURAL HERITAGE SUBDIVISION OVERLAY DISTRICT

The *Natural Heritage Subdivision Overlay District* shall be considered an overlay district to the existing zoning districts. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zone subject to the restrictions provided by this section.

5. NATURAL HERITAGE SUBDIVISION DEVELOPMENT STANDARDS

Natural Heritage Subdivisions must maintain a minimum lot size of six acres. Lots within the development shall be designed in such a way as to maintain a mixture of lot sizes. Efforts shall be made to prevent development by a *checkerboard* design.

6. PROHIBITED USES WITHIN THE BIRKHEAD WILDERNESS/UWHARRIE FOREST SMALL AREA PLAN AREA.

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

(a) Off-premise signs;

(b) Class-*C* ~~mobile~~manufactured homes;

(c) Conventional Major Subdivision Overlay Districts; or

(d) Rural Lot Subdivision Overlay Districts.

630: DIMENSIONAL REQUIREMENTS AND TABLE OF AREA AND YARD REQUIREMENTS

The following Table of Area and Yard Requirements are to be considered the minimum lot sizes and minimum yard regulations in the zoning jurisdiction of Randolph County.

	MINIMUM LOT SIZE		MINIMUM YARD REGULATIONS			
DISTRICT	AREA IN SQUARE FEET*	LOT FRONTAGE WIDTH IN FEET	FRONT YARD SETBACK IN FEET*	REAR YARD DEPTH IN FEET	INTERIOR SIDE YARD WIDTH IN FEET	ACCESSORY BUILDING SETBACKS IN FEET
CS	40,000	100	35	30	10	20 ft. from a street line; 5 ft. from any lot line.
E-1	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
HC	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
HI	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
LI	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
OI	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
RA	40,000	100	35	30	10	20 from a street line; 5 from any lot line.
RE	40,000	100	35	30	10	20 from a street line; 5 from any lot line
RM single unit	40,000	100	35	30	10	20 from a street line; 5 from any lot line
RM duplex or multi-family	40,000 + 3,000 sq. ft. for each unit over 2	100	35	30	10	20 from a street line; 5 from any lot line
RR	40,000	100	35	30	10	20 from a street line; 5 from any lot line

Table 17: Dimensional Requirements

NOTES:

Any lots without one hundred feet of State road frontage shall be a minimum of five acres in size.
Lot areas and setback shall be increased if required by the Randolph County Public Health Department.
Lot areas in designated watershed and water quality critical areas are controlled by the *Randolph County Watershed Protection Ordinance.*
Front yard setback shall be maintained on all road rights-of-way.
Minimum lot size requirements within the Primary Growth Area may be reduced to a minimum of 30,000 sq. ft.
Minimum lot size requirements within the Primary Growth Area where public water and sewer exists may be reduced to a minimum of 20,000 sq. ft.

631: NOTES TO THE TABLE OF AREA AND YARD REQUIREMENTS

A. MODIFICATION OF REQUIRED YARDS

(1) ESTABLISHED AVERAGE FRONT YARD LINES SHALL BE OBSERVED

Where lots comprising forty percent or more of the frontage on one side of a block are developed with buildings at the time of adoption of this Ordinance, the average alignment of the existing building along such frontage shall be the minimum front yard required along said side of said block and no building hereafter erected or structurally altered shall project beyond the average front yard lines.

(2) AVERAGE FRONT YARD LINES FOR BLOCKS OVER 1,000 FEET LONG

Where a block is over 1,000 feet long, the average alignment of the existing buildings for two hundred feet on both sides of the lot in question shall be the front yard line. Where all lots within two hundred feet of a vacant lot in a block over 1,000 feet long are vacant, the minimum front yard for the lot in question shall be given in Article 600, Section 628, for the respective districts.

(3) REDUCTION OF MINIMUM FRONT YARDS WHERE ADJOINING LOTS HAVE LESS THAN REQUIRED MINIMUM

Where the front yards of adjoining lots on either side of a lot are less than the minimum front yard of the district, the average front yard of the adjoining lots shall be the minimum front yard for a such lot, if the buildings on such two adjoining lots are less than one hundred twenty feet apart.

(4) CORNER LOTS ADJOINING ALONG THE COMMON REAR LOT LINE

Where a corner lot in any district adjoins a corner lot in a residential district, along a common rear lot line, the minimum side yards along the common street line shall be twenty feet. Accessory buildings shall also be subject to this requirement.

(5) FRONT YARDS ON THROUGH LOTS

On through lots, the minimum front yards for the respective districts shall apply wherever such lots have frontage on a public street.

(6) PROJECTION OF SILLS, EAVES INTO REQUIRED YARDS

Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections of sills, belt courses, chimneys, flues, buttresses,

ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into a minimum side yard more than twenty-four inches.

(7) PROJECTION OF FIRE ESCAPES INTO REQUIRED YARDS

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, projecting into a minimum yard not more than four feet shall be permitted where so placed as not to obstruct light and ventilation.

(8) PROJECTION OF BAY WINDOWS INTO REQUIRED YARDS

A bay window occupying not more than thirty percent of the width of the building may project not more than three feet into the front yard.

(9) SIGHT DISTANCE AT INTERSECTIONS

To provide an unobstructed view to persons using the streets and roads of Randolph County, corner lots shall be clear of all obstructions about two and one-half feet and below ten feet in height, except tree trunks and poles, for twenty feet in each direction from the intersecting point of the edges of the pavement of the streets or roads.

(10) YARDS ABUTTING RAILROAD TRACKS

No yard shall be required along the side or rear of a non-residential lot where the side or near respectively of such lot abuts a railroad track which is or will be used to provide rail-road service to the lot.

(11) LOTS WITHOUT STATE ROAD FRONTAGE

Any lots without a minimum of one hundred feet of State road frontage shall be five acres in size.

B. MODIFICATION OF HEIGHT LIMITS

(1) MEASUREMENT OF BUILDING HEIGHT (GENERAL)

Except as otherwise provided in this Ordinance, the height of a building shall be the vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet of the street line, to the highest point of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

(2) PARAPET WALLS AND CORNICES

Nothing in this Ordinance shall apply to prevent the erection above the height limit of a parapet wall or cornice, extending above such height limit not more than five feet.

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

(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.

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 types of development concepts and standards, while still managing impacts on the surrounding area; and

(6) To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, Randolph County needs the flexibility to negotiate such developments.

B. AGREEMENTS

Randolph County may enter into development agreements with developers, subject to the procedures of this Ordinance. In entering into such agreements, Randolph County may not exercise any authority or make any commitment not authorized by general or local acts and may not impose any tax or fee not authorized by otherwise applicable law.

C. SUPPLEMENTAL POWERS

This power is supplemental to the powers conferred upon Randolph County and does not preclude or supersede rights and obligations established according to other laws regarding development approvals, site-specific vesting plans, phased vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the North Carolina State Building Code or local housing codes that are not part of Randolph County's development regulations. When the Randolph County Planning Board, or the Randolph County Board of Commissioners in the event of an appeal, approve the rezoning of any property associated with a development agreement executed and recorded according to this Ordinance, the provisions of NCGS § 160D-605 (a) shall apply.

D. DEVELOPMENT AUTHORIZED

Development authorized by a development agreement shall comply with all applicable laws, including all ordinances, resolutions, regulations, permits, policies, and laws affecting the development of the property, including laws governing permitted uses of the property, density, intensity, design, and improvements.

634: OFF-STREET PARKING AND LOADING REQUIREMENTS

A. OFF-STREET PARKING STANDARDS

TYPE OF USE	MINIMUM REQUIRED PARKING
Adult entertainment uses	1 per 200 sq. ft.
Daycare centers	1 per classroom
Dwellings	2 per dwelling unit
Funeral services	1 per every 4 seats in the main assembly room
Hotels and motels	1 per guest room

TYPE OF USE	MINIMUM REQUIRED PARKING
Indoor recreation centers	1 per 300 sq. ft.
Manufacturing businesses	1 per 1,500 sq. ft.
Medical offices	1 per examination/treatment room
Outdoor recreation centers	1 per every 400 sq. ft. of the area used
Places of worship	1 per every 5 seats in the worship area
Restaurants	1 per 200 sq. ft.
Retail businesses	1 per 400 sq. ft.
Schools	1 per 300 sq. ft.
Self-storage facility	1 per 2,500 sq. ft.
Studios (artist and recording)	1 per 500 sq. ft.
Theaters	1 per 500 sq. ft. of the seating area
Warehouse	1 per 2,500 sq. ft.
Wholesale businesses	1 per 1,000 sq. ft.

Table 18: Parking and Loading Requirements

B. LIGHTING

Accessways, walkways, and parking areas shall be lighted adequately by lighting fixtures that shall be installed to protect the street and neighboring properties from direct glare or hazardous interference of any kind to the traveling public.

C. SAFETY BARRIERS

Curbs, walls, fences, or similar devices shall be located along the perimeter of parking lots, garages, and storage areas, except at entrances and exits indicated in approved parking plans. Such barriers will be designed and located to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of-way and adjoining properties from changing effects of surface drainage.

D. PARKING AREAS ADJACENT TO PUBLIC ALLEYS

Where off-street parking facilities are located adjacent to a public alley the width of such alley may be accounted as a portion of the required maneuvering and access area, but not as part of the parking spaces required.

E. IMPROVEMENT, DESIGN, AND LOCATION STANDARDS

(1) All off-street parking, including exits, entrances, and maneuvering and parking, shall be graded, shall be permanently maintained by the owners, and shall have:

(a) Access to a dedicated street or alley; and

(b) Gravel or crushed rock access drives or lanes that are at least ten feet wide for single-lane movement and twenty feet wide for double-lane

movement; all business, industrial, and office-institutional uses shall have access drives paved with either asphalt or concrete.

(2) Off-street parking areas for more than ten vehicles shall be effectively screened, on each side that adjoins or faces premises situated in any residential or institutional district, by a suitable fence or hedge, at least five feet high. Such fence or hedge shall be maintained in good condition.

(3) All parking lots that are used regularly at least five days per week shall be paved with asphalt or concrete up to the required paved driveway, except that this paving requirement shall not apply to parking lots used only by churches, private clubs, or similar organizations using said parking facilities on an irregular schedule, and parking lots where ten or fewer spaces are required.

(4) Parking may not be assigned to two uses, however, required parking spaces for any number of separate buildings or uses may be combined in one lot. The spaces required for one use may not be assigned to another use at the same time except that required parking for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses if the parking spaces are normally used at different times.

(5) All parking facilities shall be so designed that the required access to public streets shall be by the forward motion of vehicles exiting the parking facility.

635: SIGNS

A. INTENT

This section intends to authorize the use of signs whose types, sizes, and arrangements are compatible with their surroundings; appropriate to the type and intensity of activity to which they pertain, expressive of the identity of individual properties or occupants or the community, legible in the circumstances in which they are seen, and appropriate to traffic safety.

B. GENERAL REGULATIONS

The regulations contained in this section shall apply to all districts.

(1) No sign of any type shall be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district except in compliance with these regulations.

(2) All signs shall be subject to the minimum front, side, and rear yard requirements and the height restrictions of the district in which said signs are located.

(3) Illuminated signs and other sources of illumination shall be subject to the provisions of NCGS § 136-32.2 related to the placement of binding, deceptive, or distracting lights.

(4) No signs, other than electronic changeable face signs, shall contain flashing lights, except as used to display time and temperature.

(5) No sign shall be permitted that duplicates or simulates, whether by design, shape, color, or otherwise, any traffic regulatory sign or other sign placed by a governmental agency in the interest of public health, safety, or welfare.

(6) No signs of any nature, except signs erected for orderly traffic control, signs marking sites of historical interest, and signs for other governmental purposes, shall be permitted within any public right-of-way. The Randolph County Planning Director may grant a temporary permit for banners, pennants, and the like to be displayed within a public right-of-way provided that such devices shall be used only for messages of a public service nature, such as announcements of charity fund campaigns, conventions, and provided that no such temporary permit shall be valid for more than thirty days.

(7) For this Ordinance, the square footage area of any sign shall be measured to include the entire sign, including latticework, frame, border molding, fencing, and display area or wall work incidental to its decoration. Where a sign consists of letters, figures, or other devices individually mounted on a wall or other surface, the sign area shall be the same as the smallest circle or rectangle that can be inscribed around such devices. When two identical sign faces are placed back to back so that both faces cannot be viewed from any one point at the same time, and when the sign faces are part of the same sign and are not more than twelve inches apart, the sign area shall be computed by the measurement of one sign face.

(8) No sign shall be erected, repaired, or repainted by any person until a permit has been issued by the Randolph County Planning Director, provided, however, that no permit shall be required for the type of signs listed in Article 600, Section 634 as follows.

(9) No sign shall be taller than thirty-five feet above ground level.

(10) Clear sign distance is required for any street intersection or driveway access point to provide drivers with a clear view of oncoming traffic.

(11) Signs shall be placed outside an established sight triangle of twenty-five feet measured along the right-of-way line of each street. Ten feet by seven feet sight triangles shall be required at all intersections of NCDOT streets.

(12) Signs listed below are allowed only in the zoning districts as indicated by a checkmark.

SIGN TYPE	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Agricultural product sign[1]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Church or public building sign[2]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Direction gateway sign[3]							✓	✓	✓	✓	✓	✓
Electronic changeable face sign	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Government sign[4]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ground sign[5]							✓	✓	✓	✓	✓	✓
Home occupation or office sign[6]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
No trespassing sign[7]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Off-premise church sign[8]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Outdoor advertising sign[9]										✓	✓	✓
Permanent subdivision identification sign[10]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Principal use identification sign[11]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Projecting or suspended sign[12]							✓	✓	✓	✓	✓	✓
Roof/marquee sign[13]												
Sign required by law[4]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary promotion or informational sign[14]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary real estate sign[15]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wall sign[16]							✓	✓	✓	✓	✓	✓
Warning sign[17]	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Table 19: Signs Permitted by District

Notes to the Signed Permitted by District Table:

[1]For agricultural products produced on the premises not exceeding sixteen square feet in area and not illuminated.

[2]Not exceeding fifty square feet in area. One per street front plus one per building on-premises. Non-flashing or indirect illumination is permitted, and the sign must be motionless.

[3]One directional gateway sign shall be permitted for the same business. Size shall not exceed sixteen square feet for a single business or sixteen square feet for the name of the street and/or development with a maximum total sign area of seventy-five square feet. The sign shall not be more than eight feet in height. The sign must be non-flashing and use indirect illumination and be motionless. The sign must be ground-mounted and constructed of metal, brick, or fiberglass. Landscaping of the area around the sign using appropriate plantings and shrubs is required. The sign shall be approved by NCDOT and shall not cause a traffic hazard. Construction plans shall be required before the issuance of a zoning permit.

[4]Signs to regulate, control, or direct vehicular or pedestrian traffic, including signs indicating bus stops, taxi stands, similar transportation facilities, or signs that convey information regarding a public service or location of a public agency. Signs may be illuminated, flashing, or moving as required for public safety.

[5]No more than one ground sign shall be permitted per principal use. No sign shall exceed one hundred square feet and shall be located less than ten feet from any public right-of-way.

[6]For business located in the residence of the practitioner. One sign per lot not exceeding five square feet in area.

[7]Shall not exceed four square feet in area and not illuminated.

[8]Signs that identify the location of a church even though such a sign may be remote from the location of the church provided that the signs are not illuminated or contain moving parts.

[9]Where erected, these signs shall not be located within fifty feet of any residential district and there shall be a minimum 1,000 linear fear radius between any two outdoor advertising signs. If the highway has two or three lanes, the sign can be no larger than four hundred square feet or 672 square feet on any highway with four or more lanes.

[10]Signs shall not exceed twelve square feet in area and shall be indirectly illuminated.

[11]Signs not exceeding five square feet in area, not illuminated, nor having moving parts.

[12]Suspended signs shall not exceed twelve square feet in area per side. The projecting sign shall not exceed twenty square feet in area per side. No part of either type of sign shall be less than eight feet above the ground or other surface that it overhangs.

[13]No roof or marquee signs shall exceed one hundred square feet in area and not more than one roof sign shall be permitted per principal use.

[14]Signs such as those used before elections and to advertise yard sales. Signs shall be removed within five days after the event has taken place.

[15]Signs advertising a specific property for sale, lease, rent, or development that is located on the subject property. Signs shall not exceed thirty-two square feet in area and shall not be illuminated. Signs shall not be placed closer than five feet from the front property line.

[16]Sign shall not be larger than fifteen percent of the exterior building wall upon which it is mounted, provided that no exterior wall shall display more than one hundred square feet of sign area. No part of the sign shall extend more than eighteen inches from the wall.

[17]Signs that warn of hazards to life and limb, such as high voltage electrical equipment, explosives, etc. These signs may be illuminated.

636: ABANDONED, NUISANCE, AND JUNKED MOTOR VEHICLES

A. AUTHORITY

These land-use regulations are enacted under the authority granted by NCGS § 160D. NCGS § 160D grants Randolph County the authority to prohibit by Ordinance the abandonment of motor vehicles and to restrain, regulate, and prohibit junked motor vehicles on public grounds and private property within the County's Ordinance-making jurisdiction. NCGS § 160D grants Randolph County the authority to regulate, restrain, or prohibit the abandonment of junked motor vehicles on public or private property within the County's Ordinance-making jurisdiction upon a finding that such regulations are necessary to promote and enhance community appearance.

B. ADMINISTRATION

The Randolph County Planning and Zoning Department shall be primarily responsible for the administration and enforcement of this Article. The Randolph County Planning and Zoning Department shall be responsible for administering the removal and disposition of *abandoned, nuisance,* or *junked* motor vehicles located on private property. The Randolph County Sheriff's Department shall have the specific responsibility to remove *abandoned, nuisance,* or *junked* motor vehicles on public property as well as within the public right-of-way of streets and highways outside the corporate limits of the towns and cities within Randolph County. The County may, on an annual basis, contract with private tow truck operators or towing

businesses to remove, store, and dispose of abandoned, nuisance, and junked motor vehicles in compliance with this Article and applicable State laws. Nothing in this Article shall be construed to limit the legal authority of the Randolph County Sheriff's Department, local fire departments, and other authorized agencies in enforcing other laws or in otherwise carrying out their duties.

C. PURPOSE

The purposes of this Article are:

(1) To preserve the rural character and integrity of the community;

(2) To protect property values;

(3) To preserve the livability and attractiveness of the County;

(4) To promote tourism and other opportunities for economic development;

(5) To maintain the attractiveness of the County's roadways for the traveling public; and

(6) To promote the comfort, happiness, and emotional stability of occupants of property near abandoned, nuisance, or junked motor vehicles.

D. JURISDICTION

Under North Carolina General Statute § 160D, this Article applies to and is enforceable in any part of Randolph County that is outside an incorporated city or town or the extraterritorial planning jurisdiction of that political jurisdiction. If requested in writing by a city and approved by the Randolph County Board of County Commissioners, Randolph County Planning and Zoning Department may enforce the provisions of this Article inside the corporate limits and/or the extraterritorial planning jurisdiction of that political jurisdiction.

E. ABANDONED MOTOR VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

It shall be unlawful to abandon a motor vehicle, as defined in Article 100, Section 102, by the registered owner or person entitled to possession of the motor vehicle.

Upon investigation, the authorized County official may determine that a motor vehicle is an abandoned motor vehicle and order the motor vehicle removed.

F. NUISANCE MOTOR VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

Upon investigation, the authorized County official may determine and declare that a motor vehicle is a health or safety hazard, and therefore a nuisance motor vehicle as defined in Article 100, Section 102, and order the motor vehicle removed.

It shall be unlawful for the registered owner of a motor vehicle or for the owner, lessees, or occupants of the real property upon which the motor vehicle is located to leave or allow the motor vehicle to remain on the property after it has been declared a nuisance motor vehicle.

G. JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED

(1) Subject to the provisions of this Section, upon investigation, the Randolph County Planning and Zoning Department may order the removal of a junked motor vehicle, as defined in Article 100, Section 102, after finding in writing that the aesthetic benefits of removing the motor vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the owner against the corresponding gain to the public by promoting or enhancing community appearance. The following relevant factors, among others, may be considered:

(a) Protection of property values;

(b) Promotion of tourism and other economic development opportunities;

(c) Indirect protection of public health and safety;

(d) Preservation of the character and integrity of the community;

(e) Maintenance of the attractiveness of the County's roadways for the traveling public; and

(f) Promotion of the comfort, happiness, and emotional stability of area residents.

(2) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the motor vehicle to remain on the property after the motor vehicle has been ordered removed.

(3) Two junked motor vehicles may be in the rear yard of a residential lot as defined by this Ordinance if the junked motor vehicles are covered by acceptable car covers. The covering shall remain in good repair and shall not be allowed to deteriorate. Any number of junked motor vehicles may be stored on a lot provided the motor vehicles are kept in a garage or building that provides complete enclosure. The covering or enclosure shall also comply with any other requirements of this Ordinance.

(4) It shall be unlawful to have more than two junked motor vehicles on the premises of private property unless fully enclosed as described in paragraph three above. Junked motor vehicles shall strictly comply with the location and concealment requirements of this Article and other provisions of this Ordinance. If a conflict exists, more restrictive requirements shall apply.

(5) It shall be unlawful for any owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located not to comply with the location or concealment requirements of this Article.

H. RIGHT OF ACCESS TO INSPECT MOTOR VEHICLES

The Randolph County Sheriff, the Randolph County Public Health Director, or the Randolph County Planning Director, or their designees shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this Article during daylight hours to determine if any motor vehicle is a health or safety hazard (nuisance) or is detracting from the aesthetics of the area.

I. INDEMNIFICATION AGAINST LOSS

The County may require a person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the County against any loss, expense, or liability incurred because of the motor vehicle's removal, storage, or sale.

J. REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES; PRE-TOWING REQUIREMENTS

Except as outlined in Subsection (K) below, an abandoned, nuisance, or junked motor vehicle shall not be towed until notice has been given to the registered owner or person entitled to possession of the motor vehicle. In the case of a nuisance motor vehicle or a junked motor vehicle, if the name and mailing address of the registered owner or person entitled to possession of the motor vehicle or the owner, lessee, or occupant of the

real property upon which the motor vehicle is located can be determined with reasonable diligence, the Randolph County Planning and Zoning Department shall send notice by first-class mail. The person within the Randolph County Planning and Zoning Department responsible for the mailing shall keep a written record of the date, names, and addresses of the people to whom written notification has been sent. If the name and address cannot be determined or if the motor vehicle to be removed is an abandoned motor vehicle, a notice shall be affixed to the windshield or some other conspicuous place on the motor vehicle indicating that the motor vehicle will be removed upon a specific date (no sooner than seven days after the notice is affixed) unless the motor vehicle is moved by the owner or legal possessor before that date.

The registered owner or person entitled to possession may choose not to remove the motor vehicle but to appeal the determination that the motor vehicle is abandoned, a nuisance motor vehicle, or in the case of a junked motor vehicle, that the aesthetic benefits of removing the motor vehicle outweigh the burdens. Such appeal shall be made in writing to the Randolph County Zoning Board of Adjustment as detailed in Article 400, Sections 406 and 407, and shall be heard at a regularly scheduled meeting. Further proceedings to remove the motor vehicle shall be stayed until the appeal is heard and decided.

K. EXCEPTIONS TO PRIOR NOTICE REQUIREMENTS

The notification requirements in Subsection (J) above may be omitted in those circumstances where there is a special need for prompt action needed to eliminate traffic obstructions or to otherwise maintain and protect public safety and welfare. Such findings shall be entered by the authorizing official in the appropriate daily records. By way of illustration, but not limited, such circumstances include motor vehicles blocking or obstructing ingress or egress to businesses and residences, motor vehicles parked in such a location or manner as to pose a traffic hazard, and motor vehicles causing damage to public or private property.

L. REMOVAL OF MOTOR VEHICLES; POST-TOWING NOTICE REQUIREMENTS

(1) Whenever a motor vehicle is removed, the Randolph County Planning and Zoning Department shall immediately notify the last known registered owner of the following:

(a) A description of the motor vehicle;

(b) The location where the motor vehicle is stored;

(c) The violation that caused the motor vehicle to be towed;

(d) The procedure that the owner must follow to have the motor vehicle returned to him; and

(e) The procedure that the owner must follow to request a probable cause hearing on the towing.

(2) The written notice described in Paragraph One above shall be mailed to the owner's last known address unless this notice is waived in writing by the motor vehicle owner or his agent. If the motor vehicle is registered in North Carolina, notice shall be given within twenty-four hours; if registered outside of North Carolina, notice shall be given to the registered owner within seventy-two hours of the removal of the motor vehicle.

(3) Whenever a motor vehicle does not have a valid registration or registration plate, the County shall make reasonable efforts, including checking the motor vehicle identification number, to determine the last known registered owner of the motor vehicle and to notify him of the information outlined in Paragraph One above.

M. PROBABLE CAUSE HEARING PROCEDURE

The owner or any other person entitled to claim possession of the motor vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the County magistrate (or any other official designated to receive requests by the Chief District Court Judge) who shall set the hearing within seventy-two hours of receiving the request. The owner, the Randolph County Sheriff, the person who towed the motor vehicle, the person who requested the motor vehicle to be towed, and any other person affected by the action may present evidence at the hearing.

The only issue at the hearing is to determine whether probable cause existed for the removal of the motor vehicle. If the magistrate finds that the cause existed, the lien on the motor vehicle continues. If the magistrate finds that no cause existed, then the lien is extinguished, and the motor vehicle shall be immediately returned to the owner. Any aggrieved party may appeal the magistrate's decision to the District Court.

N. REDEMPTION OF MOTOR VEHICLE DURING PROCEEDINGS

At any stage of the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed motor vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees, or by posting a bond for double the amount of such fees to the County. Upon regaining possession, the owner

or person entitled to possession of the motor vehicle shall not allow or engage in further violations of this Article.

O. SALE AND DISPOSITION OF UNCLAIMED MOTOR VEHICLE

After holding an abandoned, nuisance, or junked motor vehicle for thirty days after the day the motor vehicle was removed, Randolph County may sell or dispose of the motor vehicle. Disposition of such a motor vehicle shall be carried out in coordination with Randolph County and under NCGS § 44A-4, 44A-5, and 44A-6. If the value of the motor vehicle is less than the amount of the lien, the County may sell it for scrap or destroy it.

P. CONDITIONS ON REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY

In no case will a motor vehicle be removed by Randolph County from private property except in those cases where a motor vehicle is a nuisance motor vehicle or is a junked motor vehicle that has been ordered removed by the properly authorized County official.

Q. NO LIABILITY

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned nuisance, or junked motor vehicle for disposing of such motor vehicle as provided in this Article.

R. EXCEPTIONS

Nothing in this Article shall apply to any motor vehicle:

(1) Which is in a junkyard as defined in this Article;

(2) Which is in an enclosed building (See Subsection (G), Sub-subsection 3);

(3) Which is on the premises of a business enterprise being operated in a lawful place and manner if the motor vehicle is necessary to the operation of the enterprise; or

(4) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the County.

S. PERSONAL CLASSIC VEHICLE STORAGE EXEMPTION

No more than six personal classic vehicles may be stored on private property, under this exemption, without the issuance of a Special Use Permit. The owner of these vehicles must reside on the property where the vehicles are stored. Persons with vehicles that are visible from adjoining properties and/or an access road must provide adequate screening that may include car covers, fencing, or natural buffers.

T. UNLAWFUL REMOVAL OF IMPOUNDED MOTOR VEHICLES
It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the County any motor vehicle which has been impounded according to the provisions of this Article unless and until all towing and impoundment fees which are due, or bond instead of such fees, have been paid.

U. FINES
Any fines assessed according to this Article or under Article 400, Section 405 of this Ordinance shall be considered a lien against the motor vehicle owner's property or the property on which the motor vehicle is located until such fine is paid in full.

V. PENALTY
In addition to the remedies specified in this Article and the other remedies specified in NCGS § 160D, the County may enforce this Article per Article 400, Section 405 of this Ordinance which sets out both criminal and civil penalties for violation.

637: LITTER

A. AUTHORITY
This section of this Ordinance is enacted under the authority granted by NCGS § 160D.

B. ADMINISTRATION
The Randolph County Planning and Zoning Department shall be primarily responsible for the administration and enforcement of this Article. Nothing in this Article shall be construed to limit the legal authority of the Randolph County Sheriff's Department, local fire departments, and other authorized agencies in enforcing other laws or in otherwise carrying out their duties.

C. JURISDICTION
This Article applies to and is enforceable in any part of Randolph County that is outside an incorporated city or town or the extraterritorial planning jurisdiction of that political jurisdiction. If requested in writing by a city and approved by the Board of County Commissioners, Randolph County may enforce the provisions of this Article inside the corporate limits and/or the extraterritorial planning jurisdiction of that political jurisdiction.

D. PURPOSE
The purpose of this Ordinance is to promote the health, safety, and welfare of the people of Randolph County; to preserve the dignity and aesthetic quality of the environment of Randolph County; to protect the economic interest of the citizens and residents of Randolph County who are

dependent on tourism, and to aid in the promotion of tourism in Randolph County.

E. LITTER REGULATIONS

(1) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid wastes upon his property that is not stored or disposed of in a manner prescribed by this Ordinance.

(2) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all garbage and litter from his property at least once per week.

(3) Owners of ~~mobile~~manufactured home parks and multi-family houses (more than two family units) shall be responsible for storage and disposal consistent with this Ordinance.

(4) Garbage shall be stored only in a durable container, rust-resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

(5) Litter shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

(6) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator, or other receptacles that have an airtight door without first removing the door.

(7) Solid waste shall be disposed of only in one of the following ways:

(a) In a sanitary landfill approved by the Division of Solid Waste Management;

(b) In an incinerator that has all required local, State, and federal air pollution control permits;

(c) By any other method, including reclamation and recycling processes that have been approved by the Division of Solid Waste Management; or

(d) In solid waste containers provided by Randolph County.

F. EXCEPTIONS

This Ordinance shall not apply to the following:

(1) Any junkyard as defined in Article 100, Section 102 of this Ordinance that is properly permitted under Article 600; or

(2) Any junkyard, the operation of which is protected as a lawful nonconforming use under Article 600, Section 635 of this Ordinance.

G. CIVIL PENALTIES

Any civil penalties assessed under this Ordinance or according to Article 400, Section 405, of this Ordinance shall be considered a lien against the property on which the violation occurs until such fine is paid in full.

H. PENALTY

The County may enforce this Article under Article 400, Section 405 of this Ordinance, which sets out both criminal and civil penalties for violations. As outlined in NCGS § 153A-132.1, a person in violation of this Ordinance may be punished by a fine not exceeding $50 or imprisoned not exceeding thirty days or both. Each day or portion thereof of violation shall constitute a separate offense.

638: STREET NAMING AND ADDRESSING

A. PURPOSE

Under the provisions of NCGS § 153A-239 and House Bill 63, Randolph County will name and assign or reassign street numbers on any public or private road located within the County and not within a city unless agreed upon in writing by the political jurisdiction.

Per the Statutory Authority, the Randolph County Board of County Commissioners desires to provide a uniform system of road addresses for all properties and buildings located within Randolph County Governmental jurisdiction to facilitate the provision of adequate public safety and emergency response services and to minimize the difficulty in locating properties and buildings for the postal delivery, public service agencies, and the public.

This Article establishes the procedures for addressing all existing roads and structures and for maintaining a system to provide addresses for newly constructed properties and roads. To provide continuity with established Randolph County road naming procedures, the Randolph County Board of County Commissioners delegates the responsibility for the official adoption of street addresses and the conduct of required public hearings to the Randolph County Planning Board.

Addresses in Randolph County were originally issued for public-safety purposes only. The United States Postal Service has agreed to adopt the County addressing scheme for mailing addresses and receives updates on all new and changed addresses, whether in a municipal addressing jurisdiction or the County addressing jurisdiction.

B. ADMINISTRATION AND APPLICATION

The Randolph County Planning Director shall be responsible for the administration of this Article, including, but not limited to the following:

(1) Maintaining the system and assigning all numbers for addressable structures ensuring compliance with parity requirements;

(2) Maintaining appropriate address records;

(3) Approval of change of address schematic when necessary to facilitate house number assignments along existing roads;

(4) Authorizing legal enforcement action as required by this Ordinance;

(5) Establishment of intradepartmental infrastructure to ensure continued operation of the addressing system to meet the spirit and intent of this Article;

(6) Responsible for appropriate notification of citizens, governments, agencies, and post offices as required by law; and

(7) The Randolph County Planning Director and the Randolph County Emergency Services Director are authorized to correct such clerical or administrative errors that may occur in keeping with the plan and the intent of this Article and to approve alternate methods of displaying house numbers that meet the intent of this Article when strict adherence to these standards cannot be reasonably met.

(8) The Randolph County Planning Director, the Randolph County Emergency Services Director, and the Randolph County Address Coordinator shall produce and maintain *Addressing Guidelines for Randolph County* that shall serve as the guide for assigning addresses and resolving issues that may be found. Other documents needed to assist in maintaining an accurate addressing system may be created as needed.

(9) The Randolph County Planning Director, the Randolph County Emergency Services Director, and the Randolph County Address Coordinator shall also maintain *Addressing Agreements* with each municipality that directs the working relationship between the County and the municipality that clarifies the responsibilities of each jurisdiction. These *Addressing Agreements* shall be adopted by the Randolph County Board of Commissioners and the Boards of each jurisdiction participating in addressing maintenance.

C. GENERAL CONSIDERATIONS FOR ADDRESSING

(1) At the minimum, all addresses will require a structure.

(2) Address numbers shall ascend away from the baselines as described in Section *E* below.

(3) Only whole numbers can be assigned, and the numbers must be greater than *0* and less than or equal to *999999.*

(4) Additional information or designations such as *A, B, ¼,* or *½* are not valid parts of an address number for Randolph County-assigned addresses. The municipalities can still use these designations, but such use is highly discouraged.

(5) Odd numbers are generally assigned to those structures that are on the left side of roads and even numbers are assigned to the right side of the roads.

(6) Address number sequence shall be maintained from side to side and values increase as a function of distance from the origin. Errors in the sequence are inconsistent with the current addressing standards and shall be changed as they are encountered.

(7) Numbers assigned to structures shall coincide with existing ranges that are associated with the named road or easement.

For example, the address of 105 Mitchell St would not fit in the section of Mitchell St that contains the 2000-2999 address range. Additionally, cases, where the range of addresses is incompatible from side to side (100s on the left side and 300s on the right), are inconsistent with the current addressing standards and shall be changed as encountered.

(8) Duplication of numbers along any road or easement is not allowed.

(9) Duplication of road names anywhere within Randolph County is not allowed.

(10) It is recommended to verify addresses located near the County line.

(11) Address points are located every ten feet along a road, and it equates to twenty feet on each side of the road. For example, a 1,000 feet road contains one hundred addresses-fifty numbers being available for each side of the road.

(12) Before the approval of the preliminary plat for a subdivision in the land-use development regulation of Randolph County, the developer shall submit a list of the proposed road names for the subdivision for a check by the County to ensure the proposed names comply with this Ordinance.

(13) After the approval of the preliminary plat for a subdivision in the land-use development regulation of Randolph County, the developer shall finalize the proposed road names for the subdivision and the County shall reserve the road names after payment of fees for the road signs.

(14) Before the approval of a final plat for a subdivision in a city, the city shall check the proposed road name with Randolph County to ensure the availability of the road name. If requested, the road names will be reserved.

(15) After the approval of a final plat for subdivision in a city, the city or the developer shall submit a copy of the approved plat to Randolph County Planning and Zoning for the proper placement of proposed roads and ranges into the E-9-1-1 system. If the final approved plat is only for a portion of a subdivision, a conceptual plan for the entire project shall be submitted. If requested, the road names for the entire project will be reserved.

(16) Any road names that may be considered as a duplication of an existing road name shall be approved by the Randolph County Emergency Services Director.

(17) All road names shall be between two- and eighteen characters including spaces.

(18) Addresses shall not be assigned to vacant parcels as this may cause unnecessary delays for emergency responders.

D. ADDRESS POSTING STANDARDS

The following address posting standards shall be followed.

(1) No building shall be erected on a new lot created after the adoption of this Ordinance that does not have access, directly or by an easement, to a road whether publicly or privately maintained.

(2) Numerals indicating the address number of a single-family dwelling shall be at least four inches in height, of a contrasting color to the structure, and shall be posted to be legible from the street.

(3) Numerals for multiple dwelling units and nonresidential buildings shall be at least six inches in height, of a contrasting color to the structure, and shall be posted to be legible from the street.

(4) Addresses will be established as whole numbers and will not have fractions or decimals of a number.

(5) The letters *I* and *O* shall not be used in street addresses because of their close appearance to the numbers *1* and *0.*

(6) Only digits shall be used in the number as opposed to script (e.g., *125* instead of *One Hundred Twenty-five.)*

(7) All buildings shall display a road address number. The owner and occupant of each building are required to display an address number on each building so that the location can be identified easily from the road.

(8) The official address number must be displayed on the front of a building or at the entrance to a building that is visible from the street during both day and night.

(9) If the building is seventy-five feet or more from a public street on which it fronts or the lot on which the building is located is landscaped such that numbers cannot be seen from the street, the assigned number shall also be posted at the end of the driveway or easement nearest the road which provides access to the building.

(10) Immediately following the issuance of a building permit, the assigned address shall be posted on the property in a manner that is visible from the street. The final Certificate of Compliance shall not be issued until the assigned number is posted according to the regulations in this Section.

(11) Following the posting of the assigned address, the owner or occupant will ensure that the address numbers are posted in compliance with this Section. Address numbers shall not be obstructed from view by shrubs or vegetation as viewed from the street.

E. STREET ADDRESS SYSTEM

To facilitate continued uniformity in the County Address System, the Addressing Axes, as defined in Article 100, Section 102, shall be used.

Beginning road numbers are assigned to each road in the County based on their relationship to the computer-generated baseline.

(1) Address numbers shall ascend away from the baseline.

(2) The beginning numbers for each road start at the intersection with another County road or adjoining County line. The beginning number is determined by its parallel grid location.

(3) Even numbers shall be assigned to the right side of the road and odd numbers to the left side away from the beginning baseline.

(4) The assigned number of an addressable structure shall depend on where the road intersects with another public road.

(5) The block numbers shall increase to the next hundred series each time the road intersects with another public road.

(6) Corner lots having an addressable structure shall normally receive the road name and number the structure faces.

(7) When possible, the County shall extend a municipal numbering system into the County when it is determined that the municipal government may include the area in future annexation planning actions.

(8) The Randolph County Planning Director is authorized to approve minor deviations from the basic schematic when a change may be more beneficial in keeping with the spirit and intent of this Ordinance.

(9) Address numbers are to be assigned in sequential order along the road. The actual numbering sequence depends on the road direction and its relationship with the above grid system.

The numbering system in all ~~mobile~~manufactured home parks must be designed for easy reference to both residents and emergency service personnel. Existing ~~mobile~~manufactured home parks shall be evaluated by the Address Coordinator and, if necessary, shall be renumbered in keeping with the spirit and intent of this Article. The following guidelines shall be used.

(1) Letter identification and alphanumeric combinations for lots shall be avoided.

(2) The lowest number shall begin with the first lot after entry at the part entrance and identification sign.

(3) Each lot number shall increase in numerical sequence as one travels into the park.

F. PROCEDURES FOR THE ESTABLISHMENT OF STREET NAMES

The following guidelines are adopted for the establishment of street names.

(1) A street name must be between two- and eighteen characters, which is made up of letters and spaces.

(2) Road names, as approved by Randolph County and recorded on a plat, will not be changed unless there are public safety issues that require a change, or a petition is received as outlined in this Ordinance unless the road is within the addressing jurisdiction of a city.

(3) A street may be named for a person only if that person has been deceased for twenty years and the person was culturally, historically, or socially relevant to the geographic area. Names recognizable worldwide, nationally, or

throughout the state of North Carolina may be acceptable if all other criteria can be met.

(4) A street shall not intersect itself.

(5) A road or access easement that meets the definitions of a *Private Drive* or *Private Road,* as defined in this Ordinance, can be named following the provisions of these guidelines and this Ordinance.

(6) A road or easement shall not terminate in a corner nor shall a named road access another easement.

(7) A proposed road name shall not be duplicated or be phonetically like any existing street name irrespective of the prefix, suffix, or ZIP Code.

(8) The word *AND* is prohibited from being used to avoid confusion.

(9) No symbols can be included in a name (e.g., *#, &,* hyphens, decimals, periods, apostrophes.)

(10) Numbers shall not be used as part of a street name.

(11) Any proposed road names considered discriminatory, exclusionary, confusing, obscene, or deemed inappropriate shall be prohibited.

(12) The use of complicated words or unconventional spellings is prohibited.

(13) The prefix *US HWY* shall be used for all Federal numbered routes or roads excluding those roads on the Interstate system.

(14) The prefix *I* shall be used for Federal numbered routes or roads on the Interstate system.

G. PROCEDURES FOR CHANGING EXISTING STREET NAMES

The procedures for changing an existing street name are as follows.

(1) VOLUNTARY PETITION

Petitions for street name changes shall be submitted in writing for consideration by the Randolph County Planning Board. Valid petitions shall:

(a) Be submitted to the Randolph County Planning and Zoning Department. The petition shall include the signature of everyone living along the road that wishes to have the street name changed.

(b) Propose a new street name consistent with standards as outlined in this Ordinance. A reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners before the public hearing.

(c) Be signed by a minimum of fifty-one percent of the property owners along said street. In cases where a property has multiple landowners and the property is being used to achieve the required percentage of owner signatures, each landowner's signature is required but only counts as one signature on the petition.

(d) If no majority shall be obtained on a proposed road name, Randolph County shall choose the road name and the decision shall be final.

(2) INITIATED BY COUNTY OR STATE GOVERNMENT ACTIONS

In the event County or State government-sponsored or initiated action creates a situation that could be perceived to jeopardize the public's health, safety, or general welfare by impeding timely emergency response, a written request to change the street name shall be submitted.

(a) A written request to change the street name shall be submitted to the Randolph County Planning and Zoning Department.

(b) Propose a new street name consistent with standards as outlined in this Ordinance. A reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners before the public hearing. If no majority shall be obtained on a proposed road name, Randolph County shall choose the road name and the decision shall be final.

(c) Include a letter of support outlining the perceived threats to the public's health, safety, or general welfare from a recognized public agency. It shall be the responsibility of the petitioner and/or the supporting public agency to provide ancillary documentation and testimony during the public hearing.

After the petition has been received by the Randolph County Planning and Zoning Department, County Staff will review the petition for compliance with these guidelines. If the petition meets all the requirements, a public hearing with the Randolph County Planning Board will be scheduled for changing the existing street name. If the Randolph County Planning Board approves the request, the applicant will be notified and informed of the cost of the road sign. The fee for the road sign shall be paid before any changes to addresses are made in the E-9-1-1 system. The fee for the road sign shall be based on the adopted fee schedule.

Once the sign has been installed, the existing addresses along the road will be changed and notifications will be sent notifying the property owner of the new address. After the notifications of the change of address are sent, property owners have thirty days to update the address posted on the residence.

H. ENFORCEMENT

If the owner or occupant does not comply with this Article within thirty days of delivery of a change of address notification by mail, the owner or occupant violates this Article is and subject to citations as outlined in this Ordinance.

639: NON-CONFORMANCES

A. PURPOSE AND INTENT

If within the districts established by this Ordinance, or by amendments that may later be adopted, there exist lots, structures, and use of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance, this Ordinance intends to permit these non-conformances to continue until they are removed, but not to encourage their continuance. Such non-conformance is declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this Ordinance that non-conformance shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures, or uses prohibited elsewhere in the same district.

B. NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by the other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot that was recorded before the date it became legally non-conforming. Such a lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district if yard dimensions and other requirements not involving area or width, or both, of a lot shall conform to the regulations for the district in which such lot is located. The variance of area, width, and yard requirements shall be obtained only through the action of the Randolph County Zoning Board of Adjustment.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots does not meet at least eighty percent of the requirements, for lot width and area, for the zone in which they are located, as established by this Ordinance, the lands involved shall be considered to be an undivided parcel, For this Ordinance, and no portion of the said parcel shall be used or sold which does not meet width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. NON-CONFORMING USES OF OPEN LAND

This category of non-conformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, golf driving ranges, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the district in which it is located.

(1) When a non-conforming open use of land has been changed to conforming use, it shall not thereafter be used for any non-conforming use.

(2) Non-conforming open uses of land shall not be changed to any but conforming uses.

(3) A non-conforming open use of land shall not be enlarged to cover more than was occupied by that use when it became non-conforming.

(4) When any non-conforming open use of land is discontinued for ninety days any future use of the land shall be limited to those uses permitted in that district under the provisions of this Ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

D. NON-CONFORMING USES OF STRUCTURES

This category of non-conformance consists of structures used, at the time of passage of this Ordinance, for purposes not permitted in the district in which they are located.

(1) A nonconforming use of a structure may be changed to a conforming use.

(2) A nonconforming use of a structure shall not be changed to another nonconforming use.

(3) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

(4) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure that, at the time the use became non-conforming, were already erected, and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or Ordinance or ordered by the Randolph County Planning Director to secure the safety of the structure.

(5) When any non-conforming use of a structure is discontinued for one year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this Ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

E. NON-CONFORMING STRUCTURES

When a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance because of restrictions on area, lot coverage, height, yards, or

other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No structure may be enlarged or altered in a way that increases its nonconformity.

(2) Should such a structure be moved for any reason for any distance it shall thereafter conform to the regulations for the district in which it is located after it is moved.

F. REPAIRS AND MAINTENANCE

On any structure on a non-conforming lot, a structure containing a non-conforming use, or a non-conforming structure, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent of the current replacement value of the buildings, provided that the cubical content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Should such building or structure be destroyed by any means to an extent of more than fifty percent of its replacement cost or bulk, exclusive of foundations and land value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County official charged with protecting the public safety, upon order of such official.

G. NON-CONFORMANCE CREATED BY CHANGES IN ZONING BOUNDARIES OR REGULATIONS

Any non-conformance created by a change in district boundaries or Ordinance regulations after the date of passage of this Ordinance shall also be governed by the provisions of this section.

H. SPECIAL USES ARE CONFORMING

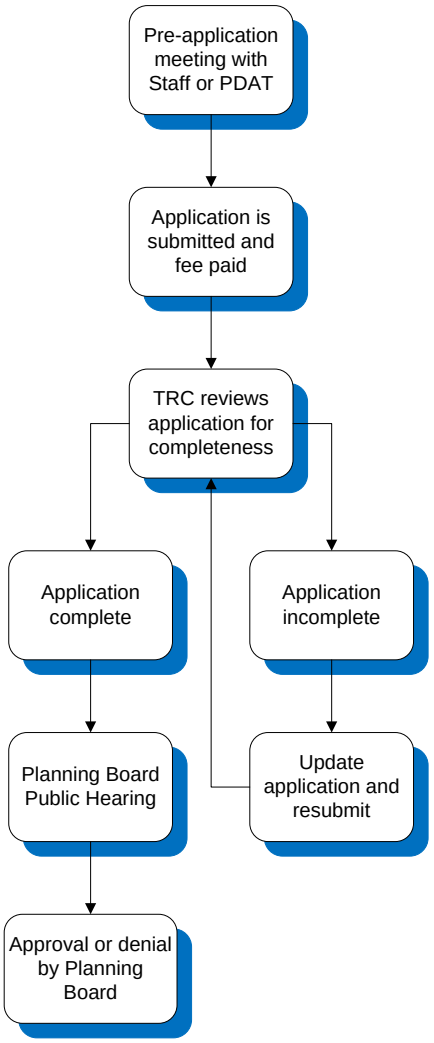
Any use for which a Special Use Permit is issued, as provided in this Ordinance, shall without further action be deemed a conforming use unless otherwise provided in this Ordinance or otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall meet all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

640: FLOW CHARTS FOR PUBLIC HEARING REQUESTS

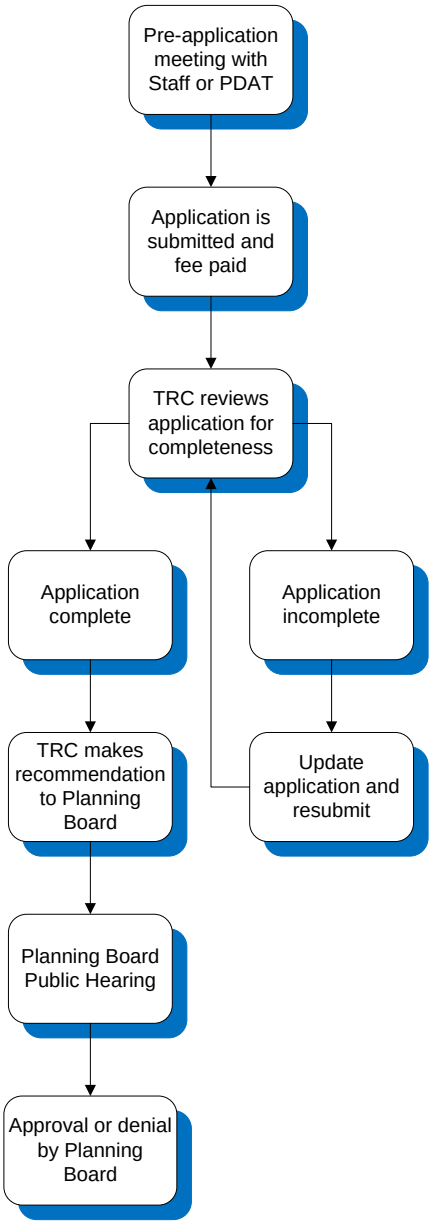
A. PURPOSE OF FLOW CHARTS

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.

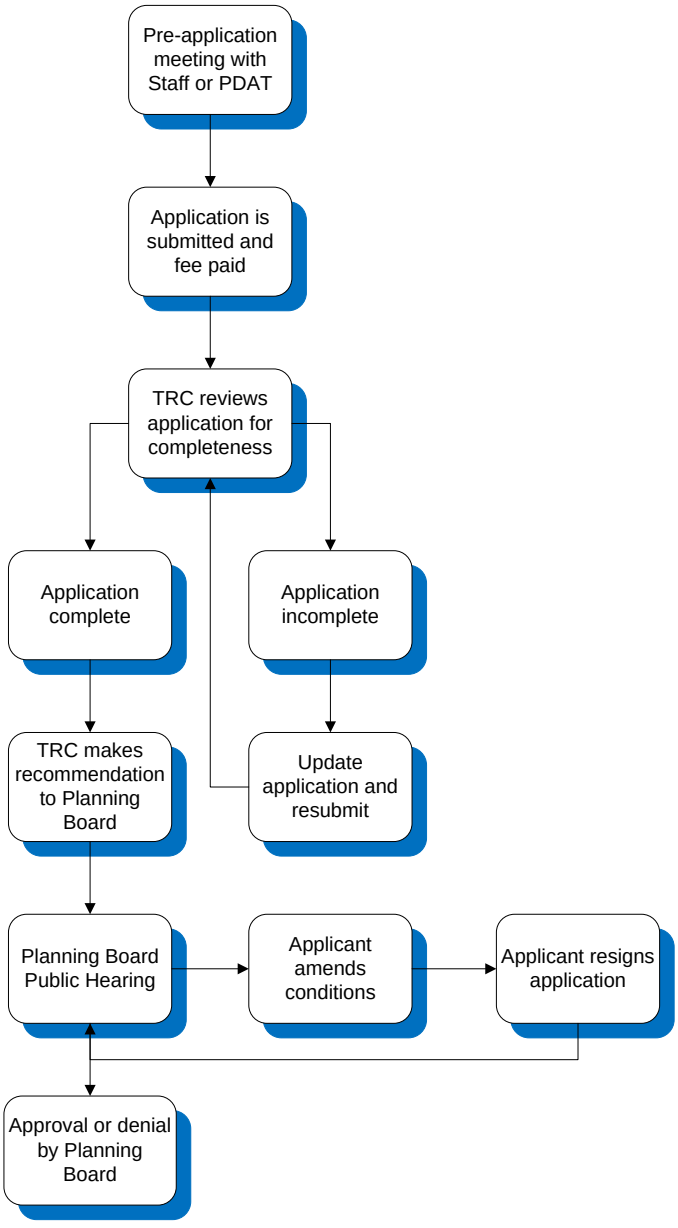
SPECIAL USE PERMIT FLOW CHART



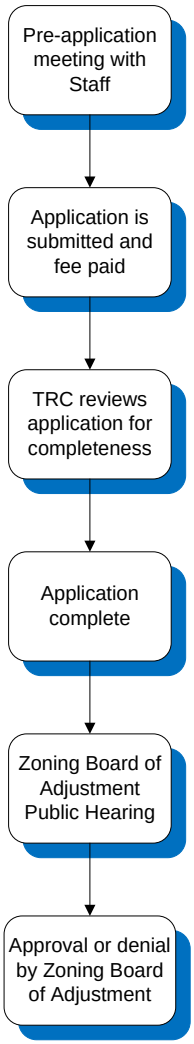
General Use District Rezoning Flow Chart



CONDITIONAL DISTRICT PERMIT FLOW CHART



VARIANCE OR APPEAL FLOW CHART



ARTICLE 700: SUBDIVISION ORDINANCE

701: AUTHORITY

~~Randolph County regulates the subdivision of land within its planning and development regulation jurisdiction. In addition to final plat approval, this Ordinance has provisions for the~~ review and approval of sketch plans and preliminary plats. ~~Decisions on approval or denial of a preliminary or final plat may be made only based on standards explicitly outlined in this Ordinance.~~The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 7, 9. And 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations to promote the public health, safety, and general welfare.

Therefore the Randolph County Board of Commissioners, North Carolina, does ordain as follows:

702: APPLICABILITY

A. DEFINITION OF SUBDIVISION

For this Article, subdivision regulations shall apply to all divisions of a tract or parcel of land into two or more lots, building sites or other divisions where any one or more of those divisions is created for sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

(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 Randolph County as shown in its subdivision regulations;

(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 of streets or public transportation system corridors;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots,

where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Randolph County as shown in the subdivision regulations; and

(5) The division of a tract into parcels under the terms of a probated will or under intestate succession under Chapter 29 of the General Statutes.

B. RECORDATION OF PLAT

Randolph County requires a plat for recordation for the division of a tract or parcel of land in single ownership if **all** the following criteria are met:

(1) All parcels contained within the subdivision shall have a deed recorded combining all parcels into one parcel so that the tract or parcel of land will be in single ownership;

(2) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (A) of this section;

(3) No part of the tract or parcel to be divided has been divided under this subsection in the ten years before division;

(4) The entire area of the tract or parcel to be divided is greater than five acres;

(5) After division, no more than three lots result for the division; and

(6) After division, all resultant lots comply with the following:

(a) Any lot dimension size requirements of the applicable land-use regulations, if any;

(b) The use of the lots conforms with the applicable zoning requirements, if any; and

(c) A permanent means of ingress and egress is recorded for each lot.

703: REVIEW PROCESS, FILING, AND RECORDING SUBDIVISION PLATS

A. PROCEDURES AND STANDARDS

The subdivision regulations in this Ordinance contain provisions setting forth the procedures and standards to be followed in granting or denying approval of a subdivision plat before its recordation.

B. REVIEW PROCESS

This Ordinance provides that the following agencies be allowed to make recommendations concerning an individual subdivision plat before the plat is approved:

(1) The District Highway Engineer as to proposed State streets, State highways, and related drainage systems;

(2) The Randolph County Public Health Director or local public utility, as appropriate, as to proposed water or sewerage systems; and

(3) Any other agency or official designated by Randolph County Board of Commissioners.

C. APPROVAL

This Ordinance provides that final decisions on preliminary plats and final plats be made by:

(1) The Randolph County Board of Commissioners upon appeal of a decision by the Randolph County Planning Board according to Article 400, Section 411;

(2) The Randolph County Planning Board; or

(3) The Randolph County Planning Director and appointed Review Officers.

If the final decision on a subdivision plat is administrative, the decision may be assigned to a staff person or committee comprised entirely of staff persons and a notice of the decision shall be as provided by NCGS § 160D-403 (b).

D. RECORDING OF PLATS

No major subdivision, as defined by this Ordinance, within Randolph County's planning and development jurisdiction shall be filed or recorded until it has been submitted to and approved by the Randolph County Planning Board as specified in this Ordinance and until this approval shall have been entered on the fact of the plat in writing by an authorized representative of Randolph County Planning and Zoning Department. The Review Officer, according to NCGS § 47-30.2, shall not certify a subdivision plat that has not been approved per these provisions nor shall the Clerk of

Superior Court order or direct the recording of a plat if the recording would conflict with this Ordinance.

704: CONTENTS AND REQUIREMENTS OF REGULATIONS

A. PURPOSES

This Ordinance provides for the orderly growth and development of Randolph County; for the coordination of transportation networks and utilities within the proposed subdivision with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

B. PLATS

This Ordinance requires a plat to be prepared, approved, and recorded according to the provisions of the regulation whenever any subdivision of land takes place. The plat shall show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

C. TRANSPORTATION AND UTILITIES

This Ordinance provides for the dedication of rights-of-way or easements for street and utility purposes, including the dedication of rights-of-way according to NCGS § 136-66.10 or NCGS § 136-66.11. No new subdivision or section created after the adoption of this Ordinance shall use a lot, an easement previously platted and recorded, or a private drive or private road, as defined by this Ordinance, to provide access to a new subdivision or section.

D. RECREATION AREAS AND OPEN SPACE

The dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision is highly encouraged when planning subdivisions.

E. PERFORMANCE GUARANTEES

To assure compliance with NCGS § 160D-804 and other development regulation requirements, this Ordinance provides for performance guarantees to ensure the successful completion of required improvements.

For this Ordinance, all the following apply concerning performance guarantees:

(1) TYPE

The type of *performance guarantee* shall be at the election of the developer. The term *performance guarantee* means any of the following forms of guarantee:

(a) A surety bond issued by a company authorized to do business in the State of North Carolina;

(b) Letter of credit issued by any financial institution licensed to do business in the State of North Carolina; or

(c) Another form of guarantee that provides equivalent security to a surety bond or letter of credit.

(2) DURATION

The duration of the performance guarantee shall initially be one year unless the developer determines that the scope of the work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

(3) EXTENSION

The developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of Randolph County, and the current performance guarantee is likely to expire before completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided for under item (E) *(Amount)* of this subsection and shall include the total cost of all incomplete improvements.

(4) RELEASE

The performance guarantee shall be returned or released, as appropriate, promptly upon the acknowledgment by Randolph County Planning and Zoning Department that the

improvements for which the performance guarantee is being required are complete. Randolph County Planning and Zoning Department shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of this Ordinance, or acceptance of the required improvements if the required improvements are subject to Randolph County Planning and Zoning Department acceptance. When required improvements that are secured by a bond are completed to the specifications of this Ordinance or are accepted by Randolph County Planning and Zoning Department, if subject to this Ordinance, acceptance, upon request by the developer, Randolph County Planning and Zoning shall timely provide written acknowledgment that the required improvements have been completed.

(5) AMOUNT

The amount of the performance guarantee shall not exceed one hundred twenty-five percent of the reasonably estimated cost of completion at the time the performance guarantee is issued. Randolph County Planning and Zoning Department may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent of the costs for labor and materials necessary for the completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent allowed under the subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(6) TIMING

Randolph County Planning and Zoning Department, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time after plat recordation.

(7) COVERAGE

The performance guarantee shall only be used for the completion of the required improvements and not for repairs or maintenance after completion.

(8) LEGAL RESPONSIBILITIES

No person shall have or may claim any rights under or to any performance guarantee provided under this subsection or in the proceeds of any such performance guarantee other than the following:

(a) Randolph County Planning and Zoning Department to whom the performance guarantee is provided;

(b) The developer at whose request or for whose benefit the performance guarantee is given; or

(c) The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

(9) MULTIPLE GUARANTEES

The developer shall have the option to post one type of a performance guarantee as provided for in item (1) (Type) of this section, instead of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

(10) EXCLUSION

Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

F. POWER LINES EXEMPTION

This Ordinance does not require a developer or builder to bury power lines if all the following criteria are met:

(1) The power lines existed above ground at the time of first approval of a plat or development plan by Randolph County, whether the power lines are subsequently relocated during the construction of the subdivision or development plan; and

(2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision, or the property converted by the development plan.

G. Minimum Square Footage Exemption

This Ordinance does not set minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

H. Private Driveway Pavement Design Standards

This Ordinance shall not require pavement design standards for new private driveway construction standards that are more stringent than the minimum pavement design standards adopted by the North Carolina Department of Transportation. Notwithstanding any regulation adopted by the local government, the local government must accept engineered pavement design standards that do not meet the minimum standards required by the Department of Transportation if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to the construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) before entering into any agreement or any conveyance with any prospective buyer. A local government is discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, the plan review or acceptance of signed and sealed pavement design standards submitted according to this subsection. Nothing in this section limits the authority of local governments or the Department of Transportation to regulate private roads, driveways, or street connections to a public system, or to regulate transportation and utilities, according to subsection (c) of this section, or as otherwise authorized by law.

705: Notice of New Subdivision Fees and Fee Increases

A. Notice Required

Randolph County shall provide notice to interested parties of the imposition or increase in fees or charges applicable solely to the construction of developments subject to this Article at least seven days before the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. Randolph County shall employ at least two of the following means of communication to provide the notice required by this section:

(1) Notice of the meeting in a prominent location on a website managed or maintained by Randolph County;

(2) Notice of the meeting in a prominent location, including, but not limited to, any governmental building, library, or courthouse within the planning and development regulation jurisdiction of the local government; and/or

(3) Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that is created by Randolph County for notification as required by this section.

B. PUBLIC COMMENT PERIOD

During the consideration of the imposition of or increase in fees or charges as provided in subsection (A) of this section, the Randolph County Board of Commissioners shall permit a period of public comment.

C. FEES INCREASED AS PART OF BUDGET

This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed under the requirements of NCGS § 159-12.

706: EFFECT OF PLAN APPROVAL ON DEDICATIONS

The approval of a plat shall not be deemed to constitute the acceptance by Randolph County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, Randolph County Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Unless Randolph County, or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, Randolph County shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require the dedication of water systems or facilities as a condition for subdivision approval. No new subdivision or section created after the adoption of this Ordinance shall use a lot or easement previously platted and recorded to provide access to a new subdivision or section.

707: PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

A. VIOLATION OF REGULATION OR TRANSFER OF LAND

If after Randolph County adopts this Ordinance, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of Randolph County, thereafter subdivides the land in violation of the regulation or transfers or sells land by reference to, the exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the subdivision regulation and recorded in the office of the Randolph County Register of Deeds, is guilty of a violation of this Ordinance and be subject to Article 400, Section 405.~~Class One misdemeanor.~~ The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. Randolph County may bring an action for an injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required according to NCGS § 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, Randolph County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

B. CONTRACTS TO SELL OR LEASE BASED UPON APPROVED PRELIMINARY PLAT

The provisions of this section do not prohibit any owner or their agent from entering contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulation or recorded with the Randolph County Register of Deeds, provided the contract does all the following:

(1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat before closing and conveyance;

(2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee concerning the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated

without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat;

(3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat; or

(4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen days after the delivery of the final recorded plat, during which fifteen-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

C. CONTRACTS TO SELL OR LEASE BASED UPON UNAPPROVED PRELIMINARY PLAT

The provisions of this section do not prohibit any owner or their agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the Randolph County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the Randolph County Register of Deeds.

708: APPEALS OF DECISIONS ON SUBDIVISION PLATS

Appeals of subdivision decisions shall be made according to NCGS § 160D-1403.

709: APPLICATION OF ORDINANCE

No lot or plat within Randolph County's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the Randolph County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Randolph County Planning Director. Such approval shall be indicated on the face of the plat and signed by the Randolph County Planning Director. See Article 700, Section 724 for required certificates.

The Randolph County Register of Deeds shall not file a plat or record of subdivision of land within the County's jurisdiction nor shall the Clerk of Superior Court of Randolph County order such recording without the required certification and signature of the Randolph County Planning Director.

710: APPROVAL REQUIRED FOR BUILDING PERMIT

No building permit shall be issued for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this Ordinance or a Certificate of Exemption obtained, provided, however, that this shall not apply to any subdivision recorded by the Randolph County Register of Deeds before April 23, 1974, the first effective date of this Ordinance.

711: VARIANCES DUE TO SITE CONDITIONS

Where the sub-divider can show that a provision of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Randolph County Zoning Board of Adjustment may approve a Variance when it finds that such Variance may be granted without destroying the intent of this Ordinance. Any Variance thus approved by the Randolph County Zoning Board of Adjustment shall be noted in the minutes of the meeting at which the Variance is granted, and such notation shall include the reasons for the Variance.

712: CONFLICTING ORDINANCES

Where another applicable regulation, Ordinance, or statute imposes more restrictive regulations than those contained in this Ordinance, the more restrictive regulation shall govern.

713: AMENDMENT PROCEDURE

This Ordinance may be amended or revised from time to time by the Randolph County Board of Commissioners as provided by Article 400, Section 408.

714: STATE PLATTING AND DISCLOSURE STATEMENT REQUIREMENT

All sub-dividers planning to sell lots not plated and recorded before October 1, 1975, are advised to consult NCGS § 136-102.6, *Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation,* which requires that all new streets, whether public or private, and all changes in streets be plated. NCGS § 136-102.6 also requires the sub-divider to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to NCDOT standards, and who will bear maintenance responsibility for the streets. No provision of this Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of NCGS § 136-102.6

715: ENFORCEMENT

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of Randolph County, thereafter, subdivides his land in violation of this Ordinance or transfers or sells land by reference to, the exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such Ordinance and recorded with the Randolph County Register of Deeds, shall be guilty of a ~~Class One misdemeanor~~violation of this Ordinance and be subject to Article 400, Section 405. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County may bring an action for an injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Building permits may be denied for lots that have been illegally subdivided. In addition to other remedies, Randolph County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

716: PROCEDURE FOR APPROVAL FOR SUBDIVISIONS

The procedures for the approval of subdivisions, whether in overlay districts or general use districts, shall follow the procedures as outlined in Article 600, Section 615.

717: GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

A. GENERAL

The land shall be subdivided using best land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.

B. COMPLIANCE WITH OFFICIAL PLANS AND ORDINANCES

The land shall be subdivided in compliance with this Ordinance and other pertinent official development plans and ordinances. Also, where the land lies within the area of a public water supply reservoir, so designated by a governmental authority, sub-dividers of such land shall be required to give notice on the face of the final subdivision plat that land within the subdivision lies within a designated public water supply reservoir area and may be the subject of future public purchase.

C. ROAD FRONTAGE

All lots in a subdivision must front on a public paved road unless a private road is specifically provided for in Article 700, Section 717, Subsection (E). There shall be no reserve strips controlling access to streets except where a cause can be shown that such control would best serve the purpose of this Ordinance.

D. STREETS AND ROADS

The design of all public streets and roads within Randolph County shall conform to the minimum standards outlined in the most recent edition of *Minimum Construction Standards for Subdivision Road* as published by the NCDOT, Division of Highways.

(1) Disclosure and approval by the Division of Highways shall comply with NCGS § 136-102.6.

(2) All streets shall be named and signs conforming to County standards shall be posted at intersections showing the name of every street. New streets that are in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.

(3) All subdivisions requiring the development of new public roads must be named. A sign clearly indicating the name of the subdivision shall be posted at each entrance to the subdivision.

(4) Means of ingress and egress for adjoining properties within the subdivision shall be provided.

(5) Cul-de-sacs or other dead-end streets designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of fifty feet and the surfacing shall have a minimum radius of thirty-five feet.

(6) No new subdivision or section created after the adoption of the Ordinance shall use a lot or easement previously platted and recorded to provide access to a new subdivision or section.

E. PRIVATE ROADS

Private roads or drives shall be permitted only in the following circumstances:

(1) Developments that by the nature of their design could not occur if required to meet NCDOT subdivision road standards, for example, residential developments under unified or homeowner association control (e.g., ~~mobile~~manufactured home parks, apartment complexes, attached housing, PUDS) and commercial or industrial development under unified control;

(2) Division of land into tracts that are five acres or greater in size;

(3) No new subdivision or section created after the adoption of this Ordinance shall use a lot or easement previously platted and recorded to provide access to a new subdivision or section; or

(4) In subdivisions in which a new street provides access to two or fewer lots provided that the new street connects directly to a public street currently accepted and maintained by the NCDOT, and further provided that the new street is no longer than two-tenths miles.

Where permitted, private roads may be constructed in compliance with the following conditions:

(1) The developer shall sign a certificate attesting to the fact that an instrument will be recorded with the final plat which guarantees;

(2) A right of access by all lots served by the private road;

(3) A full disclosure of the status of the road and specific road maintenance responsibilities (as required by NCGS § 136-102.6) and that these listed items shall run with the land; and

(4) Design standards for private roads are listed in Article 700, Section 722.

F. BLOCKS

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

G. LOTS

Lots shall be designed in shape, size, and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and Ordinances.

(1) MARGINAL LAND

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

(2) 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) 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) SIDE LOT LINES

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

(5) 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

Water supply and sewage facilities shall comply with applicable State and County health and environmental laws and regulations. (See Article 700, Section 723 for water and waste disposal approval requirements).

All residential lots shall have a minimum depth of the front building line from the front road right-of-way of thirty-five feet. This depth shall be increased on the recommendation of Randolph County Public Health, if necessary, for the installation of an individual sewage disposal system on the front of a lot. On double frontage lots, the minimum depth of the rear building line from the rear road right-of-way shall be thirty-five feet. On corner lots, the minimum depth of building lines from the side property line of the side street shall be thirty-five feet. On lakefront lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to and twenty-five feet from the official pond level measured along the natural ground surface and in no case shall a building be located below a contour line which shall be three feet above normal pond level.

I. EASEMENTS

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities, easements when and where required not less than twenty feet wide, (ten feet on either side) shall be required along all rear lot lines and ten feet wide (five feet on either side) of all side lot lines or across lots where necessary.

J. RECREATION AREAS AND SITES FOR PUBLIC FACILITIES

Where a school site is shown on a publicly approved plan, which plan shall have been recorded with the Randolph County Register of Deeds and requested by the Randolph County Board of Education, such site shall either be dedicated for public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding eighteen months from the date of approval of the preliminary subdivision plan.

K. WATER COURSES

If there is any watercourse or dry branch of any type running through or within one hundred fifty feet of the property proposed for subdivision, the prospective sub-divider shall furnish reasonable evidence to the Randolph County Planning Board that residential lots within the subdivision will not be flooded, lots located in flood plains shall not be sold for residential purposes.

L. BUFFER STRIPS FOR STREAMS

A subdivision including within its boundaries a perennial stream shall provide for a fifty feet buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on USGS maps.

Streets, roadways, railroads, and driveways are permitted in the stream buffer but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways, and greenway-type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

The fifty feet buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

M. PLANNED UNIT DEVELOPMENTS

The foregoing requirements of this Article applicable to conventional subdivisions may be modified in the case of Planned Unit Developments and Planned Business Developments. Requirements and the review process for Planned Unit Developments and Planned Business Developments are specified in the Special Use Permit provisions of this Ordinance.

N. ~~MOBILE~~MANUFACTURED HOME SUBDIVISIONS

~~Mobile~~Manufactured home subdivisions shall comply in all respects with the requirements of this Ordinance. It shall be further required that all ~~mobile~~manufactured homes in a ~~mobile~~manufactured home subdivision:

(1) Be attached to the ground (after removal of the wheels and axles) either by use of permanent masonry material or by use of a manufacturer's unified vinyl enclosure;

(2) Have a minimum roof pitch of 2.2 inches for every twelve feet; and

(3) Meet or exceed ~~mobile~~manufactured home construction standards of the HUD (July 1, 1976).

Electric power for the individual ~~mobile~~manufactured home shall not be released unless all the above requirements are met.

718: IMPROVEMENTS REQUIRED BEFORE APPROVAL OF FINAL PLAT

A. INSTALLATION OF IMPROVEMENTS

No subdivision plats shall be granted final approval until the required improvements have been made under the provisions of this Ordinance.

B. PERFORMANCE GUARANTEES

To assure compliance with these and other Ordinance requirements, the performance guarantees as outlined in Article 700, Section 704 will apply.

C. SUBMISSION REQUIREMENTS

Data demonstrating compliance with the improvement requirements must be prepared and submitted to the Randolph County Planning Director for which final approval is sought. Specifications for final plats are listed in Article 700, Section 720.

D. REQUIRED IMPROVEMENTS

The following improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Randolph County Planning Director for recording:

(1) PUBLIC STREETS

Streets and all associated improvements, including storm drains, grading, base, and paving, shall be constructed by the sub-divider per the specifications and standards of the NCDOT, Division of Highways, and shall be approved by the District Highway Engineer.

(2) PRIVATE STREETS

Private streets or drives shall be permitted only in the situations described in Article 700, Section 717. The word *private* shall be stamped on the final plat and this shall be recorded with all conveyances along with road maintenance provisions. Design standards for private roads are noted in Article 700, Section 722.

(3) MONUMENTS

Permanent monuments, as defined in NCGS § 47-30, must be placed as described in NCGS § 47-30.

(4) UTILITIES

Water mains and sanitary sewers may be installed by the sub-divider. If such installation is made, the sub-divider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Human Resources, the North Carolina Department of Natural Resources and Community Development, and Randolph County Public Health; and with all regulations and construction specifications of any city to whose utility system such water mains and/or sanitary sewers may eventually be connected.

Electrical utilities and communication lines shall be installed with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision. Under Session Law 2019-174, if the power and communication lines to be buried existed above ground when the plat or plan was initially approved, even if the power line was subsequently relocated, and the power lines are located outside the parcel of land containing the subdivision, the power or communication lines are not required to be buried.

Utilities that encroach upon the State Highway system shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

(5) WATER SUPPLY AND SEWAGE DISPOSAL ON INDIVIDUAL LOTS

The size, location, and soil conditions of all lots in the subdivision shall be approved by Randolph County Public Health relative to individual water supply and sewage disposal systems. Water supply and wastewater treatment approval requirements are found in Section 723.

(6) EROSION CONTROL

The sub-divider shall mulch, seed, sod, or otherwise protect all grading, excavations, open cuts, side slopes, and other land surface disturbances.

It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The Randolph County Planning and Zoning Department will advise the developer to contact the North Carolina Department of Natural Resources and Community Development, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act.

(7) REMOVAL OF LAND CLEARING WASTE
The developer/property owner shall file a land-clearing waste plan with the Randolph County Planning and Zoning Department for any land-clearing waste or demolition waste removed/created for developing a subdivision. No open burning of land-clearing waste is allowed. This plan must be approved before final plat approval.

(8) SUBDIVISION IDENTIFICATION SIGN
All major subdivisions shall have a subdivision identification sign placed at the entrance to the subdivision. The sign shall comply with the regulations as found in Article 600, Section 634.

719: SPECIFICATIONS FOR PRELIMINARY PLAT

The preliminary plat shall be submitted on eighteen inches by twenty-four inches, twenty-one inches by thirty inches, and twenty-four inches by thirty-six-inch sheets, as allowed by NCGS § 47-30~~, drawn to a scale of not less than two hundred feet to the inch and shall contain the following information~~. The developer shall also submit a letter-size copy of the preliminary plat. Where the preliminary plat submitted covers only a part of the sub-divider's tract, a sketch shall be submitted showing the prospective future street system and other features for the ultimate development of the entire tract. Where the preliminary plat submitted covers multiple parcels, the parcels must be merged by deeds merging the parcels into one parcel as allowed by the North Carolina Secretary of State Land Records Management Office. The lists of documents that are required or the information required on a preliminary plat may be amended as determined by Randolph County Planning and Zoning staff and such amendment shall have the full force as if the amendments were adopted by the Randolph County Board of Commissioners at the date of adoption of the *Randolph County Unified Development Ordinance.*

Other documents that shall be included with preliminary plats for subdivisions include the following:

(1) A written statement that the NCDOT District Engineer's Office has reviewed and given preliminary approval to the road design preliminary plat;

(2) The completed Plat Subdivision application form on the County website;

(3) Proposed deed restrictions;

(4) Open Space uses and proposed maintenance agreements;

(5) Road maintenance agreements;

(6) Homeowners Association documentation;

(7) Buffer site plan;

(8) Soil analysis;

(9) Land Clearing Debris plan;

(10) Line and Curve chart data exported to a CSV file format for review; and

(11) A CSV file listing each lot number, its calculated acreage, and the total road frontage for each lot; and

(12) A DWG file or a shapefile for all the survey or engineering work done on the proposed subdivision.

The preliminary plats, along with all associated paperwork, may be submitted electronically.

A. TITLE BLOCK AND GENERAL SITE DATA

(1) Name of the development (duplicates of any type are not allowed).

(2) Scale in figures and bar graph.

(3) True north arrow with reference, generally oriented to the top of the sheet.

(4) Type of plat (preliminary).

(5) Owner's name, address, and daytime phone number.

(6) Location including township, county, and state.

(7) Location map showing the property to be subdivided and the surrounding area.

(8) Date(s) map or plat was prepared or revised.

(9) Name, address, and daytime telephone number of the preparer of the plat.

(10) Proposed use of the property.

(11) Names of adjoining property owners or subdivisions with plat book or deed book references.

(12) Acreage in the total tract.

(13) Parcel number of tract(s) to be subdivided including plat book and/or deed book references.

(14) The total number of proposed lots.

(15) Linear feet in streets.

(16) Acreage in public or private greenways or open spaces.

(17) Acreage in a newly dedicated right-of-way.

B. PLANIMETRIC DATA

(1) Proposed lot lines and dimensions with bearings and distances.

(2) Building setback lines.

(3) Corporate limits, County lines, or other jurisdictional boundaries on the tract.

(4) Existing property lines on the tract. (If property lines are to be changed or removed, dash and label the old lines.)

(5) Dimension, location, and use of all existing buildings.

(6) Address of existing structures.

(7) Areas designated as common elements or open spaces to be controlled by an owner's association.

(8) Location, dimension, and type of existing and proposed easements.

(9) Location, dimension, and type of proposed common recreation facilities.

(10) Railroad lines or rights-of-way.

(11) Lots are sequenced or numbered consecutively.

(12) Square footage of all proposed lots less than one acre in size; acreage for all lots greater than one acre in size.

(13) Boundaries of the tract to be developed showing the location of intersecting boundary lines or adjoining properties.

(14) The name and location of any property or building on the National Register of Historic Places of locally designated historic property.

(15) Areas to be dedicated or reserved for the public.

C. ENVIRONMENTAL DATA

(1) Watercourses, ponds, lakes, streams, or cemeteries including fifty feet of no-cut buffer around watercourses, ponds, lakes, or streams.

(2) Location of floodway and floodway fringe from Flood Hazard Boundary Maps with cross-section elevations.

(3) Existing and proposed topography of the tract may be required by the Planner or Technical Review Committee if the topography is extreme.

(4) Designated watershed noted with applicable watershed critical tiers shown.

(5) Existing well locations.

(6) One hundred feet well setback from tax-deferred farms.

(7) Marshes, swamps, or other wetlands.

D. STREET DATA

(1) Show right-of-way lines and dimensions based on this Ordinance standard, including centerline, within and adjacent to the property.

(2) Existing and proposed cul-de-sac pavement radius.

(3) Existing street names and state road numbers.

(4) Proposed street names.

(5) Sight distance triangles at each intersection (ten feet by seventy feet).

720: SPECIFICATIONS FOR FINAL PLAT

The final plat shall be submitted on eighteen inches by twenty-four inches, twenty-one inches by thirty inches, or twenty-four inches by thirty-six-inch sheets, as allowed by NCGS § 47-30~~, drawn to a scale of not less than two hundred feet to the inch~~. If more than two sheets are required, an index sheet of the same dimensions shall be provided. The final plat shall contain the following information:

A. TITLE DATA

(1) Date of submission

(2) Name and address of the owner(s)

(3) Name of subdivision

(4) Location designation (township, County, school district, State)

(5) Name and address of engineer or surveyor

(6) Scale in figures and bar graph

(7) North arrow

(8) *Final Plat* notation

(9) Certificates (Reference Article 700, Section 724)

B. SURROUNDING PROPERTIES INFORMATION

(1) Property lines, property owners, and subdivisions.

(2) Rights-of-way, easements, reservations, and public use sites are located and identified within five hundred feet of the property being subdivided.

C. PROPERTY BEING SUBDIVIDED

(1) Street rights-of-way, widths of pavements, centerlines, and names of streets as posted on site.

(2) Property boundary lines including bearings and distances as determined by survey.

(3) Block and lot line with dimensions, block, and lot numbers.

(4) Minimum building setback lines.

(5) Size of each lot as calculated outside of any rights-of-way.

(6) Identification and dimensions of easements, reservations, and dedicated areas.

(7) Location, extent, and identification of flood plain, watersheds, water critical areas, or other restricted lands.

(8) Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing, and length of all the above items.

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

721: SPECIFICATIONS FOR MINOR SUBDIVISION PLAT

A minor subdivision plat shall be submitted on eighteen inches by twenty-four inches, twenty-one inches by thirty inches, or twenty-four inches by thirty-six-inch sheets, as allowed by NCGS § 47-30~~, drawn to a scale of not less than two hundred feet to the inch~~. The following information shall be included:

(1) Date of submission;

(2) Name and address of owners;

(3) Location designation (township, County, zoning district);

(4) Name and address of surveyor;

(5) Scale;

(6) North arrow;

(7) Property lines, property owners, and subdivisions of surrounding property owners;

(8) Size of each lot as calculated outside of any rights-of-way;

(9) Surveyed lots with all dimensions, easements, reservations; and

(10) Sufficient data of monuments and markers to determine readily and reproduce on the ground the location, bearing, and length of all above items.

722: DESIGN STANDARDS FOR PRIVATE STREETS

Private streets or roads (except as noted in two and three below) shall be constructed to the NCDOT, Division of Highways minimum standards.

The most recent edition of the pamphlet *Subdivision Roads, Minimum Construction Standards* shall be used as a guide with the following exceptions:

(1) The roads will not have to be paved, or

(2) The base can be reduced to four inches of stabilized material.

All roads shall have a minimum of forty-five feet right-of-way with a minimum of four inches of stabilized material.

Private roads in subdivisions under unified control (e.g., homeowners association), such as Planned Unit Developments or Cluster Developments shall be paved according to State Department of Transportation specifications. However, the pavement and right-of-way width may be reduced from NCDOT standards upon submission to the Randolph County Planning Board of the roadway, shoulder, and ditch design specifications by a registered engineer.

Private roads in subdivisions of five-acre tracts or greater are not required to meet NCDOT minimum construction standards. However, private roads in such subdivisions shall have a minimum right-of-way width of forty-five feet and shall be graveled with a minimum of four inches of gravel.

The developer shall comply with all applicable provisions of NCGS § 136-102.6, and as amended, relative to subdivision street disclosure information.

723: APPROVAL OF WATER SUPPLY AND WASTE TREATMENT SYSTEMS

A. WATER SUPPLY SYSTEMS

(1) Water supply systems planned to serve fifteen or more connections or at least twenty-five permanent residents are classified as community public water supplies by the State of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted to the Public Water Supply Branch, (Regional Office) Department of Human Resources.

(2) Water supply systems planned to serve fourteen or fewer connections or less than twenty-five permanent residents are

regulated by Randolph County Public Health. Plans and specifications shall be submitted to Randolph County Public Health for approval.

(3) Individual water supplies (wells) are regulated by Randolph County Public Health and shall be located, constructed, and operated under County and State regulations administered through Randolph County Public Health.

B. WASTE TREATMENT

Plans for waste treatment must first be presented to Randolph County Public Health. Whenever possible non-discharging septic systems will be required with location, lot size, and installation regulated by Randolph County Public Health. If septic treatment (or hook-up to a municipal sewer system) is not possible, a letter must be obtained from Randolph County Public Health to this effect. Thereafter, the developer may apply to the Division of Environmental Management, (Regional Office) Department of Natural Resources and Community Development for a permit to install a community sewer system. The number of hook-ups approved for the treatment and the level of treatment required is regulated by the permit process of the Division of Environmental Management.

All private sewage treatment plants shall be enclosed with a chain-link fence a minimum of eight feet in height and locked when the plant is unattended. This requirement applies to all existing and new private sewage treatment plants.

724: REQUIRED CERTIFICATIONS

All certificates shown on plats shall be as required by NCGS § 47-30 and must include the appropriate signature and date lines as required. The following certificates are also required if applicable.

A. CERTIFICATE FOR PUBLIC WATER SUPPLY WATERSHED

NOTICE

This property is located within a Public Water Supply Watershed. DEVELOPMENT RESTRICTIONS MAY APPLY.

B. CERTIFICATE FOR OFF-SITE SEPTIC SYSTEMS

Dedication of an exclusive use sanitary sewer easement (EUSSE) as shown on this plat is for ingress, egress, and regress, for installing, maintaining, and repairing the drain

field and/or the supply line(s). The easement is perpetual and shall run with the land to all future property owners and their assigns and may not be terminated unless municipal sewer is available. A landowner or his/her agent shall have the authority and right of entry on the easement as denoted on the plat, with equipment as necessary to complete the required installation, repair, or maintenance. The responsibility of maintaining the off-site septic system area is the responsibility of the Homeowners Association under NCGS § 130A-343 and 15A NCAC 18A.1969. Maintenance shall include mowing and keeping the off-site area maintained to shed surface water from over trenches and to prevent trees and shrubs from overtaking the area, to prevent the premature failure of the drain field.

C. CERTIFICATE FOR OPEN SPACE

Dedication, use, ownership, and maintenance of the Open Space shall be as required by Randolph County Land Use Ordinances.

ARTICLE 800: WATERSHED PROTECTION ORDINANCE

801: WATERSHED PROTECTION ORDINANCE

A. AUTHORITY AND ENACTMENT

The North Carolina General Assembly has, in Chapter 153A, Article 6, Section 121, General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, ~~delegated the responsibility or directed~~authorized Randolph County to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. ~~Also~~In addition, NCGS § 160D-926 ~~refers~~ specifically authorized Randolph County to enact and enforce water supply watershed management regulations. The Randolph County Board of Commissioners does hereby ordain and enact into law the following articles as the *Randolph County Watershed Protection Ordinance*.

B. JURISDICTION

The provisions of this *Randolph County Watershed Protection Ordinance* shall apply within the areas designated as a Water Supply Watershed by the North Carolina Environmental Management Commission and shall be defined and established on a water supply watershed protection map of Randolph County, North Carolina, which is adopted simultaneously herewith. The watershed map and all explanatory matter contained thereon ~~accompanies~~ accompany and ~~is~~ are hereby made part of this *Randolph County Watershed Protection Ordinance.* This Ordinance shall be permanently kept on file in the office of the Clerk to the Randolph County Board of Commissioners.

C. EXCEPTIONS TO APPLICABILITY

Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Randolph County; however, the adoption of this Ordinance shall and does amend all ordinances, resolutions, and regulations in effect in Randolph County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

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.

Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance.

Expansions to existing development must meet the requirements of this Ordinance, except single-family residential development unless the expansion is a part of the common plan of development. In an expansion, the built-upon area of the existing development is not required to be included in the density calculations. Where there is a net increase of built-upon area, only the area of net increase is subject to this Ordinance. Where existing development is being replaced with a new built-upon area, and there is a net increase of built-upon area, only areas of the net increase shall be subject to this Ordinance.

If a nonconforming existing lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes. Randolph County requires the combination of contiguous nonconforming lots of records owned by the same party to establish a lot or lots that meet requirements in Section 802 of this Ordinance.

Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation.

Any lot or parcel created as part of any other type of subdivision, that is exempt from the *Randolph County Subdivision Ordinance* shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

An applicant may exceed the density limits in Article 803 if all of the following circumstances apply:

(1) The property was developed before the effective date of the *Randolph County Watershed Protection Ordinance;*

(2) The property has not been combined with additional lots after January 1, 2021;

(3) The property has not been a participant in a density averaging transaction under NCGS § 143-214.5(d2);

(4) The current use of the property is nonresidential;

(5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area of the property is treated under all applicable Randolph County, State, and Federal laws and regulations; and

(6) The remaining vegetated buffer on the property is preserved per the requirements of this Ordinance.

D. REPEAL OF EXISTING WATERSHED ORDINANCE

This Ordinance in part carries forward by re-enactment, some of the *Randolph County Watershed Protection Ordinance* adopted by the Randolph County Board of Commissioners on October 7, 1997, and as amended, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the *Randolph County Watershed Ordinance* which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason because of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and all violations of the existing *Randolph County Watershed Protection Ordinance,* prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

E. CRIMINAL PENALTIES

Any person violating any provisions of this Ordinance shall be guilty of a ~~misdemeanor and, upon conviction, shall be punished per NCGS 14-4~~violation of this Ordinance and be subject to Article 400, Section 405. The maximum fine for each offense shall not exceed $500.00. Each day that the violation continues shall constitute a separate offense.

F. REMEDIES

If any subdivision, development, and/or land use is found to violate this Ordinance, the Randolph County Board of Commissioners may, in addition to all other remedies available either in law or in equity, institute a civil penalty of $500.00, action or proceedings to restrain, correct, or abate the violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. Also, the North Carolina Environmental Management Commission may

assess civil penalties under NCGS 143-215.6 (a). Each day that the violation continues shall constitute a separate offense.

If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order the discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings or structures, or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

H. SEVERABILITY

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

I. EFFECTIVE DATE

This Ordinance shall take effect and be in force on the date of adoption of the *Randolph County ~~Unified Development~~Watershed Protection Ordinance.*

802. SUBDIVISION REGULATIONS

A. GENERAL PROVISIONS

No subdivision plat of land within the Water Supply Watershed shall be filed or recorded by the Randolph County Register of Deeds until it has been approved with the provisions of this Article. Likewise, the Randolph County Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would conflict with this Article.

The approval of a plat does not constitute or affect the acceptance by Randolph County or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

All subdivisions shall conform to the mapping requirements contained in NCGS § 47-30.

All subdivisions of land within the jurisdiction of Randolph County after the effective date of this Ordinance shall require a plat to be prepared, approved, and recorded under this Ordinance.

B. SUBDIVISION APPLICATION AND REVIEW PROCEDURES

All proposed subdivisions shall be reviewed before recording with the Randolph County Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether the property is located within the designated Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this Ordinance and may be recorded provided the Watershed Administrator initials the vicinity map. Subdivisions within a WS-IV watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required under the provisions of State law or an approved local program unless another stormwater program applies. Subdivisions within the designated watershed area shall comply with the provisions of this Ordinance and all other state and local requirements that may apply.

Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, two copies of the plat, a description of the proposed method of providing stormwater drainage, and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board.

The Watershed Administrator shall review the completed application and shall either approve, approve conditionally, or disapprove each application. The Watershed Administrator shall take final action within forty-five days of submission of the application. The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, the failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

(1) The NCDOT district highway engineer concerning proposed streets and highways;

(2) The director of Randolph County Public Health concerning the proposed private water system or sewer systems normally approved by Randolph County Public Health;

(3) The state Division of Water Resources concerning proposed sewer systems normally approved by the Division;

(4) The State Division of Energy, Mineral and Land Resources

concerning engineered stormwater controls or stormwater management in general;

(5) Randolph County for subdivisions located in the Extraterritorial Jurisdiction of a municipality;

(6) Local government entities responsible for proposed sewer and/or water systems; or

(7) Any other agency or official designated by the Watershed Administrator or Watershed Review Board.

If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Watershed Administrator:

Certificate of Approval for Recording

I certify that the plat shown herein complies with the *Randolph County Watershed Protection Ordinance* and is approved by the Randolph County Watershed Review Board for recording in the Randolph County Register of Deeds Office.

_____ _____

Date Watershed Administrator

NOTE: This property is located within a Public Water Supply Watershed. Development restrictions may apply.

If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and may be entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for review.

As a condition for approval, all subdivision plats shall comply with the requirements for recording with the Randolph County Register of Deeds.

The plat shall be recorded within thirty days of approval. The Subdivider shall provide the Watershed Administrator with evidence the plat has been recorded with the Randolph County Register of Deeds within five working days.

C. SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS

All lots shall provide adequate building space with the development standards contained in Article 803. Lots that are smaller than the minimum

required for residential lots may be developed using built-upon area criteria under Article 803.

To calculate the built-upon area, the total project area shall include the total acreage in the tract on which the project is to be developed.

The application shall be accompanied by a description of the proposed method of providing stormwater drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters, incorporates Stormwater Control Measures to minimize water quality impacts, and meets any local requirements.

The application shall, where required, be accompanied by ~~a written statement that a~~ the Sedimentation and Erosion Control Plan approved by the North Carolina Division of Land Quality administering a Sedimentation and Erosion Control Ordinance approved by the North Carolina Division of Energy, Mineral and Land Resources. ~~has been submitted to and approved by the North Carolina Division of Land Quality.~~

Roads constructed in critical areas and watershed vegetated conveyance areas. Where possible, roads should be located outside of critical areas and watershed vegetated conveyance areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

D. CONSTRUCTION PROCEDURES

No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved.

No building or other permits shall be issued for the erection of a structure on any lot not on record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, before commencing any work within the subdivision, shall plan with the Watershed Administrator to provide for adequate inspection.

E. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of Randolph County, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, the exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the Randolph County Register of Deeds, shall be guilty of ~~a misdemeanor~~violation of this Ordinance and be subject to Article 400, Section 405. 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. Randolph County may

bring an action for an injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance.

F. STORM WATER DRAINAGE FACILITIES

The application shall be accompanied by a description of the proposed method of providing stormwater drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters, incorporate Storm Water Control Measures to minimize water quality impacts and meet Randolph County requirements.

803: ESTABLISHMENT OF WATERSHED AREAS

The purpose of this Article is to list and describe the watershed areas herein adopted.

For purposes of this Ordinance, Randolph County is hereby divided into the following areas as appropriate.

Watershed Classification	Watershed Type
WS-I	Watershed One
WS-II-CA	Watershed Two Critical Area
WS-II-BW	Watershed Two Watershed Area
WS-III-CA	Watershed Three Critical Area
WS-III-BW	Watershed Three Watershed Area
WS-IV-CA	Watershed Four Critical Area
WS-IV-PA	Watershed Four Protected Area
WS-V	Watershed Five

Table 20: Watershed Area Table

~~For this Ordinance, the following watershed falls into the appropriate classification and allows the stated percent of impervious surface.~~

CLASSIFICATION	WATERSHED	PERCENT OF IMPERVIOUS SURFACE (LOW DENSITY)
WS-I	n/a	n/a
WS-II-CA	Back Creek UT to Cedar Fork Creek	Six percent
WS-II-BW	Back Creek UT to Cedar Fork Creek Uwharrie River (Lake Reese)	Twelve percent
WS-III-CA	Uwharrie River (Lake Reese) Polecat Creek Sandy Creek	Twelve percent
WS-III-BW	Bear Creek (CPF) Lake Reese Polecat Creek Rocky River Sandy Creek	Twenty-four percent
WS-IV-CA	Deep River (Randleman Lake)	Six percent
WS-IV-PA	Badin Lake Big Alamance Lake Deep River (Randleman Lake)	Twelve percent
WS-V	n/a	n/a

Table 21: Randolph County Watershed Classifications

804: WATERSHED AREAS ALLOWED AND NON-ALLOWED USES

The following table lists various allowed and non-allowed uses in the watershed areas of Randolph County. Note that if a use is listed as allowed does not mean that the *Randolph County Zoning Ordinance* will allow the use without required public hearings. A checkmark indicates that the use is allowed and if the use is blank, the use is not allowed.

ACTIVITY/USE	WS-I	WS-II-A	WS-II-BW	WS-III-CA	WS-III-BW	WS-IV-CA	WS-IV-PA	WS-V
Agriculture[1]	✓	✓	✓	✓	✓	✓	✓	✓
Animal Operations[2]	✓	✓	✓	✓	✓	✓	✓	✓
Groundwater remediation project discharges[3]	✓	✓	✓	✓	✓	✓	✓	✓
Industrial waste								✓[4]
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCA 02H .0904						✓	✓	✓
New landfills			✓		✓		✓	✓

ACTIVITY/USE	WS-I	WS-II-A	WS-II-BW	WS-III-CA	WS-II-BW	WS-IV-CA	WS-IV-PA	WS-IV
New NPDES Individual Permit domestic treated wastewater discharge					✓	✓	✓	✓
New NPDES Individual Permit industrial treated wastewater discharge						✓	✓	✓
New permitted petroleum-contaminated soil sites			✓		✓		✓	✓
New permitted residual land application			✓		✓		✓	✓
Nonpoint Source Pollution[5]	✓	✓	✓	✓	✓	✓	✓	✓
Non-process industrial waste				✓	✓	✓	✓	✓
Non-residential Development[6, 7]		✓	✓	✓	✓	✓	✓	✓
NPDES General or Individual Stormwater discharges	✓[8]	✓	✓	✓	✓	✓	✓	✓
NPDES General Permit Wastewater discharges pursuant to 15A NCAC 02H .0127	✓[8]	✓	✓	✓	✓	✓	✓	✓
NPDES Individual Permit trout farm discharges	✓[8]	✓	✓	✓	✓	✓	✓	✓
Other wastes								✓[4]
Residential Development[5]		✓	✓	✓	✓	✓	✓	✓
Sewage								✓[4]
Silviculture[9]	✓	✓	✓	✓	✓	✓	✓	✓

Table 22: Allowed and Non-Allowed Uses

Notes to Allowed and Non-Allowed Uses

[1]In WS-I watershed and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after January 1, 1993, shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by SWCC along all perennial waters indicated on more recent versions of USGS 1:24,000 (7.5 minute) topographic maps or as determined by Randolph County studies.

[2]Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217.

[3]Where no other practical alternative exists.

[4]Not allowed if activity(ies) has/hurt human health.

[5]NPS pollution shall not have an adverse impact, as defined in 15A NCAC 02H .1002, a use as water supply or any other designated use.

[6]See density requirements in 15A NCAC 02B .0624.

[7]See different allowed and not allowed in this table.

[8]Permitted pursuant to 15A NCAC 02B .0104.

[9]Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) effective April 1, 2018.

804: WATERSHED AREAS ALLOWED AND NON-ALLOWED USES

The following table lists various allowed and non-allowed uses in the watershed areas of Randolph County. Note that if a use is listed as allowed does not mean that the *Randolph County Zoning Ordinance* will allow the use without required public hearings. A checkmark indicates that the use is allowed and if the use is blank, the use is not allowed.

ACTIVITY/USE	WS-I	WS-II-A	WS-II-BW	WS-III-CA	WS-III-BW	WS-IV-CA	WS-IV-PA	WS-V
Agriculture[1]	✓	✓	✓	✓	✓	✓	✓	✓
Animal Operations[2]	✓	✓	✓	✓	✓	✓	✓	✓
Groundwater remediation project discharges[3]	✓	✓	✓	✓	✓	✓	✓	✓
Industrial waste								✓[4]
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCA 02H .0904						✓	✓	✓
New landfills			✓		✓		✓	✓
New NPDES Individual Permit domestic treated wastewater discharge					✓	✓	✓	✓
New NPDES Individual Permit industrial treated wastewater discharge						✓	✓	✓
New permitted petroleum-contaminated soil sites			✓		✓		✓	✓
New permitted residual land application			✓		✓		✓	✓
Nonpoint Source Pollution[5]	✓	✓	✓	✓	✓	✓	✓	✓
Non-process industrial waste				✓	✓	✓	✓	✓
Non-residential Development[6, 7]		✓	✓	✓	✓	✓	✓	✓
NPDES General or Individual Stormwater discharges	✓[8]	✓	✓	✓	✓	✓	✓	✓
NPDES General Permit Wastewater discharges pursuant to 15A NCAC 02H .0127	✓[8]	✓	✓	✓	✓	✓	✓	✓
NPDES Individual Permit trout farm discharges	✓[8]	✓	✓	✓	✓	✓	✓	✓
Other wastes								✓[4]
Residential Development[5]		✓	✓	✓	✓	✓	✓	✓
Sewage								✓[4]
Silviculture[9]	✓	✓	✓	✓	✓	✓	✓	✓

Table 22: Allowed and Non-Allowed Uses

Notes to Allowed and Non-Allowed Uses

[1]In WS-I watershed and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after January 1, 1993, shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by SWCC along all perennial waters indicated on more recent versions of USGS 1:24,000 (7.5 minute) topographic maps or as determined by Randolph County studies.

[2]Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217.

[3]Where no other practical alternative exists.

[4]Not allowed if activity(ies) has/hurt human health.

[5]NPS pollution shall not have an adverse impact, as defined in 15A NCAC 02H .1002, an use as water supply or any other designated use.

[6]See density requirements in 15A NCAC 02B .0624.

[7]See different allowed and not allowed in this table.

[8]Permitted pursuant to 15A NCAC 02B .0104.

[9]Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) effective April 1, 2018.

805: WATERSHED AREAS: DENSITY AND BUILT-UPON LIMITS

A. PROJECT DENSITY

The following maximum allowable project densities and minimum lot sizes shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development:

DENSITY AND BUILT-UPON LIMITS				
Water Supply Classification	**Location in the Watershed**	**Maximum Allowable Project Density or Minimum Lot Size**		
		Low–Density Development		**High–Density Development**
WS-I	Not Applicable: Watershed shall remain underdeveloped except for the following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and distribution of the WS-1 Water. Built-upon area shall be designed and located to minimize stormwater runoff impact on receiving waters.			
WS-II	Critical Area	One dwelling unit per 80,000 sq. ft.	Six percent	Six percent
	Balance of Watershed	One dwelling unit per 40,000 sq. ft.	Twelve percent	Twelve percent

DENSITY AND BUILT-UPON LIMITS				
WS-III	Critical Area	One dwelling unit per 80,000 sq. ft.	Twelve percent	Twelve percent
	Balance of Watershed	One dwelling unit per 40,000 sq. ft.	Twenty-four percent	Twenty-four percent
WS-IV	Critical Area	One dwelling unit per 40,000 sq. ft.	Twelve percent	Twelve percent
	Protected Area	One dwelling unit per 80,000 sq. ft.	Six percent	Six percent
WS-V	Not Applicable			

Table 23: Density and Built-Upon Limits

806: CALCULATION OF PROJECT DENSITY

The following requirements shall apply to the calculation of project density.

a. Project density shall be calculated as the total built-upon area divided by the total project area.

b. A project with existing development, as that term is defined in the Ordinance ~~15A NCAC 02B .0621~~, may use the calculation method in Sub-item (1) of this item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

c. Expansions to existing development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1) (d).

d. Where there is a net increase of built-upon area, only the area of the net increase shall be subject ~~to 15A NCAC 02B .0624~~and built upon area limits.

e. Where existing development is being replaced with a new built-upon area, and there is a net increase of built-upon area, only the area of the net increase shall be subject to ~~15A NCAC 02B .0624~~density and built-upon area limits.

f. The total project area shall exclude the following:

    a. Areas below the normal high-water line (NHWL); and

    b. Areas defined as *coastal wetlands* according to 15A NCAC 07H .0205, herein incorporated by reference, including

subsequent amendments and editions, and available at no cost at http://reports.oah.state.nc.us/ncac/, as measured landward from the NWHL.

g. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, Randolph County may allow projects to be considered to have both high and low-density areas based on one or more of the following criteria:

h.

a. Natural drainage area boundaries;

b. Variations in land use throughout the project; or

c. Construction phasing.

~~A.~~B. LOW-DENSITY PROJECTS:

In addition to complying with the project density requirements of this Ordinance, low-density projects shall comply with the following:

1. Stormwater runoff from the project shall be released to vegetative areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether these criteria have been met, Randolph County shall consider site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this sub-item:

    a. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to Randolph County that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and

    b. The conveyance shall be designed so that it does not erode during the peak flow from the ten-year storm event as demonstrated by engineering calculations.

2. In place of vegetated conveyances, low-density projects shall have the option to use curbs and gutters with outlets to convey

stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

a. The curb outlets shall be located such that the swale of a vegetated area can carry the peak flow from the ten-year storm at a non-erosive velocity;

b. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;

c. The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet;

d. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);

e. The minimum length of the swale or vegetated area shall be one hundred feet; and

f. Low-density projects may use treatment swales designed under 15A NCAC 02H .1016 instead of the requirements specified in sub-items (a) through (e) above.

B. OPTIONS FOR IMPLEMENTING PROJECT DENSITY:

Randolph County has the following options in place of or in addition to the requirements of the above sections as appropriate.

1. Randolph County may allow only low-density development in the water supply watershed areas under this Ordinance.

2. Randolph County may regulate low-density single-family detached residential development using the minimum lot size requirements, dwelling unit per acre requirements, built-upon area percentages, or some combinations of these.

3. Outside of WS-I watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds, Randolph County may

regulate new development under the *10/70 Option* under the following requirements:

a. A maximum of ten percent of the land area of a water supply watershed outside of the critical area and within Randolph County's planning jurisdiction may be developed with new development projects and expansions of an existing development of up to seventy percent built-upon area.

b. In the water supply watershed classified on or before August 3, 1992, the beginning amount of acreage available under this option shall be based on Randolph County's jurisdiction as delineated on July 1, 1993. In water supply watersheds classified after August 3, 1992, the beginning amount of acreage available under this option shall be based on Randolph County's jurisdiction as delineated on the date the water supply watershed classification became effective. The average within the critical area shall not be counted under the *10/70 Option* acreage;

c. Projects that are covered under the *10/70 Option* shall comply with the low-density requirements outlined in the Low-Density Project above;

d. The maximum built-upon area allowed on any given new development project shall be seventy percent;

e. Randolph County having jurisdiction within a designated water supply watershed may transfer, in whole or in part, its right to the *10/70* land area to another local government within the same water supply watershed upon submittal of a joint resolution and approval by the Environmental Management Commission; and

f. When the water supply watershed is composed of public lands, such as National Forest land, Randolph County may count the public land acreage within the watershed outside of the

critical area in calculating the acreage allowed under this provision.

4. New development shall meet the development requirements on a project-by-project basis except Randolph County may submit ordinances that use density or built-upon area criteria averaged throughout Randolph County's watershed jurisdiction instead of on a project-by-project basis within the watershed. Before approval of the ordinance, Randolph County shall demonstrate to the Environmental Management Commission that the provisions as averaged meet or exceed the statewide minimum requirements and that a mechanism exists to ensure the planned distribution of development potential throughout Randolph County's jurisdiction within the watershed.

5. Randolph County may administer oversight of future development activities in single-family detached residential developments that exceed the applicable low-density requirements by tracking dwelling units rather than percentage built-upon area, as long as the SCM is sized to capture and treat runoff from (i) all pervious and built-upon surfaces shown on the development plan and (ii) any off-site drainage from pervious and built-upon surfaces, and when an additional safety factor of fifteen percent of the built-upon area of the project site if figured in.

807: DENSITY AVERAGING

An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all the following circumstances exist:

1. The properties are within the same water supply watershed. If one of the properties is in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.

2. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.

3. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.

4. Built-upon areas are designed and located to minimize stormwater runoff impact on the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

5. Areas of concentrated density development are in upland areas and, to the maximum extent practicable, away from surface waters and drainage ways.

6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as a common area, conveyed to Randolph County as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that Randolph County can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the area to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on the individual deed and shall be irrevocable.

7. Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

8. A Special Use Permit or other such permit or certificate shall be obtained from the Randolph County Watershed Review Board or the Randolph County Zoning Board of Adjustment to ensure that both properties considered together meet the standards of this Ordinance and that potential owners have a record of how the watershed regulations were applied to the properties.

808: CLUSTER DEVELOPMENT

Cluster development is allowed in all Watershed Areas, except WS-I, under the following conditions:

A. Minimum lot sizes do not apply to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments as outlined in Section 805. The density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.

B. All built-upon areas shall be designed and located to minimize stormwater runoff impact on the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

C. Areas of concentrated density development shall be located in upland areas and as far as practicable from surface waters and drainage ways.

D. 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 homeowner's association for management; or a conservation organization for preservation in a permanent easement.

E. Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

809: VEGETATED SETBACKS REQUIRED

A minimum one-hundred-foot vegetative buffer (fifty feet on each side of perennial water) is required for all new development activities along all perennial waters indicated on the most recent versions of the USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by Randolph County studies. Desirable artificial streambank or shoreline stabilization is permitted.

Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

No new development is allowed in the buffer except for water-dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious areas, 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. Any such development must obtain a Special Use Permit from the Randolph County Watershed Review Board.

810: APPLICATION OF REGULATIONS

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.

No area required for complying with the provisions of this Ordinance shall be included in the area required for another building.

Every residential building hereafter erected, moved, or structurally altered shall be located on a lot that conforms to the regulations herein specified, except as permitted in Section 809.

If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

811: RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists as to the boundary of the watershed areas, as shown on the *Watershed Protection Map of Randolph County, North Carolina,* the following rules shall apply.

A. Where boundaries are indicated as approximately following either a 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 surveyed plat prepared by a registered land surveyor may be submitted to Randolph County as evidence that one or more properties along these boundaries do not lie within the watershed area.

C. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet from any parallel lot line, the location of the watershed area boundaries shall be determined by use of the scale appearing on the watershed map. Any ambiguities should be resolved in favor of locating the built-upon surface area in the least environmentally sensitive area of the project.

D. Where the watershed area boundaries lie at a scaled distance of twenty-five feet or less from any parallel lot line, the location of the watershed area boundaries shall be construed to be the lot line.

E. Where another uncertainty exists, the Watershed Administrator shall interpret the watershed map as to the location of such boundaries. This decision may be appealed to the Watershed Review Board.

812: EXISTING DEVELOPMENT

Existing development as defined in this Ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations. Please see Section 806, Calculation of Project Density. This section deals with all existing development as defined in the North Carolina Environmental Management Commission rules. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this Ordinance.

A. USES OF LAND

This category consists of uses existing at the time of adoption of this Ordinance where such use of the land would not permitted if it were a new development. Such uses may be continued except as follows.

(1) Such use of land has been changed only to an allowed use.

(2) Such use of land shall be changed only to an allowed use, it shall not thereafter revert to any prohibited use.

(3) When such use ceases for at least one year, it shall not be re-established.

B. RECONSTRUCTION OF BUILDINGS OR BUILT-UPON AREAS

Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or removed 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 months and completed within two years of such damage.

(2) The total amount of space devoted to the built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

813: WATERSHED PROTECTION PERMIT

Except for a single-family residential development, no building on a 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 this Ordinance.

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.

Before 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 this Ordinance.

A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the application within twelve months from the date of issuance.

814: BUILDING PERMIT REQUIRED

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

815: WATERSHED PROTECTION OCCUPANCY PERMIT

The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met before the occupancy or use of a building hereafter erected, altered, or moved and/or before the change of use of any building or land.

A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten business days after the erection or structural alterations of the building. The applicant should notify the Watershed Administrator and request the issued Watershed Occupancy Permit when the building is complete.

When only a change in the use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for the denial.

No building or structure that has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

816: PUBLIC HEALTH, IN GENERAL

No activity, situation, structure, or land use shall be allowed within the watershed that poses a threat to water quality and public health, safety, and welfare.

817: ABATEMENT

The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

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. The Watershed Administrator may also coordinate with local inspection departments since Randolph County can abate most threatening nuisances.

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.

818: WATERSHED ADMINISTRATOR AND DUTIES

The Randolph County Planning Director is hereby appointed the Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows.

A. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

B. The Watershed Administrator shall serve as Clerk to the Watershed Review Board.

C. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Randolph County. 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 the Ordinance.

D. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Stormwater Branch of the Division of Energy, Mineral, and Land Resources.

E. The Watershed Administrator shall keep records of the jurisdiction's use of the provision that a maximum of ten percent of the non-critical area of WS-II, WS-III watersheds, and WS-IV watersheds may be developed with new development at a maximum of seventy percent built-upon surface areas. 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, number of developed acres, type of land use, and stormwater management plan if applicable.

F. The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance.

G. The Watershed Administrator is responsible for ensuring the Stormwater Control Measures are inspected at least once a year and shall keep a record of SCM inspections.

819: APPEAL FOR 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.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty days from the date of the order, interpretation, decision, or determination is made. All appeals must be made in writing stating the reason for the appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate of approval for recording, a stay would in his 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 Board or by a court of record on the application of notice of the officer from whom the appeal is taken and upon due cause shown.

All appeals of the Watershed Administrator decisions shall follow the procedures of administrative appeals in NCGS § 160D-405.

820: CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE

The Randolph County Board of Commissioners may, on its own motion or on a petition, after public notice and hearing, amend, supplement, change, or modify the watershed regulations and restrictions as described herein.

No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five days after submission of the proposal to the Chairman of the Watershed Review Board, the Randolph County Board of Commissioners may proceed as though a favorable report has been received.

Under no circumstances shall the Randolph County Board of Commissioners adopt such amendments, supplements, or changes that would cause this Ordinance to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. All amendments must be filed with the North Carolina Division Energy, Mineral, and Land Resources.

821: PUBLIC NOTICE AND HEARING REQUIRED

Before adopting or amending this Ordinance, the Randolph County Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten nor more than twenty-five days before the date for the hearing.

822: ESTABLISHMENT OF WATERSHED REVIEW BOARD

The Randolph County Zoning Board of Adjustment is hereby appointed as the Watershed Review Board. The members of the Watershed Review Board shall be appointed as outlined in Article 300 of the *Randolph County Unified Development Ordinance.*

823: RULES OF CONDUCT FOR MEMBERS

Members of the Watershed Review Board may be removed by the Randolph County Board of Commissioners for cause, including violation of the rules stated below.

A. Faithful attendance at meetings of the Watershed Review Board and conscientious performance of the duties required by members of the

Watershed Review Board shall be considered a prerequisite to continuing membership on the Watershed Review Board.

B. No Watershed Review Board members shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested. A Watershed Review Board member shall have a "financial interest" in a case when a decision in the case will (i) cause him or his spouse to experience a direct financial benefit or loss, or (ii) will cause a business in which he or his spouse owns a ten percent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss. A Watershed Review Board member shall have a *personal interest* in a case when it involves a member of his immediate family (ex. parent, spouse, or child.) The intent is to prohibit members of the Watershed Review Board from acting in situations where they have a conflict of interest ~~in a manner similar to~~like the prohibition in NCGS § 14-234 (c) (1). Please also see NCGS § 160D-109 for standards for conflicts of interest for Randolph County development decisions.

C. No Watershed Review Board member shall discuss the substance of any appeal or other quasi-judicial case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information about the case from the Watershed Administrator or any other member of the Watershed Review Board, or its secretary before the hearing.

D. Members of the Watershed Review Board shall not express individual opinions on the proper judgment of any case before its determination on that case, and shall not form a fixed opinion on the case before the hearing on that case.

E. Members of the Watershed Review Board shall give notice to the Chairman at least forty-eight hours before the meeting of any potential conflict of interest in which he has a particular case before the Watershed Review Board.

F. No Watershed Review Board member shall vote on any matter that decides an application or appeal unless he has attended the public meeting or watched a recording of the meeting on that application or appeal.

824: POWERS AND DUTIES OF 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 this Ordinance.

B. VARIANCES

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance, and may review major variance requests and make recommendations to the North Carolina Environmental Management Commission regarding the same. In addition, Randolph County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Application for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A site plan is drawn to a scale of at least one inch to forty feet, 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; and surface water drainage. The site plan shall be neatly drawn and indicate the north point, name and address of the person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information that the applicant feels would be helpful to the Watershed Review Board in considering the application.

(c) Evidence or proposed witness testimony that tends to support a finding that each of the factors listed in subsection three below are met.

(2) 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 before a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

(3) Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded on the permanent records of the case, and shall include the factual reasons on which they are based:

(a) There are practical difficulties or unnecessary hardships in the ways of carrying out the strict letter of the Ordinance. To determine that there are practical difficulties or unnecessary hardships, the Board must find the five following conditions exist:

(i) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely providing 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 terms of the Ordinance that will make possible the reasonable use of his property.

(ii) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardships.

(iii) 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.

(iv) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violated the Ordinance, or who purchases the property after the effective

date of the Ordinance, and then comes to the Board for relief.

(v) The hardship is peculiar to the applicant's property, rather than the result of ~~conditions that are widespread~~widespread conditions. If other properties are equally subject to the hardship created by the restriction, then granting a variance would be a special privilege denied to others and would not promote equal justice.

(b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(c) In the granting of the variance, 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.

(4) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use that relate to the purpose and standards of this Ordinance. If a variance for the construction, alteration, or use of the property is granted, such construction, alteration, or use shall be per the approved site plan.

(5) 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.

(6) A variance issued under 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 months from the date of the decision.

(7) 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 Watershed Review 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.

The preliminary record shall be sent to the Environmental Management Commission for its review.

C. SUBDIVISION APPROVAL
See Article 800, Section 802.

D. PUBLIC HEALTH
See Article 800, Sections 816 and 817.

E. Approval of all development greater than the low-density option.

825: APPEALS FROM THE WATERSHED REVIEW BOARD

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

~~807: WS-I WATERSHED AREAS~~

~~The intent is to provide maximum protection for water supplies with the natural and undeveloped watershed in public ownership by allowing only low-intensity uses. No residential or non-residential uses area allowed except those listed below depending on County zoning regulations. Impacts from non-point source pollution shall be minimized.~~

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101 .0209.

3. Water withdrawal, treatment, and distribution facilities.

4. Restricted road access.

5. Power transmission lines.

B. DENSITY AND BUILT-UPON AREA LIMITS DO NOT APPLY.

808: WS-II WATERSHED AREAS – CRITICAL AREA (WS-II-CA)

To maintain a predominately undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per two acres. All other residential and non-residential developments shall be allowed at a maximum of six percent built-upon area. New residual application sites and landfills are specifically prohibited.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101 .0209.

3. Residential development.

4. Non-residential development, excluding (i) landfills and (ii) sites for land application of residuals or petroleum contaminated soils.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single Family Residential: Development shall not exceed one dwelling unit per two acres on a project by project basis. No residential lot shall be less than two acres (80,000 sq. ft.

excluding roadway right-of-way), except within an approved cluster development.

2. All Other Residential and Non-Residential: Development shall not exceed six percent built-upon area on a project-by-project basis. To calculate the built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

809: WS-II WATERSHED AREAS – BALANCE WATERSHED (WS-II-BW)

To maintain predominantly undeveloped land-use intensity, single-family residential uses shall be allowed at a maximum of one dwell per acre. All other residential and nonresidential development shall be allowed a maximum of twelve percent built-upon area. Also, new development may occupy ten percent of the watershed area outside the critical area, with seventy percent built-upon when authorized as a Special Intensity Allocation (SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this Ordinance. The project must, to the maximum extent practicable, minimum built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and residual application sites are allowed if allowed by County zoning regulations.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101-.0209.

3. Residential development.

4. Non-residential development, excluding discharging landfills.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single Family Residential: Development shall not exceed one dwelling unit per acre on a project-by-project basis. No residential lot shall be less than one acre (or 40,000 square feet excluding roadway right-of-way), except within an approved cluster development.

2. All Other Residential and Non-Residential: Development shall not exceed twelve percent built-upon area on a project-by-project basis except that up to ten percent of the balance of the watershed may be developed at up to seventy percent built-upon area on a project-by-project basis. To calculate the built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

810: WS-III WATERSHED AREAS – CRITICAL AREAS (WS-III-CA)

To maintain low to moderate land-use intensity, single-family residential uses are allowed at a maximum of one dwelling unit per two acres. All other residential and non-residential development shall be allowed at a maximum of twelve percent built-upon area. New residual application sites and landfills are specifically prohibited.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101-.0209.

3. Residential development.

4. Non-residential development, excluding (i) landfills and (ii) sites for land application of residuals or petroleum contaminated soils.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single Family Residential: Development shall not exceed one dwelling unit per two acres on a project-by-project basis. No residential lot shall be less than two acres (80,000 square feet excluding roadway right-of-way), except within an approved cluster development.
2. All Other Residential and Non-Residential: Development shall not exceed twelve percent built-upon on a project-by-project basis. To calculate the built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

811: WS-III WATERSHED AREAS – BALANCE WATERSHED (WS-III-BW)

To maintain a low to moderate land use intensity, single family detached uses shall develop at a maximum of one dwelling unit per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent built-upon area. Also, new development and expansions to existing development may occupy ten percent of the balance of the watershed area with up to seventy percent built-upon area when approved as a Special Intensity Allocation (SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this Ordinance. 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 residual application sites are allowed if allowed by County zoning regulations.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101 .0209.

3. Residential development.

4. Non-residential development excluding discharging landfills.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single Family Residential: Development shall not exceed one dwelling united per acre, as defined on a project by project basis. No residential lot shall be less than one acre (or 40,000 square feet excluding roadway right of way), except within an approved cluster development.

2. All Other Residential and Non-Residential: Development shall not exceed twelve percent built-upon area on a project by project basis except that up to ten percent of the balance of the watershed may be developed with new development and expansions to existing development up at to seventy percent built-upon area on a project by project basis. To calculate the built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

812: WS-IV WATERSHED AREAS – CRITICAL AREAS (WS-IV-CA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. To address a moderate to high land-use intensity pattern, single-family residential uses are allowed at a maximum of one dwelling unit per two acres. All other residential and non-residential development shall be allowed at a maximum of six percent built-upon area. New residual application sites and landfills are specifically prohibited.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101 .0209.

3. Residential development.

4. Non-residential development excluding (i) landfills and (ii) sites for land application of residuals or petroleum contaminated soils.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single-Family Residential: Development shall not exceed one dwelling unit per two acres on a project-by-project basis. No residential lot shall be less than two acres (80,000 square feet excluding road right-of-way), except with an approved cluster development.

2. All Other Residential and Non-Residential: Development shall not exceed six percent built-upon area on a project-by-project basis. To calculate the built-upon area, the total project area shall include the total acreage in the tract on which the parcel is to be developed.

813: WS-IV WATERSHED AREAS – PROTECTED AREA (WS-IV-PA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. To accommodate moderate to high land-use intensity, single-family residential uses shall develop at a maximum of one

dwelling unit per acre. All other residential and non-residential development shall be allowed at a maximum of twelve percent built-upon area. A maximum of one dwelling unit per acre or twelve percent built-upon area is allowed for projects without a curb and getter street system.

A. ALLOWED USES:

1. Agricultural subject to the provisions of the Food Security Acts of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990 and all rules and regulations of the Soil and Water Conversation Commission.

2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 1I.6101 .0209.

3. Residential development.

4. Non-residential development.

B. DENSITY AND BUILT-UPON LIMITS:

1. Single-Family Residential: Development shall not exceed one dwelling per acre, as defined on a project-by-project basis. No residential lot shall be less than one acre (40,000 square feet excluding roadway right-of-way), except within an approved cluster development.

2. All Other Residential and Non-Residential: Development shall not exceed twelve percent built-upon area on a project-by-project basis. To calculate the built-upon area, the total project area shall include acreage in the tract on which the project is to be developed.

3. In addition to the development allowed under item one and two above, new development and expansions to existing development may occupy up to ten percent of the projected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special intensity allocation (SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this Ordinance. The project 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. To calculate built-upon area, total project acre shall include total acreage in the tract on which the project is to be developed.

826: RANDLEMAN LAKE WATERSHED RIPARIAN BUFFERS

Under 15A NCAC 02B .0724 (the Rule), the protection of the pollutant removal and other water quality services provided by riparian buffers throughout the watershed is an important element of the overall Randleman Lake water supply pollutant strategy. The following is the management strategy for maintaining and protecting riparian areas in the Randleman Lake Watershed.

A. PURPOSE

The purposes of this rule shall be for local governments listed in the Rule, and in certain cases stated in this Rule the Division, to maintain and protect existing riparian buffers throughout the Randleman Lake Watershed as generally described in this Rule, to maintain their nutrient removal and stream protection functions. Additionally, this Rule will help protect the water supply uses of Randleman Lake and designated water supplies throughout the Randleman Lake Watershed. Terms used in this Rule shall be defined in Rule .0610 of 15A NCAC 02B.

B. APPLICABILITY

This Rule shall apply to landowners and other persons including Randolph County, State, and federal entities conducting activities within the riparian buffers as described in Item (C) of this Rule in the Randleman Lake Watershed.

C. BUFFERS PROTECTED

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

(1) Surface water shall be subject to this Rule if the feature is approximately shown on any of the following references, or if there is other site-specific evidence that indicates to the Authority the presence of waters not shown on any of these references:

(a) The United States Geological Survey's National Map, available online at https://www.usgs.gov/core-science-systems/national-geospatial-program/national-map;

(b) The most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resource Conservation Service of the United States Department of Agriculture; or

(c) Other maps approved by the North Carolina Environmental Management Commission as more accurate than those identified in Sub-item (C) (1) (a) and (C) (1) (b) of the Rule. Other maps shall use a hydrography dataset developed using hydrography specifications and standard metadata approved by the Geographic Information Coordinating Council (GICC) and maintained on a GICC list of the best available hydrography. Edits, deletions, and additions to the hydrography dataset shall follow GICC-approved standards and specifications, per stewardship governance. Other maps shall have their hydrography dataset and procedures for edits, deletions, and additions reviewed and approved by the GICC. Other maps shall be submitted to the Division for review and recommendation to the North Carolina Environmental Management Commission. Before recommendation to the North Carolina Environmental Management Commission, the Division shall issue a thirty-day public notice through the Division's mailing list under 15A NCAC 02H .0503. Division staff shall present recommendations including comments received during the public notice period to the North Carolina Environmental Management Commission for a final decision. Maps approved under this sub-item shall not apply to projects that are existing and ongoing within the meaning of this Rule as set out in Item (F) of this Rule;

(2) This Rule shall apply to activities conducted within fifty-foot-wide riparian buffers directly adjacent to surface waters in the Randleman Lake Watershed (e.g., intermittent, and perennial streams, lakes, reservoirs, and ponds) excluding wetlands;

(3) Wetlands adjacent to surface waters or within fifty feet of surface waters shall be considered as part of the riparian buffer but are regulated under 15A NCAC 02H .0506;

(4) Stormwater runoff from activities conducted outside the riparian buffer shall comply with Item (I) of this Rule;

(5) Riparian buffers protected by this Rule shall be measured under Item (H) of this Rule;

(6) A riparian buffer may be exempt from this Rule as described in Items (E), (F), and (G) of this Rule; and

(7) No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of this Rule.

D. ON-SITE DETERMINATION

When a landowner or other affected part believes that the maps listed in Sub-Item (C) (1) of this Rule have inaccurately depicted surface waters or the specific origination point of a stream, or the specific origination point of the steam is in question or unclear, he or she shall request the Authority to make an on-site determination. On-site determinations shall be made by Authority staff that is certified under NCGS 143-214.25A. Registered Foresters under Chapter 98B of the General Statutes who are employees of the North Carolina Forest Service of the Department of Agriculture and Consumer Services can make on-site determinations for forest harvesting operations and practices. Randolph County may accept the results of an on-site determination made by other parties who have completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division. On-site determinations shall expire five years from the date of the determination. Any disputes over on-site determinations shall be referred to the Director in writing within sixty calendar days of written notification from the Authority. The Director's determination is subject to review as provided in NCGS 150B Articles 3 and 4.

E. EXEMPTION BASED ON ON-SITE DETERMINATION

Surface waters that appear on the maps listed in Sub-Item (C) (1) of this Rule shall not be subject to this Rule if an on-site determination shows that they fall into one of the following categories:

(1) Ditches and manmade conveyances including 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) The absence on the ground of a corresponding perennial waterbody, intermittent water body, lake, reservoir, or pond;

(3) Ephemeral streams; and

(4) Manmade ponds and lakes that are not fed by an intermittent or perennial stream or do not have a direct discharge point to an intermittent or perineal stream.

F. EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING

This Rule shall not apply to portions of the riparian buffer where its use is existing and is ongoing.

(1) The use shall be considered existing and ongoing if:

(a) It was present within the riparian buffer as of the effective date of the local ordinance or ordinances enforcing this Rule and has continued to exist since that time. For activities listed in Sub-Item (L) (2) of this Rule, the use shall be considered existing and ongoing if it was present within the riparian buffer as of April 1, 1999, and has continued to exist since that time;

(b) It was a deemed allowable activity as listed in Item (K) of this Rule; or

(c) It was conducted and maintained according to an Authorization Certificate or Variance issued by the Authority; or

(d) The project or proposed development is determined by the Authority to meet at least one of the following criteria:

(i) The project requires a 401 Certification/404 Permit, and these were issued before the effective date of the local ordinance or ordinances enforcing this Rule, or for activities listed in Sub-Item (L) (2) of this Rule, before April 1, 1991, and are still valid; or

(ii) Projects that require a State permit, such as landfills, NPDES wastewater discharges, land application of residuals, and road construction activities, and have begun construction or are under contract to begin construction, and have received all required State permits and certifications

before the effective date of the local ordinance or ordinances implementing this Rule, or for activities listed in Sub-Item (L) (2) of this Rule, before April 1, 1999; or

(iii) Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merge 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached an agreement with the Department on avoidance and minimization before April 1, 1999; or

(iv) Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merge 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 Division before April 1, 1999.

(2) Existing and ongoing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns (e.g., can be mowed without a chainsaw or bush-hog), existing utility line maintenance corridors, 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.

(3) Only the portion of the riparian buffer that contains the footprint of the *existing* and ongoing use is exempt from this Rule.

(4) Change of ownership through purchase or inheritance is not a change of use.

(5) Activities necessary to maintain existing and ongoing uses are allowed provided that the site remains similarly vegetated, no built-upon area is added within the riparian buffer where it did not previously exist before the effective date of the local ordinance or ordinances enforcing this Rule, or for activities listed in Sub-Item (L) (2) before April 1, 1999, and the site complies with Item (I) of this Rule.

(6) This Rule shall apply at the time an existing and ongoing use is changed to another use. Change of use shall involve the initiation of any activity not defined as existing and ongoing in Sub-Items *(F) (5)* of this Rule.

G. EXEMPTION FOR PONDS CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES

This Rule shall not apply to a freshwater pond if all the following conditions are met:

(1) The property on which the pond is located is used for agriculture as that term is defined in NCGS § 160-581.1;

(2) Except for this Rule, the use of the property complies with all other water quality and water quantity statutes and rules applicable to the property before April 1, 1999; and

(3) The pond is not a component of an animal waste management system as defined in NCGS § 143-215.10B (3).

H. ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows:

(1) *Zone 1* shall consist of a vegetated area that is undisturbed except for uses provided for in Items (I) and (L) of this Rule. The location of *Zone 1* shall be as follows:

(a) For intermittent and perennial streams, *Zone I* shall begin at the most landward limit of the top of the bank or the rooted herbaceous vegetation and extend landward a distance of thirty feet on all sides of the stream. Where an intermittent or perennial stream begins or ends, including when it goes underground, enters, or exits a

culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end; and

(b) For ponds, lakes, and reservoirs subject to this Rule, *Zone 1* shall begin at the normal water level and extend landward to thirty feet, measured horizontally on a line perpendicular to the surface water.

(2) *Zone 2* shall consist of a stable, vegetated area that is undisturbed except for uses provided for in Items *(I)* and *(L)* of this Rule. Grading and revegetating *Zone 2* is allowed provided that the height of the vegetation in *Zone 1* is not compromised. *Zone 2* shall begin at the edge of *Zone 1* and extend landward twenty feet as measured horizontally on a line perpendicular to the surface water. The combined width of *Zone 1* and *Zone 2* shall be fifty feet on all sides of the surface water.

I. STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER

Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in this Item. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances. The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Sub-Item (J) (1) of this Rule, providing that they do not erode through the riparian buffer that is not listed below shall be allowable with exception as defined in Sub-Item (J) (5) of this Rule.

(1) The following are deemed allowable as defined in Sub-Item (J) (1) of this Rule:

(a) New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002, when the Primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a State stormwater program or a State-approved local government stormwater program; and

(b) New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

(2) The following are allowable upon authorization as defined in Sub-Item (J) (3) of this Rule:

(a) New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002 when the Primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a State stormwater program or a State-approved local government program;

(b) New drainage conveyances when the flow rate of the conveyance is less than 0.50 cubic feet per second during the peak flow from the 0.75 inches per hour storm;

(c) New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .0159;

(d) Realignment of existing roadside drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving and design dimensions provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations;

(e) Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;

(f) New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;

(g) New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a

stormwater management facility due to topography constraints provided other measures and employed to protect downstream water quality to the maximum extent practical; and;

(h) New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass or existing drainage only.

J. USES

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the authorization, allowable with mitigation upon authorization, or prohibited. Potential new uses shall have the following requirements:

(1) DEEMED ALLOWABLE

Uses designated or deemed allowable in Sub-Item (I) (1) and Item (K) of this rule may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. Also, deemed allowable uses shall meet the requirements listed in Item (K) of this Rule for the specific use.

(2) ALLOWABLE UPON AUTHORIZATION

Uses designated as allowable upon authorization in Sub-Item (I) (2) and Item (K) of this Rule require a written Authorization Certificate from the Authority for impacts within the riparian buffer if there are no practical alternatives to the requested use according to Rule .0611 of this Subchapter.

(3) ALLOWABLE WITH MITIGATION UPON AUTHORIZATION

Uses designated as allowable with mitigation upon authorization in Item (K) of this Rule require a written Authorization Certificate from the Authority for impacts within the riparian buffer according to Rule .0611 of this Subchapter and in appropriate mitigation strategy has received written approval under Item (L) of this rule.

(4) PROHIBITED

Uses designated as prohibited in Item (K) of this Rule may not proceed within the riparian buffer unless a Variance is granted

under Rule .0226 of this Subchapter. Mitigation may be required as a condition of a variance approval.

(5) ALLOWABLE WITH EXCEPTION

Uses not designated as deemed allowable, allowable under an authorization, allowable with mitigation under the authorization, or prohibited in Item (K) of this Rule require a written Authorization Certificate with Exception from the Authority for impacts within the riparian buffer according to Rule .0611 of this Subchapter and an appropriate mitigation strategy that has received written approval according to Item (L) of this Rule.

K. TABLE OF USES

The following table sets out potential new uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, and designates them as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, or prohibited.

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Airport facilities:				
• Airport facilities that impact equal to or less than one-third of an acre of riparian buffer.		✓		
• Airport facilities that impact greater than one-third of an acre of riparian buffer.			✓	
• Vegetation removal activities necessary to comply with FAA requirements (e.g., line of sight requirements) provided the disturbed areas are stabilized and revegetated.	✓			
Archaeological activities:	✓			
Bridges:				
• Impact equal to or less than one-tenth of an acre of riparian buffer.	✓			
• Impact greater than one-tenth of an acre of riparian buffer.		✓		
Dam maintenance activities:				
• Dam maintenance activities that do not cause additional riparian buffer disturbances beyond the footprint of the existing dam.	✓			
• Dam maintenance activities that do cause additional riparian buffer disturbances beyond the footprint of the existing dam.		✓		
Drainage of a pond subject to Item (D) of this Rule provided that a new riparian buffer is established by natural regeneration or planting, within fifty feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted under Item (D) of this Rule.	✓			

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Fences:				
• Fencing livestock out of surface waters.	✓			
• Installation does not result in the removal of trees from *Zone 1.*	✓			
• Installation results in the removal of trees from *Zone 1.*		✓		
Fertilizer application:				
• One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water.	✓			
• Ongoing fertilizer application.				✓
Forest harvesting (See Rule .0612 of this Subchapter)				
Grading in only *Zone 2* provided that the health of existing vegetation in *Zone 1* is not compromised, Item (I) of this Rule is complied with, and disturbed areas are stabilized and revegetated.	✓			
Greenways, trails, sidewalks, or linear pedestrian/bicycle transportation systems:				
• In *Zone 2* provided that no built-upon area is added within the riparian buffer.	✓			
• In *Zone 1* provided that no built-upon area is added within the riparian buffer and the installation does not result in the removal of tree(s).	✓			
• When built upon area is added to the riparian buffer, equal to or less than ten feet wide with two-foot-wide shoulders. Shall be located outside *Zone 1* unless there is no practical alternative.		✓		

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• When built upon area is added to the riparian buffer, greater than ten feet wide with two-foot-wide shoulders. Shall be located outside *Zone 1* unless there is no practical alternative.			✓	
Historic preservation:	✓			
New landfills as defined in NCGS § 130A-290.				✓
Maintenance access of modified natural streams; a grassed travel way on one side of the waterbody 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 travelway shall be located to maximize stream shading.		✓		
Mining activities:				
• Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items *(H)* and *(I)* of this Rule are established adjacent to any relocated channels.		✓		
• Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Items *(H)* and *(I)* of this Rule are not established.			✓	
• Wastewater or mining dewatering wells with approved NPDES permit.	✓			
Pedestrian access trail and associated steps leading to surface water, dock, canoe or kayak access, fishing pier, boat ramp, or other water-dependent structure:				

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Equal to are less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built-upon area to the riparian buffer.	✓			
• Equal to or less than six feet wide that results in the removal of tree(s) or the addition built upon area to the riparian buffer.		✓		
• Greater than six feet wide.			✓	
Playground equipment:				
• Playground equipment on single-family lots if installation and use does not result in the removal of vegetation.	✓			
• Playground equipment on single-family lots where installation or use results in the removal of vegetation.		✓		
• Playground equipment installed on lands other than single-family lots.			✓	
Ponds created or modified by impounding streams subject to riparian buffers under Item (C) of this Rule and not used as stormwater control measures (SCMs):				
• New ponds provided that a riparian buffer that meets the requirements of Items (H) and (I) of this Rule is established adjacent to the pond.		✓		
• New ponds where a riparian buffer that meets the requirements of Items (H) and (I) of this Rule is NOT established adjacent to the pond.			✓	
Protection of existing structures and facilities when this requires additional disturbances of the riparian buffer.		✓		

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Public safety or publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the buffers pose a risk to public safety. The head of the local law enforcement agency shall notify Randolph County with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing.	✓			
Removal of previous fill or debris if Item (I) of this Rule is complied with and any vegetation removed is restored.	✓			
Residential properties: Where the application of this Rule would preclude the construction of a single-family residence and necessary infrastructure, the single-family residence may encroach in the riparian buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with Item (I) of this Rule; and (4) if the residence will be served by an on-site wastewater system, no part of the septic system or drain field may encroach into the riparian buffer.				
• The residence or necessary infrastructure only impacts *Zone 2.*		✓		
• The residence or necessary infrastructure impacts *Zone 1.*			✓	
• Impacts other than the residence or necessary infrastructure.			✓	

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet.[1]				
• Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the In-Lieu Fee Program.	✓			
• Wetland or stream restoration other than those listed above.		✓		
Road, driveway, or railroad: perpendicular crossings of streams and other surface waters subject to this Rule:				
• The impact is equal to less than one-tenth of an acre of riparian buffer.	✓			
• Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer.		✓		
• Impact greater than one-third of an acre of riparian buffer.			✓	
• Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer.		✓		
• Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer.			✓	
• Farm roads and forest roads that are exempt from permitting from the US Army Corps of Engineers per Section 404 (f) of the Federal Clean Water Act.	✓			
Road, driveway, or railroad: impacts other than perpendicular crossings of streams and other surface water subject to this Rule.			✓	

1 http://water.epa.gov/lawregs/guidance/wetlands/wetlandsmitigation_index.cfm

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Road relocation of existing private access roads associated with public road projects where necessary for public safety:				
• Less than or equal to 2,500 square feet of riparian buffer impact.		✓		
• Greater than 2,500 square feet of riparian buffer impact			✓	
Scientific studies and stream gauging:	✓			
Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, if it meets the requirements of Items *(H)* and *(I)* of the Rule and:				
• Installation does not result in the removal of vegetation in *Zone 1*		✓		
• Installation results in the removal of vegetation in *Zone 1.*			✓	
Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002:				
• In *Zone 2* if Item (I) of this Rule is complied with		✓		
• In *Zone 1*			✓	
Streambank or shoreline stabilization:		✓		
Temporary roads provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in Rule .0295(i) of this Subchapter:				
• Less than or equal to 2,500 square feet of riparian buffer disturbance.	✓			
• Greater than 2,500 square feet of riparian buffer disturbance.		✓		

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Associated with culvert installation or bridge construction or replacement.		✓		
Temporary sediment and erosion control devices provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restorations criteria in Rule .0295 (i) of this Subchapter:				
• In *Zone 2* only if the ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, the vegetation in *Zone 1* is not compromised and that discharge is under Item (I) of this rule.	✓			
• In *Zone 1* and *Zone 2* to control impacts associated with uses identified in this Table or uses that have received an Authorization Certificate with Exception if sediment and erosion control for upland areas is addressed outside the riparian 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 Clean Water Act.	✓			
Utility Lines: Streambank stabilization for the protection of publicly owned utility lines (not including new line installation):				
• Less than 150 feet of streambank disturbance.	✓			
• Greater than 150 feet of streambank disturbance.		✓		

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Utility Lines: Sanitary Sewer Overflows:				
• Emergency sanitary sewer overflow response activities provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) within two months of when the disturbance is complete.	✓			
• Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than thirty calendar days of the conclusion of the emergency response activities.		✓		
Utility lines: Utility, Sewer Lines: Vegetation maintenance activities that remove forest vegetation from existing sewer utility rights-of-way (not including new line installation) outside of the existing utility line maintenance corridor:				
• *Zone 2* impacts.	✓			
• *Zone 1* impacts: For lines that have not been maintained, the vegetation can be mowed, cut, or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than thirty feet wide.	✓			
• *Zone 1* impacts other than those listed above.		✓		

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Utility, Sewer Lines: Replacement/Rehabilitation of existing sewer lines within, or adjacent to, an existing right-of-way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) can regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:				
• Permanent maintenance corridor equal to or less than thirty feet wide provided there is no grading and/or grubbing within ten feet of the top of the bank when the sewer line is parallel to the stream.	✓			
• Grading and/or grubbing within ten feet of the top of the bank ~~when the sewer line is parallel to the stream and permanent maintenance corridor equal to~~, when the sewer line is parallel to the stream and permanent maintenance corridor equal to, is less than thirty feet wide.		✓		
• A permanent maintenance corridor is greater than thirty feet wide. For impacts other than perpendicular crossings, mitigation is only required for *Zone 1* impacts. For perpendicular crossings that disturb equal to or less than forty linear feet, no mitigation is required. For perpendicular crossings that disturb than forty linear feet, mitigation is only required for *Zone 1* impacts.			✓	

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Utility: Sewer Lines, New Line Construction/Installation **Activities:** Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule if vegetation can regenerate in disturbed areas outside of the permanent maintenance corridor:				
• Construction corridor of less than or equal to forty linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.	✓			
• Construction corridor of greater than forty linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.		✓		
• Construction corridor of greater than forty linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.			✓	
• Permanent maintenance corridor that is greater than thirty linear feet wide. For impacts other than perpendicular crossings, mitigation is only required for *Zone 1* impacts. For perpendicular crossings, the disturbance is equal to or less than forty linear feet, no mitigation is required. For perpendicular crossings that disturb greater than forty linear feet, mitigation is only required for *Zone 1* impacts.			✓	

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
Utility: Sewer Lines, New Line Construction/Installation Activities: Impacts other than perpendicular crossings if vegetation can regenerate in disturbed areas outside of the permanent maintenance corridor:				
• *Zone 2* impacts.	✓			
• *Zone 1* impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within ten feet immediately adjacent to the surface water is avoided.		✓		
• *Zone 1* impacts other than those listed above.			✓	
Utility: Non-sewer Underground Lines: Vegetation maintenance activities that remove forest vegetation from existing utility rights-of-way (not including new line installation) outside of the existing utility line maintenance corridor:				
• *Zone 2* impacts.	✓			
• *Zone 1* impacts: For lines that have not been maintained, the vegetation can be mowed, cut, or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than thirty feet wide.	✓			
• *Zone 1* impacts other than those listed above.		✓		
Utilities: Non-sewer Underground Lines: Perpendicular crossings of streams and other surface water subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule if vegetation can regenerate in disturbed areas outside of the permanent maintenance corridor:				

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Construction corridor of less than or equal to fifty linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.	✓			
• Construction corridor of greater than fifty linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.		✓		
• Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than thirty feet wide.			✓	
• Permanent maintenance corridor that is greater than thirty linear feet wide. (Mitigation is required only for *Zone 1* impacts.)			✓	
Utilities: Non-sewer Underground Lines: Impacts other than perpendicular crossings if vegetation can regenerate in disturbed areas outside of the permanent maintenance corridor:				
• *Zone 2* impacts.	✓			
• *Zone 1* impacts to less than 2,500 square feet when impacts are solely the results of tying into an existing utility line and when grubbing or grading within ten feet immediately adjacent to the surface water is avoided.		✓		
• *Zone 1* impacts other than those listed above.			✓	
Utilities: Non-sewer and Aerial Lines: Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule:				

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Disturb equal to or less than 150 linear feet wide of the riparian buffer provided that a minimum zone of ten feet wide immediately adjacent to the water body is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in *Zone 1,* and that poles or aerial infrastructure are not installed within ten feet of a water body.	✓			
• Disturb greater than 150 linear feet wide of riparian buffer.		✓		
Utilities: Non-sewer Aerial Lines: Impacts other than perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule:				
• Impacts in *Zone 2* only		✓		
• Impacts in *Zone 1* provided that a minimum zone of ten feet wide immediately adjacent to the water body is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in *Zone 1*, and that poles or aerial infrastructure are not installed within ten feet of a water body.			✓	
Vegetation management:				
• Emergency fire control measures if the topography is restored.	✓			

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Periodic mowing and harvesting of plant products only in *Zone 2*.	✓			
• Placement of mulch rings around restoration plantings for a period of five years from the date of planting.	✓			
• Planting non-invasive vegetation to enhance the riparian buffer.	✓			
• Pruning forest vegetation ensures that the health and function of the forest vegetation are not compromised.	✓			
• Removal of individual trees, branches, or limbs that are in danger of causing damage to dwellings, existing utility lines, other structures, or human life, or are imminently endangering the stability of the streambank provided that the stumps are left or ground in place without causing an additional land disturbance.	✓			
• Removal of individual trees that are dead, diseased, or damaged.	✓			
• Removal of poison ivy, oak, or sumac. Removal can include the application of pesticides within the riparian buffer if the pesticides are certified by the EPA for use in or near aquatic sites and are applied following the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replaced with non-invasive species.	✓			

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• Removal of understory nuisance vegetation as defined in Smith, Cherri L. 2008. *Invasive Plants for North Carolina.* NCDOT.[2] Removal can include the application of pesticides within the riparian buffer if the pesticides are certified by the EPA for use in or near aquatic sites and are applied following the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species.	✓			
• Removal of woody vegetation in *Zone 1* if Item (I) of this Rule is complied with.			✓	
Vehicle access roads and boat rams (excluding parking areas) leading to surface water, docks, fishing piers, and other water-dependent activities:				
• Singular vehicular access road and a boat ramp to the surface water but not crossing the surface water that is restricted to the minimum width practical not to exceed fifteen feet wide.		✓		
• Vehicular access roads and boat ramps to the surface water but not crossing the surface water that is restricted to the minimum width practicable and exceeds fifteen feet wide.			✓	
Water-dependent structures (except for boat ramps) as defined in Rule .0202 of this Subchapter.		✓		
Water supply reservoirs:				
• New reservoirs provided that a riparian buffer that meets the requirements of Items (H) and (I) of this Rule is established adjacent to the reservoir.		✓		

2https://www.ncforestservice.gov/forest_health/invasives.htm

USE	ALLOWABLE	ALLOWABLE WITH AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
• New reservoirs where a riparian buffer that meets the requirements of Items (H) and (I) of this Rule is not established adjacent to the reservoir.			✓	
Water wells	✓			
Wildlife passage structures		✓		

Table 24: Randleman Lake Riparian Buffer Table of Uses

L. MITIGATION

Persons who wish to undertake uses designed as allowable upon authorization with mitigation as defined in Sub-Item (J) (3) of this Rule or allowable with exception as defined in Sub-Item (J) (5) of this Rule shall meet the following requirements to proceed with their proposed use.

1. Obtain an Authorization Certificate under Rule .0611 of this Subchapter; and

2. Obtain written approval for a migration proposal under Rule .0295 of this Subchapter.

M. RULE IMPLEMENTATION

This Rule shall be implemented as follows:

1. Local governments with land use authority within the Randleman Lake Watershed shall establish and maintain riparian buffer protection programs to meet or exceed the minimum requirements of this Rule and shall comply with all requirements outlined in NCGS § 143-214.23A.

   (a) Randolph County shall adopt and enforce this Rule through local ordinances.

   (b) Randolph County shall appoint a Riparian Buffer Protection Administrator(s) who shall coordinate the implementation and enforcement of the program. The Administrator(s) shall attend an initial training session by the Division and be certified to make on-site determinations according to NCGS § 143-214.25A. The Administrator(s) shall ensure that Randolph County staff working directly with the program

receive training to understand, implement, and enforce the program and are certified to make on-site determinations according to NCGS § 143-214.25A. At any time that Randolph County does not have a certified individual retained on staff to make on-site determinations according to NCGS § 143-214.25A, they shall immediately notify the Division and indicate a proposed schedule to secure a certified staff member. Randolph County shall coordinate with the Division to provide on-site determinations until a newly certified staff member is secured by Randolph County.

2. Randolph County shall apply the requirements of this Rule throughout their jurisdiction within the Randleman Lake Watershed except where the Division shall exercise jurisdiction. The Division shall have jurisdiction to the exclusion of Randolph County to administer the requirements of this Rule for the following types of activities:

    (a) Activities conducted under the authority of the State;

    (b) Activities conducted under the authority of the United States;

    (c) Activities conducted under the authority of multiple jurisdictions;

    (d) Activities conducted under the authority of local units of government;

    (e) Forest harvesting activities described in Rule .0612 of this Subchapter; and

    (f) Agricultural activities.

3. The Division shall regularly audit Randolph County to ensure that local programs are being implemented and enforced in keeping with the requirements of this Rule and Rule .0611 of this Subchapter. The audit shall consist of a review of all Randolph County activities ~~with regards~~concerning ~~to~~ the implementation of this Rule and Rule .0611 of this Subchapter.

4. Randolph County shall maintain on-site records for a minimum of five years and shall furnish a copy of these records to the Division within thirty calendar days of receipt of a written request for them. Randolph County's records shall include the following:

    (a) A copy of all Authorization Certificates with Exception requests;

    (b) Findings on all Authorization Certificates with Exceptions requests;

    (c) The results of all Authorization Certificates with Exception proceedings;

    (d) A record of complaints and actions taken because of complaints;

    (e) Records for on-site determinations as described in Item (D) of this Rule; and

    (f) Copies of all requests for authorizations, records approving authorization, and Authorization Certificates.

5. If Randolph County fails to adopt or adequately implement its program as specified in this Rule, the Division may take appropriate enforcement action as authorized by statute and may choose to assume responsibility for implementing that program until it determines that Randolph County is prepared to comply with its responsibilities.

6. The Commission may delegate its duties and powers for granting and rescinding Randolph County delegation of the Randleman Lake Riparian Buffer protection requirements, in whole or in part, to the Director.

N. WATER SUPPLY REQUIREMENTS

The existing water supply requirement in Rule .0624 (12) of this Subchapter that stipulates a one-hundred-foot vegetated buffer, adjacent to perennial streams, for all new development activities, applies to the entire Randleman Lake Watershed. The first fifty feet of these riparian areas on either side of these waters shall also be protected under all the requirements of this Rule. Randolph County may choose to implement more stringent requirements, including requiring additional buffer width. The existing water supply requirement in Rule .0624 (12) of this Subchapter also stipulated a thirty-

foot vegetated buffer, adjacent to perennial streams, for all new development activities that utilize the low-density option also applies to the entire Randleman Lake Watershed.

O. OTHER LAWS, REGULATIONS AND PERMITS

In all cases, compliance with this Rule does not preclude the requirement to comply with all other federal, State, and local regulations and laws.

~~815: CLUSTER DEVELOPMENT~~

~~Cluster development is allowed in all Watershed Areas, except WS-I, under the following conditions:~~

~~A. Minimum lot sizes do not apply to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments as outlined in Sections 802. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.~~

~~B. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.~~

~~C. Areas of concentrated density development shall be in the upland area and away, to the maximum extent practicable, from surface waters and drainage ways.~~

~~D. 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 homeowner's association for management; or a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.~~

~~E. Cluster developments shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.~~

~~816: VEGETATED SETBACKS REQUIRED~~

~~A minimum one-hundred-foot vegetative buffer (fifty feet on each side of perennial water) is required for all new development activities along all perennial waters indicated on the most recent versions of the USGS 1:24,000 (7.5 minute) scale topographic maps or as~~

determined by Randolph County studies. Desirable artificial streambank or shoreline stabilization is permitted.

Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious areas, 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.

817: RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists as to the boundary of the watershed areas, as shown on the *Watershed Protection Map of Randolph County, North Carolina*, the following rules shall apply.

A. Where are boundaries are indicated as approximately following either a 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 surveyed plat prepared by a registered land surveyor may be submitted to Randolph County as evidence that one or more properties along these boundaries do not lie within the watershed area.

C. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet from any parallel lot line, the location of the watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

D. Where the watershed area boundaries lie at a scaled distance of twenty-five feet or less from any parallel lot line, the location of the watershed area boundaries shall be construed to be the lot line.

E. Where another uncertainty exists, the Watershed Administrator shall interpret the watershed map as to the location of such boundaries. This decision may be appealed to the Watershed Review Board.

818: APPLICATION OF REGULATIONS

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.

No area required for complying with the provisions of this Ordinance shall be included in the area required for another building.

Every residential building hereafter erected, moved, or structurally altered shall be located on a lot that conforms to the regulations herein specified, except as permitted in this Ordinance.

If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

819: EXISTING DEVELOPMENT

Existing development as defined in this Ordinance, may be continued, and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

A. USES OF LAND

This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows.

(1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(2) Such use of land shall be changed only to an allowed use.

(3) When such use ceases for at least one year, it shall not be reestablished.

B. RECONSTRUCTION OF BUILDINGS OR BUILT-UPON AREAS

Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged 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 months and completed within two years or such damage.

(2) The total amount of space devoted to the built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

820: WATERSHED PROTECTION PERMIT

Except where a single-family residence is constructed on a lot deeded before the effective date of this Ordinance, no building on a 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 this Ordinance.

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.

Before 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 this Ordinance.

A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the application within twelve months from the date of issuance.

821: BUILDING PERMIT REQUIRED

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

822: WATERSHED PROTECTION OCCUPANCY PERMIT

The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met before the occupancy or use of a building hereafter erected, altered, or moved and/or before the change of use of any building or land.

A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten days after the erection or structural alterations of the building.

When only a change in the use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for the denial.

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.

823: PUBLIC HEALTH, IN GENERAL

No activity, situation, structure, or land use shall be allowed within the watershed that poses a threat to water quality and public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems that 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 improper management of stormwater runoff; or any other situation found to post a threat to water quality.

824: ABATEMENT

The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

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.

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.

825: WATERSHED ADMINISTRATOR AND DUTIES

~~The Randolph County Planning Director is hereby appointed the Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows.~~

~~A. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.~~

~~B. The Watershed Administrator shall serve as Clerk to the Watershed Review Board.~~

~~C. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Stormwater Branch of the Division of Energy, Mineral, and Land Resources.~~

~~D. The Watershed Administrator shall keep records of the jurisdiction's use of the provision that a maximum of ten percent of the non-critical area of WS-II, WS-III watersheds, and WS-IV watersheds may be developed with new development at a maximum of seventy percent built-upon surface areas. 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, number of developed acres, type of land use, and stormwater management plan if applicable.~~

~~E. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Randolph County. 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 this Ordinance.~~

~~F. The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1 of the following year and shall describe each project receiving a variance and the reasons for granting the variance.~~

~~G. The Watershed Administrator is responsible for ensuring the Stormwater Control Measures are inspected at least once a year and shall keep a record of SCM inspections.~~

826: APPEAL FOR 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.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty days from the date of the order, interpretation, decision, or determination is made. All appeals must be made in writing stating the reason for the appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that because of facts stated in the certificate, a stay would in his 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 Board of by a court of record on the application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or attorney.

827: CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE

The Randolph County Board of Commissioners may, on its own motion or on a petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five days after submission of the proposal to the Chairman of the Watershed Review Board, the Randolph County Board of Commissioners may proceed as though a favorable report has been received.

Under no circumstances shall the Randolph County Board of Commissioners adopt such amendments, supplements, or changes that would cause this Ordinance to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. All amendments must be filed with the North Carolina Division Energy, Mineral, and Land Resources.

828: PUBLIC NOTICE AND HEARING REQUIRED

Before adopting or amending this Ordinance, the Randolph County Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten nor more than twenty-five days before the date for the hearing.

829: ESTABLISHMENT OF WATERSHED REVIEW BOARD

The Randolph County Zoning Board of Adjustment is hereby appointed as the Watershed Review Board. The members of the Watershed Review Board shall be appointed as outlined in Article 300 of the *Randolph County Unified Development Ordinance*.

830: RULES OF CONDUCT FOR MEMBERS

Members of the Watershed Review Board may be removed by the Randolph County Board of Commissioners as outlined in Article 300 of the *Randolph County Unified Development Ordinance*. The rules of conduct for members of the Watershed Review Board shall be those as outlined in Article 100, Section 109 and Article 400, Sections 404 and 405 of the *Randolph County Unified Development Ordinance*.

831: POWERS AND DUTIES OF 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 this Ordinance.

B. VARIANCES

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Also, Randolph County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Application for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A site plan is drawn to a scale of at least one inch to forty feet, 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. The site plan shall be neatly drawn and indicate the north point, name and address of the person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(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 before 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 a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case and shall include the factual reasons on which they are based.

(a) There are practical difficulties or unnecessary hardships in the ways of carrying out the strict letter of the Ordinance. To determine that there are practical difficulties or unnecessary hardships, the Board must find the five following conditions exist:

~~(i) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely providing 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 terms of the Ordinance that will make possible the reasonable use of his property.~~

~~(ii) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.~~

~~(iii) 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.~~

~~(iv) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violated the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.~~

~~(v) The hardship is peculiar to the applicant's property, rather than the result of widespread conditions. 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) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(c) In the granting of the variance, 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 thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration, or use of the property is granted, such construction, alteration, or use shall be per 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 under this section shall be considered a Watershed Protection Permit and shall expire if a building permit of Watershed Occupancy Permit for such use is not obtained by the applicant within six 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 decided 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.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(1) If the Commission concludes from the preliminary record that the variance qualifies as a major variance, and the (i) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (ii) 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 approved the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves a variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (i) the property owner can secure a reasonable return from or make practical use of the property without the variance or (ii) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny the approval of the variance as proposed. The Commission shall prepare a Commission 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 800, Section 802.

D. PUBLIC HEALTH
See Article 800, Section 803.

832: APPEALS FROM THE WATERSHED REVIEW BOARD

~~Appeals from the Watershed Review Board must be filed with the Superior Court within thirty days from the date of the decision. The decision by the Superior Court will be in the manner of certiorari.~~

ARTICLE 900: FLOOD DAMAGE PREVENTION ORDINANCE

901: FLOOD DAMAGE PREVENTION ORDINANCE

A. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. The Board of Commissioners of Randolph County, North Carolina, does ordain as follows:

(1) The flood-prone areas within the jurisdiction of Randolph County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood-prone areas of uses vulnerable to floods or other hazards.

B. STATEMENT OF PURPOSE

It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood-prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

C. OBJECTIVES

The objectives of this Ordinance are to:

(1) Protect human life, safety, and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;

(4) Minimize prolonged business losses and interruptions;

(5) Minimize damage to public facilities and utilities (e.g., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are in flood-prone areas;

(6) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas; and

(10) Ensure that potential buyers are aware that the property is in a Special Flood Hazard Area.

902. GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions, if applicable, as allowed by law, of Randolph County and within the jurisdiction of any other

community whose governing body agrees, by resolution, to such applicability.

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 FIS dated January 2, 2008, for Randolph County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Ordinance, and any revision thereto.

C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance before the commencement of any development activities within Special Flood Hazard Areas determined per the provisions of Article 900, Section 902 (B) of this Ordinance.

D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS

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

F. INTERPRETATION

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of Randolph County; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This

Ordinance shall not create liability on the part of Randolph County or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.

H. PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a ~~Class One misdemeanor according to NCGS § 143-215.58~~violation of this Ordinance and be subject to Article 400, Section 405. ~~Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than thirty days, or both.~~ Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Randolph County from taking such other lawful action as is necessary to prevent or remedy any violation. The County may enforce these regulations per Article 400, Section 405 of this Ordinance, which sets out both criminal and civil penalties for violation.

903: ADMINISTRATION

The Randolph County Planning Director, hereinafter referred to as the *Floodplain Administrator,* is hereby appointed to administer and implement the provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this Ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this Ordinance.

904: FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

A. APPLICATION REQUIREMENTS

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator before 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:

(1) A plot plan is drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) 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;

(b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 900, Section 902 (B), or a statement that the entire lot is within the Special Flood Hazard Area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 900, Section 902 (B);

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 900, Section 902 (B);

(e) The Base Flood Elevation (BFE) where provided as outlined in Article 900, Section 902 (B); Article 905; or Article 906 (D);

(f) The old and new location of any watercourse that will be altered or relocated because of the proposed development; and

(g) The certification of the plot plan by a registered land surveyor or professional engineer.

(2) The proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone *A, AE, AH, AO,* or *A99* will be flood-proofed; and

(c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or flood-proofed.

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (e.g., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls per Article 900, Section 906, Item (B) (4) (c) when solid foundation perimeter walls are used in Zones *A, AE, AH, AO,* and *A99*.

(5) Usage details of any enclosed areas below the lowest floor.

(6) 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.

(7) Certification that all other Local, State, and Federal permits required before Floodplain Development Permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 900, Section 906, (B) (6), and (7) of this Ordinance are met.

(9) 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 on properties located both upstream and downstream; and a map, if not

shown on the plot plan, showing the location of the proposed watercourse alteration or relocation.

B. PERMIT REQUIREMENTS

The Floodplain Development Permit shall include, but not be limited to:

(1) A complete description of all the development to be permitted under the Floodplain Development Permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials, etc.).

(2) The Special Flood Hazard Area determination for the proposed development by available data specified in Article 900, Section 902 (B).

(3) The Regulatory Flood Protection Elevation is required for the reference level and all attendant utilities.

(4) The Regulatory Flood Protection Elevation is required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 900, Section 906 (F) have been met.

(7) The flood opening requirements~~, if in Zones *A, AE, AH, AO,* or *A99*~~.

(8) Limitations of below BFE enclosure uses, if applicable. (e.g., parking, building access, and limited storage only).

(9) A statement that all materials below BFE/RFPE must be flood-resistant materials.

C. CERTIFICATION REQUIREMENTS

(1) Elevation Certificates

(a) An Elevation Certificate (FEMA Form ~~81-31~~086-0-33) is required before 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 NAVD 1988.

The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder before the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

(b) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven calendar days of the establishment of the reference level elevation, 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 NAVD 1988. Any work done within the seven-day calendar period and before submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and before further work is permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and before the 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 before 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 caused to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished

Construction Elevation Certificate certifier shall provide at least two photographs showing the front and rear of the building taken within ninety days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Article 900, Section 904, (C) (1) (a) above. To the extent possible, these photographs should show the entire building including the foundation. If the building has split-level or multi-level areas, provide at least two additional photographs showing side views of the building. Also, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches. Digital photographs are acceptable.

(2) Flood-proofing Certificate
If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required before 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 NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the 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 before 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 per the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within Zone *A, AE, AH, AO,* or *A99* and the elevation of the chassis is more than thirty-six inches in height above grade, an engineered foundation certification is required per the provisions of Article 900, Section 906 (B) (3) (b).

(4) 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 on 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 before issuance of a Floodplain Development Permit.

(5) Certification Exemptions. The following structures, if located within Zone *A, AE, AH, AO,* or *A99,* are exempt from the elevation/floodproofing certification requirements specified in items (A) and (B) of this subsection:

(a) Recreational Vehicles meeting requirements of Article 900, Section 906 (B) (6) (a);

(b) Temporary Structures meeting requirements of Article 900, Section 906 (B) (7); and

(c) Accessory Structures less than 150 square feet and meet requirements of Article 900, Section 906 (B) (8).

D. DETERMINATIONS FOR EXISTING BUILDINGS AND STRUCTURES

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitation, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the North Carolina State Building Code and this Ordinance is required.

905: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

A. DUTIES OF 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 developments within Special Flood Hazard Areas to ensure that the requirements of this Ordinance have been satisfied.

(2) Review all proposed development within Special Flood Hazard Areas to ensure that all necessary local, State, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program before 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 900, Section 906 (F) are met.

(6) Obtain actual elevation in relation to NAVD 1988 of the reference level, including the basement, and all attendant utilities of all new and substantially improved structures, per the provisions of Article 900, Section 904 (B) (3).

(7) Obtain actual elevation in relation to NAVD 1988 to which all new and substantially improved structures and utilities have been floodproofed, per the provisions of Article 900, Section 904 (B) (3).

(8) Obtain actual elevation in relation to NAVD 1988 of all public utilities per the provisions of Article 900, Section 904 (B) (3).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect per the provisions of Article 900, Section 904 (B) (3) and Article 900, Section 906 (B) (2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (e.g., 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 BFE data has not been provided per the provisions of Article 900, Section 902 (B), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or another source, including data developed under Article 900, Section 906 (D) (2) (c), to administer the provisions of this Ordinance.

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided per the provisions of Article 900, Section 902 (B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, State, or another source to administer the provisions of this Ordinance.

~~(13)~~ ~~When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the BFE, advise the property owner of the option to apply for a Letter of Map~~

~~Amendment from FEMA. Maintain a copy of the LOMA issued by FEMA in the Floodplain Development Permit file.~~

(13) Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) Make on-site inspections of work in progress. As the work under a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter any premises within the jurisdiction of the community at any reasonable hour for inspection or other enforcement action.

(15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a ~~misdemeanor~~violation of this Ordinance and is subject to Article 400, Section 405.

(16) 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.

(17) 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 inspection or other enforcement action.

(18) Follow through with corrective procedures of Article 900, Section 905 (B).

(19) Review, provide input, and make recommendations for Variance requests.

(20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM, and other official flood maps and studies adopted per the provisions of Article 900, Section 902 (B) of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the State and FEMA of mapping needs.

(21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(22) 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 are above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment from FEMA. Maintain a copy of the LOMA issued by FEMA in the Floodplain Development Permit file.

B. CORRECTIVE PROCEDURES

(1) 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) If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) That the building or property violates the floodplain management regulations;

(b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten 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 about the matter; and

(c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(3) If, upon a hearing held according to the notice prescribed above, the Floodplain Administrator shall find that the building or development violates the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified period, not less than sixty 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 a lesser period as may be feasible.

(4) Any owner who has received an order to take corrective action may appeal the order to the ~~local elected governing body~~Randolph County ~~Zoning Board of Adjustment~~Board of Commissioners by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following the issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Randolph County Zoning Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.

(5) 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~~Randolph County ~~Zoning Board of Adjustment~~Board of Commissioners following an appeal, the owner shall be guilty of a ~~Class One misdemeanor and shall be punished at the discretion of the court.~~violation of this Ordinance and be subject to Article 400, Section 405.

C. VARIANCE PROCEDURES

(1) The Randolph County Zoning Board of Adjustment as established by Randolph County, referred to as the *appeal*

board, shall hear and decide requests for variances from the requirements of this Ordinance.

(2) Any person aggrieved by the decision of the Randolph County Zoning Board of Adjustment ~~appeal board~~ may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variances may be issued for:

(a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Functionally dependent facilities if determined to meet the definition as stated in Article 100, Section 104 of this Ordinance, provided provisions of Article 900, Section 905 C (9) (b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(c) Any other type of development provided it meets the requirements of this Section.

(4) In passing upon variances, the Randolph County Zoning Board of Adjustment ~~appeal board~~ shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity for the facility of a waterfront location as defined under Article 100, Section 104 of this Ordinance as a functionally dependent facility, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this Ordinance, the Randolph County Zoning Board of Adjustment ~~appeal board~~ may attach such conditions to the granting of Variances as it deems necessary to further the purposes and objectives of this Ordinance.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and

property, and that the issuance of a Variance to construct a structure below the BFE may 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 the justification for their issuance.

(8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to FEMA and the State of North Carolina upon request.

(9) Conditions for Variances:

(a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or Ordinances.

(b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in an 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 before development permit approval.

(e) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the Variance would result in exceptional hardship; and

(iii) A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud on

or victimization of the public, or conflict with existing local laws or ordinances.

(10) A Variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are in Special Flood Hazard Areas if all the following conditions are met:

(a) The use serves a critical need in the community;

(b) No feasible location exists for 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; and

(e) Randolph County has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty calendar days before granting the variance.

906: PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all Special Flood Hazard Areas, the following provisions are required:

(1) All new construction and substantial improvements shall be designed, 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 per the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements.*

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flood to the design flood elevation.~~prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.~~Utility systems, equipment, and service facilities include but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panel/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

(a) Replacement part of a substantial improvement ~~electrical, heating, ventilation, plumbing, air conditioning equipment and other service equipment shall~~must also meet the above provisions.

(b) Replacements that are for maintenance and not part of a substantial improvement may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

(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 floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

(9) 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 900, Section 905 (E) (10). A structure or tank for chemical or fuel storage incidental to an allowed use or the operation of a water treatment plant or wastewater treatment facility may be 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 per the provisions of Article 900, Section 905 B (3).

(10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(11) 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.

(12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(13) 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 USC 1334.

(14) 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.

(15) When a structure is in ~~multiple flood hazard zones or~~ a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(16) Fill is prohibited in the SFHA, including the construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision – Based on Fill (CLOMR-F or LOMR-F).

~~(16)~~(17) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where BFE data has been provided, as outlined in Article 900, Section 902 (B), or Article 906 (D), the following provisions, in addition to the provisions of Article 900, Section 906 (A), are required:

(1) RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure, including manufactured homes, shall have the reference level, including the basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 100, Section 104 of this Ordinance.

(2) NON-RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including the basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 100, Section 104 of this Ordinance. Structures located in Zones *A, AE, AH, AO,* and *A99* may be floodproofed to the Regulatory Flood Protection Elevation instead 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 per Article 900, Section 906 (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 outlined in Article 900,

Section 904 (C), 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 100, Section 104 of this Ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system or per the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance according to NCGS § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six inches or less above the grade at the site, the chassis shall be supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above thirty-six inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 900, Section 906 (B) (4).

(d) An evacuation plan must be developed for the 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

A 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 not be temperature-controlled or conditioned;

(c) Shall be constructed entirely of flood-resistant materials at least to the Regulatory Flood Protection Elevation;

(d) Shall include~~, in Zones *A, AE, AH, AO,* and *A99*~~ flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior 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 do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(e) Fill is prohibited in the SFHA.

(f) Property owners shall be required to execute and record a non-conversion agreement before issuance of a building permit declaring that the area below the lowest flood shall not be improved, finished or otherwise converted to habitable space. Randolph County will have the right to inspect the enclosed area. This agreement shall be recorded with the Randolph County Register of Deeds and shall transfer with the property in perpetuity.

(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, with modifications, rehabilitations, or improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications, rehabilitations, or improvements 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 consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a one year, the cumulative cost of which equals or exceeds fifty percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year minimum period begins on the date of the first improvement or repair of that building or structure after the effective date of this Ordinance. *Substantial damage* also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that is the minimum necessary to assume safe living conditions; or

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) RECREATIONAL VEHICLES

Recreational vehicles shall either:

(a) Temporary Placement

(i) 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

(ii) 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 not permanently attached additions.

(b) ~~Meet all the requirements for new construction~~BPermanent Placement

(i) Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) TEMPORARY NON-RESIDENTIAL STRUCTURES

Before 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 another 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 period for which the temporary use will be permitted. The time specified may not exceed three months, renewable up to one year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame before the event at which a structure will be removed (e.g., a 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 (e.g., 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 to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored per the provisions of Article 900, Section 906 (A) (1);

(f) All service facilities such as electrical shall be installed per the provisions of Article 900, Section 906 (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 900, Section 906 (B) (4) (d).

An accessory structure with a footprint of less than 150 square feet that satisfies the criteria outlined above is not required to meet the elevation or floodproofing Standards of Article 900, Section 906 (B) (2). Elevation or floodproofing certifications are required for all other accessory structures per Article 900, Section 904 (C (3).

(9) TANKS

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met.

(a) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the designed flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(c) Above-ground tanks that do not meet the elevation requirements of Article 900, Section 906, Item B (2) of this Ordinance shall be permitted in flood hazard areas provided that the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets, fill openings, outlets, and vents shall be:

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic loads, including the effects of buoyancy, during conditions of the design flood.

(10) FENCES

Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 900, Section 906, Item F of this Ordinance.

(11) RETAINING WALLS, SIDEWALLS, AND DRIVEWAYS

Retaining walls, sidewalks, and driveways that involve the placement of fill-in regulated floodways shall meet the limitations of Article 900, Section 906, Item F of this Ordinance.

(12) ROADS AND WATERCOURSE CROSSINGS

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 900, Section 606, Item F of this Ordinance.

(13) COMMERCIAL STORAGE FACILITIES

Commercial storage facilities are not considered "limited storage" as noted in this Ordinance and shall be protected by the Regulatory Flood Protection Elevation as required for commercial structures.

~~**C. BUILDING RESTRICTIONS**~~

~~No new buildings (except for gas, liquid, or liquefied gas storage tanks) shall be allowed unless a variance is granted. When a variance is granted, all new buildings shall meet the requirements of this Ordinance. This restriction does not apply to buildings that have been substantially damaged or substantially improved.~~

~~D.~~C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone *A* and established in Article 900, Section 902 (B), where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 900, Section 906 (A), shall apply:

(1) No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within twenty feet on each side from the top of the bank or five times the width of the stream, whichever is

greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in an 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 BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed per standards in Article 900, Section 906 (A) and (B).

(b) When floodway data or non-encroachment data is available from a federal, State, or another source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 900, Section 906 (B) and (F).

(c) All subdivisions, manufactured home parks and other development proposals shall provide BFE data if the development is greater than five acres or has more than fifty lots/manufactured home sites. Such BFE data shall be adopted by reference per Article 900, Section 902 (B), and utilized in implementing this Ordinance.

(d) When BFE data is not available from a federal, State, or another 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 100, Section 104. All other applicable provisions of Article 900, Section 906 (B) shall also apply.

~~E.~~D. 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 900, Section 906 (A) and (B); and

(2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

~~F.~~E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 900, Section 902 (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 900, Section 906 (A) and (B), shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

(a) It is demonstrated that the proposed encroachment would not result in an increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed per standard engineering practice and presented to the Floodplain Administrator before 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 Section 900, Section 906 (F) (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.

(3) Manufactured homes ~~shall~~ may 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 900, Section 906 (B) (3); and

(c) The encroachment standard of Article 900, Section 906 (F) (1).

~~G.~~F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE *AO*)

Located within the Special Flood Hazard Area established in Article 900, Section 902 (B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 900, Section 906 (A), and (B), 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 FIRM, in feet, plus a freeboard of four feet, above the highest adjacent grade; or at least four feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, instead of elevation, be floodproofed to the same level as required in Article 900, Section 906 (H) (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 per Article 900, Section 904 (C) (3) and Article 900, Section 906 (B) (2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

~~H.~~G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE *AH*)

Located within the Special Flood Hazard Areas established in Article 900, Section 902 (B), are areas designated as shallow flooding areas. These areas are subject to inundation by a one percent annual chance of shallow flooding, usually areas of ponding, where average depths are one to three

feet. BFE is derived from detailed hydraulic analyses as shown in this zone. In addition to Article 900, Section 906 (A), and (B), all new construction and substantial improvements shall meet the following requirement.

(1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

907: LEGAL STATUS PROVISIONS

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

This Ordinance in part comes forward by the re-enactment of some of the provisions of the flood damage prevention Ordinance enacted May 4, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Randolph County enacted on May 4, 1987, as amended, which are not reenacted herein, are repealed.

The date of the initial flood damage prevention Ordinance for each municipal jurisdiction within Randolph County is as follows:

JURISDICTION	INITIAL DATE
City of Archdale	May 26, 1987
City of Asheboro	April 10, 1975
City of High Point	July 1, 1985
City of Randleman	May 5, 1987
City of Trinity	March 16, 2004
Town of Franklinville	December 2, 1996
Town of Ramseur	June 6, 1988

Table 25: Date of Adoption of Initial Flood Damage Prevention Ordinance

B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within six months after the date of issuance of the outstanding permit, construction or use shall conform with the provisions of this Ordinance.

C. SEVERABILITY

If a section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

~~C.~~D. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

~~D.~~E. ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Randolph County Board of Commissioners, on the _____ day of _____, 2023.

Witness my hand and the official seal of Randolph County, this the _____ of _____, 2023.

ARTICLE 1000: JUDICIAL REVIEW

1001: DECLARATORY JUDGMENTS

Challenges of legislative decisions of the Randolph County Board of Commissioners, the Randolph County Planning Board, or the Randolph County Zoning Board of Adjustment, including the validity or constitutionality of development regulations adopted under this Ordinance, and actions authorized by NCGS § 160D-108 (h) or (i) and NCGS § 160D-1403.1, may be brought according to Article 26 of Chapter 1 of the General Statutes. The Board making the challenged decision shall be named a party to the action.

An action is not rendered moot if the party loses the relevant property interest because of the Randolph County action being applied, subject to applicable case law limits.

1002: APPEALS IN THE NATURE OF CERTIORARI

A. APPLICABILITY

This Section applies to appeals of quasi-judicial decisions of decision-making boards when that appeal is like certiorari as required by this Article.

B. FILING THE PETITION

An appeal like certiorari shall be initiated by filing a petition for writ of certiorari with the Superior Court. The petition shall do all the following:

(1) State the facts that demonstrate that the petitioner has standing to seek review;

(2) Set forth allegations sufficient to give the court and parties notice of the grounds upon which the petitioner contends that an error was made;

(3) Set forth with particularity the allegations and facts, if any, in support of allegations that, as the result of an impermissible conflict as described in NCGS § 160D-109, or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles; and

(4) Set forth the relief the petitioner seeks.

C. STANDING

A petition may be filed under this Section only by a petitioner who has standing to challenge the decision being appealed. The following persons have standing to file a petition under this Section:

(1) Any person possessing any of the following criteria:

(a) An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by an easement, restriction, or covenant in the property that is the subject of the decision being appealed;

(b) An option or contract to purchase the property that is the subject of the decision being appealed; or

(c) An applicant before the decision-making board whose decision is being appealed.

(2) Any other person who will suffer special damages as the result of the decision being appealed.

(3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong under their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(4) Randolph County whose decision-making board has decided that the Randolph County Board of Commissioners believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the Randolph County Board of Commissioners.

D. RESPONDENT

The respondent named in the petition shall be Randolph County whose decision-making board made the decision that is being appealed, except that if the petitioner is Randolph County that has filed a petition under subdivision (4) of subsection (C) of this Section, then the respondent shall be the decision-making board. If the petitioner is not the applicant before the decision-making board whose decision is being appealed, the petitioner shall also name that applicant as a respondent. Any petitioner may name as a respondent any person with an ownership or leasehold interest in the

property that is the subject of the decision being appealed who participated in the hearing, or was an applicant, before the decision-making board.

E. WRIT OF CERTIORARI

Upon filing the petition, the petitioner shall present the petition and a proposed writ of certiorari to the Clerk of Superior Court of Randolph County. The writ shall direct the respondent Randolph County or the respondent decision-making board if the petitioner is Randolph County that has filed a petition under subdivision (4) of subsection (C) of this Section, to prepare and certify to the court the record of proceedings below within a specified date. The writ shall also direct the petitioner to serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4 (j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition, and the writ shall be served upon the Chair of that decision-making board. Rule 4 (j) (5) d. of the Rules of Civil Procedure applies in the event the Chair of a decision-making board cannot be found. No summons shall be issued. The Clerk shall issue the writ without notice to the respondent or respondents if the petition has been properly filed and the writ is in proper form. A copy of the executed writ shall be filed with the court.

Upon the filing of a petition for writ of certiorari, a party may request a stay of the execution or enforcement of the decision of the quasi-judicial board pending Superior Court review. The court may grant a stay at its discretion and on conditions that properly provide for the security of the adverse party. A stay granted in favor of a city or county shall not require a bond or other security.

F. RESPONSE TO THE PETITION

The respondent may, but need not, file a response to the petition, except that, if the respondent contends for the first time that any petitioner lacks standing to bring the appeal, that contention must be outlined in a response served on all petitioners at least 30 days before the hearing on the petition. If it is not served within that period, the matter may be continued to allow the petitioner's time to respond.

G. INTERVENTION

Rule 24 of the Rules of Civil Procedure governs motions to intervene as a petitioner or respondent in an action initiated under this Section with the following exceptions:

(1) Any person described in subdivision *(1)* of subsection (C) of this Section has standing to intervene and shall be allowed to intervene as a matter of right;

(2) Any person, other than one described in subdivision (1) of subsection (C) of this Section, who seeks to intervene as a petitioner must demonstrate that the person would have had standing to challenge the decision being appealed per subdivisions (2) through (4) of subsection (C) of this Section; or

(3) Any person, other than one described in subdivision (1) of subsection (C) of this Section, who seeks to intervene as a respondent must demonstrate that the person would have had standing to file a petition per subdivisions (2) through (4) of subsection (C) of this Section if the decision-making board had made a decision that is consistent with the relief sought by the petitioner.

H. THE RECORD

The record shall consist of the decision and all documents and exhibits submitted to the decision-making board whose decision is being appealed, together with the minutes of the meeting or meetings at which the decision being appealed was considered. Upon request of any party, the record shall also contain audio or videotape of the meeting or meetings at which the decision being appealed was considered if such a recording was made. Any party may also include in the record a transcript of the proceedings, which shall be prepared at the cost of the party choosing to include it. The parties may agree that matters unnecessary to the court's decision be deleted from the record or that matters other than those specified herein be included. The record shall be bound and paginated or otherwise organized for the convenience of the parties and the court. A copy of the record shall be served by Randolph County, or the Randolph County Zoning Board of Adjustment, or the Randolph County Board of Commissioners, upon all petitioners within three days after it is filed with the court.

I. HEARING ON THE RECORD

The court shall hear and decide all issues raised by the petition by reviewing the record submitted per subsection (H) of this Section. The court shall allow the record to be supplemented with affidavits, the testimony of witnesses, or documentary or other evidence if, and to the extent that, the petition raised ant of the following issues, in which case the rules of discovery outlined in the North Carolina Rules of Civil Procedure apply to the supplementation of the records of these issues:

(1) Whether a petitioner or intervener has standing;

(2) Whether, because of impermissible conflict as described in NCGS § 160D-109 or locally adopted conflict rules, the decision-making Board was not sufficiently impartial to comply

with due process principles. A failure to object at a hearing by a person with standing under subsection (C) of this section shall not constitute a waiver of a right to assert impermissible conflict involving a member of the decision-making Board; or

(3) Whether the decision-making body erred for the reasons outlined in sub-subdivisions (A) and (B) of subdivision (1) of subsection (J) of this Section.

J. SCOPE OF REVIEW

(1) When reviewing the decision under the provisions of this Section, the court shall ensure that the rights of petitioners have not been prejudiced because the decision-making body's findings, inferences, conclusions, or decisions were:

(a) In violation of constitutional provisions, including those protecting procedural due process rights;

(b) More than the statutory authority conferred upon Randolph County, including preemption, or the authority conferred upon the decision-making board by ordinance;

(c) Inconsistent with applicable procedures specified by statute or ordinance;

(d) Affected by other errors of law;

(e) Unsupported by competent, material, and substantial evidence because of the entire record; or

(f) Arbitrary or capricious.

(2) When the issue before the court is one outlined in subdivisions (A) through (D) of subdivision (1) of this subsection, including whether the decision-making board erred in interpreting an ordinance, the court shall review that issue *de novo.* The court shall consider the interpretation of the decision-making board, but is not bound by that interpretation, and may freely substitute its judgment as appropriate. Whether the record contains competent, material, and substantial evidence is a conclusion of law, reviewable *de novo.*

(3) The term *competent evidence,* as used in this subsection, does not preclude reliance by the decision-making board on

evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) except for the items noted in subdivisions (A), (B) and (C) of this subdivision that is conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term *competent evidence,* as used in this subsection, shall, regardless of the lack of timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:

(a) The use of property in a way affects the value of other properties;

(b) The increase in vehicular traffic resulting from a proposed development poses a danger to public safety; or

(c) Matters about which only expert testimony would generally be admissible under the rules of evidence.

4. Subject to the limitations in the State and federal constitutions and State and federal law, an action filed under this section is not rendered moot, if, during the pendency of the action, the aggrieved person loses the applicable property interest because of Randolph County's action being challenged and exhaustion of an appeal described herein is requires for purposes of preserving a claim for damages under NCGS § 160D-1403.1

K. DECISION OF THE COURT

Following its review of the decision-making board per subsection (J) of this Section, the court may affirm the decision, reverse the decision, and remand the case with appropriate instructions, or remand the case for further proceedings. If the court does not affirm the decision below in its entirety, then the court shall determine what relief shall be granted to the petitioners:

(1) If the court concludes that the error committed by the decision-making board is procedural only, the court may remand the case for further proceedings to correct the procedural error;

(2) If the court concludes that the decision-making board has erred by failing to make findings of fact such that the court cannot properly perform its function, then the court may

remand the case with appropriate instructions so long as the record contains substantial competent evidence that could support the decision below with appropriate findings of fact. However, findings of fact are not necessary when the record sufficiently reveals the basis for the decision below or when the material facts are undisputed, and the case presents only an issue of law; or

(3) If the court concludes that the decision by the decision-making board is not supported by competent, material, and substantial evidence in the record or is based upon an error of law, then the court may remand the case with an order that directs the decision-making board to take whatever action shall have been taken had the error not been committed or to take such other action as is necessary to correct the error. Specifically:

(a) If the court concludes that a permit was wrongfully denied because the denial was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court shall remand with instructions that the permit be issued, subject to any conditions expressly consented to by the permit applicant as part of the application or during the Randolph County Planning Board writ of certiorari appeal.

(b) If the court concludes that a permit was wrongfully issued because the issuance was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court may remand with instructions that the permit be revoked.

(c) If the court concludes that the Randolph County Planning Board decision upholding a zoning enforcement action was not supported by substantial competent evidence or was otherwise based on an error of law, the court shall reverse the decision.

L. EFFECT OF APPEAL AND ANCILLARY INJUNCTIVE RELIEF

(1) If development approval is appealed, the applicant shall have the right to commence work while the appeal is pending. However, if the development approval is reversed by a final decision of any court of competent jurisdiction, the applicant shall not be deemed to have gained any vested rights based

on actions taken before or during the pendency of the appeal and must proceed as if no development approval had been granted.

(2) Upon motion of a party to a proceeding under this Section, and under appropriate circumstances, the court may issue an injunctive order requiring any other party to that proceeding to take a certain action or refrain from taking action that is consistent with the court's decision on the merits of the appeal.

M. EFFECT OF APPEAL OF QUASI-JUDICIAL RELIEF

If a Special Use Permit is issued by Randolph County Planning Board after remand from an order of the court of competent jurisdiction and no injunction prevents the issuance of a Special Use Permit, any appeal of the Court's remand order or the subsequently issued Special Use Permit is rendered moot.

~~M.~~N. JOINDER

A declaratory judgment brought under NCGS § 160D-1401 or other civil action relating to the decision at issue may be joined with the petition for writ of certiorari and decided in the same proceeding.

~~N.~~O. STAYS

An appeal under this section is stayed as provided in NCGS § 160D-405.

1003: APPEALS OF DECISIONS ON SUBDIVISION PLATS

When a subdivision regulation adopted under this Ordinance provides that the decision whether to approve or deny a preliminary or final subdivision plat is quasi-judicial, then that decision of the Board is subject to review by the Superior Court by ~~proceedings~~ a proceeding in the nature of certiorari. ~~The provisions of~~ NCGS § 160D-406 and this Section apply to those appeals.

When a subdivision regulation adopted under this Ordinance provides that the decision whether to approve or deny a preliminary or final subdivision plat is administrative, or for any other administrative decision implementing a subdivision regulation, the following applies.~~then that decision of the board shall be subject to review by filing an action in Superior Court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, which shall be made as provided in NCGS 160D-403 (b).~~

A. If made by the Governing Board or Planning Board, the decision is subject to review by filing an action in Superior Court seeking appropriate declaratory or equitable relief within thirty days from receipt of the written

notice of the decision, which shall be made as provided in NCGS § 160D-403 (b).

B. If made by the staff or a staff committee, the decision is subject to appeal as provided in NCGS § 160D-405.

For purposes of this Section, a subdivision regulation is deemed to authorize a quasi-judicial decision if the decision-making entity under NCGS § 160D-803 (c) is authorized to decide whether to approve or deny the plat based not only upon whether the application complies with the specific requirements outlined in the regulation but also on whether the application complies with one or more generally stated standards requiring a discretionary decision to be made.

1004: CIVIL ACTION FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, OTHER REMEDIES; JOINDER OF COMPLAINT AND PETITION FOR WRIT OF CERTIORARI IN CERTAIN CASES

A. CIVIL ACTION

Except as otherwise provided in this section for claims involving questions of interpretation, instead of any remedies available under NCGS § 160D-405 or NCGS § 160D-108(h), a person with standing, as defined in subsection (B) of this section, may bring an original civil action seeking declaratory relief, injunctive relief, damages, or any other remedies provided by law or equity, in Superior Court or Federal Court to challenge the enforceability, validity, or effect of a local land development regulation for any of the following claims:

(1) This Ordinance, either on its face or as applied, is unconstitutional.

(2) This Ordinance, either on its face or as applied, is ultra vires, preempted, or otherwise more than statutory authority.

(3) This Ordinance, either on its face or as applied, constitutes a taking of property.

If the decision being challenged is from an administrative official charged with enforcement of a local land development regulation, the party with standing must first bring any claim that this Ordinance was erroneously interpreted to the Randolph County Zoning Board of Adjustment according to NCGS § 160D-405. An adverse ruling from the Randolph County Zoning Board of Adjustment may then be challenged in an action brought under this subsection with the court hearing the matter *de novo* together with any of the claims listed in this subsection.

B. STANDING

Any of the following criteria provide standing to bring an action under this section:

(1) The person has an ownership, leasehold, or easement interest in, or possesses an option or contract to purchase the property that is the subject matter of a final and binding decision made by an administrative official charged with applying or enforcing a land development regulation.

(2) The person was a development permit applicant before the decision-making board whose decision is being challenged.

(3) The person was a development permit applicant who was aggrieved by a final and binding decision of an administrative official charged with applying or enforcing a land development regulation.

C. TIME FOR COMMENCEMENT OF ACTION

Any action brought under this section shall be commenced within one year after the date on which written notice of the final decision is delivered to the aggrieved party by personal delivery, electronic mail, or by first-class mail.

D. JOINDER

An original civil action authorized by this section may, for convenience and economy, be joined with a petition for writ of certiorari and decided in the same proceedings. The Rules of Civil Procedure govern the parties for the claims raised in the original civil action. The record of proceedings in the appeal according to NCGS § 160D-1402 shall not be supplemented by discovery from the civil action unless supplementation is otherwise allowed under NCGS § 160D-1402 (i). The standard of review in the original civil action for the cause or causes of action pled as authorized by subsection (a) of this section is *de novo.* The standard of review of the petition for writ of certiorari is the standard established in G.S. 160D-1402 (j).

E. ACTION NOT RENDERED MOOT BY LOSS OF PROPERTY

Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if, during the pendency of the action, the aggrieved person loses the applicable property interest because of Randolph County's action being challenged and exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under this section.

F. STAYS

An appeal under this section is stayed as provided in NCGS § 160D-405.

G. DEFINITIONS

The definitions in NCGS § 143-755 apply in this section.

H. NO ESTOPPEL EFFECT WHEN CHALLENGING DEVELOPMENT CONDITIONS

Randolph County may not assert before the Randolph County Zoning Board of Adjustment or in any civil action the defense of estoppel because of actions by the landowner or permit applicant to proceed with development authorized by a development permit as defined in NCGS § 143-755 if the landowner or permit applicant is challenging conditions that were imposed and not consented to in writing by a landowner or permit applicant.

1005: STATUTES OF LIMITATION

A. ZONING MAP ADOPTION OR AMENDMENTS

A cause of action as to the validity of any regulation adopting or amending a zoning map adopted under this Ordinance or other applicable law or development agreement adopted under Article ~~1~~400 of this Ordinance accrues upon adoption of this Ordinance and shall be brought within sixty days as provided in NCGS § 1-54.10.

B. TEXT ADOPTION OR AMENDMENT

Except as otherwise provided in subsection (A) of this Section, an action challenging the validity of a development regulation adopted under this Ordinance or other applicable law shall be brought within one year of the accrual ~~of such action~~ as provided in NCGS § 1-54 (10). The action accrues when the party bringing such action first has the standing to challenge this Ordinance. A challenge to an ordinance because of an alleged defect in the adoption process shall be brought within three years after the adoption of this Ordinance as provided in NCGS § 1-54 (10)

C. ENFORCEMENT DEFENSE

Nothing in this Section or NCGS § 1-54 (10) or NCGS § 1-54.1 bars a party in an action involving the enforcement of a development regulation or in an action under NCGS § 160D-1403.1 from raising a claim or defense of the enforceability of the invalidity of this Ordinance. Nothing in this Section or NCGS § 1-54 (10) or NCGS § 1-54.1 bars a party that files a timely appeal from any order, requirement, decision, or determination made by an administrative official contending that the party violates a development regulation from raising in the judicial appeal the invalidity of this Ordinance as a defense to the order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of this Ordinance because of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

D. TERMINATION OF GRANDFATHERED STATUS

When a use constituting a violation of this Ordinance is in existence before the adoption of the zoning or unified development ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, Randolph County shall bring an enforcement action within ten years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

E. QUASI-JUDICIAL DECISIONS

Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the Clerk of Superior Court by the later of thirty days after the decision is effective or after a written copy of it is given under NCGS § 160D-406 (j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

F. OTHERS

Except as provided by this Section, the statutes of limitations are as provided in Subchapter II of Chapter 1 of the General Statutes.

1006: ATTORNEYS' FEES

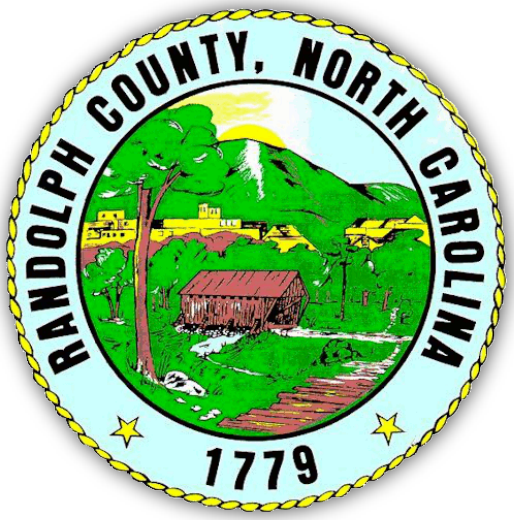
In any action in which Randolph County is a party, upon a finding by the court that Randolph County violated a statute or case law setting forth unambiguous limits on its authority, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged Randolph County's action. In any action in which Randolph County is a party, upon finding by the court that Randolph County acted inconsistent with, or in violation of, NCGS § 160A-360.1, NCGS § 153A-320.1, or NCGS § 143-755, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged Randolph County's failure to comply with any of those provisions. In all matters, the court may award reasonable attorneys' fees and costs to the prevailing private litigant. For purposes of this section, *unambiguous* means that the limits of authority are not reasonably susceptible to multiple constructions.

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AMENDMENTS

DATE OF AMENDMENT	DETAIL OF AMENDMENTS
August 15, 2022	Amended Article 600, Section 614, to include the *Conservation Subdivision Overlay* zoning district.



It is the mission of the Randolph County Planning and Zoning Department to develop and administer a comprehensive and strategic planning program designed to maintain quality and sustainable growth within Randolph County.

MOTION TO APPROVE AMENDMENTS TO *RANDOLPH COUNTY UNIFIED DEVELOPMENT ORDINANCE*

NORTH CAROLINA

RANDOLPH COUNTY BOARD OF COMMISSIONERS

"Pursuant to Article 400, Section 408 (C) of the *Randolph County Unified Development Ordinance,* I make the motion to **APPROVE** to amend the *Randolph County Unified Development Ordinance*, to include all required legislative updates along with updates to the *Randolph County Watershed Protection Ordinance* and the *Randolph County Flood Damage Prevention Ordinance* as recommended by the Randolph County Planning Board, that is included in the Board of Commissioners agenda, submitted during the *Randolph County Unified Development Ordinance* amendment presentation, and based upon the ***Determination of Consistency and Findings of Reasonableness and Public Interest*** statement that is included in the Board of Commissioners agenda, submitted during the amendment presentation and as may be amended, incorporated into the motion, to be included in the minutes, and that the request is also consistent with the *Randolph County Growth Management Plan*."

If making a second to the motion, please change to say, "I second the motion . . ." and continue reading the rest of the motion.

COUNTY OF RANDOLPH
CONSISTENCY DETERMINATION AND
FINDING OF REASONABLENESS AND PUBLIC INTEREST

IN THE MATTER OF THE AMENDMENTS TO THE
RANDOLPH COUNTY UNIFIED DEVELOPMENT ORDINANCE

NORTH CAROLINA **RANDOLPH COUNTY**
BOARD OF COMMISSIONERS

According to North Carolina General Statutes § 160D and the *Randolph County Unified Development Ordinance*, the Randolph County Board of Commissioners finds that the proposed amendments to the *Randolph County Unified Development Ordinance* as described in the materials submitted in the agenda packet are consistent with the *Randolph County Unified Development Ordinance* and the *Randolph County Growth Management Plan* and are reasonable and in the public interest for the following reasons:

1. **Determination of Consistency with the *Growth Management Plan.***
   - **A. Consistency with *Growth Management Plan* Map**
     The *Randolph County Growth Management Plan* seeks to address the planning in the County. Applicable General Statutes require the County to have a comprehensive land-use plan to administer zoning in the County's jurisdiction. Additional applicable State laws require that from time to time the County to amend the *Randolph County Unified Development Ordinance* to stay compliant with changes in the General Statutes.

   - **B. Consistency with Growth Policies in the *Growth Management Plan***

     A Resolution Adopting the Randolph County Growth Management Plan, Item Number Three: *"Ensure the opportunities to achieve the highest and best uses of their land that are consistent with Growth Management Policies in order to protect the economic viability of the County's citizens and tax base."*

     Consistency Analysis: Allowing owners to achieve the highest and best uses of their land are consistent with the *Growth Management Plan,* and these amendments would also provide for the retention of open space and farming areas.

     Executive Summary: *"The foundation of Randolph County's updated Growth Management Plan is to recognize that sustainable economic growth, environmental protection, and rural quality of life can be pursued together as*

mutually support growth management and public policy goals. One does not necessarily exclude the other.

Consistency Analysis: Maintaining the statutory compliance in the *Randolph County Unified Development Ordinance* is an additional resource the County has ". . . to recognize that sustainable economic growth, environmental protection, and rural quality of life . . ." and can make Randolph County a more desired location for families and industries.

2. Statement of Reasonableness and Public Interest

Reasonableness and Public Interest Analysis:

The policies listed above illustrate how this request is consistent with the Ordinance, the Plan, and applicable General Statutes. The proposed amendments will limit the amount and type of development in the County while reducing the impact on adjoining parcels and existing open space and farmlands. The proposed amendments could also increase the tax base and increase economic activity within the County.

Adopted on April 1, 2024.

_____
Darrell Frye, Chair
Randolph County Board of Commissioners

ATTEST

_____
Dana Crisco, Clerk to the Board

RANDOLPH COUNTY
BOARD OF COMMISSIONERS

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

Darrell Frye, Chairman
David Allen, Vice Chairman
Kenny Kidd
Maxton McDowell
Hope Haywood

Will Massie, 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, sewerage, schools, parks, and other public requirements; and to promote the health and well-being of the community; and

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

BE IT ORDAINED that the Randolph County Board of Commissioners concludes that the proposed amendments to the *Randolph County Unified Development Ordinance,* as included in the agenda packet, are reasonable and in the public interest as shown on the *Consistency Determination and Finding of Reasonableness and Public Interest,* also included in the agenda packet. Additionally, the proposed amendments support the policies and goals in the *Randolph County Growth Management Plan;* and

BE IT FURTHER ORDAINED that the proposed amendments to the *Randolph County Watershed Ordinance* contained within the *Randolph County Unified Development Ordinance,* as included in the agenda packet, are as strict or more strict than the *State Model Watershed Ordinance.*

THEREFORE, BE IT ORDAINED that the Randolph County Board of Commissioners does hereby adopt 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 April 1, 2024.

Adopted this 1st day of April 2024.

Darrell Frye, Chair
Randolph Board of County Commissioners

Dana Crisco, Clerk to the Board

Randolph County

DEPARTMENT OF

EMERGENCY SERVICES

760 New Century Drive
Asheboro, NC 27205

Ph: 336-318-6911
Fax: 336-318-6951

www.randolphcountync.gov

Office of the Fire Marshal

To: Randolph County Commissioners

From: Erik Beard, Randolph County Fire Marshal

Date: March

Ref: Municipal Fire Inspection Contracts

Since 2015, the Randolph County Fire Marshal's Office has provided fire inspection services for the Towns of Franklinville, Ramseur, and Staley. In 2016, our office began providing these services for the Town of Seagrove as well.

The amount to charge for these services was determined taking into account the number of occupancies requiring inspections and the approximate cost of each inspection. At that time, the approximate cost of providing these services was determined to be $75.00 per occupancy.

Due to the continued increasing costs associated with providing these services, I am requesting an increase of $15.00 per occupancy to bring the total to $90.00.

I have attached a breakdown of the current occupancy count of each municipality as of March 1st, 2024 along with the proposed cost of providing these services. I have also attached a sample of the interlocal agreement that we currently utilize for your reference.

I appreciate your consideration of this request and will be happy to answer questions that you may have.

Municipal Occupancies as of 3/1/2024

Town of Franklinville – 38 Occupancies

Town of Ramseur – 158 Occupancies

Town of Staley – 23 Occupancies

Town of Seagrove – 83 Occupancies

Proposed Cost per Municipality

Town of Franklinville - $3,420.00

Town of Ramseur - $14,420.00

Town of Staley - $2,070.00

Town of Seagrove - $7,470.00

NORTH CAROLINA

RANDOLPH COUNTY

INTERLOCAL AGREEMENT
FOR FIRE INSPECTIONS

THIS AGREEMENT, made and entered into this the _____ day of _____, 2021, by and between the Town of Franklinville, a body politic, hereinafter referred to as "Franklinville" and the County of Randolph, a body politic, hereinafter referred to as the "County";

WHEREAS, Franklinville desires to utilize the Randolph County Fire Inspections Department to conduct fire inspections for Franklinville businesses and schools located within the town limits; and

WHEREAS, the County agrees to contract said fire inspection services with Franklinville; and

WHEREAS, pursuant to North Carolina General Statute 160A-413, in lieu of a joint inspection department, a town council may designate an inspector from a county to serve as a member of its inspection department with approval of the governing body of said county;

NOW THEREFORE, it is agreed, in consideration of the mutual covenants, promises and agreements contained herein, as follows:

1. Term: This Agreement shall be effective as of July 1, 2021 and will expire on June 30, 2024, unless terminated or extended as provided herein. The parties agree that they will renew the terms of this Agreement prior to the expiration of the original term should they wish to extend the contract under these or modified terms. This Agreement is terminable by either party upon ninety (90) days prior written notice to the other party.

2. Fees: Franklinville shall pay the County the sum of Two-Thousand Two Hundred and no/100 Dollars ($2,200.00) on a yearly basis for the term of this Agreement. Payment for the first year is due within sixty (60) days of the date of this Agreement. Payments for subsequent years are due by October 1 of said year.

3. Personnel: Pursuant to N.C.G.S. 160A-413, the parties acknowledge that the inspectors from the County shall, while exercising duties under this Agreement, be considered municipal employees of the Town of Franklinville. Franklinville shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of Franklinville as it does for an individual who is an employee of Franklinville. Franklinville shall have errors and omissions or other insurance coverage acceptable to the County. The County and Franklinville shall retain their sovereign immunity to the full extent allowable by law.

4. Books and Records: The County shall cause to be maintained at its offices adequate books and records in connections with its fire inspections in Franklinville. Franklinville shall have the right and privilege of examining such books and records as may pertain to this Agreement.

5. Indemnification: Franklinville shall indemnify the County and save it harmless from and against all claims, losses and liabilities arising out of damage to property, or injury to or death of persons (including agents, subcontractors, and employees of the parties hereto) occasioned by or in connection with acts or omissions of County employees and subcontractors, and all costs in connection with this Agreement.

6. General Provisions:

    a. Relationship: The County and Franklinville shall not be construed as joint venturers or general partners of each other and neither shall have the power to bind or obligate the other party except as set forth in this Agreement; rather the parties shall rely upon North Carolina General Statute 160A-413 as set forth above.

    b. Assignment: This Agreement is not assignable by either party.

    c. Benefits and Obligations: The covenants and agreements contained herein shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

    d. Notices: All notices provided for in this Agreement shall be in writing.

    e. Governing Law: This Agreement shall be construed under the provisions of the law of the State of North Carolina.

f. Good Faith: The parties mutually agree to deal in good faith with one another in all respects in performing their respective duties under this Agreement.

g. Entire Agreement: This Agreement contains the entire agreement between the parties and cannot be modified except by an instrument in writing signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as set forth below.

RANDOLPH COUNTY

(SEAL)

Attest:

By: _____
Darrell L. Frye, Chairman
Randolph County Board of Commissioners

_____
Dana S. Crisco
Clerk to the Board

TOWN OF FRANKLINVILLE

(SEAL)

Attest:

By: _____
Perry Conner, Mayor
Town of Franklinville

_____
Beverly O'Brien
Town Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Finance Officer, Town of Franklinville