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MEMORANDUM

TO: Rowan County Planning Board
 FROM: Shane Stewart, Assistant Planning Director
 DATE: May 14, 2021
 RE: **Text Amendment 01-21**

SUGGESTED PLANNING BOARD ACTION

Receive staff report Conduct courtesy hearing Close hearing & discuss Motion to adopt statement of consistency Motion to Approve / Deny / Table **Text Amendment 01-21**

BACKGROUND

Beginning in 1905, the State of North Carolina adopted enabling statutes related to land development regulation first with building standards followed by zoning in 1919 (for cities & 1959 for counties), housing codes in 1939, subdivision in 1955 (for cities & 1959 for counties), historic preservation in 1971, and floodplain in 1979. These statutes provided the foundation and limits for local governments to regulate various aspects of land development. Statutory framework for local governments were placed in Chapter “153A” for counties in 1905 and in “160A” for cities in 1917. While several significant changes to statute language regarding development regulations occurred in the 60s, 70s, and 2005, the General Assembly adopted a complete overhaul and modernization of the planning and zoning statutes in 2019 consolidated within a new chapter common to both county and municipal governments, “160D”.

After six (6) years of stakeholder and committee reviews, the General Assembly adopted SB 355 on July 11, 2019 and later SB 720 on June 19, 2020, which vary in effective date but are generally effective on July 1, 2021.

PROPOSED CHANGES

New statute language effect changes to all “development regulations” in many areas, some of which are very minor or clarifying only. Most all proposed ordinance changes herein are a direct result of 160D but include a few other changes proposed by

staff. The following includes a list of ordinances affected with a general list of topics driven by 160D, a general list of staff proposed changes, and other areas as noted:

Chapter 21: Zoning

- Comprehensive Plan – Requires adoption and “reasonable” maintenance of comprehensive or land use plan to apply zoning regulations.
- Conditional Use Permits – Renamed to Special Use Permits.
- Minor Change – Mandates the allowable deviations from Special Use Permits and Conditional Zoning Districts afforded to staff.
- Conflict of Interest – Extends conflict of interest standards to staff.
- Consistency Statements – Provides clarification on statement of reasonableness and consistency development.
- Oath of Office – Appointed board members must take oath of office before performing board duties.
- Decisions – Clarifies the process regarding board and staff decisions, appeals, revocations, and procedural methods.
- Vested rights and permit choice – Greatly expanded ordinance and statute language regarding various aspects of inherent and solicited project vesting.
- Zoning Board of Adjustment – Renamed to generic and more commonly referenced Board of Adjustment (staff suggestion).
- Athletic Fields – Separated specific type of athletic fields from other recreational uses as a CD in RA and Special Use in CBI (staff suggestion).
- Animal shelter and outdoor run areas – Added screening standards for business uses with outdoor animal run areas (staff suggestion).
- Miscellaneous changes to parking standards and use groups for screening standards (staff suggestion).

Chapter 22: Subdivision

- Minor, special exception – A specific type of land division with allowed limited regulatory authority adopted by the General Assembly in 2017. Shortly thereafter, staff sought an interpretation from the School of Government as to its intent and meaning but did not receive clarification. Nonetheless, the new provision is included herein based on staff’s understanding of the statute mandate.

Chapter 9: Flood Damage Prevention

- Automatic map adoption – 160D changes includes a reference providing the authority for an ordinance to allow the automatic adoption of a technical map such as watershed or flood insurance rate map issued by the state or federal government.
- 2020 State Model Flood Ordinance – The North Carolina Department of Public Safety, Floodplain Mapping Program staff periodically updates the state’s model flood damage prevention ordinance to address needed clarification in the proper administration of the program (staff suggestion).

Chapter 9.5: Historic Landmarks

- Miscellaneous – As evidenced by the document, the ordinance was lacking in definitions and procedural matters.
- Certificate of Appropriateness – Current language was limited on the process and did not include a minor COA process (staff suggestion).

Chapter 17: Planning & Development

- Authority – Minor updates to powers and duties.

Chapter 14.5: Nuisances

- General Changes.

Chapter 18: Soil Erosion and Sedimentation

- ****Ordinance not included herein**.**

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

PROCEDURES

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

STAFF COMMENTS

As noted above, nearly all of the proposed changes are mandated by 160D language.

**ROWAN COUNTY PLANNING BOARD
CONSISTENCY WORKSHEET**

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: _____

Staff Report & Land Use Plans

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

If applicable, refer to Staff Report

YES NO **Is the request consistent with the zoning districts purpose and intent?**

 Example: _____

 Example: _____

Sec. 21-32 of ZO

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 text amendment, one of the following statements shall be adopted:"*

- 1 "ZTA ____ is **consistent** with the _____ Land Use Plan(s) based on the following...". "Furthermore, the adoption of ZTA 01-17 is reasonable and in the public interest based on the following..." (use blanks below).
- 2 "ZTA ____ is **not consistent** with the _____ Land Use Plan(s) based on the following...". "Furthermore, the denial of ZTA 01-17 is reasonable and in the public interest based on the following..." (use blanks below).
- 3 "ZTA ____ 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 ZTA ____ 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).

- _____
- _____
- _____
- _____