Rowan County Planning and Development Department
402 North Main Street ▪ Room 204 ▪ Salisbury, N.C. 28144-4341
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MEMORANDUM

TO: Chairman Poston and Planning Board members
FROM: Ed Muire, Planning Director
DATE: June 13, 2019
RE: **STA 01-18 and ZTA 04-18** Text Amendments for High Density Option in Water Supply Watersheds

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BACKGROUND

Due to a significant, anticipated development in the Coldwater Creek / Lake Fisher Watershed (WS-IV) in southern Rowan County along the I-85 corridor, Planning Staff recommended the Planning Board consider including the "high density" development provision in its zoning ordinance for this and other projects in its watershed areas. This option allows projects to develop a site up to seventy percent (70%) built-upon area (i.e. impervious cover) with use of engineered stormwater controls; reference Staff memo dated 3.15.18 (Attachment 1).

Committee A was assigned the task of studying these text amendments which are included in both the Subdivision Ordinance (STA 01-18) and Zoning Ordinance (ZTA 04-18). The Committee's recommendation appears as **bold, underlined text** and deletions appear as ~~strikethrough text~~.

NOTE: Only the pages proposed for amendment have been included in the agenda packet. Refer to the hard copies in your Planning Board manual for the full content or at this link: https://library.municode.com/nc/rowan_county/codes/code_of_ordinances and selecting the Subdivision Ordinance (Chapter 22) or Zoning Ordinance (Chapter 21).

STA 01-18 PROPOSED AMENDMENTS

Although the watershed standards are administered as an overlay district in the County's Zoning Ordinance, the review and installation of the stormwater control measures (SCM) is similar in process to that of subdivision improvements. As such, Staff has proposed to include SCMs in the Subdivision Review Committee (SRC) process; other updates to the Subdivision Ordinance associated with the High Density provision include:

Amendment Description	Pages
Adjusted the Table of Contents to include the new sections and deletions	1-2
Definitions from the North Carolina Administrative Code (NCAC) related to the Water Supply Watershed Protection Program and from the Rowan County Zoning Ordinance	5-11
Notice that County may retain a consultant to review the SCM Plans	13
Established that SCM submittals are an SRC process , for both preliminary and final	15-21
Relocated the Water Point Source (WPS) requirement from the PDS section	23-24
Included SCMs as both a preliminary and final plat requirement, as needed	27, 29

Updated Storm Drainage section to include SCMs, design criteria, maintenance, etc.	39-42
Relocated WPS section	44
Included new section for operation, maintenance and inspections of SCMs	44-46

ZTA 04-18 PROPOSED AMENDMENTS

High Density standards are included in the Watershed Overlay section and are applicable to projects in WS-IV critical or protected areas when proposing to exceed the low density standards in a major subdivision, or proposing a Planned Development Subdivision, or located in a development node or corridor in an adopted Land Use Plan and proposing more than three (3) acres of built-upon area. Other updates to the Zoning Ordinance as a result of the high density program include:

Amendment Description	Pages
Adjusted the Table of Contents to include the new sections and deletions	1-3
Definitions from the North Carolina Administrative Code (NCAC) related to the Water Supply Watershed Protection Program and from the Rowan County Subdivision Ordinance	8-27
Differentiated that current standards are 'Low Density'	37
Included requirements for Nonpoint Source and Stormwater Pollution Control	38-39
Included new standards for applicability of High Density standards	39-40
Updated minimum stream buffer standards for low and high density	101
Updated duties of Planning Director for maintaining records of SCMs	120
Established process for consideration of SCM applications	123-124

RECOMMENDATION

NCDEQ Approval

Unlike most land use regulations administered by counties, the water supply watershed program must meet minimum standards which are governed by the NC Department of Environmental Quality (NCDEQ). Given the substantive changes proposed for the County's Subdivision and Zoning Ordinances, Staff requested NCDEQ to review the amendments for consistency with state policy. Correspondence was received from NCDEQ on May 23, 2019 "accepting the proposed revisions".

Staff Commentary

Regardless of whether the project intended to utilize the High Density provision remains in the County's planning jurisdiction, the size of the WS-IV watershed areas is such that projects in other areas of the County and adjacent to Old Beatty Ford Road will benefit and warrant use of this option. Employing the High Density provisions will also preserve the opportunity for smaller projects to utilize the Special Non-Residential Intensity Allocation (SNIA) provision under the Low Density standards without having to construct stormwater control measures.

PROCESS

The Board should conduct its scheduled Courtesy Hearing for both the STA 01-18 and ZTA 04-18 amendments and following the hearings, discuss the cases and make a recommendation to approve, approve with modifications or refer back to the Committee for further study. If each receives a favorable consideration, a Statement of Consistency will be required prior to adoption.

Attachment 1

Rowan County Planning and Development Department
402 North Main Street ▪ Room 204 ▪ Salisbury, N.C. 28144-4341
Phone: 704-216-8588 ▪ Fax: 704-216-7986

MEMORANDUM

TO: Chairman Fisher and Planning Board members
FROM: Ed Muire, Planning Director
DATE: March 15, 2018
RE: **ZTA 04-18** Text Amendments for High Density Option in Water Supply Watersheds

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BACKGROUND

North Carolina's Division of Environmental Management (DEM) initiated the surface water supply watershed protection program in 1992 and required that local governments having jurisdiction adopt minimum standards for agricultural, residential and commercial development. For counties, the deadline for adoption of these standards was January 1, 1994; Rowan County adopted the DEM model ordinance on December 4, 1993 and these standards were codified as an overlay with adoption of the Rowan County Zoning Ordinance on January 1, 1998.

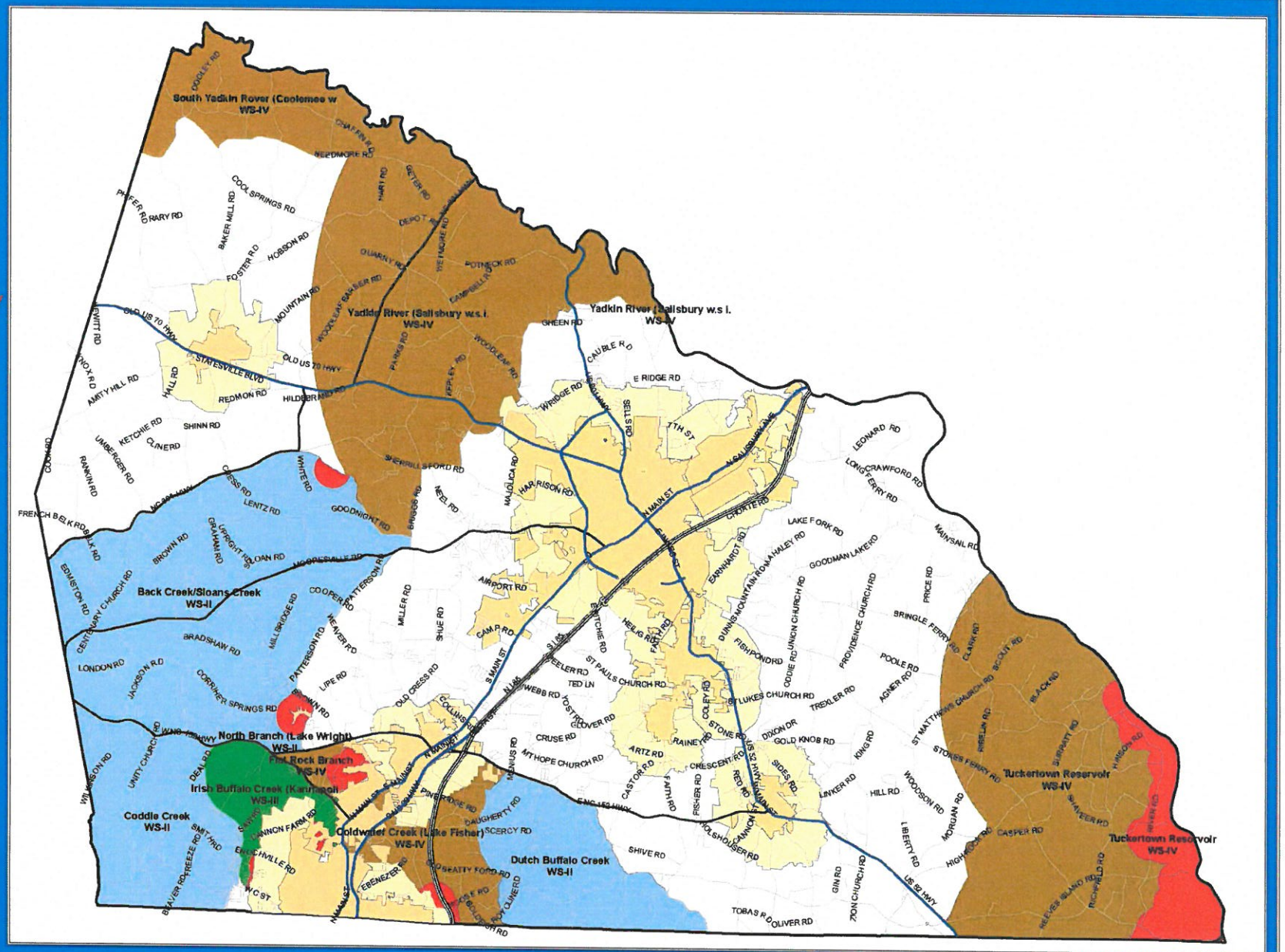
Water supply watershed designations created by DEM utilized a five tiered classification (WS-I thru WS-V) based on the level of existing development, i.e. a WS-I designation was largely undeveloped and a WS-V was extremely urban. Rowan County has ten (10) watersheds in three (3) different classifications (WS-II, WS-III and WS-IV) comprising 152,021 acres or 237.5 square miles.

The model ordinance Rowan County adopted was considered the "low density" option as it did not require engineered storm water controls for development projects, rather it allowed ten percent (10%) of any given watershed to be developed up to seventy percent (70%) "built-upon area" (impervious cover) on a project by project basis for non-residential projects that exceeded the built-upon area limitation based on watershed classification; this process is termed Special Non-Residential Intensity Allocation (SNIA). For instance, the WS-II built-upon area calculation for non-residential projects is twelve percent (12%), but with SNIA approval the site may be developed up to 70%. The caveat to the low-density option is that once the allowable 10% acreage has been developed using the SNIA, development must utilize the high density option.

CONSIDERATION PROPOSAL

Although the majority of watersheds in the County are not close to utilizing their available SNIA acreage, Staff is of the opinion that development in the Coldwater Creek / Lake Fisher Watershed(WS-IV) that encompasses the southern region of the County and includes I-85 / Old Beatty Ford Road area will deplete the 495.54 acres remaining under the low density option. Furthermore, due to anticipated densities of development projects in this watershed, the use of engineered stormwater controls will be the only method to effectively manage stormwater runoff. As such, Staff is proposing to have a Committee of the Planning Board review proposed text for inclusion into the Zoning Ordinance that would allow the use of high density options in watershed areas in the County's jurisdiction.

Watershed areas within Rowan County



Staff Commentary

Rationale for edits / amendments are included in this side bar text box throughout the STA 01-18 document where applicable

Amendments to Chapter 22: SUBDIVISION REGULATIONS

Article I. In General
Sec. 22-1. Title.
Sec. 22-2. Purpose.
Sec. 22-3. Authority.
Sec. 22-4. Jurisdiction.
Sec. 22-5. Compliance with ordinances, plans and maps.
Sec. 22-6. "Subdivision" Defined.
Sec. 22-7. "Minor subdivision" defined.
Sec. 22-8. "Major subdivision" defined.
Sec. 22-9. "Family subdivision" defined.
Sec. 22-10. Other definitions.
Sec. 22-11. Word interpretation.
Secs 22-12--22-25. Reserved.
Article II. Administration
Sec. 22-26. General procedures for plat approval.
Sec. 22-27. Statement of owner.
Sec. 22-28. Issuance of building permits on subdivision lots.
Sec. 22-29. Administration and enforcement.
Sec. 22-30. Exceptions to the subdivision ordinance certification.
Sec. 22-31. Vested Rights.
Secs. 22-32--22-50. Reserved.
Article III. Procedure For Review And Approval Of Subdivision Plats
Sec. 22-51. Plat shall be required on any subdivision of land.
Sec. 22-52. Approval prerequisite to plat recordation.
Sec. 22-53. Appeals and variances.
Sec. 22-54. Waivers; family subdivisions.
Sec. 22-55. Optional sketch plan.
Sec. 22-56. ~~Major subdivision; preliminary~~ **Preliminary P**lat **and Stormwater Control Measure (SCM)** submission and review.
Sec. 22-57. Final **Plat** subdivision requirements.
Sec. 22-58. Planned development subdivision (PDS).
Sec. 22-59. Certifications and notations required on plats.
Sec. 22-60. Phased development for major subdivisions.
Sec. 22-61. Required information for preliminary and final plats.
Sec. 22-62. Recombination of land.
Sec. 22-63. Resubdivision procedure.
Secs. 22-64--22-75. Reserved.
Article IV. Required Improvements, Dedications, Reservations, Minimum Standards Of Design
Sec. 22-76. General.
Sec. 22-77. Suitability of land.
Sec. 22-78. Name and street duplication.
Sec. 22-79. Subdivision design.
Sec. 22-80. Road standards.
Secs. 22-81--22-100. Reserved.
Article V. Utilities
Sec. 22-101. Utility ownership and easement rights.
Sec. 22-102. Subdivisions serviced by or having the potential to be serviced by public water or sewer systems.
Sec. 22-103. Sewage disposal facilities required.
Sec. 22-104. Determining compliance with section 22-103.
Sec. 22-105. Water supply system required.
Sec. 22-106. Determining compliance with section 22-105.
Sec. 22-107. Electrical, telephone, cable television and other utilities.

Included SCM in the SRC review process. Differentiated between the Preliminary and Final Plat process.

Sec. 22-108. Utilities to be consistent with internal and external development.
Sec. 22-109. ~~Stormwater drainage system~~. **Stormwater: Drainage Systems, Control Measures and Maintenance Plans**
Sec. 22-110. Other requirements.
Sec. 22-111. Water point sources.
Secs. 22-112. **Stormwater Control Measures: Operation, Maintenance and Inspections**
Secs. 22-11**3**--22-125. Reserved.
Article VI. Schedule Of Fees
Sec. 22-126. Fee schedule.
Secs. 22-127--22-150. Reserved.
Article VII. Legal Provisions
Sec. 22-151. Penalties for violation.
Sec. 22-152. Civil penalties.
Sec. 22-153. Separability.
Sec. 22-154. Amendments.
Sec. 22-155. Abrogation.

Expanded section to include SCMs and Operation and Maintenance Plans

New section for maintenance and inspection of SCMs

ARTICLE I. IN GENERAL

Section 22-1. Title.

This ordinance shall be known and may be cited as the "Subdivision Ordinance of Rowan County, North Carolina", and may be referred to as the "Subdivision Regulations".

Section 22-2. Purpose.

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the County of Rowan, North Carolina. It is further designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivision with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provisions of water, sewerage, parks, open space, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 22-3. Authority.

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section 22-4. Jurisdiction.

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern every subdivision within Rowan County outside of the jurisdiction of any incorporated municipality and any municipal extraterritorial planning jurisdiction established under G.S. 160A-360.

Curb Outlet System means curb and gutter with breaks or other outlets used to convey stormwater runoff to vegetated conveyances or other vegetated areas.

These are devices that direct or control flow of stormwater as defined in 15A NCAC 02H.1002(9)

County Manager. County Manager of Rowan County, North Carolina.

Crosswalk. A specially paved or marked path for pedestrians crossing a road.

Dedication. A gift, by the owner or a right to the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be by written instrument.

Developer. Any person, firm, trust, partnership, association or corporation, engaged in development or proposed development activities.

Definition from Zoning Ordinance

Development. Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

Definition from Zoning Ordinance

Dry Hydrant. An arrangement of pipe permanently connected to a water point source other than a piped, pressurized water supply system, that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

Easements. A grant by the property owner to the public, a corporation, or persons, of the right to use a specified portion of a tract or tracts of land for a specified purpose.

"Existing" impervious development Consists of any structure(s) or operational area(s) that has either been:

1. **In existence and continuous operation prior to the effective date of the Rowan County Water Supply Watershed Ordinance on January 1, 1994 (since codified in the RCZO); or,**
2. **Lawfully permitted prior to the effective date (February 16, 1998) of the Rowan County Zoning Ordinance; or,**
3. **Lawfully permitted in accordance with the standards of the Rowan County Zoning Ordinance prior to the effective date of the High Density amendments contained in Section 21-33(f) of the RCZO.**

Created a RoCo specific definition for sites that have established a vested right prior to effective date of either the WS Ordinance, Zoning Ordinance or these amendments

Family, Immediate means an individual's grandparents, step-grandparents, parents, step-parents, sibling (full, half, or step), children, step-children, grandchildren, and step-grandchildren, whether natural or legal.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Fire Marshal. Fire Division Manager of the Rowan County Department of Emergency Services or his designee.

Improvements. Refers to all infrastructure or amenities required by this ordinance including, but not limited to, all aspects of road construction, sidewalks, water lines, sewer lines, drainage **and stormwater** facilities, utility lines, water point sources and other related matters associated with the development of undeveloped land into building

Identified SCM as a type of subdivision improvement

sites.

Insurance Services Office (ISO). ISO is an independent organization that serves insurance companies, fire departments, insurance regulators and others by providing information about property and liability risk. ISO's statistical, actuarial, and underwriting information is a resource used by insurers, government regulators, other companies and organizations and the use of their standardized policy language is the foundation on which many insurers build their coverage programs.

Lot. A portion of a tract of land to be subdivided for the purposes of transfer of ownership or development or both.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in office of the Register of Deeds of Rowan County, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot Types:

Corner Lot. A lot located at the intersection of two (2) or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty (130) degrees.

Double Frontage Lot. (i.e., through lot) Any lot having access by water and street right-of-way or by having access on two (2) street right-of-ways. This does not include corner lots.

Interior Lot. A lot other than a corner lot with only one (1) frontage on a street.

Panhandle Lot. A lot other than one having access on a cul-de-sac, which contains a narrow strip providing street access.

Reverse Frontage Lot. A through lot which is not accessible from one (1) of the parallel or nonintersecting street upon which it fronts.

Single-tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Through Lot. See Double Frontage Lot.

Utility lot. A lot that serves unmanned utility facilities such as pump / lift stations, wireless facilities and support structure and septic tank drain fields. A utility lot is not to be used as parking, vehicle storage or accommodation for residential or commercial structures.

Minimum Design Criteria or "MDC" means the requirements set forth in this Chapter for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for Rowan County or NC Department of Environmental Quality to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1.

Establishes that minimum design criteria for SCM is defined by 15A NCAC 02H.1002(24)

Mobile Water Supply Apparatus. A vehicle designed primarily for transporting (pickup, transporting, and delivering) water to fire emergency scenes to be applied by other vehicles or pumping equipment.

Multi-connection. Any water supply furnishing potable water to two (2) to fourteen (14) connections of residences or businesses, or any combination thereof, from one (1) well

that is not owned and operated by a public entity.

Municipal Type Water System. A system having water pumps serving hydrants and designed to furnish, over and above domestic consumption, a minimum flow of 250 gpm (946L/min) at 20psi (139 kPa) residual pressure for a 2-hour duration

National Fire Protection Association (NFPA). Established in 1896, the NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. NFPA has developed three hundred (300) codes and standards that influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries.

NFPA 22 Standards for Water Tanks for Private Fire Protection. This standard provides the minimum requirements for the design, construction, installation, and maintenance of tanks and accessory equipment that supply water for private fire protection, including the following: (1) Gravity tanks, suction tanks, pressure tanks, and embankment-supported coated fabric suction tanks; (2) Towers; (3) Foundations; (4) Pipe connections and fittings; (5) Valve enclosures; (6) Tank filling; (7) Protection against freezing; version 2007 or latest amendment thereof.

NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. This standard identifies a method of determining the minimum requirements for alternative water supplies for structural firefighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for firefighting purposes do not otherwise exist; version 2007 or latest amendment thereof.

Observed right-of-way. The area recognized in the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) 2002-2030 Long Range Transportation Plan and referenced in Appendix A that may be utilized for future transportation improvements.

Official Maps or Plans. Any maps or plans officially adopted by the Board of Commissioners of Rowan County.

Open Space. An area of land and/or water generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

***Operational area* means the dedicated or utilized area necessary for a business function and is characterized by, but not limited to, buildings or warehouses, storage areas or stockpiles, parking and loading areas, sediment ponds and detention areas, etc.**

Definition from Zoning Ordinance

Operation and Maintenance Agreement. An agreement between a developer or owning entity of a stormwater control measure (SCM) and either Rowan County or NC DEQ depending on permitting authority. The agreement requires the developer or owning entity to maintain, repair, or reconstruct the SCMs in accordance with the approved design plans and the Operation and Maintenance Plan. The agreement shall be recorded with the Rowan County Register of Deeds so as to appear in the chain of title for all subsequent purchasers.

Operation and Maintenance Plan. Document specifying all operation and maintenance work necessary for the function of all stormwater control measure (SCM) components, including the stormwater conveyance system, perimeter of the device, inlet(s), pretreatment measures, main treatment area, outlet, vegetation, and discharge point. The operation and maintenance plan shall specify methods to be used to maintain or restore the SCMs to design

Agreement and Plan are required prior to operation of an SCM per 15A NCAC 02H.1050(11) and (12)

specifications in the event of failure.

Owning Entity. Any person, firm, trust, partnership, association or corporation, having ownership or controlling interest in development or improvements regulated by this Chapter or Chapter 21 of the Rowan County Code of Ordinances (Rowan County Zoning Ordinance).

Defined the party financially responsible for SCM on-going maintenance

Package Treatment Plant. A self-contained sewage treatment facility built to serve the subdivision.

Plan, site specific development means a plan meeting the requirements of G.S. 153A-344.1, as amended, for approval of a vesting right under that statute.

Planning Board. County Planning Board of Rowan County, North Carolina.

Planning Department. The Planning Division of the Rowan County Planning and Development Department.

Planned Unit Developments (PUD). An area planned as a single entity containing one (1) or more residential, commercial or mixed use clusters that is subdivided into lots that do not meet the requirements of this ordinance. In a PUD the subdivider request an increase in density of property development for additional project amenities and relaxed public improvement standards in return for better subdivision design or for more affordable housing opportunities.

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

Primary SCM means a wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the MDC.

Device or method used to manage stormwater runoff defined in 15A NCAC 02H.1002(37)

Private Road. A dedicated right-of-way or ingress and egress easement to the public, forty-five (45) feet or greater in width containing a roadway which provides or is used primarily for vehicular circulation and is available for use by the general public or by residents of the development but is not maintained by NCDOT or any municipality in Rowan County.

Private Individual Sewage Disposal System. A sewage disposal system serving one (1) connection which is usually owned and controlled by a private single entity.

Private Individual Water Supply System. A water supply system having one (1) service connection whose water supply comes from a single source, usually limited to a well or spring.

Public Road. A dedicated road right-of-way meeting all minimum construction standards of NCDOT or is maintained by the NCDOT Road Maintenance Program and available for use by the general public.

Public or Private Sewer System. A means of collecting, transporting and treatment of sewage by a public entity (e.g., city, town, county, sewer district), or other public body created, pursuant to State, Federal and local laws, or any combination thereof acting cooperatively or jointly, or a privately owned state licensed sewer system, for profit or non-profit firm or corporation. A package treatment plant shall be considered part of a public sewer system if owned by a City, Town, County, Sewer District, etc., otherwise shall be considered as a private sewer system.

Public or Private Water System. The provision to the public of piped water by a system

with fifteen (15) or more connections or twenty-five (25) or more year round residents owned and operated by a municipality, county or other public entity or a privately owned licensed water supply, for profit or non-profit firm or corporation. This includes the term "community water supply system."

Public Protection Classification (PPC) Program. Developed and implemented by ISO, this program helps insurance companies measure and evaluate the effectiveness of fire-mitigation services throughout the country. The program rates a fire department on a scale of 1--10, with one (1) being the best and ten (10) not meeting the minimum criteria for rating. To determine the fire department's class rating ISO evaluators utilize the manual called the Fire Suppression Rating Schedule.

Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodates such activities.

Required storm depth means the minimum amount of rainfall that shall be used to calculate the required treatment volume or to evaluate whether a project has achieved runoff volume match.

Rainfall intensity and duration used to determine size of SCM defined by 15A NCAC 02H.1002(40)

Right-of-way. The base setback line that is the greater of either the line dividing the public right-of-way currently or a line thirty (30) feet measured in a perpendicular distance and parallel to the centerline of the street pavement, superseded by the observed right-of-way or the area recognized in the Cabarrus-Rowan Metropolitan (CRMPO) 2002-2030 Long Range Transportation Plan and referenced in Appendix A that may be utilized for future transportation improvements.

Road. A dedicated public right-of-way for vehicular traffic (or a private road when permitted by this ordinance). The word "road" includes, but is not limited to, "street, freeway, highway, expressway, drive, avenue, court, way, place, circle, lane, boulevard, and thoroughfare."

Classifications of Roads:

Local road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distance.

Major collector. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

Major thoroughfares. Major thoroughfares consist of interstate, other freeway, expressway, or parkway roads, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor arterial. A rural roadway joining cities and larger towns and providing intrastate and inner-county service at relatively high overall travel speeds with minimum interference to through movement.

Minor collector. A road which serves small local communities and links locally important traffic generators with their rural hinterland.

Minor thoroughfares. Minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through-traffic movements and may also serve abutting property.

Principal arterial. A rural link in a highway system serving travel, and having characteristics indicative of, substantial statewide or interstate travel and existing

solely to serve traffic. This highway system would consist of interstate routes and other routes designed as principal arterials.

Service road. A road that runs parallel to a principal arterial or interstate and provides indirect access to and from properties or facilities abutting the interstate principle arterial via an interchange.

Specific Type Roads:

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

Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Freeways, Expressway or Parkway. Divided multilane roadways designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and with grade separations at major intersection. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park development.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Local Residential Road. Cul-de-sacs, loop streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic for more than one hundred (100) dwellings units.

Residential Collector Road. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

Road mile. Linear distance of vehicular travel as measured along a road from any given location to another location

Rowan County Zoning Ordinance or "RCZO" means the ordinance and maps adopted by the Rowan County Board of Commissioners on January 19, 1998; effective February 16, 1998 and any amendments thereto that have established planning and zoning requirements and procedures for zoning in the unincorporated areas of Rowan County outside the zoning jurisdiction of municipalities.

Defined RoCo Zoning Ordinance

Runoff treatment means that the volume of stormwater runoff generated from all of the built-upon area of a project at build-out during a storm of the required storm depth is treated in one or more primary SCMs or a combination of Primary and Secondary SCMs that provides equal or better treatment.

Standard method for treating stormwater runoff; defined in 15A NCAC 02H.1002(43)

Runoff volume match means that the annual runoff volume after development shall not be more than ten percent higher than the annual runoff volume before development.

Method uses infiltration and evapo-transporation to treat stormwater; defined in 15A NCAC 02H.1002(44)

Sanitary Sewage System. A complete system of sewage collection, treatment and disposal including privies, septic tank systems, connection to public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment

system, or other such systems.

Secondary SCM means an SCM that does not achieve the annual reduction of Total Suspended Solids (TSS) of a "Primary SCM" but may be used in a treatment train with a primary SCM or other Secondary SCMs to provide pre-treatment, hydraulic benefits, or a portion of the required TSS removal.

Used in combination with Primary SCM to treat stormwater; Defined in 15A NCAC 02H.1002 (46)

Sewage. The waste water and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

Stormwater Control Measure or "SCM," also known as "Best Management Practice" or "BMP," means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Structural device designed and built to manage stormwater; defined in 15A NCAC 02H.1002(49)

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9-7 of the Flood Damage Prevention Ordinance.

Subdivider. Any person, firm or corporation who subdivides or develops any land judged to be a subdivision as herein defined.

Subdivision. See section 22-6 of this ordinance.

Subdivision, Major. See section 22-8 of this ordinance.

Subdivision, Minor. See section 22-7 of this ordinance.

Subdivision Review Committee. An advisory committee to the Rowan County Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator for the Board of Commissioners to approve, approve with conditions or disapprove. The committee shall consist of one (1) or more representatives from the following agencies or officials:

1. Rowan County Health Department.
2. Rowan County Environmental Management, Soil Sedimentation Control Staff.
3. Rowan County Planning Department.
4. N.C. Department of Transportation, Division 9, District 1, office.
5. Rowan County Emergency Services, Fire Division.

Suction Points. Any given point or location on a water point source at which fire department pumping apparatus is able to acquire, through drafting operations, water from that source for use in suppressing a fire. This term may also include generic terms such as dry hydrant, float dock, etc.

A.K.A. grass lined ditch; defined in 15A NCAC 02H.1002(52)

Tract. A piece of property upon which a subdivision is proposed.

Vegetated conveyance means a permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

Vegetated setback means an area of natural or established vegetation adjacent to surface waters, through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation due to development activities.

Natural or panted buffer strip along a creek, stream or lake; defined in 15A NCAC 02H.1002(51)

Water Point Source (WPS). An adequate and reliable water delivery system used for

Certification of a subdivision exception shall appear on all copies of the subdivision plat for recordation as follows:

I hereby certify that this subdivision plat for recordation is an exception to the Subdivision Ordinance of Rowan County, North Carolina as defined in section 22-6.

_____ _____

Date Subdivision Administrator
Rowan County, North Carolina

Section 22-31. Vested Rights.

Pursuant to G.S. 153A-344.1, a vested right to undertake and complete the development and use of property under the documented terms, any associated conditions, and approved site plan(s) may be established subject to chapter 21 section 11 of the Zoning Ordinance.

(Amend. 4-21-14)

Secs 22-32. Retention of Consultant.

Rowan County may elect to retain a consultant or professional services to review and provide a determination(s) or recommendation(s) as to whether any proposed subdivision improvement(s) complies with the standards of this ordinance and applicable state and federal rules and regulations. The subdivider, developer or applicant shall pay any expense for consulting or professional services in excess of the application fee. Rowan County shall require any consultant(s) to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant.

Propose to utilize a third party engineer or consultant primarily for review SCM plans, design and construction

Secs 22-33—22-50. Reserved

ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 22-51. Plat Shall Be Required On Any Subdivision of Land.

Pursuant to G.S. 153A-332, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place, except as herein provided.

Section 22-52. Approval Prerequisite to Plat Recordation.

Pursuant to G.S. 153A-332, no final plat of a subdivision within the jurisdiction of the County of Rowan as established in section 22-4 of this ordinance shall be recorded by the Register of Deeds of Rowan County until it has been approved by the Subdivision Administrator or Board of Commissioners as provided herein. This approval shall be certified by the Subdivision Administrator on the final plat before recordation. To secure such approval of a final plat, the subdivider shall follow the procedures established in

(9) Streets and lots of adjacent developed or platted properties;

(10) The zoning classification of the tract and of adjacent properties;

(11) Tax map and parcel number, recorded deed book and page number of subdivided tract.

(12) As applicable, location of water point source or description of method used for providing a water point source.

(Amend. of 7-16-07(2); Amend. of 9-6-16)

Section 22-56. ~~Major Subdivision;~~ Preliminary Plat and Stormwater Control Measure (SCM) Submission and Review.

Included SCMs as a responsibility for SRC review

(a) *Submission Procedure*

The subdivider **or developer** shall submit a preliminary plat application for all major subdivisions **or SCM plan application for all high density watershed projects** which shall be reviewed by the Subdivision Review Committee (hereinafter referred to as the "Committee"). Upon receipt of ~~said~~ **a complete** application the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. The Committee shall have authority to approve the plat **or plan** before any construction or installation of improvements may begin. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval by the Committee shall be issued. A preliminary plat application shall include:

1. Eight (8) copies of the preliminary plat containing all items outlined in section 22-61(a) submitted to the Subdivision Administrator.
2. Two (2) copies of a sedimentation and erosion control plan (or waiver).
3. Application for a ~~residential~~ driveway permit submitted to the Division 9 District 1 North Carolina Department of Transportation office.
4. Road plans and profiles submitted to the Division 9 District 1 North Carolina Department of Transportation office if applicable.
5. Subdivision review application and fee.
6. Two (2) copies of the proposed restrictive covenants for maintenance of any proposed open space in compliance with the provisions of section 22-58(f) of this article.
7. Certification from both the Fire Marshal and Chief of the fire department with responding jurisdiction that the major subdivision proposal is proximate to an adequate and reliable water point source. For projects lacking proximity to a sufficient water point source, a proposed method for complying with the requirements of section 22-111 of this ordinance must be provided.
8. For projects required to construct or provide a water point source, two (2) copies of the proposed restrictive covenants for maintenance of the water point source in compliance with the provisions of section 22-58 (g) of this article and 2 copies of the water usage agreement contract contained in Appendix A.
9. If applicable, location of the all weather access road to a water point source in compliance with the standards of section 22-80(g).

A Stormwater Control Measure (SCM) plan application shall include:

1. **Three (3) copies of the Operation and Maintenance Agreement or Manual for the SCM**
2. **Five (5) copies of an overall site plan where the SCM(s) will be utilized that depicts all applicable items outlined in Section 22-61(a) of this Chapter. The site plan shall be prepared and sealed by a North Carolina registered design professional working in their area of competence as prescribed by North Carolina General Statutes.**
3. **Compliance with Minimum Design Criteria established in Section 22-109(b) of this Chapter.**

SCM plan submittal requirements

(b) *Review Procedure.*

The committee shall make ~~a~~ **one of the following** decision**s** **noted below** on the preliminary plat **or SCM plan application ("plan")** within thirty (30) days of the committee meeting at which the plat **or plan** was discussed. If ~~no recommendation is made~~ **disapproved** by the committee within this time, the subdivider **or developer** may refer the plat **or plan** to the Board of Commissioners ~~or, at the subdivider option arrange with the Administrator additional time for committee review~~. The Board of Commissioners shall have forty-five (45) days after referral of the plat **or plan** to make a decision.

SRC review procedures expanded to include SCMs

Option for appeal to BoC if disapproved

Decisions made regarding plats **and plans** shall be to:

(1) Approve ~~the plat~~ as submitted; or

(2) Approve ~~the plat~~ with conditions; or

(3) Disapprove ~~the plat~~ with ~~the~~ reasons for disapproval given.

If not approved**,** the subdivider **or developer** may resubmit a revised plat **or plan** within ninety (90) days with no additional filing fees required. The resubmitted plat **or plan** shall be reviewed in the same manner as a new application.

Detail of the SRC review process

If the preliminary plat **or plan** is approved by the Subdivision ~~Administrator~~ **Review Committee** or Board of Commissioners, the approval shall be indicated ~~in~~ **on** two (2) copies of the Plat **/ Plan**. Any conditions shall be noted on or attached to the two (2) copies required. One (1) copy shall be retained by the Subdivision Administrator as part of the official record. One (1) copy with any conditions noted shall be returned to the subdivider. Unless otherwise specified, conditions shall be complied with by the subdivider **or developer** within twelve (12) months of the date of conditional approval or the approval shall be voided.

(Ord. of 2-1-99(2); Amend. of 7-16-07(2); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-16)

Section 22-57. Final Subdivision Requirements.

(a) *Requirements for Final Plat.* The final plat shall be prepared by a professional land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plat, subdivisions, and mapping requirements set forth in G.S. 47-30 and the "Standard of Practice for Land Surveying in North Carolina," where applicable, and the requirement of the Rowan County Register of Deeds.

The final plat shall be submitted to the Subdivision Administrator on either reproducible material suitable for recordation at the Register of Deeds office or as an electronic document in accordance with G.S. 47-30. A final plat application shall be considered complete if it contains all of the information required by sections 22-57 and 22-59 and is accompanied by a nonrefundable filing fee according to the fee schedule approved by the Board of Commissioners.

The final plat shall be 18" x 24", 21" x 30", or 24" x 36" in size and shall be at a scale of not less that one (1) inch equals one hundred (100) feet, unless each lot in the proposed subdivision is more than three (3) acres. In such case, the scale shall not be less than one (1) inch equals two hundred (200) feet. The plat may be placed on more than one (1) sheet with appropriate match lines.

(b) *Major Subdivisions; Installation and Improvements.* Upon approval of the preliminary plat, the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Before approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this ordinance and shall depict the subdivision, or portion thereof, in substantially the same form and layout as that approved in the preliminary plat. Only that portion of the subdivision proposed for final plat approval and recordation in the Rowan County Register of Deeds office shall be shown on the final plat.

The subdivider shall submit the final plat to the Subdivision Administrator no later than twenty-four (24) months after the approval of the preliminary plat, unless a greater time period was stipulated originally in said approval. The subdivider may submit a request to the Subdivision Administrator for a time extension for up to twelve (12) additional months for said approved preliminary plat. Said request must be submitted to the Subdivision Administrator before the original plat expiration date. No more than one (1) such extension may be granted by the Subdivision Administrator. Otherwise, approval of said preliminary plat shall expire and become voided.

The subdivider may submit a final plat for only a portion of the subdivision given preliminary plat approval. Any such submission shall be accompanied by a nonrefundable fee according to the fee schedule approved by the Board of Commissioners. Said submission shall extend the expiration date for the remaining portion(s) or phases of the approved preliminary plat for an additional twenty-four (24) months past the date of said final plat approval.

(c) *Major Subdivisions; Performance Guarantees.*

(1) Agreement and Security Required.

Instead of requiring the completion, installation and dedication of all improvements before final plat approval, Rowan County may enter an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements within twelve (12) months, with the exception of a water point source **or stormwater control measure**. The county may accept a performance guarantee for a water point source for the period prior to plat recordation and terminating with issuance of the first certificate of occupancy for a structure. Consideration of an extension(s) beyond the initial 12-month period for all improvements except the water point source, may be granted by the Board of Commissioners in accordance with subsection (2) below based upon a written

Specifies that an SCM must be in place prior to final plat approval

identified distinctively from other land use types by color, patterns, numbers or letter, or a combination of means for easy identifications.

b. Proposed right-of-ways drawn on the plan to show location of public and private streets and roads within the PDS.

c. Location of land to be made available for community facilities such as schools, parks, churches, fire stations and similar uses.

d. General location of land to be dedicated as buffering, recreation and open space.

e. General location of major utilities such as water lines, or sewer lines, **stormwater control measures,** water point source and natural gas if provided, electrical, telephone and cable television.

Listed SCM to be shown on site plans for a PDS

f. Data shall be supplied for the following:

1. Total site acreage.
2. Acreage set aside for each land use type.
3. Proposed densities for each residential land use type. Where a residential land use type will be planned in separate locations with different densities, the proposed density of each shall be given.
4. Total number of dwelling units proposed.
5. The ratio of open space proposed for each residential land use type.
6. Proposed method of water supply and sewerage treatment and disposal.

(b) *Submission Procedure For PDS Concept Site Plan.*

The subdivider shall submit a PDS concept site plan, which shall be reviewed by the Subdivision Review Committee. The committee shall send their recommendations to the Subdivision Administrator to forward to the Planning Board for review and a recommendation to the Board of Commissioners.

At least nine (9) copies of the PDS concept site plan shall be submitted to the Subdivision Administrator.

The fee for submitting a PDS site plan shall be paid at the time of submittal according to the fee schedule approved by the Board of Commissioners.

(c) *Review and Approval Procedures.*

The Subdivision Administrator shall schedule a meeting of the Subdivision Review Committee within fourteen (14) days of submittal of a complete application. The committee shall recommend to the Subdivision Administrator, on a majority vote of the members present, to approve the plan, conditionally approve the plan with the recommended change with reason for the change(s) or disapprove the plan with reason within fifteen (15) days of the committee meeting at which the plan was discussed. If no recommendation is made by the committee within this time, the plan shall then be placed on the next Planning Board agenda subject to the courtesy hearing notification requirements from chapter 21 section 315 (1) of the Zoning Ordinance.

After receiving a recommendation from the Planning Board or after failure of the Planning Board to transmit a recommendation within thirty (30) days of first

defined in section 22-10 shall be subject to the following regulations and standards:

(1) The allowable number of dwelling units per acre shall conform to the density standards prescribed in chapter 21 section 84 of the Zoning Ordinance.

(2) When Land Application Treatment Systems are used for sewage treatment and disposal system, the land area required for the treatment and disposal shall not be included in determining the maximum gross density.

(3) The maximum land area associated with any nonresidential structures, excluding surface parking, shall not exceed thirty (30) percent of the total land area associated with the nonresidential uses unless otherwise approved by the Board of Commissioners.

(4) Land area associated or required with one type of land use may not be used to compute acreage available for another type of land use. Land area shall not be counted twice in computing acreage available to each land use.

(5) Any proposed common open space in a PUD shall provide for the upkeep and maintenance under provisions of section 22-58(f).

(f) *Maintenance Requirements For Common Open Space.*

If the open space tract is not intended to be deeded and accepted by a county or municipality, then a homeowners association or similar legal entity shall be established and shall be responsible for the maintenance, payment of taxes, and control of open space areas subject to the restrictive covenants.

An association or similar legal entity shall be established by recorded covenants before any lots of the development have obtained a zoning or building permit, although their maintenance authority for purposes of this article shall not be in effect until at least twenty-five (25) percent of the lots are built-upon and occupied by tenants other than the subdivider. The association or similar legal entity shall have clear legal authority to maintain and exercise control over such open space areas.

Further, the association or similar legal entity has the power to compel contributions by levying assessments against each lot in the subdivision development whether improved or not, for the purpose of paying their proportionate share of the cost associated with the maintenance, upkeep, and taxes of such common open space areas.

Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance of the common open space. The instruments incorporating such provisions shall be submitted at the time of final plat submittal and shall be approved by the county attorney as to form and legal sufficiency, before submission to the Board of Commissioners and shall be recorded at the office of Register of Deeds of Rowan County at the time of recordation of the final plat.

~~(g) *Maintenance Requirements For Water Point Source*~~

~~In the event a water point source will not be deeded to or accepted by the county or the fire department having responding jurisdiction, maintenance of the grounds (lot or easement area) surrounding the water point source shall be the responsibility of the property owner or the subdivider until such time a homeowners association or similar legal entity has assumed authority for~~

Relocated WPS requirement to appropriate section.

~~enforcing the recorded covenants. All powers and duties for enforcing the maintenance of the grounds as allowed by this subsection shall be the same as those specified in section 22-58(f) of this ordinance. Maintenance of the mechanical and nonmechanical components of the water point source shall be the responsibility of the fire department having jurisdiction.~~

(Amend. of 7-16-07(2); Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16)

Applicable to all major subdivisions, not just PDS.

Section 22-59. Certifications and Notations Required on Plats.

(1) The following certificate shall be required on all approved preliminary plats:

Certificate of Approval of Preliminary Plat

This preliminary plat has been approved in accordance with the provisions of the Rowan County Subdivision Ordinance on (date).

_____
Subdivision Administrator

(2) The following notation shall appear and be signed, as appropriate, on all final plats.

Certificate of Approval of Final Plat

This final plat has been approved in accordance with the provisions of the Rowan County Subdivision Ordinance on (date).

_____
Subdivision Administrator

Certificate of Survey and Accuracy

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement as provided in G.S. Chapter 89C and Section 47-30. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the general form as provided by law.

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Rowan County and that I hereby adopt this plan of subdivision with my (our) free consent and establish minimum lot size and building setback lines as noted.

_____ _____
Date Owner

_____ _____
Date Owner

- The names of any adjoining subdivision of record or proposed and under review.
- Front building setback line.
- The zoning classification of the tract to be subdivided and adjoining properties.
- Existing buildings or other structures, water courses, utility and street rights-of-way or easements, railroads, bridges, both on the land to be subdivided and land immediately adjoining.
- All certifications required by this ordinance.
- The lots numbered throughout the subdivision in a manner using only numeric symbols. A continuous numbering system shall be used throughout the subdivision. Multiple phases shall maintain continuous numbering system for all phases.
- Ponds or lakes, streams or stream beds and any other natural features affecting the site.
- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.
- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.
- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Right-of-way location and dimensions, pavement widths drawn to scale, approximate grade, design engineering data for all corners and curves, typical road cross sections.
- The plans for utility layouts, if applicable, including sanitary system, storm**water drainage** system **control measures** and drainage facilities, water distribution lines, natural gas lines, telephone lines, electric lines and other proposed utilities.
- Plans for community water supply and community sewage disposal systems (e.g. package treatment plants), if any.
- Site data including acreage in total tract to be subdivided, acreage in parks, open space, and recreation acres and other nonresidential uses excluding any street right-of-ways, total number of parcels created, total combined acreage of all lots, acreage shown for each lot in the subdivision, linear feet in streets, the name and

Included requirement to show SCM in preliminary plat requirements

- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.
- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.
- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, **stormwater drainage system and control measures,** riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Deed book and page number of any deed restrictions, road maintenance or similar covenants.
- Location of water point source and all-weather access road, as applicable.
- A statement indicating Rowan County does not guarantee the suitability of any lot for the placement of a sewage disposal and/or water supply system.

(Amend. of 2-20-06(2); Ord. No. 7-16-07(2); Amend. of 11-2-09)

Included requirement to show SCM in final plat requirements

Section 22-62. Recombination of Land.

Recombination of Plated Subdivision may be done as follows:

(a) Any plat or any part of any plat may be vacated by owner at any time before the sale of any lot in the subdivision by filing an approved plat inconsistent with the originally approved plat or by filing a plat showing the tract without the lots as if no lots have been sold.

(b) The replatting of any previously platted property shall not abridge or destroy any public rights.

(c) The filing and recording of an amended plat as described in section 22-62(a) of this ordinance shall serve to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

(d) When lots have been sold, the plat may be vacated or amended by all owners of the lots in such plat joining in the execution of such writing, provided such vacated or amended plat comply with requirements of this ordinance.

(e) Streets which have not been used within fifteen (15) years of dedication may be

whether the proposed water supply system complies with the standard set forth in section 22-105.

IF	THEN
1) Lots within the subdivision are to be served by a simple connection to existing municipal or county lines or lines of a previously approved public water supply system:	No further certification is necessary
2) Lots within the subdivision are to be served by a municipal or county system but the developer will be responsible for installing the necessary additions to such system:	The appropriate utility director (municipal or county) must certify to the county that the proposed system meets the local government's specifications and will be accepted by the local government. (A "Permit to Construct" must be obtained from appropriate governmental agency).
3) Lots within the subdivisions are not to be served by a municipal or county system and are to be served by a privately owned public water supply system that has not previously been approved:	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of one hundred thousand (100,000) gallons per day or is located within certain areas designated by Division of Environmental Management.
4) Lots within the subdivision are to be served by individual wells:	No further certification is necessary.

(Amend. of 09-6-16).

Section 22-107. Electrical, Telephone, Cable Television And Other Utilities.

Electrical distribution systems (defined for these regulations as facilities for delivering electrical energy from a substation to a customer's meter and generally associated with voltage in the 14.4 to 24.9 kv range and below), telephone lines, cable television lines and any other wire installation shall be underground unless the unfeasibility of such installation has been documented and is submitted to the Subdivision Administrator or Board of Commissioners.

Section 22-108. Utilities to Be Consistent With Internal and External Development.

Whenever it can reasonably be anticipated that utility facilities construction in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

Amended Section to include SCMs

Section 22-109. Stormwater: Drainage System, Control Measures and Maintenance Plans.

(a) Stormwater Drainage System.

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in "Handbook for the Design of Highway Surface Drainage Structures," 1975, as amended or revised, subject to review by the County and NCDOT where applicable.

~~(a)~~ **(1)** No surface water shall be channeled or directed into a sanitary sewer.

~~(b)~~ **(2)** Where feasible, the subdivider shall connect to an existing storm drainage system.

~~(c)~~ **(3)** Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.

~~(d)~~ **(4)** Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4, and the Rowan County Sedimentation Control Ordinance. Other side slope standards can be accepted by the Subdivision Administrator, if approved by North Carolina Department of Transportation or Rowan County Planning and Development.

~~(e)~~ **(5)** The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.

~~(f)~~ **(6)** Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from land disturbing activity in accordance with the Rowan County Sedimentation Pollution Control Ordinance and North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4.

~~(g)~~ **(7)** Anyone constructing a dam or impoundment within the subdivision shall comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K, if applicable.

~~(h)~~ **(8)** In areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall comply with all requirements of the Rowan County Flood Damage Prevention Ordinance, if applicable for the subdivision.

Renumbered to accommodate inclusion of SCMs into Section

(b) Stormwater Control Measures (SCM).

All SCMs and plans shall be prepared by a qualified registered North Carolina professional engineer, land surveyor, soil scientist or landscape architect performing design services only in their area of competence as prescribed by North Carolina General Statutes.

The developer shall submit all proposed stormwater control measure(s) plans, including the operation and maintenance plan(s) or manual(s), to the Planning Department for scheduling a Subdivision Review Committee (SRC) meeting subject to the submission and review procedures in Section 22-56 of this Chapter.

SCM must be designed by a design professional

Minimum design requirements for all stormwater control measures shall include the following:

(1) Designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Quality found in the Stormwater Design Manual at https://deq.nc.gov/sw-bmp-manual and relevant minimum design criteria set forth in 15A NCAC 02H .1050 through .1062.

(2) Consist of one treatment option or a combination of treatment options, with design criteria achieving an 85 percent average annual removal of Total Suspended Solids. The discharge rate shall meet one of the following criteria;

(a) The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or

(b)The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

(3) Designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match";

(a) For projects designed to achieve runoff treatment, the required storm depth shall be one inch.

(b) Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment.

(4) Stormwater runoff from off-site areas and "existing" impervious development shall not be required to be treated in the stormwater control measure. Runoff from off-site areas or "existing" impervious development that is not bypassed shall be included in sizing of on-site stormwater control structures

(5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

(c) **Stormwater Maintenance Plans.**

Operation and maintenance agreements and plans are required for stormwater control measures in accordance with 15A NCAC 02H .1050. As such, the developer shall submit an operation and maintenance plan or manual for each stormwater control measure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement specifications outlined in Section 22-112 of this Chapter, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control measure to design specifications if a failure occurs. The plan shall also include a plat of the area containing the stormwater control measure and any easements necessary for general access to the stormwater control measure along with vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

Plan Amendments. At the request of the owning entity, amendments to the plans and specifications of the stormwater control measure and/or the operation and maintenance plan or manual may be considered by the Subdivision Review Committee (SRC). Proposed amendment(s) shall be prepared by a North Carolina registered design professional (engineer, land

Minimum design criteria requirements established by NC DEQ

Option for project to use either runoff treatment or volume match

Operation and Maintenance Plans are required for SCMs

Process for amending SCM Operation and Maintenance Plans as needed

surveyor, soil scientist or landscape architect) working in their area of competence as prescribed by North Carolina General Statutes and submitted for review by the Planning Department prior to the Subdivision Review Committee.

(Amend. of 11-2-09)

Section 22-110. Other Requirements.

(a) *Placement of Monuments.*

Unless otherwise specified by this ordinance, the "Manual of Practice for Land Surveying" as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corners ties; to determine the location, design and material of monuments, markers, control corners, and property corners ties; and to determine other standards and procedures governing the practice of land surveying for subdivision.

(b) *Construction Procedures.*

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record as of the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, before commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work before release of the sureties.

(c) *Oversized Improvements.*

The County may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements more than of the standards required in this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvements required and the standards in this ordinance. The County may recoup this cost through acreage fees as set forth in the adopted policy of acreage fee charges for connections to the County utility system or be reimbursed by a municipality or by a municipality's utility system.

Section 22-111. Water Point Sources.

(a) Generally.

As a basis for evaluating the quality of public fire protection services throughout the United States, Insurance Services Office (ISO) analyzes the relevant data in a community and assigns a Public Protection Classification (PPC) number ranging

sources.

(d) *Responsibility for Installation.*

Responsibility for installation of a water point source for projects subject to the provisions of section 22-111(c) of this article are based on the following principles:

1. Without provision of a water point source, major subdivision proposals located in fire districts with a PPC rating of 8 or less will adversely affect the PPC rating of said district. As such, a water point source shall be provided at the expense of the subdivider. Installation, inspections and certifications required to comply with NFPA 22 and 1142 (as applicable) will be the responsibility of the subdivider.

2. Without provision of a water point source, major subdivision proposals located in fire districts with a PPC rating of 9 or 9S will not necessarily affect the PPC rating of said district. However, the County recognizes the importance of adequate fire protection for its citizens and providing water point sources is an accepted method for limiting property damage and saving lives in the event of fires. To this end, the subdivider and fire department having jurisdiction shall equally share in the costs for installation, inspections and certifications for the minimum standards as may be required to comply with NFPA 22 and 1142 (as applicable) of providing the water point source, unless the subdivider waives the fire department's participation requirement. For purposes of this section, cost participation of the fire department shall not include land or easement purchase costs nor shall equal participation of the subdivider be diminished by a value (assumed or established) of the lot or easement containing the water point source.

(e) Maintenance Requirements For Water Point Source

In the event a water point source will not be deeded to or accepted by the county or the fire department having responding jurisdiction, maintenance of the grounds (lot or easement area) surrounding the water point source shall be the responsibility of the property owner or the subdivider until such time a homeowners association or similar legal entity has assumed authority for enforcing the recorded covenants. All powers and duties for enforcing the maintenance of the grounds as allowed by this subsection shall be the same as those specified in section 22-58(f) of this ordinance. Maintenance of the mechanical and nonmechanical components of the water point source shall be the responsibility of the fire department having jurisdiction.

Relocated WPS maintenance requirements from the Planned Development Subdivision section

(Amend. of 7-16-07(2); Amend. of 6-16-08)

Section 22-112. Stormwater Control Measures: Operation, Maintenance and Inspections

Procedures for approval in inspections of SCMs

(a) Operation.

Prior to receiving any related final subdivision plat or zoning approvals authorizing the sale or conveyance of lots and, or occupancy of buildings, the stormwater control measure(s) shall be inspected by the Planning Department after it is notified by the developer that all work has been completed. Prior to this inspection, the developer shall provide:

1. A copy of the operation and maintenance agreement or manual, the deed, related easements and survey plat (as applicable) for the stormwater control measure ready for Planning Department review prior to filing with the Rowan County Register of Deeds; and,

2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control measure is complete and consistent with the approved plans and specifications for said structure.

If inspection by the Planning Department finds the measure completed in accordance with the plans approved pursuant to Section 22-109(b) of this Chapter and the items in (a)(1) and (2) of this Section are in compliance, the owning entity shall file the items in (a)(1) of this Section with the Rowan County Register of Deeds.

(b) Maintenance.

Maintenance requirements

Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control measure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control measure.

(c) Repair or Reconstruction.

Repair requirements

Except for general landscaping and grounds management, the developer or owning entity shall notify Rowan County Planning Department prior to any repair or reconstruction of the stormwater control measure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control measure and the operation and maintenance plan or manual. After notification and documentation provided by the developer or owning entity that repairs or reconstruction have been certified as completed by an NC Registered Professional Engineer, Rowan County Planning Department shall have the opportunity to inspect the completed improvements and inform the developer or owning entity of any required additions, changes, or modifications and of the time period to complete said improvements.

(d) Inspections.

Inspections process

1. Annual Inspections. All stormwater control measures shall be inspected by a North Carolina registered professional engineer at least once on an annual basis to determine whether the measures are performing as designed and intended. Records of inspection shall be maintained on forms available from the Rowan County Planning Department. Annual inspections shall begin within one year following the date for recordation of the operation and maintenance agreement or plan with the Rowan County Register of Deeds office for the stormwater control measure.

2. Corrective Actions. In the event the Planning Department discovers the need for corrective action or improvements, the owning entity shall be notified of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control measure and the operation maintenance plan or manual. After notification by the owning entity, the Planning Department or its designee shall inspect and approve the completed improvements.

3. Responsibility for Inspections. Rowan County shall exercise ultimate authority for operation and maintenance of stormwater control measures approved pursuant to the high density development standards for water

supply watersheds contained in Section 21-33 (2)(f) of the Rowan County Zoning Ordinance. In doing so, the County shall require the owners of stormwater control measures to be inspected by a North Carolina registered professional engineer at least once during successive twelve (12) month periods following the date of recordation for the operation and maintenance agreement or plan with the Rowan County Register of Deeds office. These required annual inspections shall insure the stormwater control measures are performing as designed and intended. Completed inspection reports shall be submitted to the Rowan County Planning Department on forms available from the same.

4. Enforcement. If at any time, an inspection reveals that a stormwater control measure is not performing as designed and intended, Rowan County shall inform the owning entity of the need for corrective action. Failure to take corrective action(s) on the part of the owning entity may subject them to enforcement provisions of Section 22-152 of this Chapter or any other equitable remedy in accordance with applicable North Carolina law.

Secs 22-~~112~~113—22-125. Reserved.

ARTICLE VI. SCHEDULE OF FEES

Section 22-126. Fee Schedule.

The Rowan County Board of Commissioners shall approve a fee schedule for the administration of this ordinance. These fees shall be nonrefundable except in cases of administrative error. The fee schedule approved by the Board of Commissioners shall be kept on file with the Clerk to the Board of Commissioners.

Secs 22-127—22-150. Reserved.

ARTICLE VII. LEGAL PROVISIONS

Section 22-151. Penalties for Violation.

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Rowan County Register of Deeds, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Board of Commissioners may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

In addition to the penalty as established above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate

Amendments to Chapter 21: ZONING ORDINANCE

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, Conditional Use Permits and Conditional Zoning Districts
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.
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.

Staff Commentary

Rationale for edits / amendments are included in this side bar text box throughout the ZTA 04-18 document where applicable

Secs. 21-317. High Density development permit application.
Secs. 21-~~317~~ **318**--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.

New section added for High Density development projects

ARTICLE I. IN GENERAL

Sec. 21-1. Title.

This chapter shall be known and may be cited as the Zoning Ordinance of Rowan County, North Carolina and may be referred to as the "zoning ordinance" or "this chapter."

(Ord. of 1-19-98, § I)

Sec. 21-2. Purpose.

The purpose of this chapter is to establish planning and zoning requirements and procedures for zoning in the unincorporated areas of the county outside the zoning jurisdiction of municipalities. This chapter is adopted to promote the health, safety and general welfare of the public. In accomplishing this, guidelines for the development and land use are presented. These guidelines will provide for economic, social, and aesthetic advantages resulting from the orderly planned use of land resources. This chapter recognizes that much of the county has developed with smaller businesses and industries located in rural areas along with residential uses and that such businesses, developed appropriately, are not detrimental to the health, safety and general welfare of these areas. This chapter also recognizes that other residential areas in the county desire more separation of residential uses from business and industrial uses. Certain areas in the county are appropriate for concentrations of commercial, business and institutional uses and are provided. Economic development is a recognized goal of the county and provisions are made to allow timely location of industries that will advance the general welfare of the county's citizens, while insuring that residential areas are protected from adverse impacts of this type of development.

(Ord. of 1-19-98, § I)

Sec. 21-3. Authority.

This article is adopted under the authority of G.S. Ch. 153A, Art. 18, Pt. 3 (planning and regulation of development).

(Ord. of 1-19-98, § I)

Sec. 21-4. Definitions.

chapter.

Co-location means the placement or installation of additional antennas, antenna arrays or wireless facilities on an existing wireless support structure or broadcast tower, the sharing of an antenna or antenna array, or otherwise sharing a common location by two (2) or more FCC licensed providers of mobile broadband or wireless telecommunication services. Co-location does not include routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size.

Combination use means a use consisting of a combination on one (1) lot of two (2) or more principal uses separately listed in the table of permissible uses in section 21-113.

Community water system means a public water supply approved by the state department of Environmental Quality Division of Water Resources, public water supply section, that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year round residents which is owned and operated by a privately owned for profit or nonprofit licensed water supply firm or corporation or a private individual.

Conditional use permit means a permit that authorizes that recipient to establish a specified conditional use.

Condominium means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of real property, together with a separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property.

Conical surface airport means a surface beginning at the periphery of the horizontal surface, extending outward and upward for a horizontal distance of four thousand (4,000) feet and increasing in height at a 20:1 slope.

County manager means the County Manager of Rowan County.

Courtesy hearing means a public hearing that provides an opportunity for the public to express their views and opinions on an agenda item under consideration by the Planning Board.

Covenant, restrictive means the private limitations or controls placed upon the use of land.

Critical area means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half (1/2) mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).

Curb Outlet System means curb and gutter with breaks or other outlets used to convey stormwater runoff to vegetated conveyances or other vegetated areas.

These are devices that direct or control flow of stormwater as defined in 15A NCAC 02H.1002(9)

Dead storage means to accumulate or keep for an extended period.

Decibel (dB) means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

service of alcoholic beverages are accessory to the service of food and non-alcoholic beverages in terms of sales and square footage. 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.

Eligible facilities request means a request for modification of an existing wireless support structure or base station that involves co-location of new transmission equipment but does not include a substantial modification.

Equipment compound means an area surrounding or near the base of a wireless support structure within which a wireless facility is located.

Erosion means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Existing development means a project that is built or those projects that at a minimum have an established right under state common law as of the effective date of this chapter based on at least one (1) of the following criteria:

(1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

(2) Having an outstanding valid building permit as authorized by G.S. 153A-344.1.

"Existing" impervious development. Consists of any structure(s) or operational area(s) that has either been:

1. **In existence and continuous operation prior to the effective date of the Rowan County Water Supply Watershed Ordinance on January 1, 1994 (since codified in the RCZO); or,**
2. **Lawfully permitted prior to the effective date (February 16, 1998) of the Rowan County Zoning Ordinance; or,**
3. **Lawfully permitted in accordance with the standards of the Rowan County Zoning Ordinance prior to the effective date of the High Density amendments contained in Section 21-33(f) of the RCZO.**

Created a RoCo specific definition for sites that have established a vested right prior to effective date of either the WS Ordinance, Zoning Ordinance or these amendments

Existing lot (lot of record) means a lot that is part of a subdivision, a plat of which has been recorded in the office of the register of deeds before the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded before the adoption of this chapter.

Extraterritorial jurisdiction (ETJ) means that portion of a city or town planning jurisdiction that lies outside the corporate limits of the city or town within which municipal land use regulations apply.

Fall zone means an area in which a wireless support structure or broadcast tower may be expected to fall in the event of a structural failure, as measured by engineering standards.

Family care home means an adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.

Family child care home means any child care program or child care arrangement wherein any person provides child care on a regular basis at least once per week for more than four (4) hours per day for five (5) or fewer preschool-age children and / or

(2) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle or other roofing material that is commonly used in standard residential construction;

(3) The exterior siding consists of wood, hardboard, aluminum (vinyl covered or painted) or vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

(4) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before a certificate of occupancy is issued.

Manufactured home, type II means a manufactured home which meets all requirements of a manufactured home, type I, except for the length to width ratio.

Manufactured home, type III means a manufactured home that meets or exceeds the construction standards promulgated by the federal department of housing and urban development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a type I or type II manufactured home.

Manufactured home, type IV means any manufactured home which was built prior to July 1, 1976 or does not meet the criteria for a type I, II, or III manufactured home.

Massage parlor means an establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors, where massage involves the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. Establishments meeting the ethical and educational certification requirements to become a member of the American Massage Therapy Association or equivalent state or national standard are not intended to be regulated as an adult use. In addition, this section is not intended to regulate professional physical therapists or other medical practitioners.

Minerals are soil, clay, coal, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth.

Minimum Design Criteria or "MDC" means the requirements set forth in this Chapter for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for Rowan County or NC Department of Environmental Quality to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1.

Establishes that minimum design criteria for SCM is defined by 15A NCAC 02H.1002(24)

Mining means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Model automobile means a small-scale vehicle replica (not including aircraft) having a maximum height of 9.85 inches, a maximum length of thirty-one (31) inches, a maximum wheel base of thirteen (13) inches, and a maximum engine displacement of 3.5 cc. These automobiles are typically powered by battery pack, gasoline, or similar means of movement and may be operated by a hand-held device. This definition does not intend to regulate personal use of these vehicles.

Modular home means sectional dwelling unit consisting of two (2) or more modules or sections which are factory fabricated and transported to the home site where they are

Official maps or plans means any maps or plans officially adopted by the board of commissioners of the county.

Off-site means any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

Open space means an area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes; lacking in manmade structures and reserved for enjoyment in its unaltered state.

Operational area means the dedicated or utilized area necessary for a business function and is characterized by, but not limited to, buildings or warehouses, storage areas or stockpiles, parking and loading areas, sediment ponds and detention areas, etc.

Operation and Maintenance Agreement. An agreement between a developer or owning entity of a stormwater control measure (SCM) and either Rowan County or NC DEQ depending on permitting authority. The agreement requires the developer or owning entity to maintain, repair, or reconstruct the SCMs in accordance with the approved design plans and the Operation and Maintenance Plan. The agreement shall be recorded with the Rowan County Register of Deeds so as to appear in the chain of title for all subsequent purchasers.

Agreement and Plan are required prior to operation of an SCM per 15A NCAC 02H.1050(11) and (12)

Operation and Maintenance Plan. Document specifying all operation and maintenance work necessary for the function of all stormwater control measure (SCM) components, including the stormwater conveyance system, perimeter of the device, inlet(s), pretreatment measures, main treatment area, outlet, vegetation, and discharge point. The operation and maintenance plan shall specify methods to be used to maintain or restore the SCMs to design specifications in the event of failure.

Owning Entity. Any person, firm, trust, partnership, association or corporation, having ownership or controlling interest in development or improvements regulated by this Chapter or Chapter 22 of the Rowan County Code of Ordinances (Rowan County Subdivision Ordinance).

Defined the party financially responsible for SCM on-going maintenance

Overlay zone means a special zoning district that covers a specified area and has unique requirements that supplement or supersede any requirements of the underlying, general purpose zoning districts.

Parcel. See term "tract."

Plan, comprehensive land use means the general plan of reference which outlines long-term goals, objectives, and policies for the entire planning territory of the county.

Plan, construction means the map and accompanying text, prepared and submitted under the prescribed conditions set forth in this chapter, which detail required improvements such as streets, fire hydrants, and street lighting.

Plan, erosion and sedimentation control means a plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

Plan, functional means a specialized plan that addresses a single topic, such as a thoroughfare plan, a greenway plan or a capital improvement plan.

Plan, phased development means a plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by

the county to be a site specific development plan. (G.S. 153A-344.1).

Plan, site means a plan which demonstrates the proposed use of land and / or structure(s) on a specific parcel(s) will comply with the specifications set forth in this chapter. A site plan may be necessary for the review of proposed installation of improvements and construction, changes of use, and for zoning approval.

Plan, site specific development means a plan meeting the requirements of G.S. 153A-344.1, as amended, for approval of a vesting right under that statute.

Plan, spill containment means a method that provides detailed instructions of the measures to be employed to contain and remove a hazardous spill.

Planning board means the County Planning Board of Rowan County, North Carolina.

Planning department is the planning division of the Rowan County Planning and Development Department.

Planning director means the director of the Rowan County Planning and Development Department who is authorized to perform the duties and responsibilities as delegated in section 21-314 of this chapter. The Planning Director may be commonly referred to as "county planner" in this chapter and other chapters with this Code.

Plat means a map or plan of a parcel of land which is to be or has been subdivided showing such subdivision.

Plat, final means a map of a land subdivision prepared in a suitable form for recording with the register of deeds which includes necessary affidavits, dedications, and acceptances as well as other information required by the county subdivision ordinance. Also known as a "map for record."

Plat, preliminary means a map of a proposed land subdivision which shows the layout of the parcel or lot, including lots, roads, and other features, in sufficient detail to allow the proposed subdivision to be properly evaluated.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

Preferred sites. Public and semi-public locations are preferred sites as opposed to private properties. For purposes of this definition, public sites are those owned or managed by the United States government, the state or the county that provide a governmental function, activity or service for public benefit. Semi-public sites are those facilities or locations owned by a nonprofit organization or group. These sites shall include but may not be limited to volunteer fire departments, schools, churches, civic organizations, etc. Preferred sites shall be subject to the same restrictions and standards of appropriateness as private properties.

Primary SCM means a wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the MDC.

Device or method used to manage stormwater runoff defined in 15A NCAC 02H.1002(37)

Primary surface means a surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on

cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential storage facility means an off-premises building classified as the principle structure on a lot, used for the storage of personal property and used in association with an owners residence or current tenant or lessee of the residence. This building is not intended for uses other than storage of personal vehicles, goods or materials.

Residuals means any solid or semi-solid waste generated from a wastewater treatment plant or air pollution control facility permitted under the authority of the environmental management commission.

Required storm depth means the minimum amount of rainfall that shall be used to calculate the required treatment volume or to evaluate whether a project has achieved runoff volume match.

Rainfall intensity and duration used to determine size of SCM defined by 15A NCAC 02H.1002(40)

Rezoning means the procedure whereby the zoning designation of a certain parcel or portion thereof is changed following the provisions set forth in this chapter.

Right-of-way means the base setback line either the line dividing the public rights-of-way currently or a line thirty (30) feet measured in a perpendicular distance and parallel to the centerline of the street pavement, superseded by the observed right-of-way or the area recognized in the Cabarrus-Rowan Metropolitan (CRMPO) 2002-2030 Long Range Transportation Plan and referenced in Appendix A that may be utilized for future transportation improvements.

Road means a dedicated public rights-of-way for vehicular traffic (or a private road when permitted by this chapter). The word "road" includes, but is not limited to, "street, freeway, highway, expressway, drive, avenue, court, way, place, circle, lane, boulevard, and thoroughfare."

(1) *Classifications of rural roads and urban streets:*

a. *Principal arterial.* A rural link in a highway system serving travel, and having characteristics indicative of, substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

b. *Minor arterial.* A rural roadway joining cities and larger towns and providing intrastate and innercounty service at relatively high overall travel speeds with minimum interference to through movement.

c. *Major collector.* A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

d. *Minor collector.* A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

e. *Major thoroughfares.* Major thoroughfares consist of interstate, other freeway, expressway, or parkway roads, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

f. *Minor thoroughfares.* Minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through-traffic movements and may also serve abutting property.

g. *Service road.* A road that runs parallel to a principal arterial or interstate and

provides indirect access to and from properties or facilities abutting the interstate principle arterial via an interchange.

(2) *Specific types of roads:*

a. *Freeway, expressway or parkway.* Divided multilane roadways designed to carry large volumes of traffic at relatively high speeds. A "freeway" is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An "expressway" is a divided highway with full or partial control of access and with grade separations at major intersections. A "parkway" is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park development.

b. *Residential collector road.* A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

c. *Local road.* A road which serves primarily to provide access to adjacent land over relatively short distances.

d. *Cul-de-sac.* A short street having but one (1) end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

e. *Frontage road.* A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

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

Runoff treatment means that the volume of stormwater runoff generated from all of the built-upon area of a project at build-out during a storm of the required storm depth is treated in one or more primary SCMs or a combination of Primary and Secondary SCMs that provides equal or better treatment.

Standard method for treating stormwater runoff; defined in 15A NCAC 02H.1002(43)

Runoff volume match means that the annual runoff volume after development shall not be more than ten percent higher than the annual runoff volume before development.

Method uses infiltration and evapo-transporation to treat stormwater; defined in 15A NCAC 02H.1002(44)

Safety fan means an area on a shooting range facility designed to contain all projectiles fired from a shooting range.

Sanitary sewage system means a complete system of sewage collection, treatment and disposal including privies, septic tank systems, connection to public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment system, or other such systems.

School means any public or private institution for the teaching of children under eighteen (18) years of age which is recognized and approved by the state board of education or other appropriate licensing board.

Search ring means the area within which a wireless support structure or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Secondary SCM means an SCM that does not achieve the annual reduction of Total Suspended Solids (TSS) of a "Primary SCM" but may be used in a treatment

Used in combination with Primary SCM to treat stormwater;

train with a primary SCM or other Secondary SCMs to provide pre-treatment, hydraulic benefits, or a portion of the required TSS removal.

Defined in 15A NCAC 02H.1002 (46)

Septic tank system means a subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.

Service station. See term "automobile repair facility."

Semi-nude or *in a semi-nude condition* means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of female breast, exhibited by a dress, blouse, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part unless the individual exhibits activity defined in a sexual encounter center or section (c) of an adult cabaret.

Sewage means the wastewater, and its contents, kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution or any public building.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons appear in a nude or semi-nude condition or in lingerie.

Shooting range means an area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

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. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional "sighting-in" of firearms.

Shooting station means a fixed point from which firearms or arrows are discharged.

Shotfall zone means an area within which the shot or pellets contained in a shotgun shell typically fall.

Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Sight distance triangle means the area at the intersection of two (2) roads or streets that is designated as necessary for safe ingress and egress, and which must be kept clear of obstructions.

Sign means an object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or allot attention to an object, person, institution, organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

Sign face means the surface of a sign where copy, message, or advertisements are attached for display to the public, including any parts of the sign structure upon which

anus, or female breasts; or

(c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

(d) Masturbation, actual or simulated; or

(e) Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or

(f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or

(g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Stable, commercial means a commercial operation where horses are kept for purposes such as breeding, boarding, hire, or sale.

Stable, private means a structure in which horses are kept for private use.

Storm drainage facilities means the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Storm, ten year means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Stormwater Control Measure or "SCM," also known as "Best Management Practice" or "BMP," means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Structural device designed and built to manage stormwater; defined in 15A NCAC 02H.1002(49)

Stormwater runoff means the direct runoff of water resulting from precipitation in any form.

Streambank-shoreline stabilization means the methods employed in order to assure streambank or shoreline stability for aesthetic, ecological or recreational purposes.

Street means a right-of-way or easement greater than thirty (30) feet in width containing a roadway which provides or is used primarily for vehicular circulation. This definition also includes but is not limited to the terms "road," "drive," "highway," "avenue," "way," "court," "place," "circle," and "land."

Street jog means the distance between the centerlines of two (2) streets which intersect on opposite sides of the same road.

Street, cul-de-sac means a permanent dead-end street which has one (1) end open to traffic and terminates in a circular turnaround.

Street, private means a street right-of-way serving lots dedicated for the use of the property owners and their guests and maintained, or intended to be maintained, by a homeowners association.

Street, public means a street right-of-way dedicated for public use and maintained or intended to be maintained by the NCDOT.

Street (road) means a right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

on a zone lot.

Use, accessory means a use that is incidental to the primary use which is conducted on the zone lot.

Use, conditional means a use that has some special characteristics attendant to its operation or installation, such as potential danger or noise, which is only permitted in a district subject to a permit hearing and additional restrictions or conditions which are different from the usual requirements of the applicable zoning district.

Use, nonconforming means a situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

Use permit means any use, as designated in this chapter, that is by right allowed to occur within a specific zoning district.

Use, primary means a use that is the major activity which is conducted on the zone lot.

Vacate means to leave unoccupied.

Variance, watershed means permission to develop or use property granted by the watershed review board relaxing or waiving a water supply watershed management requirement adopted by the environmental management commission that is incorporated into this chapter.

Variance, major watershed means a variance that results in one (1) or more of the following:

a. The complete waiver of a management requirement; or

b. The relaxation, by a factor of more than ten (10) percent, of any management requirement that takes the form of a numerical standard; or

c. The relaxation of any management requirement that applies a development proposal intended to qualify under the high density option.

Variance, minor watershed means a variance that does not qualify as a major variance.

Vectors means any organisms that carry disease-causing micro-organisms from one (1) host to another (e.g. rats, mosquitoes, etc.).

Vegetated conveyance means a permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

A.K.A. grass lined ditch; defined in 15A NCAC 02H.1002(52)

Vegetated setback means an area of natural or established vegetation adjacent to surface waters, through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation due to development activities.

Natural or panted buffer strip along a creek, stream or lake; defined in 15A NCAC 02H.1002(51)

Vested rights means those projects that are built or those projects that at a minimum have established a vested right under state law as of February 16, 1998, based on at least one (1) of the following criteria:

(1) Having an outstanding valid building permit as authorized by G.S. 153A-344.1; or

(2) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by G.S. 153A-344.1 and G.S. 160A-385.1.

runway landings.

4. *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

   i. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of sixteen thousand (16,000) feet as provided for precision instrument runways.

   ii. The approach surface extends for a horizontal distance of ten thousand (10,000) feet at a slope of 50:1 with an additional forty thousand (40,000) feet at a slope of 40:1.

5. *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

c. *Height limitations.* Except as otherwise provided in this article, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow within the AZO district extending or projecting into the lowest applicable imaginary surfaces defined herein.

(2) *Water Supply Watershed Overlays, WSO.* The purpose of the watershed overlay is to provide for the protection of public water supplies as required by the Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated therein. The watershed overlays may be an overlay in any conventional or conditional zoning district established in this chapter. The overlay districts supplement the uses or development requirements of the underlying zoning districts.

a. *Uses allowed.* The use requirements of the underlying districts apply to the WS districts, unless otherwise provided in this section. However, all allowed uses must be in conformance with the provisions of this section.

b. *Expressly prohibited in critical areas.* The following uses are expressly prohibited:

   1. Landfills;

   2. Sites for land application of sludge/residuals or petroleum contaminated soils.

c. *Calculating built-upon area.* For the purpose of calculating built-upon area, total project area shall include total acreage in the lot on which the project is to be developed.

d. **Low** *Density* **standard** *and built-upon limits.* The following density and built-upon limits **including nonpoint source and pollution control measures** shall apply to development in the water supply watersheds unless expressly provided otherwise.

Current manner used for low density development in WS areas

1. Density and Built-Upon Limits

Watershed	*Single family*

	Residential	*Multi-family and Nonresidential Development*
Watershed-II-Critical Area, WS-II-CA	*80,000 sq. ft. minimum lot size or 6 percent built-upon area on a project by project basis*	*Development shall not exceed 6 percent on a project-by-project basis, unless otherwise provided in this section.*
Watershed-II-Balance of Watershed, WS-II-BW	*40,000 sq. ft. minimum lot size*	*Maximum 12 percent built-upon on a project by project basis*
Watershed-III-Critical Area, WS-III-CA	*40,000 sq. ft. minimum lot size*	*Maximum 12 percent built-upon on a project by project basis*
Watershed-III-Balance of Watershed, WS-III-BW	*20,000 sq. ft. minimum lot size*	*Maximum 24 percent built-upon on a project by project basis*
*Watershed-IV-Critical Area, WS-IV-CA**	*20,000 sq. ft. minimum lot size*	*Maximum 24 percent built-upon on a project by project basis*
*Watershed-IV-Protected Area, WS-IV-PA**	*20,000 sq. ft. minimum lot size*	*Maximum of 24 percent built-upon area with curb and gutter or 36 percent built-upon area without curb and gutter*

* Development activities which require an erosion/sedimentation control plan must meet these requirements.

2. Nonpoint Source and Stormwater Pollution Control.

i. *Vegetated Conveyances.* Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met, Rowan County shall take into account site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure continued function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:

(1) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to Rowan County that soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and

(2) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

ii. *Curb Outlet Systems.* In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

(1) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;

(2) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;

(3) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;

(4) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);

(5) The minimum length of the swale or vegetated area shall be 100 feet; and

WSWS rules were amended and effective 3.1.19 included items (i) and (ii) in program requirements for low density; reference 15A NCAC 02B.0624

(6) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub-Items (1) through (5) of this Sub-Item.

e. Special nonresidential intensity allocation (SNIA) permit.

1. *Purpose.* The purpose is to provide a method for the board of commissioners to allow ten (10) percent of the county's portion of the balance of watershed area (excluding a critical area) to be granted an SNIA permit to be developed at up to seventy (70) percent built-upon surface area.

2. *Application and review procedures.* Applications shall include a site plan as prescribed in section 21-52.

3. *Review and approval.* The site plan shall be reviewed by the board of commissioners. Approval of the plan may include the addition of reasonable and appropriate conditions.

4. *Applicable areas.* Areas in which SNIA permits may be approved are as follows:

   i. WS-II-BW.

   ii. WS-III-BW.

   iii. WS-IV-PA.

5. *Eligibility for an SNIA permit.* Non-residential uses subject to compliance with section 21-113 shall be eligible unless otherwise indicated in this chapter.

f. High Density standard and built-upon limits.

1. Purpose. New development activities within a Watershed IV Critical Area (WS-IV-CA) or a Watershed IV Protected Area (WS-IV-PA) that require a soil erosion and sedimentation control plan pursuant to NCGS 113A Article 4 or Chapter 18 of the Rowan County Code of Ordinances and exceed the low density standards of subsection 2(d) of this Chapter must seek approval under the High Density standards when affected by any of the following:

a. Proposing a major subdivision as defined in Section 22-56 of the Rowan County Subdivision Ordinance; or,

b. Proposing a Planned Development Subdivision (PDS) as defined in Section 22-58 of the Rowan County Subdivision Ordinance; or,

c. Located in a development node or corridor in an adopted Rowan County Land Use Plan and proposes three (3) acres or more in built-upon area.

Projects having a disturbed area greater than one (1) acre and exceed the low density standards that propose to create more than 8 lots, a PDS or are in area identified for development in a Land Use Plan are affected

(2) Intent. High Density standards will allow for creation of denser development projects while ensuring impacts to water quality within the watershed are minimized by utilizing Best Management Practices to control stormwater runoff and resulting pollution. Furthermore, the application of High Density standards to projects

Stated purpose for Hi Density standards

referenced in 21-33(2)(f)(1) will preserve the SNIA provision for development activities within the watershed that are of a scale and scope that do not warrant high density standards.

(3) Standards and built-upon limits. The Board of Commissioners may approve a project application(s) for use of High Density development standards based on the following:

Requires Board of Commissioners consideration

a. WS-IV-CA. Where new development exceeds the low density standards of Section 21-33(2)(d), engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area.

b. WS-IV-PA. Where new development exceeds the low density standards of Section 21-33(2)(d), engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed seventy percent (70%) built-upon area.

Minimum standards for critical area and protected are per the WSWS rules; reference 15A NCAC 02B.0624(6)

c. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area.

(4) Application. Projects subject to the conditions of subsection 2(f)(1) of this Chapter shall submit an application for consideration by the Board of Commissioners subject to the process outlined in Section 21-317 of this Chapter.

(5) Waivers. New development activities in a WS-IV-PA subject to the requirements of this subsection may request the Board of Commissioners consider granting a waiver from the High Density standards and instead allow the project to utilize the provisions of Section 21-33(2)(e). In granting a waiver, the Board of Commissioners shall affirm the project is not consistent with the purpose and intent of this subsection; water quality impacts resulting from the development project will be minimized; and the waiver lends itself to a better project design.

Applicant may request a waiver of Hi Density requirements to use the Low Density standards instead

(3) Agricultural Overlay, AO. The purpose of the Agricultural Overlay District is to provide additional requirements to encourage the maintenance of viable agricultural areas. This district should be comprised primarily of open farm land used for extensive agricultural and livestock production. The district will provide guidelines to promote the maintenance of the general rural character of openness. Development in this district shall be subject to the criteria below.

a. *Uses allowed.* The following agricultural and related uses are allowed:

Code	*1987 U.S. SIC Description*
01	Agricultural production--crops
02	Agricultural production--livestock
515	Wholesale farm products and raw material part of a bona fide farm operatior

(a) *Generally.* Buffers shall be required in accordance with the table in section 21-216 when any use is being developed abutting an existing developed lot, however less intensive uses locating next to more intensive uses shall not be required to comply with the screening portion of the requirements of this article. Where a conflict exists between the buffer requirements for a use and setback requirements for a zoning district, the use requirements shall control. The required buffer may not be used for loading, storage, or similar operational area needs that are either part of or accessory to the proposed use unless otherwise indicated herein.

(b) *Modification of buffer requirements.* Buffer requirements may be modified in accordance with the provisions of section 21-217.

(c) *Responsibility for requirements.* One hundred (100) percent of the applicable buffer requirements shall be the responsibility of the developing land use, unless expressly provided otherwise.

(d) *Standards for trees and shrubs.* Required trees and shrubs shall meet the following standards:

(1) All required large maturing trees shall have a minimum caliper of one and one-half (1 1/2) inches measured six (6) inches above the proper planting level;

(2) Shrubs shall be one (1) foot tall or taller when planted; and

(3) All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the American Standards for Nursery Stock published by the American Association of Nurserymen, free of disease, and in otherwise sound and healthy condition.

(e) *Modification of planting types.* If it is demonstrated that existing vegetation meets the intent of this section, the zoning administrator may waive the requirements for the plant material.

(f) *Maintenance of buffer.* The owner of the property where the buffer or screening is shall be responsible for maintaining the buffer and all required plantings in good condition.

(g) *Buffering of expanded uses.* Expansion of a use existing prior to the effective date of this chapter shall require the expanded portion of the facility to come into conformance with these requirements.

(h) *Watershed buffer areas required.* A minimum 30-foot vegetative buffer for **low density and 100-foot buffer for high density and SNIA** development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.

Applicable buffer requirements for Low Density and Hi Density projects; reference 15A NCAC 02B.0624(11)(a)

(i) *Development in required watershed overlay buffer areas.* Development in the buffer area shall be limited to the following exceptions in conjunction with minimizing built-upon surface area, directing runoff away from surface waters and maximizing the utilization of stormwater best management practices:

(1) Artificial streambank or shoreline stabilization;

(2) Water dependent structures such as piers, docks, etc.;

(3) Other structures such as flag poles, signs, and security lights which result in only minimal increases in impervious area;

(4) Public projects such as road crossings and greenways where no practical

adjustment, board of county commissioners, and county manager;

e. Provides administrative assistance to special boards, committees, and commissioners;

f. Acts as executive secretary to the planning board;

g. Performs other functions as may be necessary to effectively administer the county's overall planning program; and

h. Maintains cumulative records for each watershed area eligible for SNIA development and detailed files for those projects approved as an SNIA outlining the location, acres, site plan and type of land use.

i. Maintains inspection records for each stormwater control structure permitted under Section 21-33(2)(f) of this Chapter

Planning Director is required to maintain records of all SCMs permitted and operational in the County

(2) *Zoning administrator.* The zoning administrator shall be responsible for the following duties:

a. Administers and makes necessary interpretations of the zoning requirements;

b. Acts as executive secretary to the zoning board of adjustment;

c. Coordinates permitting procedures;

d. Determines compliance and investigates suspected violations; and

e. Performs other necessary functions to effectively administer this article.

(Ord. of 1-19-98, § XIII; Ord. of 4-20-98; Ord. of 5-21-01(2); Ord. of 10-18-04; Amend. of 11-2-09; Amend. of 4-21-14)

Sec. 21-315. Hearing procedures for zoning map and text amendments, <u>High Density and</u> conditional use permits, variances, appeals, and interpretations.

Added Hi Density as a "permit" request in the process for BoC consieration

(1) *Public notice.* The following notice requirements shall apply to public, courtesy, and quasi-judicial hearings required by this chapter as indicated below except as provided in section 21-316 and otherwise indicated herein:

a. *Newspaper.* In accordance with G.S. 153A-323, zoning map and text amendments shall be advertised in a newspaper of general circulation in the county once a week for two (2) consecutive calendar weeks, with the first advertisement appearing at least ten (10) days but not more than twenty-five (25) days prior to the public hearing date. In computing this advertising period, the date of publication shall not be included, but the day of the hearing shall be included.

b. *Mailed notice.* In addition to the newspaper notice required above, the administrator shall provide mailed notice to the owner(s), applicant, of the subject property(s) and all property owners within one hundred (100) feet of the parcel(s) subject to the proposed action for the above referenced requests except only mailed notice to the applicant of a text amendment. The notice must be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the hearing date. If, in the discretion of the administrator, the potential impact of the proposed action or the configuration of land parcels in the area warrants notification of additional property owners beyond this distance, such notice shall be provided.

Amend. of 3-5-12; Amend. of 4-21-14)

Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning.

The first class mailed notice required in section 21-315 shall not be required if the zoning map amendment directly affects more than fifty (50) properties owned by a total of at least fifty (50) landowners, and the county elects to use the expanded published notice provided in this section. In this instance the county may, as an alternative to the mailed notice requirements elect to publish once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area, an advertisement of the public hearing that shows the boundaries of the area affected by the proposed zoning map amendment. The advertisement shall also explain the nature of the proposed change. The advertisements shall meet the requirements of subsection 21-315(1)a. The advertisement shall be no less than one-half (1/2) a newspaper page in size. In addition to this requirement, affected property owners living outside the area of general circulation of the newspaper used shall be mailed a notice as provided in subsection 21-315(1)b. of this article.

(Ord. of 1-19-98, § XIII; Amend. of 2-20-06(1))

Sec. 21-317. High Density development permit application.

Establishes a process for Hi Density applications to be considered by the BoC

(1) A High Density Development Permit shall be required for new development exceeding the requirements of the low density standards of Section 21-33(2)(d) and subject to the review standards of this section.

(2) An application for a High Density Development Permit shall be made on the proper form and submitted to the Planning Department with the following information:

- **a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;**
- **b. Two (2) reproducible copies of the development plan within the drainage basin, detailed information concerning built-upon area and specifications of the stormwater control structure consistent with section 22-109b of the Rowan County Subdivision Ordinance;**
- **c. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;**

(3) First consideration of a High Density permit application shall occur at the next regularly scheduled meeting of the Board of Commissioners following the Planning Department's review of the complete application submittal. The Board shall take action on the application at its first consideration or within thirty (30) days of its first consideration. At its discretion, the Board of Commissioners shall either approve or disapprove each application for a High Density Development Permit.

- **a. If the Board approves the application, such approval shall be indicated on the permit and both copies of the site plan and both**

copies of the plans and specifications of the stormwater control structure.

1. **In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance.**
2. **All additional conditions shall be entered in the minutes of the meeting, at which the permit is granted, on all plans and on the permit certificate.**
3. **All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.**

b. **If approved by the Board, a High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 22-57(c) of the Rowan County Subdivision Ordinance and executes an Operation and Maintenance Agreement as required in Section 22-109(b) of the same. A copy of the permit and one copy of each set of plans shall be kept on file at the Rowan County Planning Department. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.**

c. **If the Board disapproves the application, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan which shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.**

Secs. 21-~~317~~ 318--21-330. Reserved.

ARTICLE XIII. APPEALS, VARIANCES AND INTERPRETATIONS

Sec. 21-331. Appeals.

Appeals of orders or decisions of the zoning administrator shall be conducted as follows:

(1) *Notice of appeal.* Any person who has standing under G.S. 160A-393 (d) or the county may appeal any order or decision of any administrator of this chapter to the zoning board of adjustment (ZBA). An appeal is initiated by filing a written notice of appeal with the clerk to the Board of Commissioners, which specifies the grounds for the appeal. The clerk shall note the date and time of receipt of the appeal.

(2) *Time to appeal.* The property owner or his authorized agent shall have thirty (30) days from receipt of the written notice to file an appeal. Any other person with