



Rowan County Department of Planning & Development
402 North Main Street – Suite 204 – Salisbury, NC 28144
Phone: (704) 216-8588 – Fax: (704) 216-7986
www.rowancountync.gov/planning

MEMORANDUM

TO: Rowan County Planning Board
FROM: Shane Stewart, Assistant Planning Director
DATE: June 5, 2019
RE: **ZTA & STA 01-19**

SUGGESTED PLANNING BOARD ACTION

1. Receive staff report **2.** Conduct courtesy hearing **3.** Close hearing and discuss proposed text **4.** Develop statement of consistency **5.** Approve / Deny / Table **ZTA & STA 01-19**

BACKGROUND

Adoption of the Western (2009) and Eastern (2012) Area Land Use Plans established a series of land use recommendations serving as a “guide” to county boards, staff, and the general public in making future decisions. In addition to providing guidance, the plans include action items such as calls for additional studies and ordinance changes to address identified concerns. Recommendations regarding Highway, Rural, and Home-Based Business uses include qualifying language such as a “encourage” and “consider” with the more absolute “should” in its assessment. References include both specific changes for various aspects of development in certain zoning districts and a broad perspective in future district identification.

Staff also propose new language to address Land Clearing and Inert Debris Landfills (LCID), event centers, wholesale trade of used motor vehicle parts (indoor operations), and modifications to the table of uses both recommended by the land use plans and those identified by staff. Proposed amendments to the statements of consistency and definition of a subdivision are in response to recent adopted changes to the North Carolina General Statutes.

These changes primarily involve the following sections of the Zoning and Subdivision Ordinances:

- Sec. 21-4: Definitions
- Sec. 21-32: Districts Purpose & Intent
- Sec. 21-53 through 56: Special Requirements
- Sec. 21-60: Conditional Use Requirements for Specific Uses
- Sec. 21-65: General Criteria for NB District
- Sec. 21-113: Table of Uses
- Sec. 21-361: Text Amendments
- Sec. 21-362: Map Amendments
- Sec. 22-6: Subdivision Defined

PROPOSED CHANGES

Existing text proposed for deletion appear **highlighted with strikethroughs** while new text appear as **bold red text**.

AMENDMENTS TO CHAPTER 21: ZONING ORDINANCE

Staff Comments

Article I. In General

- Sec. 21-1. Title.
- Sec. 21-2. Purpose.
- Sec. 21-3. Authority.
- Sec. 21-4. Definitions.
- Sec. 21-5. Jurisdiction.
- Sec. 21-6. Bona fide farms exempt.
- Sec. 21-7. Severability.
- Sec. 21-8. Abrogation.
- Sec. 21-9. Use or sale of land or buildings except in conformity with chapter provisions.
- Sec. 21-10. Relationship to other ordinances.
- Sec. 21-11. Zoning vested rights.
- Sec. 21-12. Fees.
- Sec. 21-13. Enforcement.
- Sec. 21-14. Violations and penalties.
- Sec. 21-15. Effective date.
- Sec. 21-16. Adoption.
- Secs. 21-17--21-30. Reserved.

Article II. General and Overlay Districts

- Sec. 21-31. Zoning districts established.
- Sec. 21-32. General zoning districts defined; purpose and intent.
- Sec. 21-33. Overlay districts.
- Sec. 21-34. Economic development districts established for I-85.
- Secs. 21-35--21-50. Reserved.

Article III. Site Plans, Special Requirements, **Rural Home Occupations**, Conditional Use Permits, **and Conditional Zoning Districts, and Special Requirements in the NB district.**

- Sec. 21-51. Purpose.
- Sec. 21-52. Site plan required.
- Sec. 21-53. Permitted uses with special requirements.
- Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District.
- Sec. 21-55. General criteria for uses listed as SR in article III.
- Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.
- Sec. 21-57. Review and approval of conditional uses.
- Sec. 21-58. Review procedures.
- Sec. 21-59. Evaluation criteria.
- Sec. 21-60. Conditional use requirements for specific uses.
- Sec. 21-61. Conditional zoning districts.
- Sec. 21-62. Effect of approval for conditional zoning districts.
- Sec. 21-63. Application re-submittal for conditional use permits and conditional zoning districts.
- Sec. 21-64. Reserved.
- Sec. 21-65. General criteria for uses listed as SR in the NB District in section 21-113.
- Secs. 21-66--21-80. Reserved.

Article IV. Dimensional Criteria

- Sec. 21-81. Dimensional requirements; general.
- Sec. 21-82. Measurement of setback or building line.
- Sec. 21-83. Rear yard triangular lot.
- Sec. 21-84. Table of dimensional requirements.
- Secs. 21-85--21-110. Reserved.

Article V. Permitted and Conditional Uses

- Sec. 21-111. Generally.
- Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.
- Sec. 21-113. Table of uses.
- Secs. 21-114--21-130. Reserved.

Article VI. Nonconforming Situations

- Sec. 21-131. Purpose and intent.

**Staff
Comments**

Standards moved to
Sec. 21-53

- Sec. 21-132. General provisions.
- Sec. 21-133. Continuation of nonconforming use of land.
- Sec. 21-134. Conditions for continuance for a change in nonconforming situation.
- Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.
- Sec. 21-136. Repairing damaged nonconforming structures.
- Sec. 21-137. Abandonment and discontinuance.
- Sec. 21-138. Miscellaneous nonconforming situations.
- Sec. 21-139. Nonconforming signs.
- Sec. 13-140. Projections into required setbacks.
- ~~Sec. 21-141. Nonconforming family businesses in the RA District.~~
- Secs. 21-~~142~~ **141**--21-160. Reserved.
- Article VII. Parking
 - Sec. 21-161. Purpose.
 - Sec. 21-162. General design requirements.
 - Sec. 21-163. Parking areas.
 - Sec. 21-164. Parking space requirements.
 - Sec. 21-165. Flexibility of administration.
 - Sec. 21-166. Table of parking requirements.
 - Secs. 21-167--21-180. Reserved.
- Article VIII. Signs
 - Sec. 21-181. Applicability.
 - Sec. 21-182. Lighting of signs.
 - Sec. 21-183. Off-premises signs.
 - Sec. 21-184. Prohibited signs.
 - Secs. 21-185--21-210. Reserved.
- Article IX. Screening and Buffering
 - Sec. 21-211. Purpose.
 - Sec. 21-212. Applicability.
 - Sec. 21-213. Buffer requirements.
 - Sec. 21-214. Letter of compliance.
 - Sec. 21-215. Required screening type.
 - Sec. 21-216. Screening and buffering.
 - Sec. 21-217. Alternative buffers and screening.
 - Sec. 21-218. Existing vegetation.
 - Sec. 21-219. Applicability of screening and buffering requirements.
 - Secs. 21-220--21-240. Reserved.
- Article X. Nuisances
 - Sec. 21-241. Noise.
 - Sec. 21-242. Fumes and odors.
 - Sec. 21-243. Vibration.
 - Sec. 21-244. Junked motor vehicles.
 - Sec. 21-245. Standards for junked motor vehicles stored at nonconforming automobile repair facilities.
 - Sec. 21-246. Standards for automobile salvage yards.
 - Sec. 21-247. Nonconforming salvage yards existing on February 16, 1998.
 - Sec. 21-248. Removal of junked or abandoned vehicles.
 - Sec. 21-249. Order to remove, disposal by county.
 - Secs. 21-250--21-270. Reserved.
- Article XI. General Development Standards, Exceptions and Modifications
 - Sec. 21-271. Generally.
 - Sec. 21-272. Issuance of building permits.
 - Sec. 21-273. Type and number of uses permitted in all zones.
 - Sec. 21-274. Visibility at intersections.
 - Sec. 21-275. Antennae.
 - Sec. 21-276. Skirting of manufactured homes.
 - Sec. 21-277. Exceptions and modifications.
 - Sec. 21-278. Skirting in existing manufactured home parks.
 - Sec. 21-279. Exceptions for certain turkey shoots.
 - Sec. 21-280. Construction trailers.
 - Sec. 21-281. Temporary uses.
 - Sec. 21-282. Reserved.

Sec. 21-283. Maintenance of manufactured home parks.
 Sec. 21-284. Location of manufactured homes not provided in the table of uses.
 Sec. 21-285. Accessory structures.
 Secs. 21-286--21-310. Reserved.
 Article XII. Administration and Hearing Requirements
 Sec. 21-311. Board of commissioners.
 Sec. 21-312. Planning board.
 Sec. 21-313. Zoning board of adjustment (ZBA).
 Sec. 21-314. Planning department.
 Sec. 21-315. Hearing procedures for zoning map and text amendments, conditional use permits and variances and interpretations.
 Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning.
 Secs. 21-317--21-330. Reserved.
 Article XIII. Appeals, Variances and Interpretations
 Sec. 21-331. Appeals.
 Sec. 21-332. Variances.
 Sec. 21-333. Recordation of variances and conditions.
 Sec. 21-334. Interpretations.
 Sec. 21-335. Variance from watershed overlay.
 Sec. 21-336. Judicial review of ZBA decisions.
 Secs. 21-337--21-360. Reserved.
 Article XIV. Text and Map Amendments
 Sec. 21-361. Text amendments.
 Sec. 21-362. Map amendments (rezoning).
 Sec. 21-363. Hierarchy of districts.

**Staff
Comments**

Definition from NCDEQ administrative code. Pairs with LCID definition to distinguish different types of material.

Modification in favor of generic “tasting” permit.

Definition for new use. Operations on a bona fide farm would not be subject to this definition.

Clarifies operation must be within dwelling.

Sec. 21-4. Definitions.

***Beneficial Fill* means fill material consisting only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, or gravel.**

Drinking Place means an establishment whose principal purpose is to derive income from the sale of alcoholic beverages that are served and consumed on premise. These establishments, commonly known as bars, pubs, saloons, and taverns, hold themselves out to the public through advertising, signage, or other activities as purveyors of alcoholic beverages served on premise. Drinking places may also provide limited food services but do not meet the definition of an eating place as defined herein. In determining whether a use meets this definition, the Zoning Administrator may also consider the percentage of income from alcoholic beverage sales, floor plans, and plans / permits from the Rowan County Building Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission. Unless otherwise indicated, this definition does not include congressionally chartered veteran organizations or **wine uses holding a tasting rooms permit** defined by G.S. 18B-~~1000~~ **1001** or this ordinance.

***Events center* means an establishment offering use of their facilities and associated grounds for rent or lease to any person or group for the purposes of hosting pre-planned events, which are not open to the general public, including but not limited to weddings, corporate events, reunions, and similar functions. Events centers may contain kitchen facilities, subject to Rowan County Environmental Health Division standards, where food is prepared on site or catered and the use of live or recorded music.**

Home occupation means a business, profession, occupation, or trade for the economic gain or support of a resident of the dwelling **which is completely contained**

Staff
Comments

RHO definition will be combined with standards from Sec. 21-53 to have one set of standards.

Definition from NCDEQ Administrative code. Clarifies how this use would be administered.

Specific definition to be removed in favor of specific "tasting permit" referenced in drinking place.

within the dwelling, and which The use is operated by the resident of the dwelling, incidental and secondary to the residential use of the lot, and which does not adversely affect the character of the lot or surrounding area.

Home occupation, rural (RHO) means **an a non-residential accessory** use subordinate to the primary residential use of the property **owned and** operated by **the resident of the dwelling, persons residing in the principal building which is located** on the same **or an adjacent** parcel of land. **upon which the home occupation is located.** **In general, RHOs are more intensive land uses than home occupations and are therefore subject to the requirements of Article III. Based on the use and occupancy classification, a RHO is subject to the North Carolina Building Code for non-residential use unless otherwise determined by the Rowan County Building Inspection Department.** ~~The use would not generate conspicuous traffic or nonresidential levels of odor, glare or dust. The use shall not exceed two thousand (2,000) square feet. Outside storage is sited to the rear of the building and is within the required setbacks. All parking must be provided off-street.~~

Land clearing and inert debris landfill (LCID) means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

NCDEQ means the North Carolina Department of Environmental Quality.

Shooting range facility means a public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. **This definition does Does** not include incidental target practice areas on private property, turkey shoots **meeting the standards for exemption noted in section 21-279**, government facilities, or occasional "sighting-in" of firearms.

Winery refers to a manufacturing facility or establishment engaged in the processing and bottling of grapes to produce wine or wine-like beverages as defined by the **North Carolina General Statutes G.S. Facilities may include incidental activities such as wine tasting and associated retail sales.** ~~The facility or establishment must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.~~ **Operations used for bona fide farm purposes as defined by the G.S. are exempt from zoning.**

~~**Wine Tasting Room** refers to a facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include small-scale associated gift/retail sales, dining and catering facilities and a restaurant facility. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.~~

Sec. 21-32. General zoning districts defined; purpose and intent.

- (a) *Rural Agricultural, RA.* This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for **agriculture agricultural purposes** ~~or in fields and forest land, and with some~~

Staff
Comments

instances of non-residential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of **less intensive land uses.** **home-based business opportunities and other non-residential uses deemed appropriate through a conditional use permit process.** It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed non-residential uses. The most intensive land uses would not be allowed in this district.

(f) *Commercial, Business, Industrial, CBI.* This zone allows for a wide range of commercial, business and light **to medium** industrial activities which **provide goods and services support both the local and / or regional economies.** This district is typically for ~~more densely developed suburban areas, major transportation corridors, and major cross-roads communities.~~ **The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend “highway business” along identified NC and US highways; community / regional / potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water / sewer represent significant public investment to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. However this** ~~The CBI~~ district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

Description includes areas referenced in adopted land use plans public investment areas.

(g) *Industrial, IND.* This district is intended to provide for industrial activities involving extraction, manufacturing, processing, assembling, storage, and distribution of products. The district is also designed to accommodate other, more intense non-residential uses which generate adverse side effects such as noise, odor or dust. The **IND** district is ~~typically applied~~ **generally appropriate** in areas ~~with maximum accessibility to major highways, rail lines, and other significant transportation systems.~~ **identified by an adopted land use plan for industrial corridors, potential development nodes, locations accessible to rail lines and utility infrastructure, and existing industrial areas. These corridors represent significant public and private investment, which should be identified to foster tax base and employment opportunities for the citizens. However this** ~~The IND~~ district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

(h) *Neighborhood Business, NB.* This district is **primarily** designed **to provide rural business opportunities typically in the form of small retail, service, office, and light manufacturing uses to serve the community’s existing and future needs for goods, services, and employment opportunities. Standards within the district are intended to promote context sensitive development appropriately scaled and organized in a manner that would not be detrimental to the surrounding area. Development within this district would contain impacts inherently more intensive than those associated with uses permitted with special requirements in the RA district but significantly less than those in CBI**

Replacing district description language with strikethroughs with similar text in red.

**Staff
Comments**

zoned areas. for retail, limited small manufacturing facilities and service oriented business centers which serve small trading areas. As a result the list of allowed uses is more limited than those in the CBI district. The development standards for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development. This district is also designed to provide opportunities for potential development within the NB district. Areas zoned NB shall be so located as to conveniently serve the community population. The establishment and subsequent development of this district shall not create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood oriented business areas limitations on gross floor area is established. Limitations on total impervious surface are established to minimize the adverse impacts of this type of development on adjacent residential areas.

The NB district is generally appropriate in areas identified by an adopted land use plan for rural businesses located on identified minor and major thoroughfares and within community nodes. However, additional consideration may be necessary as some thoroughfare segments would not be conducive to NB designation due to surrounding land use and / or potential negative impacts such as traffic, noise, and visual impacts. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.

Description includes areas referenced in adopted land use plans and a general statement regarding the application in all areas.

ARTICLE III. SITE PLANS, SPECIAL REQUIREMENTS, RURAL HOME OCCUPATIONS, CONDITIONAL USE PERMITS, AND CONDITIONAL ZONING DISTRICTS, AND SPECIAL REQUIREMENTS IN THE NB DISTRICT.

Sec. 21-51. Purpose.

This article provides regulations and conditions for selected uses which are unusual in their nature or complexity. These uses may require areas of unusual size, or are potentially incompatible with their surroundings unless special development standards are applied, or which depend on sound site planning and design to prevent them from becoming detrimental to the health, safety, or general welfare of the public or neighboring land uses.

(Ord. of 1-19-98, § IV)

Sec. 21-52. Site plan required.

Site plans are necessary to demonstrate the proposed use of land and / or structures will comply with the specifications set forth in this chapter prior to the issuance of a zoning permit. All non-residential uses shall submit a site plan containing the following information in addition to other standards required by this chapter:

- (1) Zone lot with dimensions and development setbacks;
- (2) Tax parcel number;

- (3) Property address;
- (4) Adjoining deeded properties and their uses;
- (5) Existing structures;
- (6) Proposed structure with size;
- (7) Proposed use;
- (8) Number of employees, if applicable;
- (9) Hours of operation, if applicable;
- (10) Off-street parking, loading and unloading, access to existing streets;
- (11) Easements and rights-of-way;
- (12) All pertinent development requirements of this chapter;
- (13) Any additional information required by the zoning administrator to assess the merits of the application, including but not limited to **a commercial driveway permit**, traffic impact analysis, environmental impact statements;
- (14) Floodplains;
- (15) Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable;
- (16) Screening & Buffering, if applicable;
- (17) Zoning District;
- (18) Proposed phasing, if applicable;
- (19) This required site plan shall be in sufficient detail to allow the zoning administrator to reasonably understand the proposed development. The scale shall be one (1) inch equals one hundred (100) feet or greater for zone lots three (3) acres or less in size, or one (1) inch equals two hundred (200) feet for zone lots more than three (3) acres in size.

(Ord. of 1-19-98, § IV; Amend of 4-21-14)

Sec. 21-53. Permitted uses with special requirements and rural home occupations (RHOs).

~~All uses~~ **Uses** listed as SR (Special Requirements) in ~~article III~~ **section 21-113, except those in the NB zoning district which are subject to section 21-65**, shall comply with the pertinent regulations listed in the following subsections. Site plan approval by the zoning administrator shall be required unless expressly provided otherwise prior to issuance of a zoning permit and such approval shall be given if all requirements herein are met. ~~The plan shall become part of the building permit. The regulations for specific uses listed as SR in article III are located in sections 21-54-21-56.~~

(1) Rural Home Occupations [RHO].

Creation of RHO specific language in special requirement section. Subsections (1) and (2) distinguish RHO from other uses.

Staff
Comments

- a. **Purpose and Intent.** Rowan County recognizes the important role RHOs offer residents and the community in creating business opportunities to fulfill or supplement the resident's employment needs. Standards are established herein to protect adjoining properties from potential adverse impacts associated with these uses.
- b. **Development Standards.** All proposed operations are subject to general standards identified in sections 21-54 through 55, applicable specific standards in section 21-56, and other pertinent requirements of this chapter.
- c. **Combination Use.** In addition to the principal residential use, development of a RHO may constitute a second principal use whose occupancy classification is subject to the North Carolina Building Code for non-residential use as determined by the Rowan County Inspections Department.
- d. **Change in Operation.** RHOs permitted to comply with the provisions of section 21-55(2)b shall be classified as non-conforming if a change in association between the residence and business operator occurs. As such, applicants should consider potential investment in the development of land and / or structures for RHOs and the inherent future limitations should the use become non-conforming. Many RHO locations would not adhere to the purpose and intent or land use recommendations for rezoning to a non-residential district.

This section will replace the existing Sec. 21-141

- (2) **Specific criteria for uses listed as SR.** The SR location standards required in Section 21-55(2) a. -- c. 54 & 55 do not apply to Family care home; Family manufactured home park uses in the residential group from 21-113; Common Sand Mining (SIC 1442); **Dead storage of manufactured homes (SIC 42)**; Co-location of wireless facilities, eligible facilities requests, alternative tower structures, and public safety tower (SIC 48 pt); and Ground mounted solar energy systems 6,000 sq ft or less (SIC 491 pt); and residential storage facilities uses listed as SR in non-residential districts.

(Ord. of 1-19-98, § IV; Amend. of 12-2-13; Amend. of 4-21-14)

Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District RHOs.

Building size and maximum size setbacks for certain uses listed as "SR" in article III Section 21-113 shall be as provided in this section.

- (1) ~~Applicable uses.~~ The requirements of this section apply to the following:

- a. ~~All construction uses listed as SR;~~
- b. ~~All manufacturing uses listed as SR except sawmills (SIC 242);~~
- c. ~~All wholesale trade uses listed as SR except farm supplies (SIC 5191);~~
- d. ~~All retail trade uses listed as SR;~~

Standards would apply to all uses.

Proposed change would include the RR district.

e. All finance, insurance and real estate uses listed as SR; and

f. All services uses listed as SR except recreation facilities, membership and non-membership.

(2) (1) **Building size.** The maximum allowable building size for uses listed in section 21-113 subsection (1), above, as “SR” in the RA and RR districts shall not exceed ~~ten (10)~~ **five (5)** [recommended to remain 10% by Committee B] percent of the gross acreage of the lot, excluding right-of-way **with a maximum of 12,000 sq. ft. in the RA district and 2,000 sq.ft. in the RR district. Existing accessory structures for personal use not associated with uses permitted in this section must be considered within the maximum allowable building size for the property listed in section 21-285.**

(3) (2) ~~Maximum size and buffering~~ **Building setbacks.** Maximum square footage and ~~buffering~~ **related setback** requirements ~~for the following uses~~ shall be **determined as specified** below.

<i>Building Square Footage</i>	<i>Setback, Front (in feet)</i>	<i>Setback, Side, Side Street, and Rear Yards (in feet)</i>
0--2,000	30	10 20
2,001--4,000	30 40	20 30
4,001--8,000	30 50	40
8,001--12,000	30 60	60 50
12,001–20,000	40	80
20,001 and over	50	100

Existing structures proposed for use as a rural home occupation that do not comply with these setbacks shall not be precluded from such use if all other requirements are met.

(Ord. of 1-19-98, § IV; Ord. of 6-29-99; Amend. of 11-2-09; Amend. of 4-21-14)

Sec. 21-55. General criteria for RHO uses listed as SR in ~~article III~~ Section 21-113.

Uses listed as SR in article III shall comply with the following criteria, as applicable:

- (1) *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings.
- (2) *Location.* The **RHO** must be located on property which meets the following criteria:
 - a. The property must ~~be a lot with~~ **have at least** thirty-five (35) feet of state road frontage. **Properties that do not meet the requisite road frontage requirement are limited to a maximum building size of 2,000 sq. ft. and must comply with all other applicable standards herein.**
 - ~~b. The property must be owned by the business owner.~~

**Staff
Comments**

Both East & West plans reference a size reduction. Staff recommends reduction to 5%, which for example would permit a 2,178 sq.ft. structure on 1 Ac. Committee B recommends maintaining current 10%. 12,000 sq.ft. limit was chosen based on a somewhat common limitation in building code where fire suppression (sprinkling) is required. This was an attempt to determine when 1 or more structures devoted to comm. use total a sq.ft. that would exceed a residential “scale” and require rezoning.

This provision continues the standard from the current definition of a RHO allowing 2k sq.ft. devoted to the “use”

Special provision requiring land ownership can be problematic. Replacing with business owner / operator.

Staff
Comments

- e. b.** The business must be on or adjacent to the **primary** residence of the business owner / operator **but nonetheless shall be located on a lot containing required road frontage in subsection (a).**
- (3) *Lighting.* The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (4) *Square footage.* The maximum square footage allowed for a use shall include all buildings used for retail sales of any type on that property.
- (5) *Parking.* Parking shall be **provided off-street subject to as prescribed in** article VII for that use.
- (6) *Signage.* Signage shall be as prescribed in article VIII for the underlying district.
- (7) *Noise.* Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.
- (8) *Outdoor storage.* All outside storage areas including dumpsters shall be:
- a. Sited to the rear of the building;
 - b. Not within the required setbacks.
 - c. Outdoor storage shall be screened as provided in article IX for that use. ~~However the requirements of article IX shall not apply to the business structure or outdoor display.~~
- (9) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.
- (10) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
- (11) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this chapter.
- (12) *Activities.* Manufacturing activities are confined to the building.
- (13) *Outdoor display.* Outdoor display shall be limited to two thousand five hundred (2,500) square feet unless otherwise provided.
- (14) Screening. Any structures and operational areas used for the business must be screened in accordance with Article IX [Committee B recommends applicability based on a 100' separation instead of 200' referenced in Article IX]. This requirement does not apply to a residence(s) on the same parcel or an adjacent parcel if in the same ownership as the land on which the RHO is located or is owned by an immediate family member as defined by this ordinance.**

Screening will be required as per the below.

Both East & West plans reference visual separation provided by the business.

(Ord. of 1-19-98, § IV; Ord. of 6-29-99)

Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.

Uses listed as SR in section 21-113 shall meet the following requirements expressly provided below.

(2) *Additional standards applicable to specific uses listed as SR in the agriculture, forestry and fishing in the rural district.*

a. *Veterinary services (SIC 074 0742) and Animal Shelters, Boarding Kennels, Dog Pounds (SIC 0752 pt).*

1. *Site plan.* A site plan shall be provided showing the lot and all existing and proposed buildings as well as all runs and/or training facilities.
2. *Siting.* Kennels not wholly enclosed by a security fence at least six (6) feet in height; and all kennels not wholly enclosed within a building shall be located at least one hundred (100) feet from the lot line of any residentially developed lot.
3. *Runs.* No run area is allowed with the setback.

a. *Reserved.*

(4) *Additional standards applicable to specific uses listed as SR in the construction group.*

a. *Heavy construction and other than building construction contractors (SIC 16).*

1. *Minimum lot size.* The minimum lot size is one (1) acre.
2. *Storage.* All storage shall be a minimum of fifty (50) feet from adjoining residentially developed property lines.

b. *Reserved.*

(5) *Additional standards applicable to specific uses listed as SR in the manufacturing group.*

a. ~~*Meat packing plants (SIC 201).*~~

- ~~1. *Location.* No building, structure, storage or animal holding area shall be located within three hundred (300) feet of any lot line.~~
- ~~2. *Minimum lot size.* The minimum lot size is five (5) acres.~~

b. *Saw mills and planing mills, general (SIC 2421); dimension hardwood (SIC 2426 pt); sawmills, special product (SIC 2429 pt).*

1. *Location.* All mechanized sawing equipment must be located a minimum of five hundred (500) feet from lot boundary lines. Residential lots owned by the sawmill operator are exempt from this requirement.
2. *Reserved.*

b. Winery.

Staff
Comments

Removed from table of uses for RA

Adding similar uses to saw mills

- 1. **Setbacks.** The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
 - 2. **Screening.** The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
 - 3. **Licenses and permits.** All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.
- (6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*
- (7) Additional standards applicable to specific uses listed as SR in the wholesale trade group.**
- a. Motor vehicle parts, used (indoor) in the CBI and IND districts (SIC 5015).**
1. **Operation.** Operations including but not limited to dismantling of motor vehicles and storage of motor vehicle parts must be completely contained within a building enclosed on all sides. No junked or wrecked motor vehicles, motor vehicle parts, or junk may be kept outside an enclosed building for any period of time other than periodic unloading of received vehicles and loading of parts or dismantled motor vehicles for off-site delivery completed in a timely manner. Uses that comply with the standards of this subsection are not subject to the specific standards from section 21-246
- ~~(7)~~ **(8) Additional standards applicable to specific uses listed as SR in the retail sales group**
- a. *Automotive dealers and gasoline service stations (SIC 55).*
- ~~(8)~~ **(9) Additional standards applicable to specific uses listed as SR in the services group.**
- b. ~~Recreation facilities, membership and nonmembership~~ **Membership sports and recreation clubs (7997 pt.).**
- 1. *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
 - 2. Recreational facilities located within a major subdivision used exclusively by resident members and their guests in the RA, RR, and RS districts are exempt from the ~~locational~~ requirements of Section 21-55 (2). **All other facilities shall be subject to section 21-60(7)(d).**
- d. Archery and shooting range (indoor) (SIC 7999pt.).**
1. **Operation.** All discharged shots or arrows must occur within a building enclosed on all sides designed for such use.

**Staff
Comments**

Moving existing text from unclassified to manufacturing section.

Adding standards for indoor wholesale trade of parts in CBI and IND.

Changing from generic reference to specific use in 7997.

New use option for indoor archery range.

~~(9)~~ **(10)** *Additional standards applicable to specific uses listed as SR in the unclassified uses group.*

a. *Multitenant developments.*

1. *Application.* An application shall be provided with:
 - i. Site plan as provided in section 21-52; and
 - ii. Development name, name(s) and address(es) of owners and park designers.
2. *Board of commissioners review of the development proposal.* The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected.
3. *Uses allowed.* Uses are limited to those provided in the district the multitenant development is located. Uses requiring conditional use permits shall obtain the required approval prior to issuance of a building permit.

~~b.~~ *Winery, Wine Tasting Room*

- ~~4.~~ *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
- ~~5.~~ *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
- ~~6.~~ *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.

Standard moved to manufacturing section.

~~(10)~~ **(11)** *Residential storage facilities.*

Sec. 21-60. Conditional use requirements for specific uses.

The following criteria shall be used in evaluating specific conditional use permit applications. If no specific requirements are listed for a specific use, then only the general criteria will be used in evaluating the application.

(2) Manufacturing trade group.

a. *Manufacturing group: Pulp mills (SIC 261); paper mills (SIC 262); chemicals and allied products (SIC 28); petroleum refining and related products (SIC 29); leather and finishing (SIC 3111); hydraulic cement (SIC 324); structural clay products (SIC 325); concrete, gypsum and plaster products (SIC 327); abrasives, asbestos, non-metallic mineral products (SIC 329); primary metal industries (SIC 33); ammunition except for small arms (SIC 3483), ordinance and accessories (SIC 3489); power, distribution and specialty transformers (SIC 3612); and wholesale trade group: chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).*

a. **(1)** *Minimum lot size.*

- ~~4.~~ **i.** Five (5) acres for manufacturing group uses regulated under this

subsection.

2. ii. Ten (10) acres for wholesale trade group uses regulated under this subsection.
- b. (2) *Location of structures, storage of materials.* The location of principal structures and storage of flammable or hazardous materials shall be two (2) times the required buffer area in article IX. However, parking, storage of nonflammable and nonhazardous materials, etc. may be placed up to the required additional buffer.
- c. (3) *Site location.* Site shall have primary access to arterial or major collector street. This requirement is not applicable to expansions of facilities regulated under this subsection, which are contiguous to facilities existing prior to August 16, 2004.
- d. (4) *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent entrance to the operational area by unauthorized persons. Fencing standards shall be as specified in section 21-215(2)(b)2.
- e. (5) *Dust, odor, glare.* Dust, odor, and glare shall not be noticeable at adjacent residential property lines.
- f. (6) *Removal and reclamation.* Applications for new facilities classified in SIC 28, 29, 3612, 516 & 517 & temporary use permits for facilities classified as SIC 2951 & 3241 seeking approval pursuant to section 21-281(2) of this chapter may be required to provide written documentation substantiating that the applicant or operator has and will maintain a surety bond payable to Rowan County sufficient to disassemble and remove any outdoor equipment, stockpiles, etc. or reclaim any excavated areas once the facility ceases production for a period of three hundred sixty (360) days. The bond amount shall be based on an estimate provided by a registered professional engineer or architect having professional credentials, recognized expertise or specialization in construction and removal of similar facilities. Renewable bonds are expected to provide updated estimates and reflect increases due to labor costs, demolition practices, addition of equipment, etc. The requirements of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.
- g. (7) *Screening.* Screening standards for new facilities and expansions to existing facilities regulated under this subsection shall be as follows:
 1. i. *New facilities.* When a new facility shares a common property line(s) with a more restrictive zoning district, Type B screening requirements established in section 21-215(2)(b)1.--3. of this chapter are applicable to the portion of the facility's operational area bordering that property line(s). New facilities sharing a common property line with an identical zoning district are subject to the screening requirements based on the land use relationships established in section 21-216. However, Type B screening may be necessary in some instances to provide visual separation from the side and rear property lines when characteristics of the site such as

Staff
Comments

topography, vegetation, line of sight with adjacent developed properties, etc. prevent effective screening when employing the standards of section 21-216. Type A screening requirements established in section 21-215(1)(b)1.--4. are applicable to the front yard of the operational area of the facility. Notwithstanding the screening requirements of this section, the preservation of existing vegetation as outlined in section 21-218 shall be depicted of the site plan as appropriate. Applicability of screening and buffering standards of this section are not preempted when adjacent tracts are in common ownership or a tract is subdivided in an attempt to circumvent these requirements.

2. ii. Expansions to existing facilities. Contiguous expansions of facilities regulated under this subsection, which existed prior to August 16, 2004, are subject to the land use relationships established in section 21-216.

h. (8) Separation. The facility shall be no closer than one-half (1/2) mile from a church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling. The distance shall be measured from any portion of the property dedicated or utilized for the function of the church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling including but not limited to buildings, recreation and parking areas, etc. and the nearest point of the operational area of the proposed facility. The standards of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.

b. Winery. Facilities must be operated in association with an on-site vineyard sufficient to serve as the primary crop source in the production.

- 1. Setbacks. The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)**
- 2. Screening. The facility shall meet the screening requirements of Article IX. (Screening and Buffering)**
- 3. Licenses and permits. All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.**

(4) Electric, Gas, and Sanitary Services.

a. ~~Electric, gas and water~~ services (SIC 491), all except Solar Energy Systems, **Gas Production and Distribution (SIC 492), Combination electric and gas and other utility (SIC 493, 494), sewerage systems (SIC 4952), dumps, sanitary land fills, rubbish collection and disposals refuse systems (SIC 4953 pt.), and Land Clearing and Inert Debris Landfill [LCID] (SIC 4953 pt.)**

- 1. Setbacks.** All improved areas, including disposal areas, shall be at least two hundred (200) feet from a zone lot line.
- 2. Separation.** Improved areas shall be at least three hundred (300) feet from any residence, church, or school.

Option for non bona-fide farm and ones that do not meet SR standards.

Clarification of uses and inclusion of LCID use.

Staff
Comments

3. *Dust, odor, glare.* All access roads and storage areas shall be at least twenty (20) feet from any property line constructed with a paved, gravel, or crushed stone surface; and maintained in a dust-free manner.
4. *Operation.* An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator, types of material accepted, and hours of operation.
5. *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent unregulated dumping of materials.
6. *Other special conditions.* Proof of a permit issued by the state in accordance with applicable provisions of the General Statutes.

7. LCID operations. The following LCID landfill operations are not subject to the specific standards of this subsection but shall nonetheless adhere to applicable NCDEQ standards:

- i. Landfills with a disposal area of .50 acre or less; or**
- ii. Beneficial fill used to improve the property's land use potential where no excavation of soil is proposed or has occurred within the area receiving fill.**

b. *Ground mounted solar energy systems over 6,000 sq.ft. (SIC 491 pt.)*

1. *Setbacks.* Solar collectors shall be located a minimum of fifty (50) feet from adjoining property lines.
2. *AZO.* Systems proposed within the portion of the approach surface contained by the horizontal surface of the AZO shall provide an approved FAA form 7460-1.

(5) *Wholesale trade group.*

a. *Motor vehicle parts (outdoor), used in the IND district (SIC 5015).*

1. **Operation. Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection.**

~~1.~~ **2.** *Setbacks.* No material shall be stored closer than one hundred (100) feet to a public right-of-way.

~~2.~~ **3.** *Security fencing.* Security fencing, a minimum of six (6) feet in height, shall be provided and maintained to preclude unauthorized access.

b. *Motor vehicle parts (outdoor), used in the RA district (SIC 5015).*

1. **Operation. Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection and section 21-246.**

~~1.~~ **2.** *Front yard setback.* The facility shall be one hundred (100) feet from the edge of the right-of-way.

LCID standards applicable if over 1/2 acre.

Adding the indoor option requires modification to these sections.

Staff
Comments

~~2.~~ **3.** *Separation from certain uses.* The facility shall be a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.

~~3.~~ **4.** *Side and rear yard buffering and screening.* The facility shall be completely surrounded by type B buffer and screening, as provided in article IX.

~~4.~~ **5.** *Operational area.* No operations shall occur in the required buffer.

c. *Livestock yard.*

1. *Setbacks.* One hundred (100) feet between improvements such as buildings, animal enclosures, and storage areas and any zone lot line.

2. *Dust, odor, glare.* All access roads and storage areas shall be maintained in a dust-free manner.

~~d. *Chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).* This item was repealed effective August 16, 2004. Refer to section 21-60(2) for requirements regulating these uses.~~

No need for reference.

(7) *Services group.*

a. **Archery ranges, Shooting shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots (outdoor) (SIC 7999 pt).** The requirements for all facilities requiring a conditional use permit are as follows. Turkey shoots operated by churches, civic groups or similar nonprofit organizations are exempt from these requirements.

Combining existing standards for different types of ranges.

1. *Shot containment.* Shooting range facilities shall be designed to contain all the bullets, shot, or arrows or any other debris on the range facility.

2. *Noise mitigation.* Noise levels measured at the property line where the facility is maintained or, in the case of leased land at the property line of any leased parcel shall not exceed the limits as provided in the county noise ordinance.

3. *Setbacks.* Notwithstanding the performance standards above, all shooting stations on a range facility shall be located a minimum of three hundred (300) feet from any zone lot line **for firearm facilities and one hundred (100) feet for archery facilities. All targets shall be a minimum of fifty (50) feet from any property line.**

Target setback from archery range standards.

4. *Warning signs.* Warning signs ~~meeting NRA guidelines for shooting ranges~~ shall be posted at one-hundred-foot intervals along the entire perimeter of the shooting range facility. **The signs shall be constructed of highly visible materials and colors.**

From archery standards.

5. *Hours of operation.* Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended for other purposes as follows:

Staff
Comments

- i. When a permit allowing such activity is issued in advance by the administrator;
 - ii. For operation of the shotgun shooting range; or
 - iii. For purposes of subdued-lighting certification of law enforcement officers; and
 - iv. On Sundays, shooting shall not commence before 12:30 p.m.
6. *Additional site plan information.* Complete layout of each range, including shooting stations or firing lines, target areas, shofall zones or safety fans, backstops, berms and baffles, projected noise contours **for firearm shooting ranges**, and existing and proposed structures, occupied dwellings within one-fourth mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility.
7. *Additional requirements for pistol/rifle shooting ranges.* Projectiles from pistol/rifle shooting areas shall be contained by an earthen berm **or existing natural topography** a minimum of fifteen (15) feet in height.
8. *Exceptions.* Operational hours may be increased under the following conditions:
- i. A permit allowing such activity is issued in advance by the administrator; or
 - ii. The hours of operation may be increased no more than six (6) times a year for an official shooting tournament involving thirty (30) or more participants, without requiring a permit from the administrator.
9. **Lighting.** Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
10. **Licenses and permits.** All required and permits shall be obtained prior to operation of the facility.
11. **Trail marking.** All trails for archery ranges shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.
12. **Insurance.** The organization shall maintain a minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.
- c. *Zoological garden (SIC 8422).*
1. *Site plan.* A site plan shall be provided showing all fencing, exhibit and storage areas, with types of animals specified.
 2. *Minimum lot size.* The minimum lot size is twenty (20) acres.
 3. *Smoke, odors, dust.* Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the property lines.
 4. *Setbacks.* All animal waste storage areas shall be a minimum of two hundred (200) feet from any zone lot line.
 5. *Security restrictions.* Access shall be controlled through the use of gates,

From archery standards.

fences, etc. to prevent entrance by unauthorized persons. Containment of animals shall be sufficient to ensure the safety of the surrounding area and the county.

d. ~~Nonprofit athletic fields~~ **Membership sports and recreation clubs (SIC 7997 part). The requirements of this section shall not apply to uses that comply with section 21-56(9)(b)**

1. *Site plan.* A site plan shall be required as provided in article III, section 21-52.

2. *Buffering.* All parking areas shall be screened by a type A buffer from residentially zoned area.

~~3. Nonprofit status. The organization shall be non-profit.~~

3. 4. Lighting. Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.

e. ~~Archery ranges (SIC 7999 pt.).~~

~~1. Arrow containment. The range shall be so constructed as to contain all arrows on the site. This shall be accomplished via berms or natural topography.~~

~~2. Setbacks. All targets shall be a minimum of fifty (50) feet from zone lot line and all shooting stations shall be a minimum of two hundred (200) feet from the zone lot line.~~

~~3. Warning signs. Warning signs shall be posted at one hundred foot intervals along the entire perimeter of the site. The signs shall be constructed of highly visible materials and colors.~~

~~4. Site plan. In addition to general site plan criteria the site plan shall include shooting stations and firing lines, target areas existing and proposed structures.~~

~~5. Trail marking. All trails shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.~~

~~6. Nonprofit status. The organization shall be nonprofit. For profit archery ranges shall meet the same standards as shooting ranges.~~

~~7. Lighting. Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.~~

~~8. Licenses and permits. All required and permits shall be obtained prior to operation of the facility.~~

~~9. Insurance. The organization shall obtain minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.~~

~~10. Lot size. Minimum lot size shall be ten (10) acres.~~

~~11. Zoning district. The facility shall be located in the RA zoning district.~~

**Staff
Comments**

Changing from generic reference to specific use in 7997.

Consolidated with shooting range.

Staff
Comments

f. e. Civic, service and social fraternities (SIC 8641).

~~1. Location. The facility will be located on and be accessed via a collector minor or major thoroughfare.~~

1. ~~2.~~ **Buffers.** All buildings off street parking and service areas will be separated by a type A buffer from an abutting property in a residential zoning district or abutting a residential use.

2. ~~3.~~ **Site plan.** A site plan is required.

3. ~~4.~~ **Lot size.** The minimum zone lot size shall be two (2) acres.

4. ~~5.~~ **Setbacks.** Structures shall have fifty (50) feet side and rear yard setbacks.

5. ~~6.~~ **Provision of food and refreshments.** Provision for food, refreshment and entertainment for club members and their guests may be allowed in conjunction with this use if the board of commissioners determines that said provisions will not constitute a nuisance.

g. f. Model automobile racing. Use of these vehicles on a personal basis shall not be regulated in this section.

1. **Minimum lot size.** The minimum lot size shall be three (3) acres.

2. **Setbacks.** A fifty-foot separation from operational area to adjacent properties and road rights-of-way.

3. **Screening.** Type A screen is required around operational area.

4. **Noise.** The operation shall not exceed the maximum allowable noise levels as provided in section 21-241.

5. **Facility.** Track operation must be outdoors. Indoor operations must be located in the NB, CBI, or IND zoning districts. The zoning administrator shall determine elements that constitute indoor.

h. g. Rodeos, horse shows, rental of saddle horses, riding academies and schools, and riding stables and similar uses (SIC 7999 (part)).

1. **Smoke, odors, dust.** Operations shall not create any smoke odors or dust at a level which creates a nuisance to any person or normal sensitivities at the property line.

2. **Setbacks.** All animals and animal storage areas shall be a minimum of one hundred (100) feet from any zone lot line.

3. **Parking.** Adequate off-street parking shall be provided for participants and spectators.

4. **Noise.** Noise shall not exceed the level allowed in the county noise ordinance for residential districts **and Chapter 14 of the Rowan County Code of Ordinance for any associated amplified sound.**

Added similar use list.

Specific standards for event centers.

(17) Event center.

a. Minimum lot size. The minimum lot size shall be five (5) acres.

Staff
Comments

- b. **Public road frontage.** The event center property is required to have at least thirty-five (35) feet of frontage on a publicly maintained road.
- c. **Setbacks.** All operational areas with the exception of the driveway shall be a minimum of one hundred (100) feet from property lines.
- d. **Parking.** Adequate off-street parking shall be provided for all attendees.
- e. **Lighting.** Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
- f. **Noise.** Amplified sound is subject to Chapter 14 of the Rowan County Code of Ordinances.

Sec. 21-65. General criteria for uses listed SR in the NB District in section 21-113.

Uses listed as SR in the NB District in section 21-113, the table of uses, shall comply with the following criteria, as applicable:

- (1) *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings. As well as all criteria required herein.
- (2) *Lighting.* The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (3) *Minimum zone lot size.* The minimum zone lot size shall be two (2) acres. ~~The Board of Commissioners may reduce this if the lot is a lot of record existing at the effective date of this ordinance and the property owner does not own contiguous property which may be included in the proposal.~~
- (4) *Building size.* The maximum building size per parcel shall not exceed ten (10) percent of the ~~total zone~~ lot area up to ~~a~~ ten thousand (10,000) square foot ~~building size~~ and five (5) percent of the lot acreage thereafter up to twenty-five thousand (25,000) sq.ft. Multiple buildings may be used in calculating the maximum allowable building size.
- (5) *Impervious surface.* The maximum impervious surface shall not exceed sixty-five (65) percent of the lot.
- (6) *Hours of operation.* Hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.
- (7) *Parking.* Parking shall be as prescribed in article VII, Parking, for that use.
- (8) *Signage.* Shall be as prescribed in article VIII, Signs, for the underlying district.
- (9) *Noise.* Noise shall not exceed the **decibel** levels **during time periods** prescribed in ~~the county noise ordinance for residential districts.~~ **section 21-241 for construction, manufacturing, transportation, communications, electric, gas and sanitary services, wholesale, and service uses.**
- (10) *Outdoor storage.* All outside storage areas including dumpsters shall be:
 - a. Sited to the rear of the building;

The district description contains the strikethrough language, which confuses sec. 21-65 since this is administrative.

Both the East and West plans reference enhancing the district by increasing building size allowance.

Applicability to section 21-241 Noise

Staff
Comments

- b. Not within the required setbacks.
 - c. Notwithstanding other requirements of this subsection, outdoor storage shall be completely screened from adjacent residentially zoned property
- (11) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.
- (12) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
- (13) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this ordinance.
- (14) *Screening and buffering.* Screening as required by Sec. 21-216.
- (15) *Outdoor display.* Outdoor display shall be limited to ~~two~~ **five** thousand ~~five hundred (2,500)~~ **(5,000)** square feet.

Sec. 21-141. Nonconforming family businesses in the RA District.

~~Businesses created required to comply with the provisions of section 21-55(2)c. shall be classified as a legal nonconforming use if a change in the owners family occurs resulting in noncompliance with the requirement of that subsection.~~

~~(Ord. of 6-29-99)~~

Secs. 21-142 141--21-160. Reserved.

Sec. 21-166. Table of parking requirements.

SIC	MINIMUM PARKING SPACES	DU = Dwelling Unit	SF = Square Feet	ELS = Employee on Largest Shift
Residential				
	Single family dwelling, site built			N/A
	Single family dwelling, modular			N/A
	Manufactured home, individual lot			N/A
	Manufactured home, MHP			2 spaces/MHP space
	Duplex, individual			2 space/DU
	Duplexes, triplexes, quadruplexes, other multi-family developments			2 spaces/DU
	Home occupations			N/A
	Home occupations, rural			N/A

Sec. 21-212. Applicability.

~~Unless expressly stated in this chapter, the requirements of this article shall not apply to uses listed as "SR" in the RA (Rural Agricultural) district, but do apply to uses listed as SR in other districts.~~ The buffering and screening shall be adequate to meet the intent of section 21-211, but shall not exceed one hundred twenty-five (125) percent of the length of the development activity required to install the buffer and screening, unless required on a site plan approved by the board of commissioners. The requirements of this article shall apply to the side and rear yard of the operational area except driveways, sediment ponds, and detention areas unless otherwise indicated

Section removed in favor of 21-53(1)(d)

Parking will be based on the use.

Screening for RHOs will apply.

herein.

Sec. 21-279. Exceptions for certain turkey shoots.

Turkey shoots operated by churches, civic group or similar nonprofit organizations are exempt from the conditional use requirements of ~~this chapter for shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots in article III and in~~ section **21-60 (7)(a) and** 21-113, Table of uses.

Sec. 21-285. Accessory structures.

Accessory structures in the RA, RR, RS, MHP and MFR zoning districts shall conform to the following regulations, unless otherwise provided in this chapter:

- (1) Accessory structure footprints **including those used as RHOs** shall not exceed ten (10) percent of the size of the lot on which it is located.
- (2) Setbacks shall be based on building size as provided in the following table:

Building Square Footage	Setback, Side and Rear Yards
0-4,000	10 feet
4,001-8,000	40 feet
8,001 and over	80 feet

- (3) Accessory structures shall not be allowed in the required front setback.
- (4) These regulations shall not apply to fences, mailboxes, landscaping features, gazebos and similar structures.

ARTICLE XIV. TEXT AND MAP AMENDMENTS

Sec. 21-361. Text amendments.

- (a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. Proposals to amend, supplement, modify, or repeal the text of this chapter may be initiated by the board of commissioners, the planning board, or any person. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.
- (b) *Planning board action.* Any proposed text amendment shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be considered at that time. The planning board may provide a recommendation to the board of commissioners on all such requests within thirty (30) days of first consideration unless the request is assigned to a planning board subcommittee for further review. Failure of the planning board to transmit its recommendation within thirty (30) days after first consideration of an amendment or a referral by the board of county

commissioners may allow the board of commissioners to proceed in its consideration of the amendment without the planning board recommendation.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency **in accordance with options indicated in subsection (c)** and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners.

(c) *Board of commissioners action.* The board of commissioners shall hold a public hearing to consider any ordinance amendment and the planning board recommendation in accordance with Article XII. Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt **a one of the following statements which shall not be subject to judicial review:**

(1) A statement approving the zoning amendment and statement describing whether its action is consistent its consistency with an adopted comprehensive plan and explaining why the board considers the action taken to be is reasonable and in the public interest. That statement is not subject to judicial review.; or

(2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(3) A statement approving the zoning amendment and containing at least all of the following:

a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and

b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and

c. Why the action was reasonable and in the public interest.

After adopting the consistency statement, the board of commissioners shall take one (1) of the following actions:

(1) Grant the amendment as requested or modified;

(2) Continue the request;

(3) Refer the application, with modifications, back to the planning board for further study and consideration; or

(4) Deny the amendment request.

Statement development language from SB 131 from Session Law 2017.

- (d) *Record of amendments.* All approved text amendments shall be recorded in the county zoning ordinance. The administrator shall provide copies of all amendments to the Water Supply Watershed (WS) Overlay provisions upon adoption to the division of water quality.

(Ord. of 1-19-98, § XV; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 3-5-12)

Sec. 21-362. Map amendments (rezoning).

- (a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.
- (b) *Purpose and intent.* It is the purpose of this section to set forth the procedures whereby the board of commissioners may change the zoning district classification of land after consideration of such factors as changing conditions in the area where the property is located or changes in county plans or policies.
- (c) *Rezoning criteria.* When deciding whether to adopt a proposed rezoning, the primary issue before the planning board and board of commissioners is whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance. Information related to other issues which do not directly affect the public health, safety, or welfare may be declared irrelevant by the chairman and excluded from presentation at the public hearing. In particular, when considering proposed map amendments:
- (1) *Proposed uses.* The planning board and board of commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one (1) of the possible range of uses allowed in the requested zoning district classification. Rather, the boards shall consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of uses allowed in the existing district.
- (2) *Impact of zoning map change.* The boards shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed zoning change on the public at large.
- (d) *Initiation.* The rezoning of property may be initiated by the board of commissioners, the planning board, or by petition of the legal property owner(s) or designated representative.
- (e) *Filing of petition.* Except when initiated by the board of commissioners or the planning board, each petition to rezone a separate, noncontiguous property shall be submitted to the administrator on an approved application form and shall be accompanied by any nonrefundable, applicable fees as established by the board of commissioners.
- (f) *Deadline for submittal of application.* The completed application package shall

be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be scheduled for consideration at that time.

- (g) *Withdrawal of petition.* Any petitioner shall have the right to withdraw the rezoning petition, in writing, at any time prior to a final decision by the board of commissioners.
- (h) *Content of application package.* Each rezoning petition shall be accompanied by:
- (1) Two (2) copies of a map, to scale, which clearly illustrates the subject property to be rezoned; or
 - (2) Written metes & bounds legal description for property(ies) proposed for rezoning;
 - (3) Any other pertinent information as may be required by this article;
 - (4) Requests for conditional zoning districts shall be accompanied by a site plan as specified in section 21-52.
- (i) *Staff review.* The administrator shall review the rezoning application package, ensure its completeness, and prepare a written staff recommendation concerning the proposed rezoning request. The administrator may consult with other appropriate agencies, including, but not limited to, the NCDOT, the county board of education, and the environmental health division of the county health department, when evaluating rezoning requests. The staff report shall, at a minimum address the following:
- (1) Relationship and conformity with any adopted plans and policies;
 - (2) Consistency with this article and requested zoning district's purpose and intent;
 - (3) Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity; and
 - (4) Potential impact on facilities such as roads, utilities, and schools.
- (j) *Planning board action.* The planning board shall provide a recommendation to the board of commissioners on each rezoning request. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency **in accordance with options indicated in subsection (k)** and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners. Rezoning requests for conditional districts or other small-scale rezonings shall also include a statement of reasonableness analyzing the request as a recommendation for adoption by the board of commissioners. Failure of the planning board to

**Staff
Comments**

transmit its recommendation within thirty (30) days after first consideration of a rezoning or a referral by the board of county commissioners may allow the board of commissioners to proceed in its consideration of the rezoning without the planning board recommendation. The planning board shall make one (1) of the recommendations as provided in this subsection:

- (1) Grant the rezoning as requested;
 - (2) Grant the rezoning with modifications, including a recommendation to rezone to a more restrictive district than requested; or
 - (3) Deny the rezoning request.
- (k) *Board of commissioners action.* The board of commissioners shall consider any rezoning petition and the planning board recommendation at an advertised public hearing. **Prior to adopting or rejecting any rezoning petition, the board of commissioners shall adopt one of the following statements which shall not be subject to judicial review:**
- (1) A statement approving the rezoning petition and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or**
 - (2) A statement rejecting the rezoning petition and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or**
 - (3) A statement approving the rezoning petition and containing at least all of the following:**
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and**
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and**
 - c. Why the action was reasonable and in the public interest.**

Additionally, rezoning requests for conditional zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.

After ~~the public hearing is closed~~ **adopting the required statement(s)**, the board of commissioners shall take one (1) of the following actions:

- (1) Grant the rezoning as requested or modified;
- (2) Continue the request;
- (3) Refer the application, with modifications, back to the planning board for

Statement development language from SB 131 from Session Law 2017.

further study and consideration; or

(4) Deny the rezoning request.

~~Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. Rezoning requests for conditional zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.~~

- (l) *Notification of decision.* Within five (5) working days of any action by the board of commissioners on a rezoning request, notice of such action shall be sent by first class mail to the rezoning petitioner and any other persons who have indicated to the zoning administrator, in writing, that they would like the decision mailed to them. Additionally, within fifteen (15) days after the effective date of a zoning change to commercial or industrial zones within six hundred sixty (660) feet of the rights-of-way of an interstate or primary highway, written notice by registered mail shall be sent to the Raleigh offices of the NCDOT in accordance with G.S. 136-136 and 136-153.
- (m) *Petition resubmitted.* If a rezoning request is denied by the board of commissioners, the zoning administrator may not accept a new rezoning petition within the one (1) year period unless the administrator determines that:
- (1) There has been a significant change in the zoning district classification of an adjacent property;
 - (2) A new or updated land use plan which changes public policy regarding the property is adopted by the county;
 - (3) Public facilities such as roads, water lines, sewer lines, or other infrastructure are constructed or expanded to serve the property and enable the proposed development to be accommodated; or
 - (4) There has been some other significant change, other than a change in ownership of the property, which might justify waiving the one-year restriction on submitting a new petition.
- (n) *Recording of zoning change.* All rezoning map amendments shall be recorded on official zoning maps which are a part of this chapter and are maintained for public inspection in the office of the county planning department.

**Staff
Comments**

Revised statement from the below strikethrough.

Chapter 22: SUBDIVISION REGULATIONS

Section 22-6. "Subdivision" Defined.

For the purpose of this ordinance, "Subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building

development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this 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 Rowan County as shown in this ordinance.
- (b) The division of land into parcels greater than ten (10) acres where no street or private or public 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 not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Rowan County as shown in this ordinance.
- (e) The division of a tract into plots or lots used as a cemetery.
- (f) Land divided by a will, **intestate succession defined by Chapter 29 of the NCGS**, or the courts for the purpose of dividing up a deceased persons property.

(Amend. of 2-20-06(2))

PROCEDURES

The Planning Board must develop a statement of consistency describing whether its action is consistent with any adopted comprehensive plans and indicate why their action is reasonable and in the public interest [sec. 21-362 (j)]. See enclosed form to assist in statement development.

COMMITTEE B MEETINGS

Committee B met on March 12th and April 3rd to consider the staff initiated text amendments. Other than the building percentage of 10% and screening requirement threshold of 100 feet for RHO uses, Committee B unanimously recommended approve of the proposed text changes.

STAFF COMMENTS

The proposed changes result from a collection of recommendations from adopted land use plans, NCGS changes, and staff initiated changes. This request comes from Committee B as a motion to recommend approval to the BOC.

From SB 131 from Session Law 2017.