



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Bogle and Planning Board Members
FROM: Planning Staff
RE: Courtesy Hearing for ZTA 02-19 Solar Energy Systems and Miscellaneous Text
DATE: February 13, 2021

Background

The accompanying text includes all amendments discussed and approved by consensus of the Planning Board since work began on the ZTA 02-19 text in October 2020.

As typical, proposed zoning text amendments appear as ***bold italicized text*** and deletions appear as ~~strikethrough text~~. Staff commentary relative to the amendments is available for context in the side bar and only those pages with proposed amendments have been excerpted from the Zoning Ordinance. Refer to the hard copy Zoning Ordinance in your Planning Board manual for the full content or available at this link: https://library.municode.com/nc/rowan_county/codes/code_of_ordinances and selecting the Zoning Ordinance (Chapter 21).

The table below provides a brief summary of the proposed amendments by page number:

Page Number	Proposed Amendment
1	Table of Contents; Created Section 21-64 for Conditional District Standards
12	Created definition for 'Financial Surety' as referenced in the Decommissioning requirements on pages 80 and 101
27	Modified definition of Solar Energy System and established classifications / definitions of the four (4) type systems to be regulated
30	Created definition for 'System Area'
49/51/53/54	Allow for Non-Residential and Roof Mounted systems in all ED districts. Propose to remove allowance for systems 6,000 sq ft or less as these are now considered to be Residential systems
59	Removed reference for Ground mounted solar energy systems 6,000 sq ft or less
64-65	Proposed Special Requirements (SR) for Residential, Non-Residential and Roof Mounted systems
79	Clarified applicability of LCID standards
79-81	Proposed standards for Utility Scale systems as a Conditional Use. Only applicable in the IND district.
81-82	Propose to remove Junkyards as a Conditional Use in the RA district and transition to a Conditional District in RA

84	Propose that Zoos only be Conditional Use in CBI
100-101	Proposed Conditional District rezoning standards for Utility Scale systems. Applicable in the RA and CBI zoning districts.
101	Proposed Conditional District rezoning standards for Dumps, Landfills, etc. Applicable only in the RA zoning district
102	Proposed Conditional District standards applicable to Junkyards in the RA district
102	Proposed Conditional District standards applicable to Zoos in the RA district
108-110	Proposed updates to the Table of Uses based on use of Conditional District rezonings
122	Proposed updates screening standards applicable to Utility Scale systems
125	Clarified applicability of screening standards
133	Relocated LCID standards for sites less than ½ acre

Process

The Board should conduct its scheduled Courtesy Hearing for the ZTA 02-19 amendments and following the hearing, discuss the case and make a recommendation to approve or approve with modifications. Forwarding a recommendation to the Commission will require a Statement of Consistency; the accompanying template may assist in creating said statement.



CONSISTENCY WORKSHEET

ROWAN COUNTY PLANNING BOARD

CONSISTENCY QUESTION — *"Is the proposed amendment consistent with any adopted plan..." & "Why action is reasonable & in the public interest"*

REFERENCE SOURCES

YES NO Is the request consistent with applicable plans?
 Example: _____
 Example: _____

Item #1 of the Staff Report

YES NO N/A Is the request consistent with any other adopted plans?

If applicable, refer to Item #1 of Staff Report

YES NO Is the request consistent with the zoning districts purpose and intent?
 Example: _____
 Example: _____

Item #2 and #3 of the Staff Report

YES NO Is the request reasonable and in the public interest?
 Example: _____
 Example: _____

Staff Report, Land Use Plans, Ordinances, Public Comment

STATEMENT DEVELOPMENT — *"Prior to adopting or rejecting any rezoning request, one of the following statements shall be adopted:"*

- "Z _____ is consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the adoption of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- "Z _____ is not consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the denial of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- "Z _____ is appropriate and necessary to meet the development needs of Rowan County for the following reasons not previously envisioned by the _____ Land Use Plan(s)...". "Furthermore, the adoption of Z _____ is deemed an amendment to the _____ Land Use Plan(s) and is reasonable and in the public interest based on the following..." (use blanks below).

Chapter 21: ZONING ORDINANCE

- Article I. In General
- Sec. 21-1. Title.
- Sec. 21-2. Purpose.
- Sec. 21-3. Authority.
- Sec. 21-4. Definitions.
- Sec. 21-5. Jurisdiction.
- Sec. 21-6. Bona fide farms exempt.
- Sec. 21-7. Severability.
- Sec. 21-8. Abrogation.
- Sec. 21-9. Use or sale of land or buildings except in conformity with chapter provisions.
- Sec. 21-10. Relationship to other ordinances.
- Sec. 21-11. Zoning vested rights.
- Sec. 21-12. Fees.
- Sec. 21-13. Enforcement.
- Sec. 21-14. Violations and penalties.
- Sec. 21-15. Effective date.
- Sec. 21-16. Adoption.
- Secs. 21-17--21-30. Reserved.
- Article II. General and Overlay Districts
- Sec. 21-31. Zoning districts established.
- Sec. 21-32. General zoning districts defined; purpose and intent.
- Sec. 21-33. Overlay districts.
- Sec. 21-34. Economic development districts established for I-85.
- Secs. 21-35--21-50. Reserved.
- Article III. Site Plans, Special Requirements, Rural Home Occupations, Conditional Use Permits, Conditional Zoning Districts, and Special Requirements in the NB district.
- Sec. 21-51. Purpose.
- Sec. 21-52. Site plan required.
- Sec. 21-53. Permitted uses with special requirements.
- Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District.
- Sec. 21-55. General criteria for uses listed as SR in article III.
- Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.
- Sec. 21-57. Review and approval of conditional uses.
- Sec. 21-58. Review procedures.
- Sec. 21-59. Evaluation criteria.
- Sec. 21-60. Conditional use requirements for specific uses.
- Sec. 21-61. Conditional zoning districts.
- Sec. 21-62. Effect of approval for conditional zoning districts.
- Sec. 21-63. Application re-submittal for conditional use permits and conditional zoning districts.
- Sec. 21-64. ~~Reserved.~~ **Conditional District Standards for Specific Uses**
- Sec. 21-65. General criteria for uses listed as SR in the NB District in section 21-113.
- Secs. 21-66--21-80. Reserved.
- Article IV. Dimensional Criteria
- Sec. 21-81. Dimensional requirements; general.
- Sec. 21-82. Measurement of setback or building line.
- Sec. 21-83. Rear yard triangular lot.
- Sec. 21-84. Table of dimensional requirements.
- Secs. 21-85--21-110. Reserved.
- Article V. Permitted and Conditional Uses
- Sec. 21-111. Generally.
- Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.
- Sec. 21-113. Table of uses.
- Secs. 21-114--21-130. Reserved.
- Article VI. Nonconforming Situations
- Sec. 21-131. Purpose and intent.
- Sec. 21-132. General provisions.
- Sec. 21-133. Continuation of nonconforming use of land.
- Sec. 21-134. Conditions for continuance for a change in nonconforming situation.
- Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.

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

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

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

10 *Family child care home* means any child care program or child care
11 arrangement wherein any person provides child care on a regular basis at least
12 once per week for more than four (4) hours per day for five (5) or fewer
13 preschool-age children and / or three (3) or fewer school-age children under
14 thirteen (13) years of age, wherever operated, and whether or not operated for
15 profit as defined by G.S. 110-86. The provider's own preschool-age children
16 are included in the capacity totals but their school-age children are not. The
17 four-hour limit applies regardless of the time of day and regardless of whether
18 the same or different children attend. Cooperative arrangements among
19 parents to provide care for their own children as a convenience rather than for
20 employment are not included.

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

24 *Farm, bona fide* means the production and activities relating or incidental to
25 the production of crops, fruits, vegetables, ornamental and flowering plants,
26 dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.
27 106-581.1 subject to G.S. 153A-340 (b).

28 *Fence* means any artificially constructed barrier erected to enclose or screen
29 areas of land used as a boundary or means of protection or confinement.

31 ***Financial surety – means a form of financial guarantee issued to and
32 held by Rowan County, NC to ensure completion of a project or specified
33 aspect of such. This guarantee may be in the form of a performance bond
34 issued by a bonding company authorized to conduct business in North
35 Carolina; or a letter of credit issued by a financial institution licensed to
36 conduct business in North Carolina; or cash that may be held in escrow.***

Defined financial surety
as referenced in
Decommissioning Plan
requirement

37 *Firearm* means a weapon, including pistols, rifles, and shotguns, capable of
38 firing a projectile using an explosive charge as a propellant.

39 *Firing line* means a line parallel to a target from which firearms or arrows are
40 discharged.

41 *Frontage* means the side(s) of a lot abutting a legally accessible public or
42 private street rights-of-way.

43 G.S. refers to the North Carolina General Statutes.

44 *Garage.* See term "automobile repair facility."

45 *Go kart* means a miniature open wheeled four-wheeled racing vehicle having

1 energy excluding frames, supports, and mounting hardware.

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

4 ~~*Solar Energy System* means any solar collector device or structural design
5 feature of a building, except solar shingles, along with its ancillary equipment
6 whose primary purpose is to provide for the collection, inversion, storage, and
7 distribution of solar energy for space heating or cooling, water heating, or
8 generation of electricity~~ ***component(s) and subsystem(s) designed or
9 required to collect, store or convert solar energy into electric or thermal
10 energy for use or sale. This term includes, but is not limited to, solar
11 photovoltaic (PV) systems, solar thermal systems and solar hot water
12 systems, but*** This definition is not intended to include incidental systems that
13 generate a minimal level of electricity typically used to power signs, wells,
14 gates, fences, or similar ancillary uses. ***A solar energy system is classified
15 as one of the following types:***

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

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

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

23 ***Utility Scale – A solar energy system that is typically tied to the electric
24 grid to generate power for sale or off-site use and does
25 not qualify as a Residential, Non-Residential or Roof
26 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.

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

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

35 *Specified anatomical areas* means less than completely and opaquely
36 covered human genitals, pubic region, buttock, or female breast below a point

Propose to eliminate this portion of the current definition of solar energy system

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

Solar Moratorium DRAFT 1.4

1 *Subdivision, major* means a major subdivision and defined as a subdivision
2 where:

- 3 (1) New roads are proposed or rights-of-way are dedicated; or
- 4 (2) More than eight (8) lots are created after the subdivision is completed.

5 *Subdivision, minor* means a minor subdivision and defined as a subdivision
6 where:

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

10 *Subgrade* means that portion of the roadbed prepared as a foundation for the
11 pavement structure.

12
13 *Substantial modification* means the mounting of a proposed wireless facility
14 on a wireless support structure that substantially changes the physical
15 dimensions of the support structure. A mounting is presumed to be a
16 substantial modification if it meets any one or more of the criteria listed below.
17 The burden is on the local government to demonstrate that a mounting that
18 does not meet the listed criteria constitutes a substantial change to the physical
19 dimensions of the wireless support structure.

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

32 ***System Area means all the land within the fenced perimeter of a Non-
33 Residential or Utility Scale ground mounted solar energy system.***

34 *Temporary family health care structure* means a transportable residential
35 structure, providing an environment facilitating a caregiver's provision of care
36 for a mentally or physically impaired person, that (i) is primarily assembled at a
37 location other than its site of installation, (ii) is limited to one occupant who shall
38 be the mentally or physically impaired person, (iii) has no more than 300 gross
39 square feet, and (iv) complies with applicable provisions of the State Building
40 Code, G.S. 143-139.1(b), and G.S. 160A-383.5.

41 *Tower* means any structure whose primary function is to support an antenna.
42 As its use relates to supporting wireless facilities, the term 'tower' is
43 synonymous with the term 'wireless support structure'.

44 *Tract* means a lot or parcel of land or a contiguous combination of two (2) or
45 more parcels of land in one (1) ownership.

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

Manufacturing group:

- Printing and publishing (SIC 27).
- Drugs (SIC 283).
- Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284).
- Rubber and miscellaneous plastics products (SIC 30).
- Fabricated metal products (SIC 34), except:
 - Ammunition, except for small arms (SIC 3483).
 - Ordnance and accessories (SIC 3489).
- Industrial machinery and equipment (SIC 35).
- Electrical and electronic equipment (SIC 36), except:
 - Power distribution and specialty transformers (SIC 3612).
- Transportation equipment (SIC 37).
- Instruments and related products (SIC 38).
- Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Non-Residential 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.***

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

Construction group:

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

Manufacturing group:

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

Transportation, communication, and utilities group:

- Communications and telecommunication towers (SIC 48 pt).

Services group:

- Racing, including track operation (SIC 7948).

Propose to allow only Non-Residential and Roof Mounted Systems in 85-ED-1. Both systems must be associated with an on-site structure. Standards contained on page 65.

- 1 Industrial machinery and equipment (SIC 35).
- 2 Electrical and electronic equipment (SIC 36), except:
- 3 Power distribution and specialty transformers (SIC 3612).
- 4 Transportation equipment (SIC 37).
- 5 Instruments and related products (SIC 38).
- 6 Miscellaneous manufacturing industries (SIC 39).
- 7 *Transportation, communication, and utilities group:*
- 8 ***Non-Residential and Roof Mounted*** ~~Ground Mounted~~ Solar
- 9 Energy Systems ~~6,000 sq.ft. or less~~ (SIC 491 pt) ***subject to the***
- 10 ***size and locational restrictions of 21-56(6)c.***
- 11 *Service industries group:*
- 12 Engineering and management services (SIC 87).
- 13 b. The following are allowed with the issuance of a conditional use
- 14 permit:
- 15 *Construction group:*
- 16 General Building Contractors (SIC 15)
- 17 Special Trade Contractors (SIC 17)
- 18 *Manufacturing group:*
- 19 Lumber and wood products (SIC 24).
- 20 Furniture and fixtures (SIC 25).
- 21 Paper and allied products (SIC 26).
- 22 Plastic materials, synthetic resins, etc. (SIC 282).
- 23 Stone, clay, glass, and concrete products (SIC 32).
- 24 Primary metal industries (SIC 33).
- 25 *Transportation, communication, and utilities group:*
- 26 Local and interurban passenger transit (SIC 41).
- 27 Motor freight transportation and warehousing (SIC 42).
- 28 Transportation services (SIC 47).
- 29 Communications and telecommunication towers (SIC 48 pt).
- 30 *Wholesale trade group:*
- 31 Wholesale trade--durable goods (SIC 50).
- 32 Wholesale trade--nondurable goods (SIC 51).
- 33 *Services group:*
- 34 Racing, including track operation (SIC 7948).
- 35 c. Approval of a PUD with a minimum lot size of twenty (20) acres will

Propose to allow only Non-Residential and Roof Mounted Systems in 85-ED-2. Both systems must be associated with an on-site structure. . Standards contained on page 65

- 1 Primary metal industries (SIC 33).
- 2 Fabricated metal products (SIC 34), except:
 - 3 Ammunition, except for small arms (SIC 3483).
 - 4 Ordnance and accessories (SIC 3489).
- 5 Industrial machinery and equipment (SIC 35).
- 6 Electrical and electronic equipment (SIC 36), except:
 - 7 Power distribution and specialty transformers (SIC 3612).
- 8 Transportation equipment (SIC 37).
- 9 Instruments and related products (SIC 38).
- 10 Miscellaneous manufacturing industries (SIC 39).
- 11 *Transportation, communication, and utilities group:*
 - 12 Local and interurban passenger transit (SIC 41).
 - 13 Motor freight transportation and warehousing (SIC 42).
 - 14 Transportation services (SIC 47).
- 15 **Non-Residential and Roof Mounted** ~~Ground Mounted~~ Solar 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
- 18 *Service industries group:*
 - 19 Hotels, rooming houses, camps, and other lodging places (SIC 70).
 - 20
 - 21 Personal services (SIC 72).
 - 22 Business services (SIC 73).
 - 23 Automotive repair, services, and parking (SIC 75).
 - 24 Health services (SIC 80).
 - 25 Legal services (SIC 81).
 - 26 Educational services (SIC 82).
 - 27 Membership organizations (SIC 86).
 - 28 Engineering and management services (SIC 87).
- 29 b. Allowed accessory and ancillary uses on up to twenty (20) percent of
- 30 the total acreage:
 - 31 *Transportation, communication, and utilities group:*
 - 32 Local and interurban passenger transit (SIC 41).
 - 33 Transportation services (SIC 47).
 - 34 *Wholesale trade group:*
 - 35 Wholesale trade--durable goods (SIC 50).

Propose to allow only Non-Residential and Roof Mounted Systems in 85-ED-3. Both systems must be associated with an on-site structure. Standards contained on page 65

1 Wholesale trade--nondurable goods (SIC 51).

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 c. The following are allowed with the issuance of a conditional use
15 permit:

16 *Transportation, communication, and utilities group:*

17 Communications and telecommunication towers (SIC 48 pt).

18 (4) *85-ED-4 Retail Center.* Many areas near the interstate will draw interest
19 from retailers. It is often appropriate or desirable to have a portion of an
20 area zoned for larger retail development. This helps ensure availability
21 of most retail and service needs in a location nearby and accessible to
22 major employment and residential areas. Minimum development size is
23 twenty (20) acres and will require approval of a PUD.

24 a. Allowed primary and accessory uses are:

25 *Transportation, communication, and utilities group:*

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

29 *Retail trade group:*

30 Building materials, hardware, garden supply, and mobile (SIC
31 52).

32 General merchandise stores (SIC 53).

33 Food stores (SIC 54).

34 Automotive dealers and gasoline service stations (SIC 55).

35 Apparel and accessory stores (SIC 56).

36 Furniture, home furnishings and equipment stores (SIC 57).

37 Eating and drinking places (SIC 58).

Propose to allow only Non-Residential and Roof Mounted Systems in 85-ED-4. Both systems must be associated with an on-site structure. Standards contained on page 65

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

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

4 Uses listed as SR (Special Requirements) in section 21-113, except those in
5 the NB zoning district, which are subject to section 21-65, shall comply with the
6 pertinent regulations listed in the following subsections. Site plan approval by
7 the zoning administrator shall be required unless expressly provided otherwise
8 prior to issuance of a zoning permit and such approval shall be given if all
9 requirements herein are met. The plan shall become part of the building permit.

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

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

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

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

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

33 (2) *Specific criteria for uses listed as SR.* The SR standards required in
34 Section 21-54 & 55 do not apply to uses in the residential group from 21-
35 113; Common Sand Mining (SIC 1442); Dead storage of manufactured
36 homes (SIC 42); Co-location of wireless facilities, eligible facilities requests,
37 alternative tower structures, and public safety tower (SIC 48 pt); ~~and~~
38 ~~Ground mounted solar energy systems 6,000 sq ft or less (SIC 491 pt); and~~
39 ~~uses listed as SR in non-residential districts.~~

40 (Ord. of 1-19-98, § IV; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 10-
41 15-18; Amend. of 09-03-19)

42 **Sec. 21-54. Maximum building size and setback requirements for**
43 **RHOs.**

44 Building size and setbacks size for certain uses listed as "SR" in Section 21-
45 113 shall be as provided in this section.

This section applies to Rural Home Occupations and would not have been applicable to what is now termed a Residential system and deemed an accessory use; propose to eliminate.

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

5 2. *Reserved.*

6 b. *Winery.*

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

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

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

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

16 a. *Trucking (SIC 421).*

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

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

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

22 b. *Dead storage of manufactured homes.*

23 1. Compliance with applicable standards of Chapter 14.5, Nuisance
 24 Ordinance.

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

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

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

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

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

41 1. **Residential system.** ~~Size and Setbacks.~~ Solar collectors shall
 42 **be considered an accessory use and** conform to the lesser of

This is an excerpt of
 Section 56 Specific Criteria
 for SR Uses.

The Residential system
 must be associated with a
 residence and setbacks are
 based on panel size;
 contained in Section 21-
 285 on page 140.

1 6,000 sq.ft. or 10% of the lot size and maintain a ten (10) foot
 2 setback from all property lines **are subject to setback standards**
 3 **in Section 21-285.**

4 **2. Non-Residential system.**

5 **i. Setbacks. The system area setbacks shall be fifty feet (50')**
 6 **from adjoining property lines and road rights-of-way. As**
 7 **applicable, all solar energy equipment, excluding solar**
 8 **collectors, must be located a minimum of one hundred feet**
 9 **(100') from an existing residence, church or school.**

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

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

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

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

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

30 1. Applications for co-location of wireless facilities shall include two
 31 (2) copies of a site plan prepared by a registered professional
 32 engineer or a professional land surveyor as provided in Section
 33 21-52 including items in Section 21-56 (6)(e)5 and Section 21-
 34 60(3)a.1.i.,

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

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

44 ii. Not add an appurtenance to the body of a wireless support
 45 structure that protrudes horizontally from the edge of the wireless
 46 support structure the greater of (a) more than 20 feet or (b) more

The Residential system must be associated with a residence and setbacks are based on panel size; contained in Section 21-285 on page 140.

The Non-Residential systems are proposed to be allowed as an SR use in the RA/CBI/IND/INST districts.

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

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. 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 have a twenty-five feet (25') setback for panels and equipment 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.*

2. 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.

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

4. Screening, Buffering and Fencing. *To reduce visual impacts and provide separation between the system area and an existing residence, church or school on an adjoining property located within three hundred (300) feet of the system area perimeter, the applicant may propose use of option (i) or (ii) noted below:*

- i. Standards contained in Sections 21-215(2)(b)(1) and (2) applied to the segment(s) of the system area perimeter adjacent to the developed parcel, or**
- ii. Demonstrate by photo simulation that use of Alternative**

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 133.

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
- 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
- Screening and opaque fencing may be applicable along side of system area adjoining a residence, church or school

Buffer and Screening per Section 21-217 and, or Existing Vegetation per Section 21-218 will achieve or exceed the standards of item (i) herein.

iii. Security fencing six (6) feet in height shall be provided along the entire system area boundary, except along a segment where 21-215(2)(b(2) is required.

5. 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.

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

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

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

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

7. Required Plans.

i. Decommissioning Plan. The applicant shall provide a plan that includes a cost estimate prepared by an NC Professional Engineer having professional credentials, recognized expertise or specialization in construction and removal of similar facilities 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 three hundred sixty (360) day continuous period. Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the cost estimate amount. Renewable bonds are expected to provide updated estimates and reflect changes due to labor costs, demolition practices, etc. The system owner / operator may request an extension of the 360 day period to prevent execution of the

- If applicable, provided an option that alternative or existing screening or buffering will be sufficient
- Stipulated that security fencing is required around the system area where opaque fencing is not
- 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

Decommissioning plan requires financial surety at 1.25 times a PE estimate for removal of equipment and site reclamation

Option to request an extension of 12 month period

1 ***Decommissioning Plan. The request shall be considered***
 2 ***in the same manner as approval was granted.***

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

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

18 (5) *Wholesale trade group.*

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

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

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

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

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

30 ~~1. *Operation.* Operations, including but not limited to, storage of~~
 31 ~~dismantled motor vehicles or motor vehicle parts or keeping of junk~~
 32 ~~which are not fully contained within a building enclosed on all sides~~
 33 ~~shall be subject to the standards of this subsection and section 21-~~
 34 ~~246.~~

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

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

44 ~~4. *Side and rear yard buffering and screening.* The facility shall be~~

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

Similar to the Maintenance 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 102.

1 completely surrounded by type B buffer and screening, as provided
2 in article IX.

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

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

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

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

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

11 a. *Separation.* No drinking place shall be located within one thousand
12 (1,000) feet of a church, public or private school, licensed day care,
13 public park, or another drinking place. This distance shall be measured
14 between the nearest point of operational areas for both the above uses
15 and the proposed drinking place. This separation standard does not
16 apply to non-conforming drinking places seeking approval under this
17 subsection to expand within the existing operational area but does apply
18 to drinking places deemed abandoned or discontinued per Sec. 21-137.

19 (7) *Services group.*

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

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

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

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

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

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

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

Continuation of Junkyard
standrds to be removed
and replaced in Section 21-
64(c) on page 102.

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 from directly shining on adjacent residential property.

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

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

12 **Sec. 21-61. Conditional districts.**

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

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 108-110 Table of Uses.

<i>General Zoning Districts</i>	<i>Conditional Districts</i>
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)

25 (b) *Applications*. Applications for conditional districts shall be on forms
26 provided by the county planning and development department. Only
27 property owners or their authorized agents shall apply for rezoning to an
28 appropriate conditional district (amended 6-19-00). In addition to the
29 general information required in section 21-52 and other applicable sections

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.

Acknowledged that CD
 uses in the Table of Uses
 may be considered as a
 conditional district

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

Solar Moratorium DRAFT 1.4

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

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

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

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

13
14 **(a) Utility Scale Solar Energy Systems (SIC 491 pt.)**

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

17 **i. System Area.**

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

20 **b. Adjoining tracts of the same solar energy system may
21 have a twenty-five feet (25') setback for panels and
22 equipment along internal common tract lines, but where
23 tract lines adjoin other properties or road rights-of-way
24 the system area setback shall be 100'.**

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

30
31 **2. AZO. Location within the conical or horizontal surfaces of the
32 Mid-Carolina Regional Airport is not permitted.**

33 **3. Screening, Buffering and Fencing. To reduce visual impacts
34 and provide separation between the system area and an
35 existing residence, church or school on an adjoining property
36 located within three hundred (300) feet of the system area
37 perimeter, the applicant may propose use of option (i) or (ii)
38 noted below. Nonetheless, the standards of this subsection
39 may be increased or supplemented as provided in Section 21-
40 61(e).**

41 **i. Standards contained in Sections 21-215(2)(b)(1) and (2)
42 applied to the segment(s) of the system area perimeter
43 adjacent to the developed parcel, or**

44 **ii. Demonstrate by photo simulation that use of Alternative
45 Buffer and Screening per Section 21-217 and, or Existing
46 Vegetation per Section 21-218 will achieve or exceed the
47 standards of item (i) herein.**

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

Screening may be applicable along side of system area adjoining a residence, church or school

If applicable, provided an option that alternative or existing screening or buffering will be sufficient

1 **iii. Security fencing six (6) feet in height shall be provided**
 2 **along the entire system area boundary, except along a**
 3 **segment where 21-215(2)(b)(2) is required.**

4
 5 **4. Access Roads. Internal roads shall be constructed of**
 6 **aggregate base course (ABC) stone a minimum of six inches**
 7 **(6”) thick. Gated entrance(s) shall be installed to prevent**
 8 **unauthorized access. When applicable, connection to an**
 9 **NCDOT maintained roadway shall be issued by an approved**
 10 **commercial driveway permit from NCDOT and the apron and**
 11 **roadway to the system area shall be paved.**

12 **5. Decommissioning Plan. The applicant shall provide a plan that**
 13 **includes a cost estimate prepared by an NC Professional**
 14 **Engineer having professional credentials, recognized expertise**
 15 **or specialization in construction and removal of similar**
 16 **facilities detailing how the solar energy system will be removed**
 17 **and system area will be reasonably restored to its original**
 18 **condition in the event it does not produce energy for a three**
 19 **hundred sixty (360) day continuous basis. Prior to permitting,**
 20 **the applicant shall provide Rowan County financial surety at**
 21 **1.25 times the cost estimate amount. Renewable bonds are**
 22 **expected to provide updated estimates and reflect changes due**
 23 **to labor costs, demolition practices, etc. The system owner /**
 24 **operator may request an extension of the 360 day period to**
 25 **prevent execution of the Decommissioning Plan. The request**
 26 **shall be considered in the same manner as approval was**
 27 **granted.**

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

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

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

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

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

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

Stipulated that security fencing is required around the system area where opaque fencing is not

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

Decommissioning plan requires financial surety at 1.25 times a PE estimate for removal of equipment and site reclamation

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 copied in its entirety w/ no changes from Sec.21-60(4)a.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 1.4

	computer equipment									
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								

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
- 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

Transportation, communications, electric, gas and sanitary services										
40	Railroad transportation									
41	Local & suburban transit, interurban highway passenger transportation	SR								
42	Motor freight transportation and warehousing, <i>all except</i>	SR								
421	Trucking	SR								
4221	Farm product warehousing and storage	SR or C	S							
	Dead storage of manufactured homes	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								
44	Water transportation, <i>all except</i>									
4493 (pt)	Marinas									
45	Transportation by air									
46	Pipelines, except natural gas	C								
47	Transportation services, <i>all except</i>									
472	Arrangement of passenger transportation	SR								
48	Communications, <i>all except</i>									
	Transmission tower & Wireless support structures	C								
	Co-location of wireless facilities	SR								
	Eligible facilities request	SR								
	Alternative tower structures	SR								
	Public safety tower	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
491 (pt)	Residential Ground Mounted Solar Energy Systems 6,000 sq.ft. or less	SR	SR	SR	SR	SR	SR	SR	SR	SR
491 (pt)	Non-Residential Ground Mounted Solar Energy Systems over 6,000 sq.ft.	SR	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 P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use CD – Conditional District Use		Zoning Districts									
		Residential					Nonresidential				
		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
	Landfills, sanitary: operation of	CD-C									C
	Refuse systems	CD									C
	Rubbish collection and disposal	CD-C									C
	Sludge disposal sites	CD-C									C
4959	Sanitary services, NEC	C					P				P

Solar Moratorium DRAFT 1.4

496	Steam and air conditioning supply							P			P
Wholesale trade											
50	Wholesale trade, durable goods, <i>all except</i>	SR	SR					P	SR		P
5015	Motor vehicle parts, used (outdoor)	CD C									C
5015	Motor vehicle parts, used (indoor)							SR			SR
5032	Brick, stone & construction materials							P	SR		P
505	Metal & minerals, except petroleum							P			P
5083	Farm & garden machinery & equipment	SR	SR								
5093	Scrap and waste materials										
51	Wholesale trade, nondurable goods, <i>all except</i>	SR	SR								
5153	Grain and field beans	SR or C	SR								
5154	Livestock (wholesale)										
5159	Farm product raw materials, NEC	SR or C	SR								
516	Chemical and allied products										C
517	Petroleum and petroleum products										C
5191	Farm supplies	SR or C	SR or C					P	SR		P
SIC 516 and 517 were removed as conditional uses in the CBI district as a result of Z-10-04 text amendments.											
Retail trade											
52	Building material, hardware, garden supplies and mobile home dealers	SR	SR					P	SR		P
53	General merchandise stores	SR	SR					P	SR		P
54	Food stores	SR	SR					P	SR		P
55	Auto dealers, gas service stations	SR	SR					P	SR		P
56	Apparel and accessory stores	SR	SR					P	SR		P
57	Home furniture, furnishings and equipment stores	SR	SR					P	SR		P
58	Eating and drinking places, all except	SR	SR					P	SR		P
5813	Drinking places (alcoholic beverages)							C			P
59	Miscellaneous retail	SR	SR					P	SR		P
Finance, insurance and real estate											
60	Depository institutions	SR	SR					P	SR		P
61	Non-depository institutions	SR	SR					P	SR		P
62	Security and commodity brokers	SR	SR					P	SR		P
63	Insurance carriers	SR	SR					P	SR		P
64	Insurance agents, brokers & service	SR	SR					P	SR		P
65	Real estate	SR	SR					P	SR		P
67	Holding and other investment offices	SR	SR					P	SR		P
Services											
70	Hotels, rooming houses, camps and other lodging places, <i>all except</i>	SR	SR					P	SR		
7011	Cabins	C						C	C		
7032	Sporting and recreational camps	C	C					P	SR	P	P
7033	Campgrounds and RV parks	C						C	C		
72	Personal services, <i>all except</i>	SR	SR					P	SR		P
7261 (pt)	Crematories							P			P
73	Business services	SR	SR					P	SR		P
75	Auto repair, services and parking	SR	SR					P	SR		P
76	Misc repair services	SR	SR					P	SR		P
78	Motion pictures	SR	SR					P	SR		P
P- Permitted by Right		Zoning Districts									
P(A) - Permitted as Accessory Use											
SR - Permitted with Special Requirements		Residential					Nonresidential				
C- Conditional Use <i>CD - Conditional District</i>		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND	
Services cont.											
79	Amusement, recreational services, <i>all except</i>	SR	SR					P	SR		P
7941	Sports clubs and promoters							C			C
7948(pt)	Racetrack operations, including speedways, go-kart tracks and dragstrips							C			C
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

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

Updated table legend throughout to include Conditional Districts

Solar Moratorium DRAFT 1.4

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	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
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 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

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

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

6 (Ord. of 1-19-98, § X)

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

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

10 (1) *Type A.*

11 a. Buffer: Twenty (20) feet.

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

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

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

21 3. A berm and planting combination, with the berm an average
22 height of three (3) feet and dense plantings which will, when
23 combined with the berm, achieve a minimum height of six (6)
24 feet and seventy-five (75) percent opacity within two (2) years.

25 4. Lawn, low-growing evergreen shrubs, evergreen ground cover,
26 or rock mulch covering the balance of the buffer.

27 (2) *Type B.*

28 a. Buffer: Eighty (80) feet.

29 b. Screening shall consist of:

30 1. A row of trees ***composed of a mixture of deciduous and***
31 ***evergreen species;***; forty (40) percent of which ~~are~~ ***shall be***
32 ***large maturing trees. All species used shall be between four***
33 ***(4) and six (6) feet tall*** ~~and which are not less than ten (10) feet~~
34 ~~high at the time of planting and are spaced not more than six (6)~~
35 ~~feet apart; and in combination with 2 and 3 of this~~
36 ***subsection, creates a visual separation. The design shall be***
37 ***submitted for review and installed by a certified member of***
38 ***the NC Landscape Contractors Licensing Board.***

39 2. An opaque fence located within the required buffer; such fence
40 shall be a minimum height of six (6) feet; and

41 3. Lawn, low-growing evergreen shrubs or broadleaf evergreens,
42 evergreen ground cover, or rock mulch covering the balance of

No screening standard is applicable to Residential solar energy systems. Non-Residential solar energy systems require Type A screening when the panels are within 200' of structure on an adjoining tract.

Modification of Type B screening standards applicable to Utility Scale solar energy systems. These requirements apply when a residence, church or school on adjoining tract are w/in 300' of the system area.

1 the buffer.

2 (Ord. of 1-19-98, § X)

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

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

6 Screening and Buffering

	Group 1	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

8
9 (b) *Group 1 (Least intensive):*

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

14 (c) *Group 2:*

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

20 (d) *Group 3:*

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

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

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

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

- 1 (9) Hydraulic cement (324).
- 2 (10) Structural clay products (325).
- 3 (11) Concrete, gypsum and plaster products (327).
- 4 (12) Abrasives, asbestos, non-metallic mineral products (329).
- 5 (13) Primary metal industries (33).
- 6 (14) Ammunition, except for small arms (3483).
- 7 (15) Ordnance and accessories (3489).
- 8 (16) Permitted refuse systems (4953).
- 9 (17) Motor vehicle parts, used; brick, stone, and related construction
- 10 materials, metal and minerals, except petroleum, scrap and waste
- 11 materials, livestock (wholesale); chemical and allied products, petroleum
- 12 and petroleum products.

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

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

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

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

24
25 (Ord. of 1-19-98, § X)

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

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

30
31 (Ord. of 1-19-98, § X)

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

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

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

Utility Scale solar energy systems are proposed to be a Type 4 group; refer to the matrix on page 123

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

- 1 (3) Regular unfinished block may not be used for required skirting.
 2 However, split-face block may be used.
 3 (Ord. of 1-19-98, § XII; Ord. of 4-20-98; Amend. of 4-21-14)

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

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

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

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

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

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

- 35 **1. Landfills with a disposal area of .50 acre or less on an**
 36 **individual parcel; or**
 37 **2. Beneficial fill used to improve the property's land use potential**
 38 **where no excavation of soil is proposed or has occurred within**
 39 **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)

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

4 (2) Setbacks shall be based on building size as provided in the following
5 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

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

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

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

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

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

16 **ARTICLE XII. ADMINISTRATION AND HEARING REQUIREMENTS**

17 **Sec. 21-311. Board of commissioners.**

18 The board of commissioners shall have the following powers and duties to
19 be carried out with this chapter which include, but are not limited to, the
20 following:

21 (1) Conducting hearings on certain conditional use permits as provided by
22 this chapter;

23 (2) Authorizing and approving land use plans which guide the
24 implementation and modification of this chapter;

25 (3) Initiating and making amendments to the text of these regulations and to
26 zoning maps;

27 (4) Hearing, reviewing and adopting or rejecting amendments to the text of
28 these regulations and to zoning maps;

29 (5) Appointing planning board and zoning board of adjustment members;

30 (6) Establish rules and procedures for the enforcement and administration
31 of this chapter;

32 (7) Taking such other action not delegated to the planning board or zoning
33 board of adjustment as the board of commissioners may deem desirable
34 and necessary to implement the provisions of these regulations.

35 (Ord. of 1-19-98, § XIII)

36 **Sec. 21-312. Planning board.**

37 The planning board is an appointed, advisory body making
38 recommendations to the board of commissioners as generally authorized by