

ARTICLE 300
APPLICATION OF AREA, HEIGHT AND PLACEMENT

301 Regulations Encumbering Land Required to Satisfy Ordinance Requirements.

No portions of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the area, height and placement regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure, or use.

302 Height Regulation, Generally

302.1 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 to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

302.2 Measurement of Building Height on Through Lots

On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front. On through lots more than one hundred fifty (150) feet in depth, the regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.

302.3 Excluded Portions of Structures

Except as specifically provided herein, the height limitations of this Ordinance shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures shall not cover more than twenty percent of roof area or extend over 10 feet in height; nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, construction or mining cranes or draglines, or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however, that such walls shall not extend more than five feet above the roof. Television and radio receiving and transmitting antenna shall be permitted to exceed this limit. No such antenna shall be permitted to exceed seventy-five (75) feet in height in any Residential district or one hundred (100) feet in any other district except as permitted by Section 302.4 or Section 320A.

302.4 Yard Increase for Structures exceeding maximum height

Structures are permitted to exceed the maximum height limit in all districts listed in Table 200-1 if one foot of additional width is added to each district yard setback for every foot

of height over the maximum height where the lot adjoins a residential district and one half (1/2) foot where the lot adjoins all other districts. If located within the Airport Overlay zone, no structure may be permitted to exceed the heights as established by Section 320A Airport Overlay Zone .

302.5 Aviation Hazards

No building or other structure, regardless of exclusions set forth at subsection 302.4 above and Section 320A Airport Overlay Zone, shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. There exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the airport runway. This zone includes all areas lying within 20,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.

302.6 Relief for Rural Farms and Agricultural Uses

The yard requirements set forth in this Ordinance shall not apply to any rural farm or agricultural uses located in any district beyond the corporate limits of the City of Asheboro. The height limits for rural farms and agricultural uses shall meet with the requirements of Section 320A if located within the Airport Overlay Zone. In case of conversion of such uses to non-agricultural or non-farm purposes, however, a Certificate of Occupancy shall be procured and the new use must comply with all regulations for the district in which it is situated.

302.7 Free-standing Chimneys, Tanks, Commercial Broadcast Antenna and Supporting Structures, Etc.

Chimneys, smokestacks, tanks, commercial broadcast antenna and supporting structures, and similar structures which are structurally independent of a building or located directly upon the land may be erected above the height limit in any district provided that the structure is not located within the Airport Overlay Zone. If permitted, the minimum yards shall be increased in accordance with subsection 302.4. Any structure proposed to exceed 199.9 feet in height is required to have an FAA Form 7460-1 approved by the FAA.

302.8 Telecommunication Towers & Facilities

In recognition of the Telecommunication Act of 1996 it is the intent of the City of Asheboro to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Asheboro and its ETJ. Wireless towers may be considered undesirable with other types of uses, most notably residential; therefore special regulations are necessary to ensure that any adverse effects of existing and future developments are mitigated.

General Guidelines: The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by

Administrative or Special Use approval:

- A) The perimeter around the base of the tower and all guy anchors shall be surrounded by a security fence or wall at least eight (8) feet in height, unless the entirety of the tower and guy anchor(s) are mounted on a structure above eight (8) feet in height. The guy towers may be fenced separately in order to comply with this subsection.
- B) Before any communications tower is approved, a site plan showing location and height of existing and proposed tower(s), guys, and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
- C) Towers constructed in the Asheboro zoning district shall be of the monopole type, unless provider can document that reasonable service could not be provided by a monopole tower.
- D) No buildings associated with a communications tower within a residential district may be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment, instruments, or anything else on the site.
- E) Commercial advertising shall not be allowed on the tower or any of its related facilities. However, an identification wall sign is allowed on any equipment shelter, provided it not exceed ten (10) percent of wall area.
- F) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 302.5. Such evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward, causing no threat to persons or property on adjoining zoning lots. The cost of all engineering evidence shall be at the expense of the applicant. In addition, proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.
- G) The maximum height of any tower located in all zoning districts is 199.9 feet, unless provided to show a taller tower is needed for minimal service and need. A tower exceeding 199.9 feet requires the applicant to apply for a Special Use Permit.
- H) The minimum lot size requirement for any telecommunications tower shall be two (2) acres. The minimum lot size does not apply if the telecommunications provider can locate stealth antennas on existing structures or buildings.
- I) No outside storage shall be allowed on any communication facility site.
- J) Any driveway accessing a telecommunications facility shall be paved or gravel, at least fifteen (15) feet wide, and well maintained.

- K) Setback requirements in all residential zoning districts shall be one and one half feet for every one (1) foot of tower height and one foot for per 1 foot of tower height in commercial and industrial districts. In all zoning districts setbacks shall be measured from the edge of all property lines to the edge of the concrete pad.
- L) Before any permit is issued for the construction of a telecommunications tower, each applicant for approval of any new tower shall provide the Zoning Administrator with an inventory of existing towers located within 20,000 feet of the area of the proposed area for the tower including specific information concerning location, height, and design of each tower; including sound engineering evidence why any proposed towers could not be added onto existing towers. Such information may be shared with other organizations proposing to locate towers within the governing district, without representing such sights are appropriate.
- M) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- N) No telecommunications tower shall be allowed within the front yard of any existing development.
- O) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right-of-way or a nuisance to pilots.

302.09 Structures Not Subject to Control:

- A) Any private tower structure erected solely for residential or non commercial (civic, religious, and the like) use such as television antennas, satellite dishes, or amateur radio antennas.
- B) Telephone or utility poles erected for the sole purpose of providing basic electrical coverage or non-cellular telephone coverage.
- C) Alternative freestanding tower structures such as clocks, steeples, bell towers, and the like; which are not used for telecommunications purposes. Such structures must comply with all other sections of the Zoning Ordinance.

302.10 Administrative Approvals: The following uses may be approved by the Zoning Administrator after an administrative review is conducted. Such approval shall be contingent on the satisfaction of criteria listed in Section 302.8 and Article 1000.

- A) Installation of an antenna on any existing structure other than a tower, residential structure, or alternative tower structure, (such as a non-residential building or water tower) that is greater than fifty (50) feet in height so long as the addition adds no more than twenty (20) feet to the height of the existing structure.
- B) Installation of an antenna on any existing structure other than a tower, residential

structure or alternative tower structure, (such as a non-residential building or water tower) that is less than fifty (50) feet in height, so long as such addition adds no more than (20) feet, or doubles total height of building, whichever is less.

- C) Installation of an antenna on an existing tower of any height, including the placement of additional buildings directly related to such use, so long as the antenna adds no more than twenty (20) feet, or twenty-five (25) percent (whichever is greater) to the height of the existing tower.
- D. Construction of new tower or antenna, including structures or equipment used in connection with the tower or antenna not to exceed 199.9 feet and not located within the Airport Overlay Zone.

302.11 Special Use Criteria:

If any of the requirements which permit approval of a tower by administrative means (described in Section 302.10) are not met, the tower shall be approved by Special Use only. In addition to compliance with Article 600, the following shall be taken into consideration prior to the approval of any new telecommunication tower. Evidence that the applicant has investigated other means for locating proposed facilities than construction of a new tower. Such alternative means shall consist of, but are not limited to, consolidating the proposed facility onto an existing tower, stealth technology, or constructed so that it would be permitted as an administratively approved use. Such evidence shall consist of the following:

- A) Applicant must send letters to all owners of existing towers within one mile radius of the proposed tower requesting the following information:
 - i) tower height
 - ii) existing and planned tower uses
 - iii) assessment of existing tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability
 - iv) If (iii) cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference.
- B) A copy of all responses of the letter required by A above.
- C) A summary explanation of why the applicant believes the proposed tower cannot be located on an existing tower.
- D) Presentation of sound engineering evidence which demonstrates that the location of a new tower rather than the addition onto an existing tower is necessary to avoid interference; is in the interest of public safety; is technologically necessary; or is more practical in any other relevant way.
- E) Sound engineering evidence that the communications tower is designed to support at least one additional telecommunications providers, and a statement that, if commercially reasonable, the owner would be willing to accommodate additional user(s) to attach communications additions onto the proposed tower, so long as the addition(s) not interfere with the functional purpose of the tower.

302. 12 Landscaping:

In order to screen fencing and supports of telecommunication towers from view, the following landscaping requirements shall be met:

- 1) All commercial districts shall follow Section 300A.4b (Screen C)
- 2) All OA-6 districts shall follow Section 300A.4b (Screen C)
- 3) All residential districts shall follow Section 300A.4b (Screen D)

303 Accessory detached Structures

Accessory structures shall be permitted in all districts subject to the Floor Area Ratio restrictions in those Districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot. Accessory structures lawfully in existence prior to the application of these requirements which otherwise conformed to this Article shall be considered conforming uses.

303.1 Accessory detached structures including, but not limited to storage shed, storage tank, greenhouse, horse stall, gazebo or garage shall be permitted in residential districts provided that all of the following are met:

- (a) There shall be a dwelling located on the lot.
- (b) In the R-40, R-15 and R-10 districts, accessory structures shall be located no closer than 10 feet to any **rear or side** lot line.
- (c) In the R-7.5, RA-6, OA-6 and O&I districts, accessory structures shall be located no closer than 5 feet to any rear lot line or no closer than 5 feet to side lot line.
- (d) If the accessory structure is to be used for an accessory apartment, the same setback requirements in (c) above shall be met. However, there can be no dwelling unit closer than 10 feet to the accessory apartment as per the N. C. Building Code.
- (e) Recreational equipment including but not limited to basketball hoops, slides, swings, jungle gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in residential districts. Recreational vehicles shall comply with setbacks as established in Section 303A.

303.2 Accessory detached structures in commercial and industrial districts shall be permitted provided that all of the following is met:

- (a) In commercial districts, accessory structures, with the exception of accessory recreational equipment, must meet all setback requirements. Recreational equipment including but not limited to basketball hoops, slides, swings, jungle

gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in commercial districts. Equipment, structures, and/or rides associated with Circuses, Carnivals, Fairs, and Limited Duration Events shall not be considered accessory recreational equipment. No accessory structure may be located within any required buffer yard.

- (b) In industrial districts, accessory structures must meet all setback requirements, and no accessory structure may be located within any required buffer yard.

303.3 Accessory structures shall be limited to 25 feet in height except television and radio receiving and transmitting antenna and their supporting structures which shall be permitted to exceed this limit. No such antenna shall be permitted to exceed seventy five (75) feet in height in any residential district or one hundred (100) feet in any other district except as permitted in Section 302.4.

304 Permitted Projections into Required Setbacks

304.1 Every part of a required yard shall be open and unobstructed from its lowest level to the sky except for certain architectural features, such as, but not limited to, cornices, bay windows, eaves, stoops and gutters, may project no more than three feet into the required front setback, five feet into the required rear setback and two feet into the required side setback except that no such architectural feature shall be permitted within the required buffer yard.

304.2 Mechanical equipment, such as air conditioning units, heat pumps, heating equipment, solar panels, and similar installations, may not project into the required front setback, but may project five feet into the required rear setback and two feet into the required side setback except that no such mechanical equipment shall be permitted within the required buffer yard.

304.3 Projection of Fire Escapes, Etc., into Required Yards

Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, may not project into the required front setback, but may project five feet into the required rear setback and two feet into the required side setback except that no such fire escape shall be permitted within the required buffer yard.

304.4 Projection of Canopies, Marquees & Awnings into Required Yards

Canopies, marquees and awnings may project not more than eight feet into a required yard provided that

- (1) No part of a canopy (except awnings) or marquee shall be less than 10 feet above the sidewalk or other surface which it overhangs, except for necessary vertical supports which may be attached to the ground and except for necessary horizontal supports which shall not be less than eight feet six inches above the sidewalk.
- (2) No part of any awning (canvas and similar metal type) shall be less than seven feet above the sidewalk or other surface which it overhangs.

- (3) No part of any canopy, marquee, or awning shall extend into any public right-of-way, and no closer to the curb face than 18 inches measured in horizontal distance.
- (4) No part of any canopy, marquee, or awning may project into any required buffer yard.

305 Averaging an Existing Residential or Commercial Front Setback Line

In a residential or Commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. Where such average of the front setback is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

306 Visibility at Intersections

No structure or portion of any structure shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation shall be maintained, planted or allowed to grow in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street, between the heights of two and one-half feet and eight feet, as measured from the pavement edge of the adjacent roadway, across triangles described as follows:

- 306.1 If the intersection is formed by two state maintained streets, the sight distance regulations of N. C. DOT shall apply.
- 306.2 Start at the intersection of the rights-of-way of the two intersecting roadways or at the intersection of the pavement edges, if no right-of-way exists; or cannot be determined;
- 306.3 Measure from said intersection seventy feet along the major right-of-way or pavement edge; and ten feet along the minor; and
- 306.4 Connect the ends of the measurements to form a triangle.

307 Lots; Dimensional, Access and Related

307.1 Lots, Measurement of Width

The width of a lot shall be measured across the required front setback line, provided, however, that width between side lot lines where they intersect with the street line shall not be less than eighty percent of the required minimum lot width except in the case of lots on the turning circles of cul-de-sacs or at similar points

of street curvature where the radius of the right-of-way line (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than ninety feet, in which case the eighty percent requirement shall not apply. However, in no case shall the required minimum lot width be less than 50% on the turning circles of cul-de-sacs. The minimum building line on such lots where the radius is less than 90 feet, will be the point where the required lot width is met.(7/97) Diagram 300-1 indicates the relationships involved.

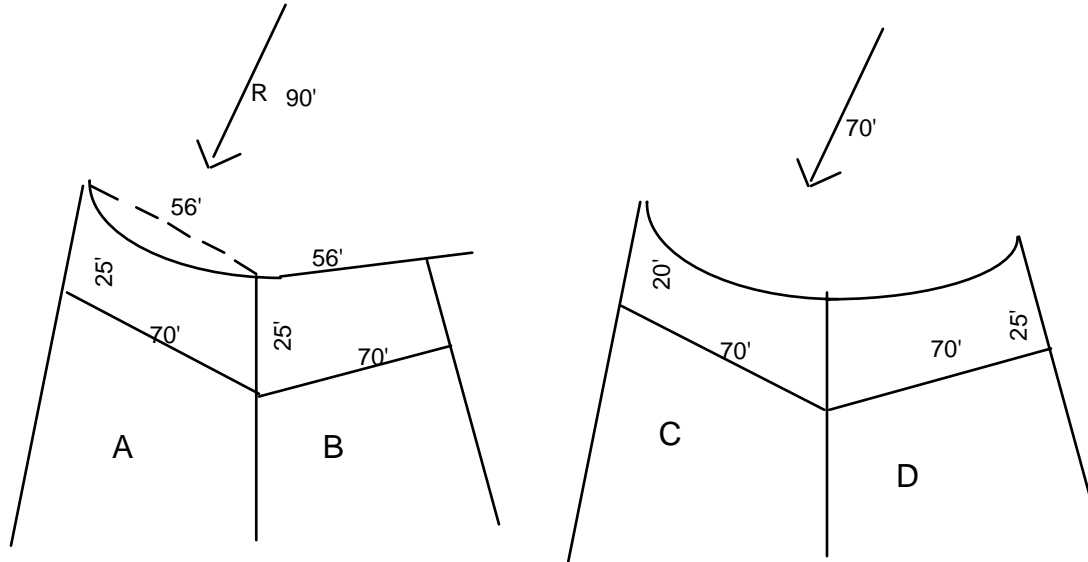


DIAGRAM 300 -1

Lot "taper" permissible at 90' curve radius (A) or along straight street (B), with required front yard depth 25', required lot width 70'. (Street line 80% of lot width as measured at rear of required front yard.)

Lots with lines radial to a curved street line with curve radius less than 90' (in this case 70') need not comply with 80% rule. Lot C shows application with 20' front yard, D with 25' applies in turnci of cul-de-sacs, or at sharp bends in streets. rcles

307.2 Lot, Area

The area of a lot shall be construed as total area within its boundaries. However, no portion indicated to be located within any street right-of-way shall be included in lot area calculations.

307.3 Lots, Types

Diagram 300-2 illustrates terminology used herein with reference to corner, interior, reversed frontage, and through lots.

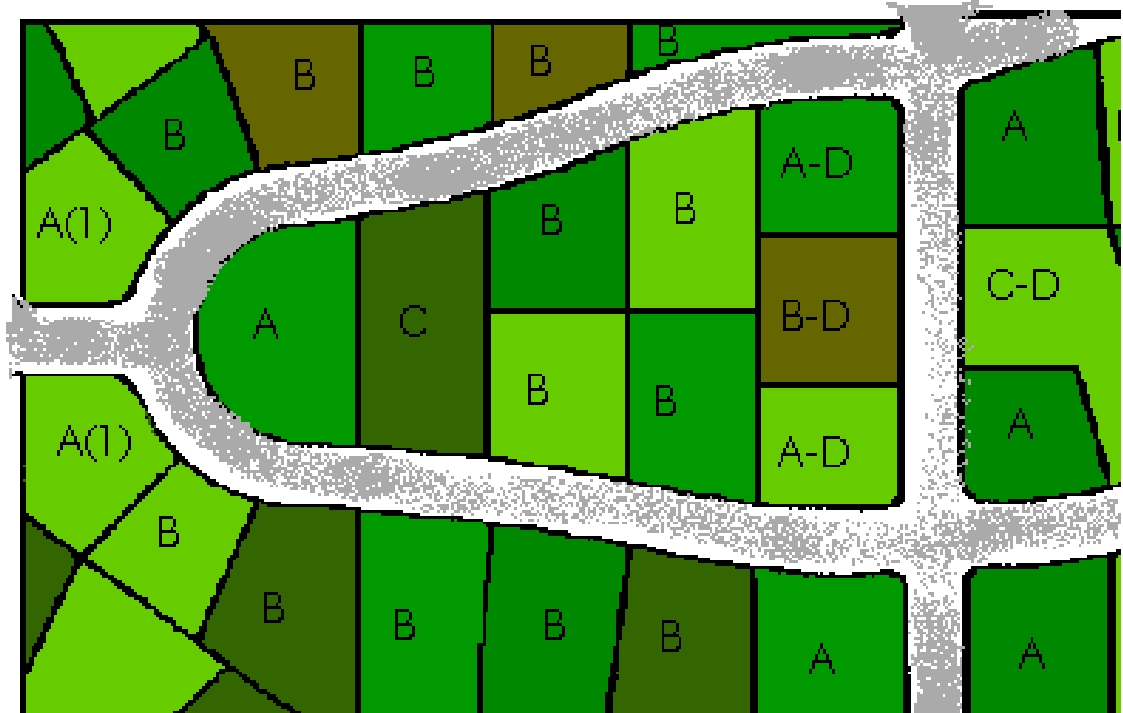


DIAGRAM 300-2

In Diagram 300-2, Lot A is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet at an interior angle of less than 135 degrees. (See lots marked A(1) in that diagram.)

Lot B is an interior lot, defined as a lot other than corner lot and abutting one street. Alleys shall not be considered as streets for purposes of this definition.

Lot C is a through lot, defined as a lot other than a corner lot, and with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. Alleys shall not be considered as streets for purposes of this definition.

Lot D is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be in a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

307.4 Lot Frontage

On interior lots, the front of a lot shall be construed as the portion nearest the street.

On corner lots, the frontage of a lot shall be construed as the shortest boundary to a street. If the lot has equal frontage on two or more streets, frontage shall be determined by the

Zoning Administrator in accordance with the prevailing building pattern, or the prevailing lotting pattern. If a pattern has not been established frontage shall be determined at the option of the owner.

On through lots, all portions adjacent to streets shall be considered as frontage for regulatory purposes. If the Zoning Administrator finds that the pattern of lots or the pattern of required yards, on lots adjacent to portions of the through lot, is such as to justify the elimination of the requirement that more than one frontage be provided on the lot, such additional frontage shall not be required.

307.5 Lot Yards; Methods for Measurement; Special Requirements

The following rules shall apply with regard to determinations on yards on lots:

(A) Yards Adjacent to Streets.

Required yards adjacent to streets shall be measured as follows:

- (1) A straight line shall be drawn between the two points at which lot lines for the portion of the lot line involved intersect the street line. Where property corners are rounded, such points shall be plotted by projecting the lot lines to the point where they would have met without rounding.
- (2) Depth or width of required yards adjacent to streets shall be as prescribed in district regulations and measured perpendicular to such straight lines.
- (3) The inner line of such required yards shall be parallel to the outer line.

(B) Front Yards on Interior Lots

Front yards on interior lots shall be construed as extending between side lot lines across the frontage of the lot.

(C) Front Yards on Corner Lots

Front yards on corner lots shall be construed as extending across all the frontage of the lot from each interior side lot line to the opposite street line (parallel to the street lot lines and equal to the distance from the street lot line prescribed in the district regulations for front yards.)

(D) Interior Side Yards

Interior side yards shall be construed as running from the rear line of the required front yard to the front line of the required rear yard, if required or, if no rear yard is required, to the opposite lot line. The width of a required side yard shall be measured perpendicular to the side lot line and the inner line of the required yard shall be parallel to such outer line, at the minimum distance therefrom prescribed

in district regulations.

(E) Interior Side Yards on Through Lots With More Than One Front Yard.

Interior side yards on through lots with more than one front yard shall be construed as running to the rear lines of the front yards involved, and measurements and requirements shall be as for Subsection (D), above.

(F) Interior Side Yards on Corner Lots.

On corner lots, the side yard is the yard along any interior lot line which intersects with a street lot line. When a corner lot has four sides, the two sides not adjacent to the streets are both side yards and the lot has no rear yard. If the corner lot has more than four sides, the yards along interior lot lines which do not intersect with a street lot line shall be considered rear yards and must meet the district regulations for such yards.

(G) Yards Abutting Railroad Tracks

No yard shall be required along the side or rear of a non-residential lot where the side or rear respectively of such lot abuts a railroad track which is or will be used to provide railroad service to the lot.

307.6 Rear Yards.

A. Rear Yards

Rear yards shall be construed as extending across the full width of the lot at its rear, except as stated in Subsection 307.5 F above. The width of a required rear yard shall be measured perpendicular to the rear lot line and the inner line of the required yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

B. No Rear Yard Required on Corner Lots or Lots Providing Two Front Yards

On through lots providing two front yards, and on corner lots (except as stated in Subsection 307.5 F), there will be no required rear yard, and yards other than those adjacent to streets shall be construed as side yards, as provided in Subsection (F), above.

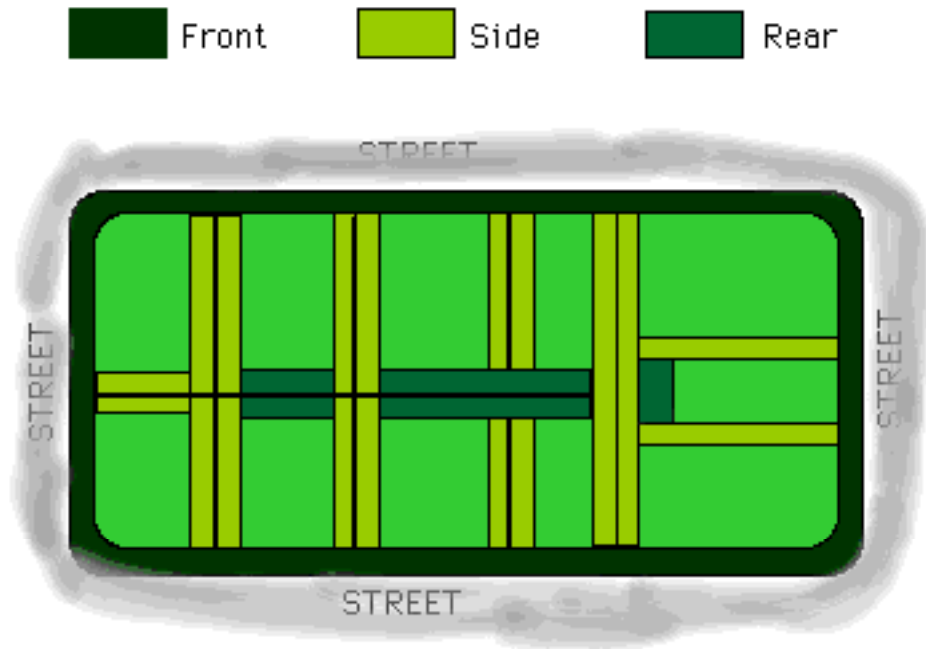
307.7 Special Yards.

A special yard, for purposes of these regulations, shall be construed as a yard other than adjacent to a street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard," as generally determined, defined, or applied with respect to regular lots, fits the circumstances of the case. In such instances, the special yard shall be considered a rear yard unless the Zoning

Administrator determines that side yard requirements of the district shall apply because of the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation of structures and buildable areas thereon.

307.8 Diagram: Yards.

Diagram 300-3 below indicates nomenclature, and location, of yards.



307.9 Minimum Lot Area.

Minimum lot area is the minimum square footage required for a lot by this Ordinance. If a zoning lot includes different zoning districts, the minimum lot area requirements for each district shall be met.

307.10 Building Spacing

The spacing between principal structures located on the same zoning lot shall be determined by the NC State Building Code. However in no case shall there be less than 20 feet between principal structures.