

Chapter 21: ZONING ORDINANCE

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Propose new Conditional District section for standards related to specific uses, i.e. Solar Systems, Junk Yards, Landfills and Zoos; refer to pages 100-102.

1 discharged.

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

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

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

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

15 *Sign face* means the surface of a sign where copy, message, or
16 advertisements are attached for display to the public, including any parts of the
17 sign structure upon which such information is located.

18 *Sign, incidental* means any sign that is used for a purpose other than to
19 identify or bring attention to a particular establishment. These may include, but
20 are not limited to, entrance, exit and parking signs.

21 *Sign, on-premises* means a sign that directs attention to a business,
22 commodity, service, or entertainment conducted, sold, or offered on the
23 premises which the sign is located.

24 *Sign, off-premises* means a sign that directs attention to a business,
25 commodity, service, or entertainment conducted, sold, or offered at a site other
26 than the premises on which the sign is located.

27 *Single-family dwelling* means a detached dwelling unit constructed on-site
28 (site built) or in modules or sections joined together on-site (modular) in
29 compliance with the North Carolina State Building Code and designed for or
30 occupied by one family.

31 *Slow response* means a measuring technique to obtain an average value
32 when measuring a noise level that fluctuates over a range of four (4) dB or
33 more. By way of illustration only, a sound level meter set on "slow response"
34 would record a sound level between two (2) and six (6) decibels less than the
35 reading for a steady signal of the same frequency and amplitude when a
36 tone of one thousand (1,000) Hz and for a duration of 0.5 seconds is applied.

37 *Solar Collector* means a device that absorbs solar radiant energy for use as a
38 source of energy. The surface area is identified as all portions that absorb solar
39 energy excluding frames, supports, and mounting hardware.

40 *Solar Energy* means radiant energy received from the sun that can be
41 collected in the form of heat or light by a solar collector.

42 ~~*Solar Energy System* means any solar collector device or structural design
43 feature of a building, except solar shingles, along with its ancillary equipment
44 whose primary purpose is to provide for the collection, inversion, storage, and
45 distribution of solar energy for space heating or cooling, water heating, or~~

Propose to eliminate this portion of the current definition of solar energy system and update with content on page 27

1 generation of electricity ~~component(s) and subsystem(s) designed or~~
 2 **required to collect, store or convert solar energy into electric or thermal**
 3 **energy for use or sale. This term includes, but is not limited to, solar**
 4 **photovoltaic (PV) systems, solar thermal systems and solar hot water**
 5 **systems, but** This definition is not intended to include incidental systems that
 6 generate a minimal level of electricity typically used to power signs, wells,
 7 gates, fences, or similar ancillary uses. **A solar energy system is classified**
 8 **as one of the following types:**

9 **Small Scale - Ground mounted system having a solar collector area of**
 10 **six thousand (6,000) square feet or less**

11 **On-Site - Ground mounted system having a solar collector area**
 12 **greater than six thousand (6,000) square feet that will**
 13 **provide or off-set power to the business or commercial**
 14 **operation(s) on site**

15 **Roof Mounted – A system mounted on the roof or wall of a residence,**
 16 **business or accessory structure(s)**

17 **Utility Scale – A solar energy system that does not qualify as a Small**
 18 **Scale, On-Site or Roof Mounted system defined herein.**

Solid Waste and Recycling Convenience Center means a facility operated by Rowan County for the purpose of fulfilling its solid waste and recycling service responsibilities to the public defined in NCGS 130A-309.09A. Convenience centers typically include a structure(s) for administrative operations (personnel, storage, etc.) and an arrangement of mobile containers used to collect and store local solid waste and assorted recyclables until transported to an off-site location for disposal and / or processing. These facilities may also accommodate the temporary and incidental storage of collected bulky or oversized materials along with miscellaneous other materials outside of containers.

19 *Sound level* means the weighted sound pressure level obtained by the use of
 20 a sound level meter and frequency weighting network, such as A, B or C as
 21 specified in American National Standards Institute specifications for sound level
 22 meters (ANSI S1.4-1983) or the latest approved version thereof). If the
 23 frequency weighting employed is not indicated, the A-weighting shall apply.

24 *Sound level meter* means an instrument which includes a microphone,
 25 amplifier, RMS detector, integrator or time average, output meter and weighting
 26 network used to measure sound pressure levels.

27 *Specified anatomical areas* means less than completely and opaquely
 28 covered human genitals, pubic region, buttock, or female breast below a point
 29 immediately above the top of the areola; or human male genitals in a
 30 discernibly turgid state, even if completely and opaquely covered.

31 *Specified sexual activities* means any of the following:

- 32 (a) Human genitals in a state of sexual stimulation, arousal, or tumescence;
- 33 or
- 34 (b) The fondling or other erotic touching of human genitals, pubic region,
- 35 buttocks, anus, or female breasts; or

This update to the definition is based on similar from the *Template Solar Energy Ordinance for NC*

Propose to create new classifications of solar energy systems based on its use:

- Small scale and its 6,000 sq ft threshold is still proposed to be allowed in all standard zoning districts.
- On-Site would be for a business supplying or off-setting its own power needs
- Roof Mounuted is as the name implies, but excluded from some areas of the Airport Zoning Overlay
- Utility Scale is a system that does not qualify as another type, but generally provides power to the electric grid

- 1 (1) No new roads are proposed, or road rights-of-way dedicated; and
- 2 (2) Where eight (8) or fewer lots will result after the subdivision is
- 3 completed.

4 *Subgrade* means that portion of the roadbed prepared as a foundation for the

5 pavement structure.

6

7 *Substantial modification* means the mounting of a proposed wireless facility

8 on a wireless support structure that substantially changes the physical

9 dimensions of the support structure. A mounting is presumed to be a

10 substantial modification if it meets any one or more of the criteria listed below.

11 The burden is on the local government to demonstrate that a mounting that

12 does not meet the listed criteria constitutes a substantial change to the physical

13 dimensions of the wireless support structure.

- 14 a. Increasing the existing vertical height of the structure by the greater of (i)
- 15 more than ten percent (10%) or (ii) the height of one additional antenna
- 16 array with separation from the nearest existing antenna not to exceed
- 17 20 feet.
- 18 b. Except where necessary to shelter the antenna from inclement weather
- 19 or to connect the antenna to the tower via cable, adding an
- 20 appurtenance to the body of a wireless support structure that protrudes
- 21 horizontally from the edge of the wireless support structure the greater
- 22 of (i) more than 20 feet or (ii) more than the width of the wireless support
- 23 structure at the level of the appurtenance.
- 24 c. Increasing the square footage of the existing equipment compound by
- 25 more than 2,500 square feet.

26 ***System Area means all the land within the fenced perimeter of a ground***

27 ***mounted solar energy system.***

28 *Temporary family health care structure* means a transportable residential

29 structure, providing an environment facilitating a caregiver’s provision of care

30 for a mentally or physically impaired person, that (i) is primarily assembled at a

31 location other than its site of installation, (ii) is limited to one occupant who shall

32 be the mentally or physically impaired person, (iii) has no more than 300 gross

33 square feet, and (iv) complies with applicable provisions of the State Building

34 Code, G.S. 143-139.1(b), and G.S. 160A-383.5.

35 *Tower* means any structure whose primary function is to support an antenna.

36 As its use relates to supporting wireless facilities, the term ‘tower’ is

37 synonymous with the term ‘wireless support structure’.

38 *Tract* means a lot or parcel of land or a contiguous combination of two (2) or

39 more parcels of land in one (1) ownership.

40 *Transitional surface* means the surfaces extend outward and upward at right

41 angles to the runway centerline and the runway centerline extended at a slope

42 of 7:1 from the sides of the primary surface and from the sides of the approach

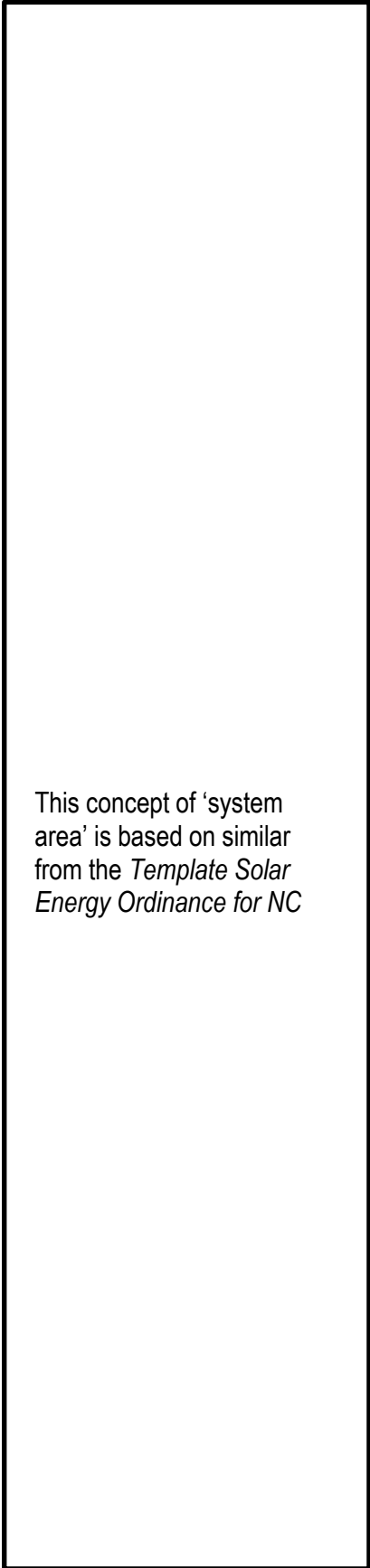
43 surfaces. Transitional surfaces for those portions of the precision approach

44 surface which project through and beyond the limits of the conical surface,

45 extend a distance of five thousand (5,000) feet measured horizontally from the

46 edge of the approach surface and at right angles to the runway centerline.

47 *Tower* means any structure whose primary function is to support an antenna.



This concept of ‘system area’ is based on similar from the *Template Solar Energy Ordinance for NC*

homes may be located in the following districts:

- i. RA district: Type II and type III.
 - ii. RR district: Type II.
 - iii. CBI district: Type II and type III.
 - iv. MFR district: Type II and type III.
3. Side & rear yard setbacks for the district's external boundary is 30 feet.

(Ord. of 1-19-98, § III; Ord. of 6-7-99; Ord. of 12-18-00(2); Ord. of 10-4-04; Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 08-19-19)

Sec. 21-34. Economic development districts established for I-85.

(a) The following district are hereby established to preserve, encourage and enhance the economic development opportunities in areas adjacent and near I-85 in accordance to plans adopted by the county board of commissioners. It is recognized that I-85 is uniquely important the future of the county because of the great potential for development of all types that exist along this corridor. Development within these districts shall be of types which maximize the economic benefits to the county while minimizing the potential impacts.

(b) The district are designed to accommodate, as appropriate, uses such as manufacturing, distribution, retail, service industries, corporate parks. Certain individual uses may be allowed as uses by right in some districts, while other more intensive uses may require a higher level of review and approval by the county. The districts encourage and allow more creative design of land development than may be provided on other general zoning districts. This flexibility is provided for planned unit developments.

(c) The district are labeled as 85-ED 1 through 4. "85" represents the relationship to I-85. "ED" represents the economic development designation for the sites.

(1) *85-ED-1*. The purpose of the 85-ED-1 district is to encourage the location of "high capital investment/high wage/low employment/clean" industries. Certain industries shall be allowed as permitted uses standards provided to protect adjacent neighborhoods. Other heavy industries may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

a. In the 85-ED-1 district the following uses are permitted by right with a minimum lot size of five (5) acres:

Manufacturing group:

Printing and publishing (SIC 27).

Drugs (SIC 283).

- 1 Soap, detergents, and cleaning preparations; perfumes,
- 2 cosmetics, and other toilet preparations (SIC 284).
- 3 Rubber and miscellaneous plastics products (SIC 30).
- 4 Fabricated metal products (SIC 34), except:
- 5 Ammunition, except for small arms (SIC 3483).
- 6 Ordnance and accessories (SIC 3489).
- 7 Industrial machinery and equipment (SIC 35).
- 8 Electrical and electronic equipment (SIC 36), except:
- 9 Power distribution and specialty transformers (SIC 3612).
- 10 Transportation equipment (SIC 37).
- 11 Instruments and related products (SIC 38).
- 12 Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

On-Site and Roof Mounted ~~Ground Mounted~~ Solar Energy Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) ***subject to the size and locational restrictions of 21-56(6)c.***

- 17 b. The following are allowed with the issuance of a conditional use
- 18 permit:

Construction group:

- 20 General Building Contractors (SIC 15)
- 21 Special Trade Contractors (SIC 17)

Manufacturing group:

- 23 Lumber and wood products (SIC 24).
- 24 Furniture and fixtures (SIC 25).
- 25 Paper and allied products (SIC 26).
- 26 Plastic materials, synthetic resins, etc. (SIC 282).
- 27 Stone, clay, glass, and concrete products (SIC 32).
- 28 Primary metal industries (SIC 33).

Transportation, communication, and utilities group:

- 30 Communications and telecommunication towers (SIC 48 pt).

Services group:

- 32 Racing, including track operation (SIC 7948).

- 33 c. Approval of a PUD with a minimum lot size of twenty (20) acres will
- 34 allow the above uses in addition to accessory and ancillary uses on
- 35 up to ten (10) percent of the total acreage.

Transportation, communication, and utilities group:

Propose to allow On-Site and Roof Mounted Systems in 85-ED-1. Small Scale, i.e. systems of 6,000 sq ft or less, are currently allowed, but text proposes to remove them as instances or probability of a free standing panel (not associated w/a business) in an 85-ED is low.

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1 Local and interurban passenger transit (SIC 41).

2 Transportation services (SIC 47).

3 *Retail trade group:*

4 General merchandise stores (SIC 53).

5 Food stores (SIC 54).

6 Eating and drinking places (SIC 58).

7 Miscellaneous retail (SIC 59).

8 *Finance, insurance, and real estate group:*

9 Depository institutions (SIC 60).

10 *Service industries group:*

11 Hotels, rooming houses, camps, and other lodging places (SIC
12 70).

13 Personal services (SIC 72).

14 Business services (SIC 73).

15 Automotive repair, services, and parking (SIC 75).

16 (2) 85-ED-2. In areas where existing conditions such as surrounding
17 development, access etc. may make the area less marketable for uses
18 listed exclusively in the 85-ED-1 district then the 85-ED-2 district may be
19 appropriate. The primary additions to this district are distribution and
20 wholesaling operations.

- 21 a. Certain industries shall be allowed as permitted uses with standards
22 provided to protect adjacent neighborhoods. Other heavy industries
23 and distribution and wholesale operations may be allowed as
24 conditional uses. If part of a larger master plan limited accessory
25 and ancillary retail and service uses may be allowed.

26 *Manufacturing group:*

27 Printing and publishing (SIC 27).

28 Drugs (SIC 283).

29 Soap, detergents, and cleaning preparations; perfumes,
30 cosmetics, and other toilet preparations (SIC 284).

31 Rubber and miscellaneous plastics products (SIC 30).

32 Fabricated metal products (SIC 34), except:

33 Ammunition, except for small arms (SIC 3483).

34 Ordnance and accessories (SIC 3489).

35 Industrial machinery and equipment (SIC 35).

36 Electrical and electronic equipment (SIC 36), except:

37 Power distribution and specialty transformers (SIC 3612).

- 1 Transportation equipment (SIC 37).
- 2 Instruments and related products (SIC 38).
- 3 Miscellaneous manufacturing industries (SIC 39).
- 4 *Transportation, communication, and utilities group:*
- 5 ~~Ground Mounted~~ **On-Site and Roof Mounted** Solar Energy
- 6 Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) **subject to the size**
- 7 **and locational restrictions of 21-56(6)c.**
- 8 *Service industries group:*
- 9 Engineering and management services (SIC 87).
- 10 b. The following are allowed with the issuance of a conditional use
- 11 permit:
- 12 *Construction group:*
- 13 General Building Contractors (SIC 15)
- 14 Special Trade Contractors (SIC 17)
- 15 *Manufacturing group:*
- 16 Lumber and wood products (SIC 24).
- 17 Furniture and fixtures (SIC 25).
- 18 Paper and allied products (SIC 26).
- 19 Plastic materials, synthetic resins, etc. (SIC 282).
- 20 Stone, clay, glass, and concrete products (SIC 32).
- 21 Primary metal industries (SIC 33).
- 22 *Transportation, communication, and utilities group:*
- 23 Local and interurban passenger transit (SIC 41).
- 24 Motor freight transportation and warehousing (SIC 42).
- 25 Transportation services (SIC 47).
- 26 Communications and telecommunication towers (SIC 48 pt).
- 27 *Wholesale trade group:*
- 28 Wholesale trade--durable goods (SIC 50).
- 29 Wholesale trade--nondurable goods (SIC 51).
- 30 *Services group:*
- 31 Racing, including track operation (SIC 7948).
- 32 c. Approval of a PUD with a minimum lot size of twenty (20) acres will
- 33 allow the above uses in addition to accessory and ancillary uses on
- 34 up to ten (10) percent of the total acreage.
- 35 *Transportation, communication, and utilities group:*
- 36 Local and interurban passenger transit (SIC 41).

Propose to allow On-Site and Roof Mounted Systems in 85-ED-2. Small Scale, i.e. systems of 6,000 sq ft or less, are currently allowed, but text proposes to remove them as instances or probability of a free standing panel (not associated w/ a business) in an 85-ED is low.

1 Transportation services (SIC 47).

2 *Retail trade group:*

3 General merchandise stores (SIC 53).

4 Food stores (SIC 54).

5 Eating and drinking places (SIC 58).

6 Miscellaneous retail (SIC 59).

7 *Finance, insurance, and real estate group:*

8 Depository institutions (SIC 60).

9 *Service industries group:*

10 Hotels, rooming houses, camps, and other lodging places (SIC
11 70).

12 Personal services (SIC 72).

13 Business services (SIC 73).

14 Automotive repair, services, and parking (SIC 75).

15 (3) *85-ED-3 Corporate Park District.* Some areas with good interstate
16 visibility, good access and good surrounding environment may be
17 suitable for high-end corporate headquarters. This may or may not
18 include manufacturing. The purpose of the district is to provide for a
19 high-quality mixture of employment uses of varying types in a single
20 coordinated development. Minimum development size is twenty (20)
21 acres and will require approval of a PUD.

22 a. Allowed primary uses are:

23 *Manufacturing group:*

24 Lumber and wood products (SIC 24).

25 Furniture and fixtures (SIC 25).

26 Paper and allied products (SIC 26).

27 Printing and publishing (SIC 27).

28 Plastic materials, synthetic resins, etc. (SIC 282).

29 Drugs (SIC 283).

30 Soap, detergents, and cleaning preparations; perfumes,
31 cosmetics, and other toilet preparations (SIC 284).

32 Rubber and miscellaneous plastics products (SIC 30).

33 Stone, clay, glass, and concrete products (SIC 32).

34 Primary metal industries (SIC 33).

35 Fabricated metal products (SIC 34), except:

36 Ammunition, except for small arms (SIC 3483).

- 1 Ordnance and accessories (SIC 3489).
- 2 Industrial machinery and equipment (SIC 35).
- 3 Electrical and electronic equipment (SIC 36), except:
- 4 Power distribution and specialty transformers (SIC 3612).
- 5 Transportation equipment (SIC 37).
- 6 Instruments and related products (SIC 38).
- 7 Miscellaneous manufacturing industries (SIC 39).
- 8 *Transportation, communication, and utilities group:*
- 9 Local and interurban passenger transit (SIC 41).
- 10 Motor freight transportation and warehousing (SIC 42).
- 11 Transportation services (SIC 47).
- 12 ***On-Site and Roof Mounted*** ~~Ground Mounted~~ Solar Energy
- 13 Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) ***subject to the size***
- 14 ***and locational restrictions of 21-56(6)c.***
- 15 *Service industries group:*
- 16 Hotels, rooming houses, camps, and other lodging places (SIC
- 17 70).
- 18 Personal services (SIC 72).
- 19 Business services (SIC 73).
- 20 Automotive repair, services, and parking (SIC 75).
- 21 Health services (SIC 80).
- 22 Legal services (SIC 81).
- 23 Educational services (SIC 82).
- 24 Membership organizations (SIC 86).
- 25 Engineering and management services (SIC 87).
- 26 b. Allowed accessory and ancillary uses on up to twenty (20) percent of
- 27 the total acreage:
- 28 *Transportation, communication, and utilities group:*
- 29 Local and interurban passenger transit (SIC 41).
- 30 Transportation services (SIC 47).
- 31 *Wholesale trade group:*
- 32 Wholesale trade--durable goods (SIC 50).
- 33 Wholesale trade--nondurable goods (SIC 51).
- 34 *Retail trade group:*
- 35 General merchandise stores (SIC 53).

Propose to allow On-Site and Roof Mounted Systems in 85-ED-3. Small Scale, i.e. systems of 6,000 sq ft or less, are currently allowed, but text proposes to remove them as instances or probability of a free standing panel (not associated w/ a business) in an 85-ED is low.

- 1 Food stores (SIC 54).
- 2 Eating and drinking places (SIC 58).
- 3 Miscellaneous retail (SIC 59).
- 4 *Finance, insurance, and real estate group:*
- 5 Depository institutions (SIC 60).
- 6 *Service industries group:*
- 7 Hotels, rooming houses, camps, and other lodging places (SIC
- 8 70).
- 9 Personal services (SIC 72).
- 10 Business services (SIC 73).
- 11 c. The following are allowed with the issuance of a conditional use
- 12 permit:
- 13 *Transportation, communication, and utilities group:*
- 14 Communications and telecommunication towers (SIC 48 pt).
- 15 (4) *85-ED-4 Retail Center.* Many areas near the interstate will draw interest
- 16 from retailers. It is often appropriate or desirable to have a portion of an
- 17 area zoned for larger retail development. This helps ensure availability
- 18 of most retail and service needs in a location nearby and accessible to
- 19 major employment and residential areas. Minimum development size is
- 20 twenty (20) acres and will require approval of a PUD.
- 21 a. Allowed primary and accessory uses are:
- 22 *Transportation, communication, and utilities group:*
- 23 ***On-Site and Roof Mounted*** ~~Ground Mounted~~ Solar Energy
- 24 ~~Systems 6,000 sq.ft. or less~~ (SIC 491 pt) ***subject to the size***
- 25 ***and locational restrictions of 21-56(6)c.***
- 26 *Retail trade group:*
- 27 Building materials, hardware, garden supply, and mobile (SIC
- 28 52).
- 29 General merchandise stores (SIC 53).
- 30 Food stores (SIC 54).
- 31 Automotive dealers and gasoline service stations (SIC 55).
- 32 Apparel and accessory stores (SIC 56).
- 33 Furniture, home furnishings and equipment stores (SIC 57).
- 34 Eating and drinking places (SIC 58).
- 35 Miscellaneous retail (SIC 59).
- 36 *Finance, insurance, and real estate group:*
- 37 Depository institutions (SIC 60).
- 38 Nondepository credit institutions (SIC 61).

Propose to allow On-Site and Roof Mounted Systems in 85-ED-4. Small Scale, i.e. systems of 6,000 sq ft or less, are currently allowed, but text proposes to remove them as instances or probability of a free standing panel (not associated w/ a business) in an 85-ED is low.

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1 Security, commodity brokers, and services (SIC 62).

2 Insurance carriers (SIC 63).

3 Insurance agents, brokers, and service (SIC 64).

4 Real estate (SIC 65).

5 Holding and other investment offices (SIC 67).

6 *Service industries group:*

7 Hotels, rooming houses, camps, and other lodging places (SIC
8 70).

9 Personal services (SIC 72).

10 Business services (SIC 73).

11 Automotive repair, services, and parking (SIC 75).

12 Miscellaneous repair services (SIC 76).

13 Motion pictures (SIC 78).

14 Amusement and recreational services (SIC 79).

15 Health services (SIC 80).

16 Legal services (SIC 81).

17 Educational services (SIC 82).

18 Social services (SIC 83).

19 Museums, art galleries, botanical and zoological garden (SIC
20 84).

21 Membership organizations (SIC 86).

22 Engineering and management services (SIC 87).

23 Miscellaneous services (SIC 89).

- 24 b. The following are allowed with the issuance of a conditional use
25 permit:

26 *Transportation, communication, and utilities group:*

27 Communications and telecommunication towers (SIC 48 pt).

- 28 (5) *Approval process for PUDs.* All PUDs shall be reviewed and approved
29 as required for conditional use permits in article III of this chapter. Uses
30 included in PUDs which require conditional use approval as
31 freestanding uses shall not require separate a separate conditional use
32 permit approval if approved as part of a PUD.

- 33 (6) *Other zoning criteria.* Notwithstanding limits on reduction of setbacks in
34 article XIII of this chapter, all standards are subject to modification in site
35 plan approval process. However, in no situation shall the required buffer
36 from project perimeter be reduced if adjacent to a residentially zoned
37 area.

- 38 a. *Buffers.* Forty (40) feet from project perimeter.

- 39 b. *Screening.* In accordance with article IX, screening for a PUD shall

1 **Sec. 21-52. Site plan required.**

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

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

35 (Ord. of 1-19-98, § IV; Amend of 4-21-14; Amend. of 09-03-19)

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

38 Uses listed as SR (Special Requirements) in section 21-113, except those in

1 the NB zoning district, which are subject to section 21-65, shall comply with the
2 pertinent regulations listed in the following subsections. Site plan approval by
3 the zoning administrator shall be required unless expressly provided otherwise
4 prior to issuance of a zoning permit and such approval shall be given if all
5 requirements herein are met. The plan shall become part of the building permit.

6 (1) *Rural Home Occupations [RHO].*

7 a. *Purpose and Intent.* Rowan County recognizes the important role RHOs
8 offer residents and the community in creating business opportunities to
9 fulfill or supplement the resident’s employment needs. Standards are
10 established herein to protect adjoining properties from potential adverse
11 impacts associated with these uses.

12 b. *Development Standards.* All proposed operations are subject to general
13 standards identified in sections 21-54 through 55, applicable specific
14 standards in section 21-56, and other pertinent requirements of this
15 chapter.

16 c. *Combination Use.* In addition to the principal residential use,
17 development of a RHO may constitute a second principal use whose
18 occupancy classification is subject to the North Carolina Building Code
19 for non-residential use as determined by the Rowan County Inspections
20 Department.

21 d. *Change in Operation.* RHOs permitted to comply with the provisions of
22 section 21-55(2)b shall be classified as non-conforming if a change in
23 association between the residence and business operator occurs. As
24 such, applicants should consider potential investment in the
25 development of land and / or structures for RHOs and the inherent
26 future limitations should the use become non-conforming. Many RHO
27 locations would not adhere to the purpose and intent or land use
28 recommendations for rezoning to a non-residential district.

29 (2) *Specific criteria for uses listed as SR.* The SR standards required in
30 Section 21-54 & 55 do not apply to uses in the residential group from 21-
31 113; Common Sand Mining (SIC 1442); Dead storage of manufactured
32 homes (SIC 42); Co-location of wireless facilities, eligible facilities requests,
33 alternative tower structures, and public safety tower (SIC 48 pt); and **Small
34 Scale, On-Site and Roof Mounted** ~~Ground-mounted~~ solar energy systems
35 ~~6,000 sq ft or less~~ (SIC 491 pt); and uses listed as SR in non-residential
36 districts. [QUESTION: Small scale would continue to be allowed regardless of
37 whether a residence is on site; should it remain as such?]

38 (Ord. of 1-19-98, § IV; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 10-
39 15-18; Amend. of 09-03-19)

40 **Sec. 21-54. Maximum building size and setback requirements for**
41 **RHOs.**

42 Building size and setbacks size for certain uses listed as "SR" in Section 21-
43 113 shall be as provided in this section.

44 (1) *Building size.* The maximum allowable building size for uses listed in
45 section 21-113 as “SR” in the RA and RR districts shall not exceed ten
46 (10) percent of the gross acreage of the lot, excluding right-of-way with a

Propose to exempt these solar energy systems from the Max Bldg Size (21-54) and Rural Home Occupation General Rqmts (21-55)

1 Residential lots owned by the sawmill operator are exempt from
2 this requirement.

3 2. *Reserved.*

4 b. *Winery.*

5 1. *Setbacks.* The facility shall meet the setback requirements of
6 Section 21-84. (Table of dimensional requirements)

7 2. *Screening.* The facility shall meet the screening requirements of
8 Article IX. (Screening and Buffering)

9 3. *Licenses and permits.* All required licenses and permits (i.e.
10 Environmental Health, ABC, etc.) shall be obtained prior to
11 operation of the facility.

12 (6) *Additional standards applicable to specific uses listed as SR in the*
13 *transportation, communication, electric, gas and sanitary services group.*

14 a. *Trucking (SIC 421).*

15 1. *Minimum lot size.* The minimum lot size is three (3) acres.

16 2. *Buffer.* All operations shall be a minimum of fifty (50) feet from
17 adjacent residentially developed property lines.

18 3. *Applicability.* The provisions of this subsection shall apply to
19 trucking businesses with three (3) or more trucks.

20 b. *Dead storage of manufactured homes.*

21 1. Compliance with applicable standards of Chapter 14.5, Nuisance
22 Ordinance.

23 2. Dead storage of more than one (1) manufactured home by an
24 individual is not allowed in the RA, RR, and MFR district.

25 3. Dead storage of more than one (1) manufactured home is allowed
26 in the CBI and IND district on property owned or leased by a
27 licensed manufactured home dealer.

28 4. Dead storage of more than one (1) manufactured home is allowed
29 in the MHP district in a manufactured home park.

30 5. Manufactured homes shall not be kept in dead storage for more
31 than sixty (60) days in accordance with chapter 14.5 section 34 of
32 the Nuisance Ordinance.

33 c. ~~Ground mounted solar~~ **Solar** energy systems ~~6,000 sq.ft. or less (SIC~~
34 ~~491 pt.). For the purposes of this subsection, the requirements of Sec.~~
35 ~~21-54, 55, & 65 do not apply for RA or NB zoned properties. **These**~~
36 ~~**standards are intended to encourage and promote use of solar**~~
37 ~~**collectors as an alternative or supplemental energy source in the**~~
38 ~~**following formats for residential and commercial applications.**~~

39 1. **Small Scale system.** ~~Size and Setbacks.~~ Solar collectors shall
40 conform to the lesser of 6,000 sq.ft. or 10% of the lot size and
41 maintain a ten (10) foot setback from all property lines.

Included rationale for SR
standards applicable to Small
Scale, On-Site and Roof
Mounted

The Small Scale system's
SR standards are the same
as current systems less than
6,000 sq ft and allowed in any
zoning district

1 **2. On-Site system. To qualify as an SR use in the CBI, NB, INST,**
 2 **IND or 85-ED districts, the solar energy system shall comply**
 3 **with the standards contained in Section 21-60(4)b(1).**

4 **3. Roof Mounted system. Solar collectors may not be attached to**
 5 **any structure located in the conical or horizontal surface of**
 6 **the Mid-Carolinas Regional Airport.**

7 d. Co-location of Wireless and Eligible Facilities Requests (SIC 48 part).
 8 Co-location of wireless and eligible facilities requests are recognized
 9 as an efficient method for providing wireless facilities and are
 10 encouraged due to their minimization of adverse visual impacts and
 11 the opportunity for an expedited and effective administrative review.

12 1. Applications for co-location of wireless facilities shall include two
 13 (2) copies of a site plan prepared by a registered professional
 14 engineer or a professional land surveyor as provided in Section
 15 21-52 including items in Section 21-56 (6)(e)5 and Section 21-
 16 60(3)a.1.i.,

17 2. Consideration of eligible facilities requests pursuant to this
 18 subsection shall comply with all standards prescribed below,
 19 otherwise the request may be deemed a substantial modification
 20 and subject to the provisions of Section 21-60 (3)(a):

21 i. Not increase the existing vertical height of the structure by the
 22 greater of (a) more than ten percent (10%) or (b) the height of one
 23 additional antenna array with separation from the nearest existing
 24 antenna not to exceed twenty feet (20') regardless of height
 25 limitations prescribed in Section 21-60(3)b.

26 ii. Not add an appurtenance to the body of a wireless support
 27 structure that protrudes horizontally from the edge of the wireless
 28 support structure the greater of (a) more than 20 feet or (b) more
 29 than the width of the wireless support structure at the level of the
 30 appurtenance. A statutory exception (ref. NCGS 153A-
 31 349.51(7a)b) to this standard allows for sheltering the antenna
 32 from inclement weather or to connect the antenna to the tower via
 33 cable.

34 iii. Not increase the square footage of the existing equipment
 35 compound by more than 2,500 square feet.

36 iv. Provide information from Section 21-56 (6) (e) 4, and 5; and
 37 Section 21-60(3)(a) 1.i. and 21-60(3)(c)

38 e. Use of alternative tower structures (SIC 48 part). The county
 39 acknowledges the merits of alternative tower structures for their
 40 innovative use as a means to provide current and future wireless
 41 telecommunications coverage and are encouraged as a secondary
 42 option to co-location and eligible facilities requests. Wireless facilities
 43 applications for placement on or within alternative tower structures
 44 may be evaluated in all zoning districts and approved administratively,
 45 provided the following SR are met:

46 1. The addition of an antenna shall not add more than twenty (20) feet

The SR standards for On-Site are the same as those for a CUP in RA, i.e. 100' setbacks/not in AZO/fencing/documentation; refer to pages 78-79 for specifics

Roof Mounted system's SR standard is not located in the AZO

- 1 1. *Minimum lot size.*
- 2 i. Five (5) acres for manufacturing group uses regulated under this
- 3 subsection.
- 4 ii. Ten (10) acres for wholesale trade group uses regulated under this
- 5 subsection.
- 6 2. *Location of structures, storage of materials.* The location of principal
- 7 structures and storage of flammable or hazardous materials shall be two
- 8 (2) times the required buffer area in article IX. However, parking, storage
- 9 of nonflammable and nonhazardous materials, etc. may be placed up to
- 10 the required additional buffer.
- 11 3. *Site location.* Site shall have primary access to arterial or major collector
- 12 street. This requirement is not applicable to expansions of facilities
- 13 regulated under this subsection, which are contiguous to facilities
- 14 existing prior to August 16, 2004.
- 15 4. *Security restrictions.* Access shall be controlled through the use of
- 16 gates, fences, etc. to prevent entrance to the operational area by
- 17 unauthorized persons. Fencing standards shall be as specified in
- 18 section 21-215(2)(b)2.
- 19 5. *Dust, odor, glare.* Dust, odor, and glare shall not be noticeable at
- 20 adjacent residential property lines.
- 21 6. *Removal and reclamation.* Applications for new facilities classified in SIC
- 22 28 except Drugs (SIC 283) and Soap, detergents, and cleaning
- 23 preparations; perfumes, cosmetics, and other toilet preparations (SIC
- 24 284), 29, 3612, 516 & 517 & temporary use permits for facilities
- 25 classified as SIC 2951 & 3241 seeking approval pursuant to section 21-
- 26 281(2) of this chapter may be required to provide written documentation
- 27 substantiating that the applicant or operator has and will maintain a
- 28 surety bond payable to Rowan County sufficient to disassemble and
- 29 remove any outdoor equipment, stockpiles, etc. or reclaim any
- 30 excavated areas once the facility ceases production for a period of three
- 31 hundred sixty (360) days. The bond amount shall be based on an
- 32 estimate provided by a registered professional engineer or architect
- 33 having professional credentials, recognized expertise or specialization in
- 34 construction and removal of similar facilities. Renewable bonds are
- 35 expected to provide updated estimates and reflect increases due to
- 36 labor costs, demolition practices, addition of equipment, etc. The
- 37 requirements of this item are not applicable to expansions of facilities
- 38 regulated under this subsection, which are contiguous to the facilities
- 39 that existed prior to August 16, 2004.
- 40 7. *Screening.* Screening standards for new facilities and expansions to
- 41 existing facilities regulated under this subsection shall be as follows:
- 42 i. *New facilities.* When a new facility shares a common property line(s)
- 43 with a more restrictive zoning district, Type B screening
- 44 requirements established in section 21-215(2)(b)1.--3. of this chapter
- 45 are applicable to the portion of the facility's operational area
- 46 bordering that property line(s). New facilities sharing a common
- 47 property line with an identical zoning district are subject to the

Highlighted text is reference to bonding requirement that may be an option in lieu of, or in combination with decommissioning plan. This is mentioned in Sec. 21-60(4)b(2)vii(a) on page 80 and 21-64 (a)5 on page 100.

f. *FCC license required.* The applicant for a new wireless telecommunication facility must be currently licensed by the FCC to provide fixed or mobile wireless communication services, or if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one (1) or more FCC licensees to utilize the wireless telecommunication site once constructed.

(4) *Electric, Gas, and Sanitary Services.*

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

1. *Setbacks.* All improved areas, including disposal areas, shall be at least two hundred (200) feet from a zone lot line.

2. *Separation.* Improved areas shall be at least three hundred (300) feet from any residence, church, or school.

3. *Dust, odor, glare.* All access roads and storage areas shall be at least twenty (20) feet from any property line constructed with a paved, gravel, or crushed stone surface; and maintained in a dust-free manner.

4. *Operation.* An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator, types of material accepted, and hours of operation.

5. *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent unregulated dumping of materials.

6. *Other special conditions.* Proof of a permit issued by the state in accordance with applicable provisions of the General Statutes.

7. *LCID operations. An LCID site comprising one-half (.5) acre or less is governed by Section 21-277(b)5; otherwise, LCID sites are subject to the standards of this subsection.* ~~The following LCID landfill operations are not subject to the specific standards of this subsection but shall nonetheless adhere to applicable NCDEQ standards:~~

~~i. Landfills with a disposal area of .50 acre or less; or~~

~~ii. Beneficial fill used to improve the property's land use potential where no excavation of soil is proposed or has occurred within the area receiving fill.~~

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

1. **On-Site solar energy systems.**

Setbacks. The system area setbacks shall be fifty feet (50') from adjoining property lines and road rights-of-way. As applicable, all solar energy equipment, excluding solar collectors, must be located a minimum of one hundred feet

Land Clearing and Inert Debris (LCID) landfills one-half acre or larger are considered a CUP. The strikethrough text was relocated to Section 21-277(b)5 on page 132

On-Site systems exceed 6,000 sq ft panel area and provide or supply power to a business. These standards apply as CUP in RA and SR in CBI / NB / INST / IND

(100') from an existing residence, church or school.

- i. **Location.** *These systems shall not be located within the conical or horizontal surfaces associated with the Mid-Carolina Regional Airport.*
- ii. **Fencing.** *Security fencing, a minimum of six feet (6') in height, shall be installed at the system area perimeter.*
- iii. **Documentation.** *The applicant shall provide documentation from a registered North Carolina Professional Engineer qualified to perform electrical design services substantiating the solar energy system is primarily designed to provide or off-set power for on-site use.*

2. Utility Scale solar energy systems.

- i. **Setbacks.** ~~Solar collectors shall be located a minimum of fifty (50) feet from adjoining property lines.~~ **The system area and equipment setbacks shall be as follows:**
 - a. **System Area.**
 1. **One hundred feet (100') from adjoining property lines and road rights-of-way.**
 2. **Adjoining tracts of the same solar energy system may reduce the system area setback to twenty-five feet (25') along internal common tract lines, but where tract lines adjoin other properties or road rights-of-way the system area setback shall be 100'.**
 - b. **Equipment Setbacks.** *All proposed inverters, substations, buildings, or other structures not utilized as a solar collector shall be located within the system area and separated by a minimum of three hundred feet (300') from any existing residence, church or school.*
- ii. **AZO.** *Location within the conical or horizontal surfaces of the Mid-Carolina Regional Airport is not permitted.* Systems proposed within the ~~portion of the approach surface contained by the horizontal surface of the AZO~~ shall provide an approved FAA form 7460-1.
- iii. **Size.** *Regardless of tract size, the maximum system area shall be no greater than fifty (50) acres.*
- iv. **Screening, Buffering and Fencing.** *The standards contained in Section 21-215(2) are applicable to the perimeter of the system area and shall be completely installed prior to operation of the facility.*
- v. **Glare.** *All solar collectors utilized in the solar energy system shall have an anti-reflective coating. The applicant shall provide the manufacturer, model number and any other information that readily identifies the solar collector to be utilized at the site.*

Proposed On-Site standards would not allow location in the AZO; would require security fencing and documentation from a PE that power is for business purposes only. No screening of the system would be required if the system area is more than 200' from an adjoining structure.

The Utility Scale standards are proposed only for CUP applications in the IND district. No longer an option in the RA, RR, CBI, & NB.

- Setbacks have been increased from 50' to 100'
- Adjoining tracts in the same system may have a reduced setback of 25' along internal tract lines
- 300' separation between inverters and residences is a noise consideration
- Limiting location outside the conical & horizontal surface provides a 14,000' 'halo' around the airport
- Propose to limit the maximum system area size to 50 acres
- Refer to page 121-122 for screening, buffering and fencing standards
- Requirement that panels have anti-reflective coating

1 **vi. Supplementary Materials. The applicant shall provide the**
 2 **following with the conditional use permit application:**

3 **a. Any relevant studies, reports, documents,**
 4 **recommendations or approvals related to the site that**
 5 **were prepared or received as part of its application to the**
 6 **NC Utilities Commission.**

7 **b. Evidence that the electrical utility provider has been**
 8 **informed by the applicant of their intent to install an**
 9 **interconnected system. Evidence may consist of copies**
 10 **and responses of certified letters (or similar) to the utility**
 11 **provider detailing their solar energy system plans,**
 12 **location, etc.**

13 **c. A copy of the Certificate of Public Convenience and**
 14 **Necessity for facilities over 2 megawatts or a copy of the**
 15 **Report of Proposed Construction for facilities under 2**
 16 **megawatts approved by the North Carolina Utilities**
 17 **Commission.**

18 **vii. Required Plans.**

19 **a. Decommissioning Plan. The applicant shall provide a**
 20 **plan detailing how the solar energy system and system**
 21 **area will be reasonably restored to its original condition**
 22 **in the event it does not produce energy for a twelve (12)**
 23 **month continuous basis. The plan shall contain all the**
 24 **information in the Rowan County Template**
 25 **Decommissioning Plan available on the Planning**
 26 **Department’s webpage at: _____**

27 **b. Maintenance Plan. The applicant shall provide a**
 28 **preliminary narrative detailing the manner, schedule and**
 29 **party responsible for ensuring routine maintenance of**
 30 **the solar energy system will occur. At a minimum, the**
 31 **plan must address the grounds, buffer, fencing, solar**
 32 **collectors and associated support structures, electrical**
 33 **connections, etc. Similarly, the plan must detail**
 34 **maintenance actions following storm events (wind,**
 35 **snow, etc.) and natural disasters (tornado, fire, etc.) that**
 36 **may cause damage to the facility.**

37 **c. Emergency Access Plan. The applicant shall provide the**
 38 **Rowan County Emergency Services Director, Rowan**
 39 **County Fire Marshal and local fire department having**
 40 **jurisdiction an emergency access plan for their review.**

41 (5) Wholesale trade group.

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

43 1. Operation. Operations, including but not limited to, storage of

Additional documentation required of the application include:

- Studies prepared or requested by Utilities Commission for the site
- Affirmation the electric utility provider is aware of interconnection
- Copy of an approved system application from the NC Utilities Commission

The previous text recommendations created a detailed template for decommissioning that can be modified. NC Legislature mandated the EMC adopt rules for decommissioning by Jan.'22. Another option may be to require a bond similar to that required in Sec. 21-60(2)6 and 21-60(12)g. Refer to pages 74 and 90.

Lack of maintenance for screening and the system area of some existing solar energy systems prompted this standard

Similar to the standard above, public comment prompted this standard for inclusion

1 dismantled motor vehicles or motor vehicle parts or keeping of junk
2 which are not fully contained within a building enclosed on all sides
3 shall be subject to the standards of this subsection.

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

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

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

10 ~~1. Operation. Operations, including but not limited to, storage of~~
11 ~~dismantled motor vehicles or motor vehicle parts or keeping of junk~~
12 ~~which are not fully contained within a building enclosed on all sides~~
13 ~~shall be subject to the standards of this subsection and section 21-~~
14 ~~246.~~

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

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

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

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

28 **b.c. Livestock yard.**

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

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

34 (6) *Retail trade group: Drinking Places (alcoholic beverages – SIC 5813).*

35 a. *Separation.* No drinking place shall be located within one thousand
36 (1,000) feet of a church, public or private school, licensed day care,
37 public park, or another drinking place. This distance shall be measured
38 between the nearest point of operational areas for both the above uses
39 and the proposed drinking place. This separation standard does not
40 apply to non-conforming drinking places seeking approval under this
41 subsection to expand within the existing operational area but does apply
42 to drinking places deemed abandoned or discontinued per Sec. 21-137.

43 (7) *Services group.*

44 a. *Archery ranges, shooting ranges, skeet ranges, trapshooting facilities*

Junkyards are proposed to be removed as a CUP in the RA district and replaced as a Conditional District in RA. Effectively this will transition the review of an application from quasi-judicial to legislative. These standards will be relocated to Section 21-64(c) on pages 100-101.

1 engineered septic tank system or dump station subject to approval
2 by Rowan County Health Department or connection to a municipal
3 system where available.

4 iii. Trash Removal. Provide a centralized trash dumpster(s) to
5 accept the solid waste and or garbage generated by the RV park
6 occupants. The dumpster should be emptied on a regular basis to
7 prevent odor, rodents, etc., with its contents being disposed of at a
8 facility licensed to accept the material(s).

9 iv. Street Addressing. Unless currently in compliance, the owner or
10 operator of any RV park subject to the jurisdiction of this Chapter,
11 shall have twelve (12) months from the adoption of these
12 amendments to have all internal streets and each site or space
13 addressed and displayed in accordance with Chapter 19.5 of the
14 Rowan County Code of Ordinances.

15 v. Additions. Additions are not prohibited, but must be freestanding
16 structures and obtain all requisite permits.

17 c. *Zoological garden (SIC 8422) located in the CBI district.*

- 18 1. *Site plan.* A site plan shall be provided showing all fencing, exhibit
19 and storage areas, with types of animals specified.
- 20 2. *Minimum lot size.* The minimum lot size is twenty (20) acres.
- 21 3. *Smoke, odors, dust.* Operations shall not create any smoke, odors,
22 or dust at a level which creates a nuisance to any person or normal
23 sensitivities at the property lines.
- 24 4. *Setbacks.* All animal waste storage areas shall be a minimum of two
25 hundred (200) feet from any zone lot line.
- 26 5. *Security restrictions.* Access shall be controlled through the use of
27 gates, fences, etc. to prevent entrance by unauthorized persons.
28 Containment of animals shall be sufficient to ensure the safety of the
29 surrounding area and the county.

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

- 33 1. *Site plan.* A site plan shall be required as provided in article III,
34 section 21-52.
- 35 2. *Buffering.* All parking areas shall be screened by a type A buffer
36 from residentially zoned area.
- 37 3. *Lighting.* Lighting shall be located and designed to prevent light from
38 directly shining on adjacent residential property.

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

- 40 1. *Buffers.* All buildings off street parking and service areas will be
41 separated by a type A buffer from an abutting property in a
42 residential zoning district or abutting a residential use.
- 43 2. *Site plan.* A site plan is required.

Zoos were CUPs in the RA, CBI and INST districts. This proposal would continue as CUP in CBI only and be considered with these same standards as a Conditional District in the RA. The use would be removed as an option in the INST district.

1 site from the highest point on tower to limits of its visibility.

2 2. Maps should be from the perspective that present 0 degree
3 (north); 90 degree (east); 180 degree (south); 270 degree (west)
4 perspective from the fixed point to its limit of visibility.

5 3. For reference each map should graphically portray the location
6 of the North Carolina DOT maintained road nearest the limits of
7 visibility.

8 e. *Provisions for tower safety.* New broadcast towers must either be so
9 designed as to land upon its own property or lease area in the event
10 of a failure as certified by a North Carolina registered professional
11 engineer. In the event tower failure is expected to occur beyond the
12 property boundaries or lease area, a fall zone easement equal to the
13 tower height plus ten (10) feet must be obtained.

14 f. *Retention of consultant.* The county may elect to retain a consultant
15 or professional services to review the application and make
16 determinations and recommendations on relevant issues including,
17 but not limited to, verification of the applicant's due diligence,
18 analysis of alternatives and compliance with state and federal rules
19 and regulations. The applicant shall pay any expense for consulting
20 of professional services in excess of the application fee. The county
21 shall require any consultants to disclose any potential conflicts of
22 interest and to hold confidential any proprietary information supplied
23 by the applicant. At the request of the applicant, the zoning
24 administrator shall arrange an informal consultation with the
25 applicant to review the consultant's report prior to any hearing on the
26 application. All determination costs are reimbursable by applicant.

27 g. *Removal.* The applicant shall provide a surety bond substantiating
28 that the applicant or tower owner has and will sustain the financial
29 ability to disassemble and remove the tower, once no longer in
30 operation. Notice shall be provided to the zoning administrator when
31 any broadcast tower is not operational for a continuous period of
32 three hundred sixty (360) days. Upon receipt of notification, the
33 owner shall remove the tower within one hundred twenty (120) days.

34 h. *Obstruction lighting and marking.* The broadcast tower shall be of a
35 galvanized finish, or painted with a rust protective paint of an
36 appropriate color to harmonize with the surroundings as approved
37 by the board of commissioners. Lighting of the tower shall be as
38 required by the FAA.

39 i. *FCC license required.* The applicant for a new broadcast tower must
40 be currently licensed by the FCC to provide AM, FM or television
41 broadcast services within an area of licensure that includes Rowan
42 County.

43 (13) *Specific conditional use criteria for off-premises signs.*

44 a. Separation of off-premises signs shall be one thousand (1,000) feet
45 per road side as measured parallel to the road travelway. The road
46 side is considered to consist of one (1) side of the road. Only one (1)
47 sign per one thousand (1,000) feet shall be allowed per roadside.

Highlighted text is reference to bonding requirement that may be an option in lieu of, or in combination with decommissioning plan. This is mentioned in Sec. 21-60(4)b(2)vii(a) on page 80 and 21-64(a)5 on page 100.

b. *Density*. The maximum number of units allowed is as follows:

Public water and sewer: Twelve (12).

Public or community water or public sewer or approved package treatment plant: Eight (8).

Individual or multi connection well & individual septic tank: Three (3).

c. *Modification of dimensional requirements*. Notwithstanding other provisions of this chapter, the Board of Commissioners may approve a site plan as provided herein which modifies the dimensional criteria from Article IV. Additionally, the subdivision of lots may be allowed as provided by chapter 22 section 58 of the Subdivision Ordinance for a planned unit development (PUD).

(17) *Event center*.

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

b. *Public road frontage*. The event center property is required to have at least thirty-five (35) feet of frontage on a publicly maintained road.

c. *Setbacks*. All operational areas with the exception of the driveway shall be a minimum of one hundred (100) feet from property lines.

d. *Parking*. Adequate off-street parking shall be provided for all attendees.

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

f. *Noise*. Amplified sound is subject to Chapter 14 of the Rowan County Code of Ordinances.

(Ord. of 1-19-98, § IV; Ord. of 7-12-99; Ord. of 10-18-99(2), § 2; Ord. of 1-15-01; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 8-19-02(2); Ord. of 5-19-03; Ord. of 8-16-04; Ord. of 9-20-04; Ord. of 11-15-04; Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 8-20-07; Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 1-5-15; Amend. of 9-6-16; Amend. of 10-17-16; Amend. of 10-15-18; Amend. of 2-04-19; Amend. of 9-03-19; Amend. of 7-13-20)

Sec. 21-61. Conditional districts.

(a) *Purpose*. There are instances where certain uses may have significant impacts on the surrounding area and the county which cannot be predetermined and controlled by general district standards. As a result, a general zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted as a conditional district subject to development requirements to address the anticipated impacts would be consistent with the spirit and intent of this chapter. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

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<u>General Zoning Districts</u>	<u>Conditional Districts</u>
RS	RS (CD)
RR	RR (CD)
RA	RA (CD)
MHP	MHP (CD)
MFR	MFR (CD)
CBI	CBI (CD)
85-ED-1	85-ED-1 (CD)
85-ED-2	85-ED-2 (CD)
85-ED-3	85-ED-3 (CD)
85-ED-4	85-ED-4 (CD)
IND	IND (CD)
NB	NB (CD)
INST	INST (CD)

(b) *Applications.* Applications for conditional districts shall be on forms provided by the county planning and development department. Only property owners or their authorized agents shall apply for rezoning to an appropriate conditional district (amended 6-19-00). In addition to the general information required in section 21-52 and other applicable sections of this chapter, the petitioner may propose additional limitations or restrictions to ensure compatibility between the development and the surrounding area. Only uses listed in section 21-113 as permitted by right **and as CD** may be considered within a conditional district.

(c) *Permitted uses and development requirements.* Upon approval of a conditional district, only the use or uses identified in the conditional district are allowed subject to any associated conditions or limitations therein. All use requirements of the underlying general use district shall apply as well as all other requirements of the ordinance. In no situation shall approval of a conditional district reduce required standards of this ordinance unless otherwise provided herein.

(d) *Review Procedures.* Conditional district requests shall follow review procedures referenced in Sec. 21-362.

(e) *Conditional District Approval.* The board of commissioners may approve a reclassification of a property to a conditional district only upon determining that the proposed use or uses will meet all standards and regulations in this chapter that are applicable. Specific conditions applicable to the districts may be proposed by the petitioner or the board of commissioners, but only those conditions mutually approved by the board and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to applicable ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by

Conditional District (CD) zoning has been proposed for several uses in the base districts and should be identified as an option for consideration. Refer to pages 107-109 Table of Uses.

1 the development or use of the site. The approval of the district and any
2 requested conditions shall be included on an approval form provided by the
3 county. If the approval and any attached conditions are acceptable to the
4 petitioner, then this acceptance shall be indicated by the petitioner signing
5 the approval form.

6
7 (Ord. of 1-19-98, § IV; Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 2-20-
8 06(1); Amend. of 6-16-08; Amend. of 6-19-10; Amend. of 3-5-12; Amend. of 9-
9 6-16)

10 **Sec. 21-62. Effect of approval for conditional districts.**

11 (a) *Conditions attached to approval.* Approval of a conditional district and the
12 attached conditions are binding on the property as an amendment to the
13 zoning maps. All subsequent development and use of the property shall be
14 in accordance with the standards for the approved conditional district, the
15 approved rezoning request, and all conditions attached to the approval. In
16 accordance with Sec. 21-11, an approved conditional district secures a
17 vested right to undertake a project for two (2) years unless a longer duration
18 is requested by the applicant and approved by the Board of Commissioners.

19 (b) *Uses allowed.* Only uses and structures indicated on the approved site plan
20 shall be allowed on the subject property. All uses and structures in a
21 conditional district shall also comply with all standards and requirements for
22 development in the underlying zoning district.

23 (c) *Effect on zoning maps.* Following approval of the rezoning request for a
24 conditional district, the subject property shall be identified on the zoning
25 map by the appropriate district designation as listed in section 21-61 (a). All
26 parallel conditional use districts approved prior to September 6, 2016 shall
27 hereby be replaced by a comparable conditional district. For example, a
28 pre-existing CBI-CUD designation will be changed to a CBI-CD designation.
29 Associated applications, site plans, conditions, and limitations placed on the
30 conditional use district are incorporated without change into the standards
31 and conditions for the new conditional district. Changes to a pre-existing
32 conditional use district are subject to the conditional district process
33 identified in subsection (d). Nothing in the section shall be interpreted to
34 invalidate a pre-existing conditional use district.

35 (d) *Alterations to approval.* Alterations to an approved plan for a conditional
36 district shall be as provided in this subsection.

37 (1) Except as provided in subsection (2) below, changes to the approved
38 conditional district and maps shall be treated as amendments to this
39 chapter and the zoning maps.

40 (2) Minor changes.

41 a. The county recognizes slight deviations in site-specific development
42 proposals may arise, warranting changes to the plans and therefore
43 offers a provision for administrative approval of a minor change.
44 The applicant may submit a written request to the planning director
45 that includes supporting documentation (e.g. federal / state permits,
46 survey / engineering information) substantiating the need for the

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1 minor change. After reviewing the record of proceedings, the
2 planning director may consider minor changes that are substantially
3 similar to that approved by the Board of Commissioners subject to
4 the following criteria:

- 5 1. Relocation of operational area improvements that do not project
6 into the required setback;
- 7 2. One time expansions that do not exceed the lesser of ten (10)
8 percent of the approved structure or one thousand (1,000)
9 square feet for nonresidential uses;
- 10 3. One time expansions that do not exceed the lesser of ten (10)
11 percent of the development or five (5) units;
- 12 4. Structural alterations that do not significantly effect the basic
13 style, ornamentation, and / or character of the building; or
- 14 5. Change in detail which does not affect the basic relationship of
15 the use to the required standards of the applicable ordinances or
16 condition(s) of approval.

17 b. Regardless of Sec. 21-62(d)(2)(a)(1-5), the planning director may
18 forward the requested change to the Board of Commissioners for
19 consideration in the same procedure as required for the original
20 issuance of the conditional district as per Sec. 21-61(b). All other
21 changes shall be reviewed by the Board of Commissioners as per
22 Sec. 21-61(b). Modifications requesting reduction of the minimum
23 standards within the zoning ordinance shall be treated as a variance
24 request and not considered herein.

25 c. Requests for a minor change may be submitted to the planning
26 director at any time, although proposals to change or amend any
27 approved conditional district shall not be considered by the Board of
28 Commissioners within one (1) year after date of original
29 authorization of such permit or within one (1) year after hearing of
30 any previous proposal to amend or change the district unless
31 deemed appropriate by the planning director. The applicant may
32 appeal the decision of the planning director to the Planning Board.
33 The Planning Board will make a recommendation for the Board of
34 Commissioners' consideration. Failure of the Board of
35 Commissioners to set a public hearing regarding an amendment
36 shall constitute denial of the request and conditions of the original
37 district shall remain in effect.

38 d. The Board of Commissioners may consider revocation of an
39 approved conditional district through the same procedure as the
40 original permit. Following the hearing, the Board of Commissioners
41 may elect to revoke the district if it is factually determined that one or
42 more instances listed below have occurred:

- 43 1. The vested rights time period from Sec. 21-11 lapsed;
- 44 2. The permit was obtained by fraud;
- 45 3. Non-compliance with the approved site plan and / or conditions
46 of approval;

- 4. Repeated zoning code violations or criminal activity; or
- 5. Eminent threat to public health or safety.

Failure to validate at least one of these instances shall allow the conditional district to remain valid. Petitioners may appeal this decision to superior court. Should a conditional district be revoked, the Board of Commissioners will rezone the property back to a general zoning district.

(Ord. of 1-19-98, § IV; Ord. of 10-18-04; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12; Amend. of 9-6-16)

Sec. 21-63. Application re-submittal for conditional use permits and conditional districts.

(a) If conditionally approved, the applicant may submit a revised application within forty-five (45) days of having received the decision of the appropriate board. The revised application shall include provisions described in conditions placed on the application. If the conditionally approved application is not resubmitted within the prescribed time period the application shall be deemed to be disapproved.

(b) If a conditional use permit or conditional district application is denied, the administrator shall not accept another application similar to the denied application for the same property or a portion of the same property for a period of twelve (12) months from the date of the public hearing, unless the administrator determines that:

- (1) There has been a significant zoning district reclassification of an adjacent property;
- (2) A new or updated land use plan which changes public policy regarding the property is adopted by the county; or
- (3) Public facilities such as roads, waterlines, sewer lines, or other infrastructure are constructed or expand to serve the property and enable the proposed development to be accommodated.

(Ord. of 1-19-98, § IV; Amend. of 9-6-16)

Sec. 21-64. ~~Reserved.~~ Conditional District Standards for Specific Uses

The standards contained in this section are for specific land uses submitting conditional district applications.

(a) Utility Scale Solar Energy Systems (SIC 491 pt.)

1. Setbacks. The system area and equipment setbacks shall be as follows:

i. System Area.

a. One hundred feet (100') from adjoining property lines and road rights-of-way.

b. Adjoining tracts of the same solar energy system may reduce the system area setback to twenty-five feet (25') along internal common tract lines, but where tract lines

Sec. 21-64 is a new section of the Ordinance. Specific standards are proposed for some uses that had previously been considered in the quasi-judicial process, but will now be considered as legislative.

As proposed, Utility Scale solar energy systems would be CD in the RA district only.

Standards are similar to those in the CUP section of the ordinance (Sec.21-60(4)) on pages 79-80.

Setbacks are 100'

Adjoining tracts in the same system may have a reduced setback of 25' along internal tract lines

1 *adjoin other properties or road rights-of-way the system*
 2 *area setback shall be 100'.*

3 *ii. Equipment Setbacks. All proposed inverters, substations,*
 4 *buildings, or other structures not utilized as a solar collector*
 5 *shall be located within the system area and separated by a*
 6 *minimum of three hundred feet (300') from any existing*
 7 *residence, church or school on an adjoining property.*

9 2. *AZO. Location within the conical or horizontal surfaces of the*
 10 *Mid-Carolina Regional Airport is not permitted.*

12 3. *Screening, Buffering and Fencing. The standards contained in*
 13 *Section 21-215(2) are applicable to the perimeter of the system*
 14 *area and shall be completely installed prior to operation of the*
 15 *facility. [QUESTION: Should allowance for favorable planting*
 16 *schedules per 21-214 be included?]*

18 4. *Access Roads. Internal roads shall be constructed of*
 19 *aggregate base course (ABC) stone a minimum of six inches*
 20 *(6") thick. Gated entrance(s) shall be installed to prevent*
 21 *unauthorized access. When applicable, connection to an*
 22 *NCDOT maintained roadway shall be issued by an approved*
 23 *commercial driveway permit from NCDOT and the apron and*
 24 *roadway to the system area shall be paved.*

25 5. *Decommissioning Plan. The applicant shall provide a plan*
 26 *detailing how the solar energy system and system area will be*
 27 *reasonably restored to its original condition in the event it*
 28 *does not produce energy for a twelve (12) month continuous*
 29 *basis. The plan shall contain all the information in the Rowan*
 30 *County Template Decommissioning Plan available on the*
 31 *Planning Department's webpage at: _____*

32 (b) *Dumps, Garbage, Landfills, Refuse Systems, Rubbish, Sludge*
 33 *Disposal and Land Clearing and Inert Debris Landfill [LCID] (SIC 4953*
 34 *pt.).*

35 1. *Setbacks. All improved areas, including disposal areas, shall be*
 36 *at least two hundred (200) feet from a zone lot line.*

37 2. *Separation. Improved areas shall be at least three hundred*
 38 *(300) feet from any residence, church, or school.*

39 3. *Dust, odor, glare. All access roads and storage areas shall be at*
 40 *least twenty (20) feet from any property line constructed with a*
 41 *paved, gravel, or crushed stone surface; and maintained in a*
 42 *dust-free manner.*

43 4. *Operation. An information sign shall be posted and maintained*
 44 *at the entrance(s) which lists the name and phone number of*
 45 *the operator, types of material accepted, and hours of*
 46 *operation.*

300' separation between
inverters and residences is
a noise consideration

Limiting location outside the
conical & horizontal surface
provides a 14,000' 'halo'
around the airport

Refer to page 121-122 for
screening, buffering and
fencing standards

Public comment regarding
dust and access prompted
this access and internal
road standard

The previous text
recommendations created a
detailed template for
decommissioning that can
be modified. NC
Legislature mandated the
EMC adopt rules for
decommissioning by Jan.'22.
Another option may be to
require a bond similar to
that required in Sec. 21-
60(2)6 and 21-60(12)g.
Refer to pages 74 and 90.

These uses were CUP in
the RA and IND districts,
but are proposed for CD in
RA and remain as CUP in
IND. This section and its
requirements was relocated
in its entirety w/ no changes
from Sec.21-60(4)a on
page 78.

1 **5. Security restrictions. Access shall be controlled through the**
 2 **use of gates, fences, etc. to prevent unregulated dumping of**
 3 **materials.**

4 **6. Other special conditions. Proof of a permit issued by the state**
 5 **in accordance with applicable provisions of the General**
 6 **Statutes.**

7 **7. LCID Operations. Standards of this subsection are applicable to**
 8 **LCID operations greater than one-half (.5) acre in size.**

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

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

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

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

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

28 **5. Operational area. No operations shall occur in the required**
 29 **buffer.**

30 **(d) Zoological garden (SIC 8422).**

31 **1. Site plan. A site plan shall be provided showing all fencing,**
 32 **exhibit and storage areas, with types of animals specified.**

33 **2. Minimum lot size. The minimum lot size is twenty (20) acres.**

34 **3. Smoke, odors, dust. Operations shall not create any smoke,**
 35 **odors, or dust at a level which creates a nuisance to any person**
 36 **or normal sensitivities at the property lines.**

37 **4. Setbacks. All animal waste storage areas shall be a minimum of**
 38 **two hundred (200) feet from any zone lot line.**

39 **5. Security restrictions. Access shall be controlled through the**
 40 **use of gates, fences, etc. to prevent entrance by unauthorized**
 41 **persons. Containment of animals shall be sufficient to ensure**
 42 **the safety of the surrounding area and the county.**

43 **Editor's note:** An amendment of July 1, 2005 renumbered § 21-64 as § 21-60(12).
 44 Former § 21-64 pertained to specific conditional use criteria for off-premises signs and

This section and its requirements was relocated in its entirety w/ no changes from Sec.21-60(4)a on page 78.

Junk Yards in the RA district are proposed as a Conditional District (CD). These standards were relocated from Sec. 21-60(5)b on page 81

Zoos in the RA district are proposed as a CD, but will remain as a CUP in CBI. These standards are similar to those in Sec. 21-60(7)c on page 84

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	machinery and transportation equipment, <i>all except</i>									
3483	Ammunition except for small arms									C
3489	Ordnance and accessories									C
35	Industrial and commercial machinery and computer equipment	SR	SR				P	SR		P
36	Electronic and other electrical equipment and components, except computer equipment, <i>all except</i>	SR	SR				P	SR		P
3612	Power distribution and specialty transformers						P			P
37	Transportation equipment	SR	SR				P	SR		P
38	Measuring, analyzing and controlling instruments	SR	SR				P	SR		P
39	Miscellaneous manufacturing industries	SR	SR				P	SR		P
Transportation, communications, electric, gas and sanitary services										
40	Railroad transportation									P
41	Local & suburban transit, interurban highway passenger transportation	SR	SR				P	SR		P
42	Motor freight transportation and warehousing, <i>all except</i>	SR	SR				P	SR		P
421	Trucking	SR	SR				P	SR		P
4221	Farm product warehousing and storage	SR or C	SR or C							
	Dead storage of manufactured homes	SR	SR							
4226 (pt)	Automobile dead storage									
4226 (pt)	Oil and gasoline storage caverns for hire and petroleum and chemical bulk stations and terminals for hire									
43	U.S. Postal Service	P	P							
44	Water transportation, <i>all except</i>									
4493 (pt)	Marinas									
45	Transportation by air									
46	Pipelines, except natural gas	C	C							
47	Transportation services, <i>all except</i>									
472	Arrangement of passenger transportation	SR	SR							
48	Communications, <i>all except</i>									
	Transmission tower & Wireless support structures	C	C							
	Co-location of wireless facilities	SR	SR							
	Eligible facilities request	SR	SR							
	Alternative tower structures	SR	SR							
	Public safety tower	SR	SR							
4832	Radio broadcast towers	C								
4833	Television broadcast towers	C								
49	Electric, gas, water services (SIC 491, 492, 493, 494), <i>all except</i>									
	Electric and water distribution lines, gas pipelines	P	P	P	P	P	P	P	P	P
491 (pt)	Small Scale-Ground Mounted Solar Energy Systems 6,000 sq.ft. or less	SR	SR	SR	SR	SR	SR	SR	SR	SR
491 (pt)	On-Site Ground Mounted Solar Energy Systems over 6,000 sq.ft.	C	C				SR-C	SR-C	SR	SR-C
491 (pt)	Roof Mounted Solar Energy Systems	SR	SR	SR	SR	SR	SR	SR	SR	SR
491 (pt)	Utility Scale Solar Energy Systems	CD					CD			C
494	Water supply	P	P	P	P	P	P	P	P	P
4952	Sewerage systems	C	C				P			P
4953	Refuse systems, all prohibited <i>except</i>									
	Dumps: operation of	CD-C								C
P- Permitted by Right		Zoning Districts								
P(A) - Permitted as Accessory Use										
SR - Permitted with Special Requirements		Residential					Nonresidential			
C- Conditional Use CD – Conditional District										
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Transportation, communications, electric, gas and sanitary services cont.										
	Garbage: collect, destroy & process	CD								C
	Land clearing and inert debris landfill (LCID)	CD-C								C

Updated Use Table with proposed types of solar energy systems

- Small Scale is permitted as an SR in all districts except the 85-EDs
- On-Site are CUP in the RA and as SR in the CBI / NB / INST / IND
- Roof Mounted is permitted as an SR in all districts
- Utility Scale is a CD in the RA and CBI district and remains CUP in IND

Updated Refuse Systems category with proposed changes to Conditional Districts for:

- Dumps as a CD in RA and remain CUP in IND
- Garbage facilities may now be considered in RA as a CD and remain CUP in IND
- LCID as a CD in RA and remain CUP in IND

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	go-kart tracks and dragstrips									
7992	Public golf courses	C	C				P			
7996	Amusement park						C			C
7997	Membership sports and recreational clubs, <i>all except</i>	SR or C	SR or C	SR			P	SR		P
7997 (pt)	Gun club, shooting clubs	C					C			C
7999	Amusement and recreation services, NEC, <i>all except</i>						P	SR		P
7999 (pt)	Archery ranges, shooting range, skeet shooting, and trapshooting facilities (outdoor)	C					C			C
7999 (pt)	Archery and shooting range (indoor)	SR					SR	SR		SR
7999 (pt)	Horse shows, rental of saddle horses, riding academies and schools, riding stables, rodeo operation	C	C				P	SR		P
7999 (pt)	Boat / canoe rental for pleasure or fishing, operation of fishing pier and lake	C	C				P	SR		P
7999 (pt)	Day camps, sports instructional schools and camps	C	C				P	SR		P
7999 (pt)	Model automobile racing	C					P	SR		P
	Public parks	P	P	P	P	P	P	P	P	P
80	Health services, <i>all except</i>	SR	SR				P	SR	P	P
8059(pt)	Convalescent homes for psychiatric patients						C		C	C
8063	Psychiatric hospitals						C		C	C
8069 (pt)	Drug addiction rehab, Alcohol rehab hospitals						C		C	C
8093 (pt)	Drug and alcohol treatment, outpatient clients						P		P	P
81	Legal services	SR	SR				P	SR		P
82	Educational services, <i>all except</i>	P	P	P			P	P	P	P
	Facility providing overnight habitation								SR	
83	Social services, <i>all except</i>	SR	SR				P	SR	P	P
8322	Individual and family social services						P	C	P	P
8351 (pt)	Family child care home	P	P	P	P	P	P	P		
8351 (pt)	Child care center in residence	P	P				P	P		
8351 (pt)	Child care center	SR	SR				P	SR	P	P
8361	Residential care, <i>all except</i>									
8361 (pt)	Homes for the aged and rest homes within incidental health care	SR	SR							
84	Museums, art galleries and botanical gardens, <i>all except</i>	SR	SR							
	Zoological parks	CD	C				C		C	
86	Membership organizations, <i>all except</i>	SR	SR				P	SR	P	P
8641	Civic, service and social fraternities	C					P	SR	P	P
8661 (pt)	Churches	P	P	P	P	P	P	P	P	P
87	Engineering, accounting, res. management and related services	SR	SR				P	SR		P
88	Private households	P	P	P	P	P	P	P		
89	Miscellaneous services	SR	SR				P	SR		P
Public administration										
91	Executive, legislative and general government, except finance						P		P	P
92	Justice, public order, safety, <i>all except</i>						P		P	P
9221	Police protection	P	P	P	P	P	P	P	P	P
9224	Fire protection	P	P	P	P	P	P	P	P	P
	Ambulance stations	P	P	P	P	P	P	P	P	P
	Rescue squads	P	P	P	P	P	P	P	P	P
P- Permitted by Right		Zoning Districts								
P(A) - Permitted as Accessory Use										
SR - Permitted with Special Requirements		Residential					Nonresidential			
C- Conditional Use CD – Conditional District Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Public administration cont.										
93	Public finances, taxation and monetary policy						P		P	P
94	Administration of human resource programs						P		P	P
95	Administration of environmental quality						P		P	P

Updated Zoos to be a CD in RA, eliminate in INST and remain CUP in CBI

- 1 (c) *Responsibility for requirements.* One hundred (100) percent of the
- 2 applicable buffer requirements shall be the responsibility of the developing
- 3 land use, unless expressly provided otherwise.
- 4 (d) *Standards for trees and shrubs.* Required trees and shrubs shall meet the
- 5 following standards:
- 6 (1) All required large maturing trees shall have a minimum caliper of one
- 7 and one-half (1 1/2) inches measured six (6) inches above the proper
- 8 planting level;
- 9 (2) Shrubs shall be one (1) foot tall or taller when planted; and
- 10 (3) All specifications for the measurement, quality, and installation of trees
- 11 and shrubs shall be in accordance with the American Standards for
- 12 Nursery Stock published by the American Association of Nurserymen,
- 13 free of disease, and in otherwise sound and healthy condition.
- 14 (e) *Modification of planting types.* If it is demonstrated that existing vegetation
- 15 meets the intent of this section, the zoning administrator may waive the
- 16 requirements for the plant material.
- 17 (f) *Maintenance of buffer.* The owner of the property where the buffer or
- 18 screening is shall be responsible for maintaining the buffer and all required
- 19 plantings in good condition.
- 20 (g) *Buffering of expanded uses.* Expansion of a use existing prior to the
- 21 effective date of this chapter shall require the expanded portion of the
- 22 facility to come into conformance with these requirements.
- 23 (h) *Watershed buffer areas required.* A minimum 30-foot vegetative buffer for
- 24 low density and 100-foot buffer for high density and SNIA development
- 25 activities is required along all perennial waters indicated on the most recent
- 26 versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.
- 27 (i) *Development in required watershed overlay buffer areas.* Development in
- 28 the buffer area shall be limited to the following exceptions in conjunction
- 29 with minimizing built-upon surface area, directing runoff away from surface
- 30 waters and maximizing the utilization of stormwater best management
- 31 practices:
- 32 (1) Artificial streambank or shoreline stabilization;
- 33 (2) Water dependent structures such as piers, docks, etc.;
- 34 (3) Other structures such as flag poles, signs, and security lights which
- 35 result in only minimal increases in impervious area;
- 36 (4) Public projects such as road crossings and greenways where no
- 37 practical alternative exists.
- 38 (Ord. of 1-19-98, § X; Ord. of 4-20-98; Amend. of 11-2-09; Amend. of 9-6-11;
- 39 Amend. of 4-21-14; Amend. of 08-19-19)

Standards required for trees and shrubs used to comply with Screening requirement

40 **Sec. 21-214. Letter of compliance.**

41 When it is impractical to plant required screening during optimal planting

42 seasons, the owner of the property upon which the required screening is to be

1 located may submit a letter of compliance to the zoning administrator. The letter
2 will acknowledge that the owner of the subject property is aware of the
3 applicable screening and buffering requirements and will meet these
4 requirements within a specific date, but in no case more than one (1) year.
5 Failure to comply with the provisions of this article by the time stated in the
6 letter of compliance shall constitute a violation of the zoning ordinance.

7 (Ord. of 1-19-98, § X)

8 **Sec. 21-215. Required screening type.**

9 Screening shall be required along the side and rear property boundaries of
10 the zoning lot.

11 (1) *Type A.*

- 12 a. Buffer: Twenty (20) feet.
- 13 b. Screening shall be one (1) of the following:
 - 14 1. A row of evergreen conifers or broadleaf evergreens placed not
15 more than five (5) feet apart which would grow to form a
16 continuous hedge of at least six (6) feet in height within two (2)
17 years of planting; or
 - 18 2. A masonry wall located within the required buffer; such wall shall
19 be a minimum height of six (6) feet (above finished grade;) and,
20 if a block wall, it shall be painted on all sides; or an opaque fence
21 six (6) feet in height; or
 - 22 3. A berm and planting combination, with the berm an average
23 height of three (3) feet and dense plantings which will, when
24 combined with the berm, achieve a minimum height of six (6)
25 feet and seventy-five (75) percent opacity within two (2) years.
 - 26 4. Lawn, low-growing evergreen shrubs, evergreen ground cover,
27 or rock mulch covering the balance of the buffer.

28 (2) *Type B.*

- 29 a. Buffer: Eighty (80) feet.
- 30 b. Screening shall consist of:
 - 31 1. A row of trees, forty (40) percent of which are large maturing
32 trees and which are not less than ten (10) feet high at the time of
33 planting and are spaced not more than six (6) feet apart;
 - 34 2. An opaque fence located within the required buffer; such fence
35 shall be a minimum height of six (6) feet; and
 - 36 3. Lawn, low-growing evergreen shrubs or broadleaf evergreens,
37 evergreen ground cover, or rock mulch covering the balance of
38 the buffer.

39 (Ord. of 1-19-98, § X)

No screening standard is applicable to Small Scale or On-Site if there is more than 200' separation from solar system to a structure on an adjoining property - - - should this requirement be changed? If so, Type A would be the appropriate choice.

All elements of Type B Buffer and Screening are proposed to be applicable to Utility Scale solar energy systems

1 **Sec. 21-216. Screening and buffering.**

2 (a) *Land use relationships.* The following land use relationships shall be used to
 3 determine required screening and buffering as provided in section 21-215.

4
5

	Screening and Buffering			
	Group1	Group 2	Group 3	Group 4
Group 1	None	Type A	Type A	Type B
Group 2	Type A	None	Type A	Type B
Group 3	Type A	Type A	None	None
Group 4	Type B	Type B	None	None

6
7 (b) *Group 1 (Least intensive):*

- 8 (1) Single-family dwellings.
- 9 (2) Modular homes.
- 10 (3) Manufactured housing on individual lots.
- 11 (4) Duplexes on individual lots.

12 (c) *Group 2:*

- 13 (1) Manufactured home parks.
- 14 (2) Institutional uses (SIC 80, 82, 83, 86 and public administration group
15 [Division J]).
- 16 (3) Multi-family development.
- 17 (4) Residential clustering.

18 (d) *Group 3:*

- 19 (1) Veterinary services (074).
- 20 (2) Farm supplies.
- 21 (3) Building construction, general contractors (15).
- 22 (4) Heavy construction other than building contractors (16).
- 23 (5) Construction special trades (17).
- 24 (6) Food and kindred products (20).
- 25 (7) Tobacco products (21).
- 26 (8) Textile mill products (22).
- 27 (9) Apparel (23).
- 28 (10) Lumber and wood products (24) except logging and sawmills.
- 29 (11) Furniture and fixtures (25).
- 30 (12) Paper and allied products (26) except pulp and paper mills.
- 31 (13) Printing, publishing and allied industries (27).
- 32 (14) Drugs (283)

Current screening matrix used to determine type of screening and buffering applicable when land uses adjoin one another

- 1 (15) Soap, detergents, and cleaning preparations; perfumes, cosmetics, and
2 other toilet preparations (284)
- 3 (16) Rubber and miscellaneous products (30).
- 4 (17) Leather and leather products (31) except leather tanning and finishing.
- 5 (18) Stone, clay, glass and concrete products (32) except hydraulic cement,
6 structural clay products, concrete, gypsum and plaster products.
- 7 (19) Abrasives, asbestos, nonmetallic mineral products, fabricated metal
8 products (34) except ammunition, except for small arms; ordnance and
9 accessories.
- 10 (20) Industrial and computer machinery and equipment (35).
- 11 (21) Electronic and other electrical equipment (36).
- 12 (22) Transportation equipment (37).
- 13 (23) Measuring, analyzing and controlling instruments (38).
- 14 (24) Miscellaneous manufacturing (39).
- 15 (25) Transportation and utilities (Division F), all except sanitary services,
16 sewerage systems, refuse systems, dumps, sanitary land fills, rubbish
17 collection and disposal, and **On-Site** solar energy systems.
- 18 (26) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick,
19 stone, and related construction materials, metal and minerals, except
20 petroleum, scrap and waste materials, livestock (wholesale); chemical
21 and allied products, petroleum and petroleum products.
- 22 (27) All retail trade (Division G).
- 23 (28) All finance, insurance, and real estate (Division H).
- 24 (29) All services (Division I), except shooting ranges, skeet shooting
25 facilities, trap shooting facilities, and institutional uses listed in Group 2.
- 26 (e) *Group 4 (most intensive):*
- 27 (1) Metal mining (10).
- 28 (2) Mining and quarrying of non-metallic minerals (14).
- 29 (3) Sawmills (242).
- 30 (4) Pulp mills (261).
- 31 (5) Paper mills (262).
- 32 (6) Chemicals and allied products (28) all except Drugs (283) and Soap,
33 detergents, and cleaning preparations; perfumes, cosmetics, and other
34 toilet preparations (284).
- 35 (7) Petroleum refining and related products (29).
- 36 (8) Leather tanning and finishing (3111).
- 37 (9) Hydraulic cement (324).
- 38 (10) Structural clay products (325).

On-Site solar energy systems are proposed to be considered as a Type 3 group; refer to the matrix on page 122

- 1 (11) Concrete, gypsum and plaster products (327).
- 2 (12) Abrasives, asbestos, non-metallic mineral products (329).
- 3 (13) Primary metal industries (33).
- 4 (14) Ammunition, except for small arms (3483).
- 5 (15) Ordnance and accessories (3489).
- 6 (16) Permitted refuse systems (4953).
- 7 (17) Motor vehicle parts, used; brick, stone, and related construction
- 8 materials, metal and minerals, except petroleum, scrap and waste
- 9 materials, livestock (wholesale); chemical and allied products, petroleum
- 10 and petroleum products.

11 **(18) Utility Scale solar energy systems.**

12 (Ord. of 1-19-98, § X; Ord. of 4-21-03; Amend. of 11-2-09; Amend. of 3-4-13;
13 Amend. of 7-13-20)

14 **Sec. 21-217. Alternative buffers and screening.**

15 In lieu of compliance with the above buffer and screening requirement, an
16 applicant may submit to the zoning administrator for his review and approval a
17 detailed plan and specifications for landscaping and screening. The zoning
18 administrator may approve the alternative buffering and screening, in writing,
19 upon finding that the proposal will afford a degree of buffering and screening, in
20 terms of height, opacity and separation, equivalent to or exceeding that
21 provided by the above requirements.

22
23 (Ord. of 1-19-98, § X)

24 **Sec. 21-218. Existing vegetation.**

25 The retention of existing vegetation shall be maximized to the extent
26 practical, wherever such vegetation contributes to required buffering and
27 screening or to the preservation of significant trees.

28
29 (Ord. of 1-19-98, § X)

30 **Sec. 21-219. Applicability of screening and buffering requirements.**

31 **Unless otherwise specified,** The **the** requirements of this article shall not
32 apply **to Permitted and Special Requirements designations in the Table of**
33 **Uses when** # an existing adjacent principal or accessory structure and the
34 proposed structure or operational area requiring provision of screening and
35 buffering are separated by a distance of two hundred (200) feet or more. The
36 distance shall be measured from the closest point of each structure. **However,**
37 **in the absence of specific standards for such, the requirements of this**
38 **article do apply to Conditional Use Permits and Conditional Zonings.**

39
40 (Ord. of 1-19-98, § X; Ord. of 6-29-99; Amend. of 9-6-11).

41 **Secs. 21-220--21-240. Reserved.**

Utility Scale solar energy systems are proposed to be a Type 4 group; refer to the matrix on page 122

Based on the proposed CUP and CD standards for Utility Scale solar energy systems, this option would not be allowed administratively, but alternative compliance may be an option for consideration in CD applications only.

Similar to the section above, this standard may be considered in a CD application only.

Proposed text herein to clarify the applicability of the screening and buffering standards.

1 However, split-face block may be used.
2 (Ord. of 1-19-98, § XII; Ord. of 4-20-98; Amend. of 4-21-14)

3 **Sec. 21-277. Exceptions and modifications.**

4 (a) *Minor structures and improvements.* Except where otherwise expressly
5 addressed, the following minor, accessory structures and improvements on
6 individual lots or parcels are not intended to be regulated by this chapter:

- 7 (1) Flagpoles and mailboxes;
8 (2) Landscaping features such as fences, trees and shrubs, terraces,
9 gazebos, and similar items;
10 (3) Piers, wharves, and bulkheads;
11 (4) Recreational improvements such as swing sets and playgrounds;
12 (5) Wells and pumphouses.

13 (b) *Utilities.* Except where otherwise expressly addressed, the following utility
14 structures and facilities are not intended to be regulated by this chapter:

- 15 (1) Utility lines, pipes, cables, & associated minor equipment & structures,
16 including transformers, pumping stations, "signal boosters", &
17 maintenance buildings;
18 (2) Electronics cabinets for telephone switching and similar devices used
19 by public service providers;
20 (3) Water towers or tanks;
21 (4) Water systems or sewage disposal systems as an exclusive
22 accessory use for a development project; and
23 ~~(5) Solar energy systems located on the roof or exterior wall of any
24 building and systems located within a NCDOT right-of-way are not
25 intended to be regulated herein unless located within the portion of the
26 approach surface contained by the horizontal surface of the AZO and
27 exceed 6,000 sq.ft. solar collector area. Systems that meet these
28 standards must provide an approved FAA form 7460-1 prior to
29 receiving a zoning permit.~~

30 **(5) LCID operations (SIC 4953 pt). LCID landfills consistent with the**
31 **specific standards of this subsection are not regulated by this**
32 **Chapter, but shall nonetheless adhere to applicable NCDEQ**
33 **standards:**

- 34 **1. Landfills with a disposal area of .50 acre or less on an**
35 **individual parcel; or**
36 **2. Beneficial fill used to improve the property's land use potential**
37 **where no excavation of soil is proposed or has occurred within**
38 **the area receiving fill.**

Propose to eliminate item (5)
as these are now considered
as Roof Mounted systems
allowed as an SR

This section was relocated
from 21-60(4)a(7)