

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 steadying 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 **Residential - Ground mounted system having a solar collector area of**  
 10 **six thousand (6,000) square feet or less primarily used**  
 11 **to provide or off-set power to a residence on site**

12 **Non-Residential - Ground mounted system that will provide or off-set**  
 13 **power to the non-residential operation(s) on site**

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

16 **Utility Scale – A solar energy system that does not qualify as a**  
 17 **Residential, Non-Residential or Roof Mounted system**  
 18 **defined or regulated 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:

- Residential and its 6,000 sq ft threshold is still proposed to be allowed in all standard zoning districts.
- Non-Residential 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

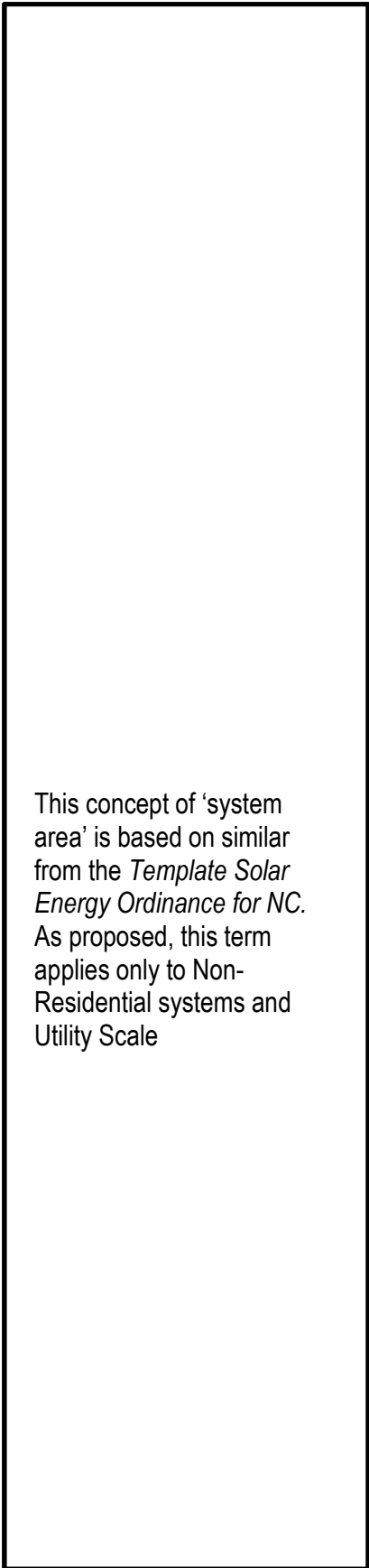
43 surfaces. Transitional surfaces for those portions of the precision approach

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*. As proposed, this term applies only to Non-Residential systems and Utility Scale

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).

13 *Transportation, communication, and utilities group:*

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

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

19 *Construction group:*

20 General Building Contractors (SIC 15)

21 Special Trade Contractors (SIC 17)

22 *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).

29 *Transportation, communication, and utilities group:*

30 Communications and telecommunication towers (SIC 48 pt).

31 *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.

36 *Transportation, communication, and utilities group:*

Propose to allow only Non-Residential and Roof Mounted Systems in 85-ED-1. Both systems must be associated with an on-site structure.

- 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                 ***Non-Residential and Roof Mounted*** ~~Ground Mounted~~ Solar
- 6                 Energy Systems ~~6,000 sq. ft. or less~~ (SIC 491 pt) ***subject to the***
- 7                 ***size 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 only Non-Residential and Roof Mounted Systems in 85-ED-2. Both systems must be associated with an on-site structure.

- 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          ***Non-Residential and Roof Mounted*** ~~Ground Mounted~~ Solar
- 13          Energy Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) ***subject to the***
- 14          ***size 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 only Non-Residential and Roof Mounted Systems in 85-ED-3. Both systems must be associated with an on-site structure.

- 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 **Non-Residential and Roof Mounted** ~~Ground Mounted~~ Solar
- 24 Energy Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) **subject to the**
- 25 **size 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 only Non-Residential and Roof Mounted Systems in 85-ED-4. Both systems must be associated with an on-site structure.



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  
34 **Residential, Non-Residential and Roof Mounted** ~~Ground-mounted~~ solar  
35 energy systems ~~6,000 sq ft or less~~ (SIC 491 pt); and uses listed as SR in  
36 non-residential districts.

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

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

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

43 (1) *Building size.* The maximum allowable building size for uses listed in  
44 section 21-113 as “SR” in the RA and RR districts shall not exceed ten  
45 (10) percent of the gross acreage of the lot, excluding right-of-way with a  
46 maximum of 12,000 sq. ft. in the RA district and 2,000 sq.ft. in the RR

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

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1           2. *Reserved.*

2           b. *Winery.*

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

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

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

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

12       a. *Trucking (SIC 421).*

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

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

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

18       b. *Dead storage of manufactured homes.*

19           1. Compliance with applicable standards of Chapter 14.5, Nuisance  
20           Ordinance.

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

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

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

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

31       c. ~~Ground mounted solar~~ **Solar** energy systems ~~6,000 sq.ft. or less (SIC~~  
32       ~~491 pt.). For the purposes of this subsection, the requirements of Sec.~~  
33       ~~21-54, 55, & 65 do not apply for RA or NB zoned properties. **These**~~  
34       ~~**standards are intended to encourage and promote use of solar**~~  
35       ~~**collectors as an alternative or supplemental energy source in the**~~  
36       ~~**following formats for residential and commercial applications.**~~

37           1. **Residential system.** ~~Size and Setbacks.~~ Solar collectors shall  
38           **be considered an accessory use and** conform to the lesser of  
39           6,000 sq.ft. or 10% of the lot size and ~~maintain a ten (10) foot~~  
40           ~~setback from all property lines~~ **are subject to setback standards**  
41           **in Section 21-285.**

Included rationale for SR  
standards applicable to  
Residential, Non-  
Residential and Roof  
Mounted

The Residential system  
must be associated with a  
residence and setbacks are  
based on panel size; refer  
to Section 21-285 on page  
139

2. **Non-Residential system.**

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

*ii. Location. These systems shall not be located within the conical or horizontal surfaces associated with the Mid-Carolina Regional Airport.*

*iii. Fencing. Security fencing, a minimum of six feet (6') in height, shall be installed at the system area perimeter.*

*iv. Documentation. For those systems having a panel area greater than six thousand (6,000) square feet, the applicant shall provide documentation from a registered North Carolina Professional Engineer qualified to perform electrical design services substantiating the solar energy system does not exceed one megawatt (1 MW) and is primarily designed to provide or off-set power for on-site use.*

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

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

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

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

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

ii. Not add an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance. A statutory exception (ref. NCGS 153A-

Previous DRAFT text referred to these systems as "on-site" and proposed the systems to be a CUP in RA and SR in CBI, NB, INST, and IND. With the name change, Staff proposed to eliminate the CUP requirement in RA and make it an SR in all the above referenced districts.

No screening and buffering requirements would be required if the system area is more than 200' from an adjoining structure.

Roof Mounted system's SR standard prevents location within the AZO

1 substantiating that the applicant or operator has and will maintain a  
 2 surety bond payable to Rowan County sufficient to disassemble and  
 3 remove any outdoor equipment, stockpiles, etc. or reclaim any  
 4 excavated areas once the facility ceases production for a period of three  
 5 hundred sixty (360) days. The bond amount shall be based on an  
 6 estimate provided by a registered professional engineer or architect  
 7 having professional credentials, recognized expertise or specialization in  
 8 construction and removal of similar facilities. Renewable bonds are  
 9 expected to provide updated estimates and reflect increases due to  
 10 labor costs, demolition practices, addition of equipment, etc. The  
 11 requirements of this item are not applicable to expansions of facilities  
 12 regulated under this subsection, which are contiguous to the facilities  
 13 that existed prior to August 16, 2004.

14 7. *Screening.* Screening standards for new facilities and expansions to  
 15 existing facilities regulated under this subsection shall be as follows:

16 i. *New facilities.* When a new facility shares a common property line(s)  
 17 with a more restrictive zoning district, Type B screening  
 18 requirements established in section 21-215(2)(b)1.--3. of this chapter  
 19 are applicable to the portion of the facility's operational area  
 20 bordering that property line(s). New facilities sharing a common  
 21 property line with an identical zoning district are subject to the  
 22 screening requirements based on the land use relationships  
 23 established in section 21-216. However, Type B screening may be  
 24 necessary in some instances to provide visual separation from the  
 25 side and rear property lines when characteristics of the site such as  
 26 topography, vegetation, line of sight with adjacent developed  
 27 properties, etc. prevent effective screening when employing the  
 28 standards of section 21-216. Type A screening requirements  
 29 established in section 21-215(1)(b)1.--4. are applicable to the front  
 30 yard of the operational area of the facility. Notwithstanding the  
 31 screening requirements of this section, the preservation of existing  
 32 vegetation as outlined in section 21-218 shall be depicted of the site  
 33 plan as appropriate. Applicability of screening and buffering  
 34 standards of this section are not preempted when adjacent tracts are  
 35 in common ownership or a tract is subdivided in an attempt to  
 36 circumvent these requirements.

37 ii. *Expansions to existing facilities.* Contiguous expansions of facilities  
 38 regulated under this subsection, which existed prior to August 16,  
 39 2004, are subject to the land use relationships established in section  
 40 21-216.

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

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.

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~~ **Utility Scale 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 (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.~~**

~~1. **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:~~

~~i. **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'.~~

~~ii. **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~~

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.

Changed terminology from On-Site to Non-Residential and in doing so, proposed to eliminate this type system as a CUP in the RA district in favor of an SR allowance

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

1 *minimum of three hundred feet (300') from any existing*  
2 *residence, church or school.*

3 **2. AZO. Location within the conical or horizontal surfaces of the**  
4 **Mid-Carolina Regional Airport is not permitted.** Systems  
5 proposed within the ~~portion of the approach surface contained by~~  
6 ~~the horizontal surface~~ of the AZO shall provide an approved FAA  
7 form 7460-1.

8 **3. Size. Regardless of tract size, the maximum system area shall**  
9 **be no greater than fifty (50) acres.**

10 **4. Screening, Buffering and Fencing. The standards contained in**  
11 **Section 21-215(2) are applicable to the perimeter of the system**  
12 **area and shall be completely installed prior to operation of the**  
13 **facility.**

14 **5. Glare. All solar collectors utilized in the solar energy system**  
15 **shall have an anti-reflective coating. The applicant shall**  
16 **provide the manufacturer, model number and any other**  
17 **information that readily identifies the solar collector to be**  
18 **utilized at the site.**

19 **6. Supplementary Materials. The applicant shall provide the**  
20 **following with the conditional use permit application:**

21 **i. Any relevant studies, reports, documents,**  
22 **recommendations or approvals related to the site that**  
23 **were prepared or received as part of its application to the**  
24 **NC Utilities Commission.**

25 **ii. Evidence that the electrical utility provider has been**  
26 **informed by the applicant of their intent to install an**  
27 **interconnected system. Evidence may consist of copies**  
28 **and responses of certified letters (or similar) to the utility**  
29 **provider detailing their solar energy system plans,**  
30 **location, etc.**

31 **iii. A copy of the Certificate of Public Convenience and**  
32 **Necessity for facilities over 2 megawatts or a copy of the**  
33 **Report of Proposed Construction for facilities under 2**  
34 **megawatts approved by the North Carolina Utilities**  
35 **Commission.**

36  
37 **7. Required Plans.**

38 **i. Decommissioning Plan. The applicant shall provide a**  
39 **plan detailing how the solar energy system will be**  
40 **removed and system area will be reasonably restored to**  
41 **its original condition in the event it does not produce**  
42 **energy for a twelve (12) month continuous basis. The**  
43 **plan shall contain all the information in the Rowan**  
44 **County Template Decommissioning Plan available on**  
45 **the Planning Department's webpage at:**  
46 **\_\_\_\_\_.** **The system owner / operator may**

- Propose to limit 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

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

An option for decommissioning 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.

1 **request an extension of the 12 month period to prevent**  
 2 **execution of the Decommissioning Plan. The request**  
 3 **shall be considered in the same manner as approval was**  
 4 **granted.**

5 **ii. Maintenance Plan. The applicant shall provide a**  
 6 **preliminary narrative detailing the manner, schedule and**  
 7 **party responsible for ensuring routine maintenance of**  
 8 **the solar energy system will occur. At a minimum, the**  
 9 **plan must address the grounds, buffer, fencing, solar**  
 10 **collectors and associated support structures, electrical**  
 11 **connections, etc. Similarly, the plan must detail**  
 12 **maintenance actions following storm events (wind,**  
 13 **snow, etc.) and natural disasters (tornado, fire, etc.) that**  
 14 **may cause damage to the facility.**

15 **iii. Emergency Access Plan. The applicant shall provide the**  
 16 **Rowan County Emergency Services Director, Rowan**  
 17 **County Fire Marshal and local fire department having**  
 18 **jurisdiction an emergency access plan for their review.**  
 19

20 (5) Wholesale trade group.

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

- 22 1. Operation. Operations, including but not limited to, storage of  
 23 dismantled motor vehicles or motor vehicle parts or keeping of junk  
 24 which are not fully contained within a building enclosed on all sides  
 25 shall be subject to the standards of this subsection.
- 26 2. Setbacks. No material shall be stored closer than one hundred (100)  
 27 feet to a public right-of-way.
- 28 3. Security fencing. Security fencing, a minimum of six (6) feet in  
 29 height, shall be provided and maintained to preclude unauthorized  
 30 access.

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

- 32 ~~1. Operation. Operations, including but not limited to, storage of~~  
 33 ~~dismantled motor vehicles or motor vehicle parts or keeping of junk~~  
 34 ~~which are not fully contained within a building enclosed on all sides~~  
 35 ~~shall be subject to the standards of this subsection and section 21-~~  
 36 ~~246.~~
- 37 ~~2. Front yard setback. The facility shall be one hundred (100) feet from~~  
 38 ~~the edge of the right-of-way.~~
- 39 ~~3. Separation from certain uses. The facility shall be a minimum of one~~  
 40 ~~thousand (1,000) feet from a school, residence, church or place of~~  
 41 ~~public assembly. The separation shall be measured from the closest~~  
 42 ~~point of the structure containing the school, residence, church or~~  
 43 ~~place of public assembly and the nearest point of the operational~~  
 44 ~~area of the automobile salvage yard. This requirement shall not~~  
 45 ~~apply to residences owned by the operator of the facility.~~

Included text for an option to request an extension of 12 month period based on PB comments.

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

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.

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

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

**b.-e. Livestock yard.**

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

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

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

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

(7) *Services group.*

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

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

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

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

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

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

i. When a permit allowing such activity is issued in advance by the administrator;

Continuation of Junkyard standards



1 feet compacted gravel six (6) inches thick. "Hammerhead" style  
 2 turnarounds or suitable alternative shall be provided at the terminus  
 3 of all interior roads subject to inspection and approval by the Rowan  
 4 County Fire Marshal. Each internal road shall have a road name  
 5 and addresses for each site or space displayed, regardless of  
 6 occupancy, in accordance with provisions of Chapter 19.5 of the  
 7 Rowan County Code of Ordinances.

8 5. *Parking*. No parking will be allowed on public streets. Off-street  
 9 parking and loading space shall be provided in sufficient quantity to  
 10 accommodate all parking and loading on-site. At a minimum, one (1)  
 11 parking space per space or unit shall be provided.

12 6. *Screening and buffering*. Land uses in this category shall be  
 13 considered a group 2 use and shall be screened accordingly.

14 7. *Additional Standards*. The standards noted below are in addition to  
 15 those listed in this subsection, but applicable only to RV parks:

16 i. *Water Supply*. A dedicated method for providing an adequate on-  
 17 site potable water supply, which may include an individual or multi-  
 18 connection well system approved and permitted by the Rowan  
 19 County Health Department or connection to a municipal system  
 20 where available.

21 ii. *Sewage Disposal*. A dedicated method for providing an adequate  
 22 on-site sewage collection disposal system, which may consist of an  
 23 engineered septic tank system or dump station subject to approval  
 24 by Rowan County Health Department or connection to a municipal  
 25 system where available.

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

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

37 v. *Additions*. Additions are not prohibited, but must be freestanding  
 38 structures and obtain all requisite permits.

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

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

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

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

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 applicant to review the consultant's report prior to any hearing on the  
 2 application. All determination costs are reimbursable by applicant.

- 3 g. *Removal.* The applicant shall provide a surety bond substantiating  
 4 that the applicant or tower owner has and will sustain the financial  
 5 ability to disassemble and remove the tower, once no longer in  
 6 operation. Notice shall be provided to the zoning administrator when  
 7 any broadcast tower is not operational for a continuous period of  
 8 three hundred sixty (360) days. Upon receipt of notification, the  
 9 owner shall remove the tower within one hundred twenty (120) days.
- 10 h. *Obstruction lighting and marking.* The broadcast tower shall be of a  
 11 galvanized finish, or painted with a rust protective paint of an  
 12 appropriate color to harmonize with the surroundings as approved  
 13 by the board of commissioners. Lighting of the tower shall be as  
 14 required by the FAA.
- 15 i. *FCC license required.* The applicant for a new broadcast tower must  
 16 be currently licensed by the FCC to provide AM, FM or television  
 17 broadcast services within an area of licensure that includes Rowan  
 18 County.

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

- 20 a. Separation of off-premises signs shall be one thousand (1,000) feet  
 21 per road side as measured parallel to the road travelway. The road  
 22 side is considered to consist of one (1) side of the road. Only one (1)  
 23 sign per one thousand (1,000) feet shall be allowed per roadside.  
 24 This standard shall apply to all roads, except signs exempted in  
 25 section 21-181.
- 26 b. Location of off-premises signs, excluding those exempted in  
 27 sections 21-135(g) and 181, shall be limited to the CBI and IND  
 28 zoning districts. In addition the property shall meet the following  
 29 standards.
  - 30 1. On property (tax parcel) which has one (1) or more permanent  
 31 structures devoted to commercial or commercial activity or  
 32 otherwise on which commercial or industrial activity is conducted  
 33 extending outward five hundred (500) feet beyond the edge of  
 34 the activity. The building shall be within six hundred sixty (660)  
 35 feet of nearest edge of right-of-way.
  - 36 2. Said activity shall have been on the site three (3) months or  
 37 more.
  - 38 3. Site shall have all required local state and federal privilege  
 39 licenses as required by law.
  - 40 4. The activity shall be serviced by approved utilities.
  - 41 5. The activity shall have direct or indirect vehicular access and be  
 42 a generation of traffic volume.
  - 43 6. Employees shall be on site during usual normal and customary  
 44 hours for that activity.
  - 45 7. The activity shall be visible and recognizable as commercial or

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.

1 of this chapter, the petitioner may propose additional limitations or  
 2 restrictions to ensure compatibility between the development and the  
 3 surrounding area. Only uses listed in section 21-113 as permitted by right  
 4 **and as CD** may be considered within a conditional district.

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

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

14 (e) *Conditional District Approval.* The board of commissioners may approve  
 15 a reclassification of a property to a conditional district only upon determining  
 16 that the proposed use or uses will meet all standards and regulations in this  
 17 chapter that are applicable. Specific conditions applicable to the districts  
 18 may be proposed by the petitioner or the board of commissioners, but only  
 19 those conditions mutually approved by the board and the petitioner may be  
 20 incorporated into the zoning regulations. Conditions and site-specific  
 21 standards imposed in a conditional district shall be limited to those that  
 22 address the conformance of the development and use of the site to  
 23 applicable ordinances and an officially adopted comprehensive or other plan  
 24 and those that address the impacts reasonably expected to be generated by  
 25 the development or use of the site. The approval of the district and any  
 26 requested conditions shall be included on an approval form provided by the  
 27 county. If the approval and any attached conditions are acceptable to the  
 28 petitioner, then this acceptance shall be indicated by the petitioner signing  
 29 the approval form.

30  
 31 (Ord. of 1-19-98, § IV; Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 2-20-  
 32 06(1); Amend. of 6-16-08; Amend. of 6-19-10; Amend. of 3-5-12; Amend. of 9-  
 33 6-16)

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

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

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

47 (c) *Effect on zoning maps.* Following approval of the rezoning request for a

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

**ii. 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 on an adjoining property.**

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

**3. 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.**

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

**5. Decommissioning Plan. Decommissioning Plan. The applicant shall provide a plan detailing how the solar energy system will be removed and system area will be reasonably restored to its original condition in the event it does not produce energy for a**

Section 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 legislative. Utility Scale solar energy systems would be CD in the RA and CBI districts only.

Setbacks are 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

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

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

Refer to Commentary on page 80 of this document.

1 *twelve (12) month continuous basis. The plan shall contain all*  
 2 *the information in the Rowan County Template*  
 3 *Decommissioning Plan available on the Planning Department's*  
 4 *webpage at: \_\_\_\_\_.* *The system owner / operator*  
 5 *may request an extension of the 12 month period to prevent*  
 6 *execution of the Decommissioning Plan. The request shall be*  
 7 *considered in the same manner as approval was granted.*

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

- 11 **1. Setbacks. All improved areas, including disposal areas, shall be**  
 12 **at least two hundred (200) feet from a zone lot line.**
- 13 **2. Separation. Improved areas shall be at least three hundred**  
 14 **(300) feet from any residence, church, or school.**
- 15 **3. Dust, odor, glare. All access roads and storage areas shall be at**  
 16 **least twenty (20) feet from any property line constructed with a**  
 17 **paved, gravel, or crushed stone surface; and maintained in a**  
 18 **dust-free manner.**
- 19 **4. Operation. An information sign shall be posted and maintained**  
 20 **at the entrance(s) which lists the name and phone number of**  
 21 **the operator, types of material accepted, and hours of**  
 22 **operation.**
- 23 **5. Security restrictions. Access shall be controlled through the**  
 24 **use of gates, fences, etc. to prevent unregulated dumping of**  
 25 **materials.**
- 26 **6. Other special conditions. Proof of a permit issued by the state**  
 27 **in accordance with applicable provisions of the General**  
 28 **Statutes.**
- 29 **7. LCID Operations. Standards of this subsection are applicable to**  
 30 **LCID operations greater than one-half (.5) acre in size.**

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

- 32 **1. Operation. Operations, including but not limited to, storage of**  
 33 **dismantled motor vehicles or motor vehicle parts or keeping of**  
 34 **junk which are not fully contained within a building enclosed on**  
 35 **all sides shall be subject to the standards of this subsection**  
 36 **and section 21-246.**
- 37 **2. Front yard setback. The facility shall be one hundred (100) feet**  
 38 **from the edge of the right-of-way.**
- 39 **3. Separation from certain uses. The facility shall be a minimum of**  
 40 **one thousand (1,000) feet from a school, residence, church or**  
 41 **place of public assembly. The separation shall be measured**  
 42 **from the closest point of the structure containing the school,**  
 43 **residence, church or place of public assembly and the nearest**  
 44 **point of the operational area of the automobile salvage yard.**  
 45 **This requirement shall not apply to residences owned by the**

Included text for an option to request an extension of 12 month period based on PB comments.

These uses were CUP in the RA and IND districts, but are now 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 78-79.

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 81-82

operator of the facility.

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

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

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

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

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

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

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

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

**Editor's note:** An amendment of July 1, 2005 renumbered § 21-64 as § 21-60(12). Former § 21-64 pertained to specific conditional use criteria for off-premises signs and derived from Ord. of 11-19-01(1); Ord. of 12-3-01; and Ord. of 3-25-04.

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

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

(1) **Site plan.** A site plan shall be provided showing the existing lot and all existing and proposed buildings. As well as all criteria required herein.

(2) **Lighting.** The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.

(3) **Minimum zone lot size.** The minimum zone lot size shall be two (2) acres.

(4) **Building size.** The maximum building size per parcel shall not exceed ten (10) percent of the lot area up to ten thousand (10,000) square foot and five (5) percent of the lot acreage thereafter up to twenty-five thousand (25,000) sq.ft. Multiple buildings may be used in calculating the maximum allowable building size.

(5) **Impervious surface.** The maximum impervious surface shall not exceed sixty-five (65) percent of the lot.

(6) **Hours of operation.** Hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.

(7) **Parking.** Parking shall be as prescribed in article VII, Parking, for that use.

Continuation of Junkyard standards

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

## Solar Moratorium DRAFT 1.2

48	Communications, <i>all except</i>							P			P
	Transmission tower & Wireless support structures	C	C					C	C		C
	Co-location of wireless facilities	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Eligible facilities request	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Alternative tower structures	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Public safety tower	SR	SR	SR	SR	SR	SR	SR	SR	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>							C			C
	Electric and water distribution lines, gas pipelines	P	P	P	P	P	P	P	P	P	P
491 (pt)	<b>Residential Ground Mounted Solar Energy Systems 6,000 sq.ft. or less</b>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
491 (pt)	<b>Non-Residential Ground Mounted Solar Energy Systems over 6,000 sq.ft.</b>	SR	€					SR-€	SR-€	SR	SR-€
491 (pt)	<b>Roof Mounted Solar Energy Systems</b>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
491 (pt)	<b>Utility Scale Solar Energy Systems</b>	CD						CD			C
494	Water supply	P	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
<b>P- Permitted by Right</b>		<b>Zoning Districts</b>									
<b>P(A) - Permitted as Accessory Use</b>											
<b>SR - Permitted with Special Requirements</b>		<b>Residential</b>					<b>Nonresidential</b>				
<b>C- Conditional Use      CD – Conditional District Use</b>		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND	
<b>Transportation, communications, electric, gas and sanitary services cont.</b>											
	Garbage: collect, destroy & process	CD									C
	Land clearing and inert debris landfill (LCID)	CD €									C
	Landfills, sanitary: operation of	CD €									C
	Refuse systems	CD									C
	Rubbish collection and disposal	CD €									C
	Sludge disposal sites	CD €									C
4959	Sanitary services, NEC	C						P			P
496	Steam and air conditioning supply							P			P
<b>Wholesale trade</b>											
50	Wholesale trade, durable goods, <i>all except</i>	SR	SR					P	SR		P
5015	Motor vehicle parts, used (outdoor)	CD €									C
5015	Motor vehicle parts, used (indoor)							SR			SR
5032	Brick, stone & construction materials							P	SR		P

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

- Landfills as a CD in RA and remain CUP in IND
- Refuse Systems may now be considered in RA as a CD and remain CUP in IND
- Rubbish Collection and Sludge Disposal sites as a CD in RA and remain CUP in IND

Transitioned outdoor Motor Vehicle parts (junk yards) to CD in RA and remain CUP in IND

Updated table legend throughout to include Conditional Districts

Updated Use Table with proposed types of solar energy systems

- Residential is permitted as an SR in all districts except the 85-EDs
- Non-Residential are an SR in RA /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

**Solar Moratorium DRAFT 1.2**

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	E				C		e	
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
<b>Public administration</b>										
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
<b>P- Permitted by Right</b>		<b>Zoning Districts</b>								
<b>P(A) - Permitted as Accessory Use</b>										
<b>SR - Permitted with Special Requirements</b>		<b>Residential</b>					<b>Nonresidential</b>			
<b>C- Conditional Use CD - Conditional District</b>		<b>RA</b>	<b>RR</b>	<b>RS</b>	<b>MHP</b>	<b>MFR</b>	<b>CBI</b>	<b>NB</b>	<b>INST</b>	<b>IND</b>
<b>Use</b>										
<b>Public administration cont.</b>										
93	Public finances, taxation and monetary policy						P		P	P
94	Administration of human resource programs						P		P	P
95	Administration of environmental quality and housing programs						P		P	P
96	Administration of economic programs						P		P	P
97	National security and international affairs						P		P	P
	Solid waste and recycling convenience center	P	P	P	P	P	P	P	P	P
<b>Unclassified</b>										
	Adult uses						C			
	Construction and demolition landfill									C
	Event center	C	C				P	C		P
	Major subdivisions for non-residential use						P	P	P	P
	Multi-tenant developments						SR	SR	SR	SR
	Residential storage facility	SR or C	SR or C	SR or C			P	P		
<b>SEE ARTICLE III. FOR SPECIAL REQUIREMENTS AND CONDITIOANL USE CRITERIA FOR SPECIFIC USES.</b>										

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

1 (Ord. of 1-19-98, § VI; Ord. of 4-20-98; Ord. of 2-1-99(1), § 13; Ord. of 10-18-  
 2 99(2), § 3; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 3-18-02(3); Ord. of 6-17-  
 3 02; Ord. of 8-19-02(2); Ord. of 4-21-03; Ord. of 5-19-03; Ord. of 8-16-04;  
 4 Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 2-20-06(1); Amend. of 4-21-08;  
 5 Amend. of 6-16-08; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12;  
 6 Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 12-2-13; Amend. of 4-21-14;  
 7 Amend. of 9-6-16; Amend. of 10-17-16; Amend. of 1-16-18; Amend. of 6-04-18;  
 8 Amend. of 10-15-18; Amend. of 2-04-19; Amend. of 9-03-19; Amend of 7.13.20)

9 **Secs. 21-114--21-130. Reserved.**

11 **ARTICLE VI. NONCONFORMING SITUATIONS\***

12 **Sec. 21-131. Purpose and intent.**

13 It is the intent of these provisions to regulate and limit nonconforming



1 **Sec. 21-212. Applicability.**

2 The buffering and screening shall be adequate to meet the intent of section  
3 21-211, but shall not exceed one hundred twenty-five (125) percent of the  
4 length of the development activity required to install the buffer and screening,  
5 unless required on a site plan approved by the board of commissioners. The  
6 requirements of this article shall apply to the side and rear yard of the  
7 operational area except driveways, sediment ponds, and detention areas  
8 unless otherwise indicated herein.

9 (Ord. of 1-19-98, § X; Amend. of 9-6-11; Amend. of 09-03-19)

10 **Sec. 21-213. Buffer requirements.**

11 (a) *Generally.* Buffers shall be required in accordance with the table in section  
12 21-216 when any use is being developed abutting an existing developed lot,  
13 however less intensive uses locating next to more intensive uses shall not  
14 be required to comply with the screening portion of the requirements of this  
15 article. Where a conflict exists between the buffer requirements for a use  
16 and setback requirements for a zoning district, the use requirements shall  
17 control. The required buffer may not be used for loading, storage, or similar  
18 operational area needs that are either part of or accessory to the proposed  
19 use unless otherwise indicated herein.

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) Artificial streambank or shoreline stabilization;

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

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

14 (4) Public projects such as road crossings and greenways where no  
 15 practical alternative exists.

16 (Ord. of 1-19-98, § X; Ord. of 4-20-98; Amend. of 11-2-09; Amend. of 9-6-11;  
 17 Amend. of 4-21-14; Amend. of 08-19-19)

#### 18 **Sec. 21-214. Letter of compliance.**

19 When it is impractical to plant required screening during optimal planting  
 20 seasons, the owner of the property upon which the required screening is to be  
 21 located may submit a letter of compliance to the zoning administrator. The letter  
 22 will acknowledge that the owner of the subject property is aware of the  
 23 applicable screening and buffering requirements and will meet these  
 24 requirements within a specific date, but in no case more than one (1) year.  
 25 Failure to comply with the provisions of this article by the time stated in the  
 26 letter of compliance shall constitute a violation of the zoning ordinance.

27 (Ord. of 1-19-98, § X)

#### 28 **Sec. 21-215. Required screening type.**

29 Screening shall be required along the side and rear property boundaries of  
 30 the zoning lot.

31 (1) *Type A.*

32 a. Buffer: Twenty (20) feet.

33 b. Screening shall be one (1) of the following:

34 1. A row of evergreen conifers or broadleaf evergreens placed not  
 35 more than five (5) feet apart which would grow to form a  
 36 continuous hedge of at least six (6) feet in height within two (2)  
 37 years of planting; or

38 2. A masonry wall located within the required buffer; such wall shall  
 39 be a minimum height of six (6) feet (above finished grade;) and,  
 40 if a block wall, it shall be painted on all sides; or an opaque fence  
 41 six (6) feet in height; or

No screening standard is applicable to Residential or Non-Residential 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 may be the appropriate choice.

- 3. A berm and planting combination, with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and seventy-five (75) percent opacity within two (2) years.
- 4. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

(2) *Type B.*

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

(Ord. of 1-19-98, § X)

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

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

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

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

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

(c) *Group 2:*

- (1) Manufactured home parks.
- (2) Institutional uses (SIC 80, 82, 83, 86 and public administration group [Division J]).

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

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

- 1 (3) Multi-family development.
- 2 (4) Residential clustering.
- 3 (d) *Group 3:*
- 4 (1) Veterinary services (074).
- 5 (2) Farm supplies.
- 6 (3) Building construction, general contractors (15).
- 7 (4) Heavy construction other than building contractors (16).
- 8 (5) Construction special trades (17).
- 9 (6) Food and kindred products (20).
- 10 (7) Tobacco products (21).
- 11 (8) Textile mill products (22).
- 12 (9) Apparel (23).
- 13 (10) Lumber and wood products (24) except logging and sawmills.
- 14 (11) Furniture and fixtures (25).
- 15 (12) Paper and allied products (26) except pulp and paper mills.
- 16 (13) Printing, publishing and allied industries (27).
- 17 (14) Drugs (283)
- 18 (15) Soap, detergents, and cleaning preparations; perfumes, cosmetics, and
- 19 other toilet preparations (284)
- 20 (16) Rubber and miscellaneous products (30).
- 21 (17) Leather and leather products (31) except leather tanning and finishing.
- 22 (18) Stone, clay, glass and concrete products (32) except hydraulic cement,
- 23 structural clay products, concrete, gypsum and plaster products.
- 24 (19) Abrasives, asbestos, nonmetallic mineral products, fabricated metal
- 25 products (34) except ammunition, except for small arms; ordnance and
- 26 accessories.
- 27 (20) Industrial and computer machinery and equipment (35).
- 28 (21) Electronic and other electrical equipment (36).
- 29 (22) Transportation equipment (37).
- 30 (23) Measuring, analyzing and controlling instruments (38).
- 31 (24) Miscellaneous manufacturing (39).
- 32 (25) Transportation and utilities (Division F), all except sanitary services,
- 33 sewerage systems, refuse systems, dumps, sanitary land fills, rubbish
- 34 collection and disposal, and **Non-Residential** solar energy systems.
- 35 (26) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick,
- 36 stone, and related construction materials, metal and minerals, except

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

1 petroleum, scrap and waste materials, livestock (wholesale); chemical  
2 and allied products, petroleum and petroleum products.

3 (27) All retail trade (Division G).

4 (28) All finance, insurance, and real estate (Division H).

5 (29) All services (Division I), except shooting ranges, skeet shooting  
6 facilities, trap shooting facilities, and institutional uses listed in Group 2.

7 (e) *Group 4 (most intensive):*

8 (1) Metal mining (10).

9 (2) Mining and quarrying of non-metallic minerals (14).

10 (3) Sawmills (242).

11 (4) Pulp mills (261).

12 (5) Paper mills (262).

13 (6) Chemicals and allied products (28) all except Drugs (283) and Soap,  
14 detergents, and cleaning preparations; perfumes, cosmetics, and other  
15 toilet preparations (284).

16 (7) Petroleum refining and related products (29).

17 (8) Leather tanning and finishing (3111).

18 (9) Hydraulic cement (324).

19 (10) Structural clay products (325).

20 (11) Concrete, gypsum and plaster products (327).

21 (12) Abrasives, asbestos, non-metallic mineral products (329).

22 (13) Primary metal industries (33).

23 (14) Ammunition, except for small arms (3483).

24 (15) Ordnance and accessories (3489).

25 (16) Permitted refuse systems (4953).

26 (17) Motor vehicle parts, used; brick, stone, and related construction  
27 materials, metal and minerals, except petroleum, scrap and waste  
28 materials, livestock (wholesale); chemical and allied products, petroleum  
29 and petroleum products.

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

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

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

34 In lieu of compliance with the above buffer and screening requirement, an  
35 applicant may submit to the zoning administrator for his review and approval a  
36 detailed plan and specifications for landscaping and screening. The zoning  
37 administrator may approve the alternative buffering and screening, in writing,

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, 21-217 option would not be allowed administratively, but alternative compliance may be an option for consideration in CD applications only.

1 upon finding that the proposal will afford a degree of buffering and screening, in  
2 terms of height, opacity and separation, equivalent to or exceeding that  
3 provided by the above requirements.

4  
5 (Ord. of 1-19-98, § X)

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

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

10  
11 (Ord. of 1-19-98, § X)

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

13 *Unless otherwise specified, The the* requirements of this article shall not  
14 apply *to Permitted and Special Requirements designations in the Table of*  
15 *Uses when* if an existing adjacent principal or accessory structure and the  
16 proposed structure or operational area requiring provision of screening and  
17 buffering are separated by a distance of two hundred (200) feet or more. The  
18 distance shall be measured from the closest point of each structure. *However,*  
19 *in the absence of specific standards for such, the requirements of this*  
20 *article do apply to Conditional Use Permits and Conditional Zonings.*

21  
22 (Ord. of 1-19-98, § X; Ord. of 6-29-99; Amend. of 9-6-11).

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

24 **ARTICLE X. NUISANCES**

25 **Sec. 21-241. Noise.**

26 (a) *Intent.* The intent of this section is to recognize the right of mining  
27 operations and manufacturing industries to maintain operations of  
28 current facilities during typical first and second shift hours, while  
29 promoting an environment free from noise that jeopardizes the aesthetic  
30 quality of life for the general public.

31 (b) *Applicability.* Regardless of zoning district, all existing uses in the mining  
32 and manufacturing division of the Standard Industrial Classification  
33 (SIC) and those seeking conditional use approval in the transportation,  
34 communications, electric, gas, sanitary services and Services divisions  
35 of section 21-113, the table of uses, shall be subject to the decibel  
36 based standards of this section.

37 (c) *Sound level measurement.* The sound level meter used in the  
38 enforcement of this section shall be comply with ANSI S1.4-1983  
39 requirements or the latest approved version thereof, with calibration and  
40 measurement procedures as specified in the "Technical Documentation  
41 Manual for the 2237 Controller, Integrating Sound Level Meter" using  
42 the A-weighting scale set on slow response for a preset period of eight  
43 (8) minutes.

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 maintenance buildings;

2 (2) Electronics cabinets for telephone switching and similar devices used  
3 by public service providers;

4 (3) Water towers or tanks;

5 (4) Water systems or sewage disposal systems as an exclusive  
6 accessory use for a development project; and

7 ~~(5) Solar energy systems located on the roof or exterior wall of any  
8 building and systems located within a NCDOT right-of-way are not  
9 intended to be regulated herein unless located within the portion of the  
10 approach surface contained by the horizontal surface of the AZO and  
11 exceed 6,000 sq.ft. solar collector area. Systems that meet these  
12 standards must provide an approved FAA form 7460-1 prior to  
13 receiving a zoning permit.~~

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

18 **1. Landfills with a disposal area of .50 acre or less on an  
19 individual parcel; or**

20 **2. Beneficial fill used to improve the property's land use potential  
21 where no excavation of soil is proposed or has occurred within  
22 the area receiving fill.**

23  
24  
25 (c) *Exceptions to front setback requirements for dwellings.* Setback  
26 requirements for dwellings may be modified when the setbacks of  
27 contiguous existing buildings are less than required. These decreased  
28 setbacks are determined by computing the average setback on adjacent  
29 lots one hundred (100) feet on either side of the lot of the proposed  
30 dwelling. The modified setback may be equivalent to the average setback or  
31 ten (10) feet from the rights-of-way line, whichever is greater.

32 (d) *Antennae for private or public safety use.* Antennae for private use or for  
33 use by "police protection" or "fire protection" are exempt from the  
34 requirements contained in Sections 21-56 (6)(d)(e) and (f). Private, non-  
35 commercial antennae exempted under this provision include: residential  
36 radio and television, private citizen's bands, amateur (HAM) radio and any  
37 others determined as similar by the Zoning Administrator on a case-by-case  
38 basis.

39  
40 (Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-4-13; Amend. of 12-2-13;  
41 Amend. of 9-6-16)

42 **Sec. 21-278. Skirting in existing manufactured home parks.**

43 All manufactured homes in manufactured home parks shall be skirted as

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)

1 to June 8, 1999.

2 b. The proposed park meets the requirements of section 21-56.

3 c. The manufactured home type is in compliance with subsection (1)  
4 above.

5 (3) *Placement of manufactured homes in family subdivisions.* Location of  
6 manufactured homes is allowed in family subdivisions as provided  
7 below:

8 a. The family subdivision is defined and approved as provided in the  
9 county subdivision ordinance.

10 b. The intent of the family subdivision is for occupancy and/or purchase  
11 of the lots by members of the immediate family and not for the sale,  
12 rental or occupancy of the lots by persons not members of the  
13 immediate family of the property owner.

14 c. The manufactured home type is in compliance with subsection a.  
15 above.

16 (4) *Temporary uses.* Location of manufactured homes is allowed for  
17 temporary uses as provided by this chapter.

18  
19 (Ord. of 6-7-99; Amend. of 4-21-14)

20 **Sec. 21-285. Accessory structures.**

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

24 (1) Accessory structure footprints including those used as RHOs including  
25 those used as RHOs shall not exceed ten (10) percent of the size of the  
26 lot on which it is located.

27 (2) Setbacks shall be based on building size as provided in the following  
28 table:

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

33  
34 (3) Accessory structures shall not be allowed in the required front setback.

35 (4) These regulations shall not apply to fences, mailboxes, landscaping  
36 features, gazebos and similar structures.

37 (Ord. of 3-18-02(4); Amend. of 3-5-12; Amend. of 09-03-19)

38 **Secs. 21-286--21-310. Reserved.**

As proposed, these setbacks would be applicable to Residential systems installed as an SR use