ROWAN COUNTY COMMISSION AGENDA
April 19, 2021 - 6:00 PM

Join from a PC, Mac, iPad, iPhone or Android device:
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Call to Order

Invocation

Provided By: Chaplain Michael Taylor

Pledge of Allegiance

Consider Additions to the Agenda

Consider Deletions From the Agenda

Consider Approval of the Agenda

Board members are asked to voluntarily inform the Board if any matter on the agenda might present a conflict of interest or might require the member to be excused from voting.

- Consider Approval of the Minutes: April 5, 2021 and April 7, 2021

1 Consider Approval of Consent Agenda

A. Health Department - Environmental Health Report
B. Ratify Z 01-21: K Town Homes
C. FAA Sponsor Land Ownership Verification
D. Inmate Healthcare Services - Award Contract
E. Auditing Services - Award Contract
F. Acceptance of Tier II Grant

G. Professional Development Revision

2 Public Comment Period

3 Public Hearing: Z 02-21 Northpoint Development
4 Conduct Quasi-judicial Hearing for Amending CUP 08-16; Cherry Treesort
5 Public Hearing: FY 21-22 HOME Funding Action Plan
6 Update from Charter on RDOF Award Impact in Rowan County
7 Community Access Point for VA's Vet Center Program
8 Discussion Regarding Date for Budget Work Session
9 Budget Amendment
10 Financial Reports
11 Litter Report

12 Closed Session

- To Consider Approval of Closed Session Minutes
- To Discuss a Potential Economic Development Matter

13 Adjournment

Individuals with disabilities who need modifications to access the services or public meetings of Rowan County Government may contact the Clerk to the Board of Commissioners three days prior to the meeting by calling (704) 216-8181 or by utilizing the North Carolina relay number at 1-800-735-2962 (English) or 1-888-825-6570 (Spanish). For additional communication options, please consult: https://relaync.com.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Carolyn Barger, Clerk to the Board
DATE:	April 12, 2021
SUBJECT:	Consider Approval of the Minutes: April 5, 2021 and April 7, 2021

ATTACHMENTS:

Description	Upload Date	Type
April 5, 2021 Minutes	4/13/2021	Cover Memo
April 7, 2021 Minutes - Special Meeting	4/13/2021	Cover Memo

Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce

Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners
130 West Innes Street · Salisbury, NC 28144
Telephone 704-216-8181 · Fax 704-216-8195

MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS April 5, 2021 – 3:00 PM J. NEWTON COHEN, SR. ROOM J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
Judy Klusman, Member

Participating Remotely: Craig Pierce, Member (joined meeting at 3:20 p.m.)

County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees, Assistant County Manager/CIO Randy Cress and Finance Director James Howden were also present and/or participating remotely.

Chairman Edds convened the meeting at 3:00 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda passed unanimously (4-0).

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to approve the minutes of the March 15, 2021 Commission Meeting passed unanimously (4-0).

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1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Klusman moved approval of the Consent Agenda. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

The Consent Agenda consisted of the following:

A. Environmental Health - Bi-weekly Report
B. Purchase Requisition for Renewal of Microsoft Licenses
C. Church of God Children's Home Contract - Foster Care Services
D. Acceptance of Bid for Water Tank Installation on CAT 730 Articulated Truck
E. Schedule Public Hearing for April 19, 2021: Z 02-21 Northpoint Development
F. Request to Ratify Incentives for EDC 'Project Popcorn'
G. MOU With United States Department of Agriculture, NC Department of Agriculture and Consumer Services, Rowan Soil and Water Conservation District and Rowan County
H. Schedule Quasi-Judicial Hearing for CUP 08-16 (Amendment #2): Cherry Treesort, for April 19, 2021
I. Schedule Public Hearing for April 19, 2021: HOME Program Funding Increase
J. Request for Qualifications for Airport Consultant

2. REPORTS

PROCLAMATION FOR CHILD ABUSE PREVENTION MONTH AND PRESENTATION BY COMMUNITY CHILD PROTECTION TEAM

Commissioner Klusman moved approval of the Proclamation for Child Abuse Prevention month, which she read as follows:

WHEREAS, child maltreatment is a community problem and finding a solution depends upon involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope; and

WHEREAS, approximately 102,718 children were reported abused and/or neglected by their parents or caretakers in North Carolina in Fiscal Year 2019; and

WHEREAS, 52 children were victims of homicide due to abuse or neglect by their parent or caretaker in North Carolina during the year 2018; and

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

THEREFORE, the Rowan County Commissioners, does hereby proclaim April 2021 as Child Abuse Prevention Month in Rowan County and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

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Commissioner Greene seconded the Proclamation's approval and the vote passed unanimously (5-0).

Following the reading of the Proclamation, several speakers addressed the Board to stress the importance of partnerships and agencies working together to ensure the safety and welfare of all children. The speakers were Micah Ennis, Director for the Department of Social Services; Alyssa Harris, Interim Director for the Health Department and Erin Moody, Prevention and Education Coordinator for Prevent Child Abuse Rowan.

The Board joined the speakers in front of the dais to present the Proclamation and have photographs taken.

3. SPECIAL RECOGNITION

A. PROCLAMATION FOR PUBLIC SAFETY TELECOMMUNICATORS WEEK

Commissioner Caskey moved approval of the Proclamation for Public Safety Telecommunicators Week, which he read as follows:

WHEREAS, the services and functions performed by the Rowan County Public Safety Telecommunicators are critical to the safety and welfare of the citizens of Rowan County and the municipalities; and

WHEREAS, the Public Safety Telecommunicators provide 24-hour service seven days per week as the vital link in the chain of emergency services providers; and

WHEREAS, these dedicated professionals are the initial point of contact for citizens in crisis situations who need emergency services assistance. In answering the public's daily cries for help, they are often instrumental in saving lives and reducing property damage when tragedy strikes.

NOW THEREFORE the Rowan County Board of Commissioners does hereby proclaim April 11-17, 2021 as "Public Safety Telecommunicators Week" in Rowan County and urges all citizens to acknowledge the contributions of these loyal public servants.

The motion to approve the Proclamation was followed by a second from Commissioner Greene and carried unanimously (5-0).

The Board joined the Allen Cress, Chief of Emergency Services, and Lonnie Owens, Telecommunications Deputy Chief, in front of the dais for presentation of the Proclamation and to have photographs taken.

B. DR. TONY WATLINGTON, SUPERINTENDENT, ROWAN-SALISBURY SCHOOL SYSTEM

Chairman Edds welcomed Dr. Tony Watlington, Superintendent of the Rowan-Salisbury School System (RSSS).

Dr. Watlington said he was honored to be the new Superintendent for RSSS. Dr. Watlington provided his background/work history, which included 26 years with Guilford County Schools. Dr. Watlington said he would be making a presentation to the Board of Education the following week, which would reflect on his first 100 days with RSSS.

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In closing, Dr. Watlington said he looked forward to meeting with each Commissioner.

4. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Karin Glenski of Unity Church Road provided photographs and videos of what she described as an illegal dump in a residential area. Ms. Glenski appealed to the Board for assistance on the matter.

With no one else coming forward, Chairman Edds closed the Public Comment Period.

5. CONSIDER ADOPTION: ZTA 02-19 SOLAR ENERGY SYSTEMS AND MISCELLANEOUS TEXT AMENDMENTS WITH LAND USE PLAN RECOMMENDATIONS

Planning Director Ed Muire presented the final version of ZTA 02-19 Solar Energy Systems and Miscellaneous Text Amendments with Land Use Plan (LUP) recommendations.

At the conclusion of Mr. Muire's presentation, the Board discussed the approval process and the statutory requirements that were in place due to the COVID-19 Pandemic. Mr. Muire noted the Board could schedule a Special Meeting in order to ratify any action taken during the current meeting.

Chairman Edds moved approval of the Statement of Consistency as follows: ZTA 02-19 is appropriate and necessary to meet the development needs of Rowan County for the following reasons not previously envisioned by the East and West Land Use Plans. Furthermore, the adoption of ZTA 02-19 is an amendment to the East and West Land Use Plans and is reasonable and in the public interest based on the following:

- This allows the conditional district rezoning with the addition of supplementary materials;
- Allows for solar energy growth while better categorizing system sizes and uses and encourages solar energy growth in the most appropriate land use areas;
- It provides reasonable standards for screening, setbacks and buffering to minimize negative impacts on adjacent properties and requires financial responsibility for operations and decommissioning of the installed utility scale system; and,
- Requires conditional district zoning within the CBI and RA zones and provides a list of recommendations of preferred and discouraged locations and sizes that will be used to review the utility scale systems located within the CBI and RA districts.

The motion was seconded by Commissioner Greene and passed unanimously.

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Chairman Edds moved to approve the Solar Energy Systems and Miscellaneous Text Amendments With Land Use Plan Recommendations for ZTA 02-19. The motion was seconded by Commissioner Greene and passed unanimously.

(***Note**: During the next agenda item, a Special Meeting was scheduled for April 7, 2021 at 4:00 p.m. to ratify the above actions by the Board*).

The final version of the text was approved as follows:

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.

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Sec. 21-83. Rear yard triangular lot.
Sec. 21-84. Table of dimensional requirements.
Secs. 21-85--21-110. Reserved.
Article V. Permitted and Conditional Uses
Sec. 21-111. Generally.
Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.
Sec. 21-113. Table of uses.
Secs. 21-114--21-130. Reserved.
Article VI. Nonconforming Situations
Sec. 21-131. Purpose and intent.
Sec. 21-132. General provisions.
Sec. 21-133. Continuation of nonconforming use of land.
Sec. 21-134. Conditions for continuance for a change in nonconforming situation.
Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.
Sec. 21-136. Repairing damaged nonconforming structures.
Sec. 21-137. Abandonment and discontinuance.
Sec. 21-138. Miscellaneous nonconforming situations.
Sec. 21-139. Nonconforming signs.
Sec. 13-140. Projections into required setbacks.
Secs. 21-141--21-160. Reserved.
Article VII. Parking
Sec. 21-161. Purpose.
Sec. 21-162. General design requirements.
Sec. 21-163. Parking areas.
Sec. 21-164. Parking space requirements.
Sec. 21-165. Flexibility of administration.
Sec. 21-166. Table of parking requirements.
Secs. 21-167--21-180. Reserved.
Article VIII. Signs
Sec. 21-181. Applicability.
Sec. 21-182. Lighting of signs.
Sec. 21-183. Off-premises signs.
Sec. 21-184. Prohibited signs.
Secs. 21-185--21-210. Reserved.
Article IX. Screening and Buffering
Sec. 21-211. Purpose.
Sec. 21-212. Applicability.
Sec. 21-213. Buffer requirements.
Sec. 21-214. Letter of compliance.
Sec. 21-215. Required screening type.
Sec. 21-216. Screening and buffering.
Sec. 21-217. Alternative buffers and screening.
Sec. 21-218. Existing vegetation.
Sec. 21-219. Applicability of screening and buffering requirements.
Secs. 21-220--21-240. Reserved.
Article X. Nuisances
Sec. 21-241. Noise.
Sec. 21-242. Fumes and odors.
Sec. 21-243. Vibration.
Sec. 21-244. Junked motor vehicles.
Sec. 21-245. Standards for junked motor vehicles stored at nonconforming automobile repair facilities.
Sec. 21-246. Standards for automobile salvage yards.
Sec. 21-247. Nonconforming salvage yards existing on February 16, 1998.
Sec. 21-248. Removal of junked or abandoned vehicles.
Sec. 21-249. Order to remove, disposal by county.
Secs. 21-250--21-270. Reserved.
Article XI. General Development Standards, Exceptions and Modifications
Sec. 21-271. Generally.
Sec. 21-272. Issuance of building permits.
Sec. 21-273. Type and number of uses permitted in all zones.

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Sec. 21-274. Visibility at intersections.
Sec. 21-275. Antennae.
Sec. 21-276. Skirting of manufactured homes.
Sec. 21-277. Exceptions and modifications.
Sec. 21-278. Skirting in existing manufactured home parks.
Sec. 21-279. Exceptions for certain turkey shoots.
Sec. 21-280. Construction trailers.
Sec. 21-281. Temporary uses.
Sec. 21-282. Reserved.
Sec. 21-283. Maintenance of manufactured home parks.
Sec. 21-284. Location of manufactured homes not provided in the table of uses.
Sec. 21-285. Accessory structures.
Secs. 21-286--21-310. Reserved.
Article XII. Administration and Hearing Requirements
Sec. 21-311. Board of commissioners.
Sec. 21-312. Planning board.
Sec. 21-313. Zoning board of adjustment (ZBA).
Sec. 21-314. Planning department.
Sec. 21-315. Hearing procedures for zoning map and text amendments, conditional use permits and variances and interpretations.
Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning.
Sec. 21-317. High Density development permit application.
Secs. 21-318--21-330. Reserved
Article XIII. Appeals, Variances and Interpretations
Sec. 21-331. Appeals.
Sec. 21-332. Variances.
Sec. 21-333. Recordation of variances and conditions.
Sec. 21-334. Interpretations.
Sec. 21-335. Variance from watershed overlay.
Sec. 21-336. Judicial review of ZBA decisions.
Secs. 21-337--21-360. Reserved.
Article XIV. Text and Map Amendments
Sec. 21-361. Text amendments.
Sec. 21-362. Map amendments (rezoning).
Sec. 21-363. Hierarchy of districts.

ARTICLE I. IN GENERAL

Sec. 21-1. Title.

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

(Ord. of 1-19-98, § I)

Sec. 21-2. Purpose.

The purpose of this chapter is to establish planning and zoning requirements and procedures for zoning in the unincorporated areas of the county outside the zoning jurisdiction of municipalities. This chapter is adopted to promote the health, safety and general welfare of the public. In accomplishing this, guidelines for the development and land use are presented. These guidelines will provide for economic, social, and aesthetic advantages resulting from the orderly planned use of land resources. This chapter recognizes that much of the county has developed with smaller businesses and industries located in rural areas along with residential uses and that such businesses, developed appropriately, are not detrimental to the health, safety and general welfare of these areas. This chapter also recognizes that other residential areas in the county desire more separation of residential uses from business and industrial uses. Certain areas in the

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county are appropriate for concentrations of commercial, business and institutional uses and are provided. Economic development is a recognized goal of the county and provisions are made to allow timely location of industries that will advance the general welfare of the county's citizens, while insuring that residential areas are protected from adverse impacts of this type of development.

(Ord. of 1-19-98, § I)

Sec. 21-3. Authority.

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

(Ord. of 1-19-98, § I)

Sec. 21-4. Definitions.

Unless otherwise expressly provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter. For any word that is not defined in this section, the common dictionary definition applies.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated as dB(A).

Abandon means to cease the regular use or maintenance of a lot, building or structure.

Abandoned motor vehicle means one that is left:

(1) On public grounds or county owned property in violation of a law or ordinance prohibiting parking; or

(2) For longer than twenty-four (24) hours on property owned or operated by the county; or

(3) For longer than seven (7) days on public grounds.

Accessory structure means a structure detached from the principal structure and is customarily incidental and subordinate to that structure.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed are characterized as depicting or describing "specified sexual activities" or "specified anatomical areas", as herein defined.

Adult bookstore, adult novelty store, or *adult video store* means any establishment having:

1. Twenty-five (25) percent or more of its merchandise, inventory, stock-in-trade, or floor space devoted to adult product, or that derives twenty-five (25) percent or more of its gross sales from adult product, or that has twenty-five (25) percent of the dollar value of its merchandise in adult product from one or more establishments defined as an adult use including one or more of the following;

   (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by an emphasis on depiction or description of "specified sexual

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activities" or "specified anatomical areas"; or

(b) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

2. A preponderance (either in terms of the weight and importance of the material or in terms of greater volume of material) of its stock (for sale or rent) including one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by an emphasis on depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(b) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult cabaret means a nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

(a) Persons who appear nude, semi-nude, or in lingerie; or

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) Persons who, for a tip, fee, wage, donation, or any other form of consideration engage in performances while wearing lingerie or in a nude or semi-nude condition, which may or may not include strip teasing, intended for the sexual interests of an audience or customer.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities" or "specified anatomical areas."

Adult theater means a theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of "specified anatomical areas" or by "specified sexual activities".

Adult use means an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, massage parlor, sexual encounter center, or a combination thereof as defined by these definitions. Notwithstanding any other provision of this ordinance, "adult use" shall be broadly defined to include any business that has a section devoted to adult product as defined by an adult bookstore or that holds itself out to the public, through advertising, signage, displays, or other activities, as a purveyor of adult products or services.

Agricultural use means the use of land or water for bona fide farm purposes; the use of waters for stock watering, irrigation, and other farm purposes.

Alternative tower structure means any structure in excess of forty (40) feet in height which is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted that camouflage or conceal the presence of antennas or wireless facilities. Alternative tower structures include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, electric transmission towers, clock towers, bell steeples, light-poles and similar alternative-design mounting structures.

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Antenna means a communication device which transmits and or receives electromagnetic radio signals. Antennas may be directional, including panels and microwave dishes, and omnidirectional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached.

Apartment means an attached dwelling unit which is intended for rental purposes only.

Appeal means a request for a review by the board of adjustment of any administrator's decision regarding any provision of this article.

Applicant means any person or entity that requests any administrative action or approval as allowed under this chapter.

Approach surface means the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of sixteen thousand (16,000) feet as provided for precision instrument runways. The approach surface extends from the primary surface along the extended runway centerline for a horizontal distance of ten thousand (10,000) feet at a slope of 50:1 with an additional forty thousand (40,000) feet at a slope of 40:1.

Archery means the art, sport, or skill of shooting with a bow and arrow.

Automobile repair facility means any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Automobile salvage yard means any establishment selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts; any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more unless otherwise specified by this chapter. Automobile salvage yard shall also mean "motor vehicle parts, used" (SIC 5015).

Balance of watershed means an area defined as the entire drainage basin upstream of an draining to a WS-II or WS-III watershed critical area where the risk of water supply pollution is greater than in surrounding areas.

Base course means that portion of the pavement structure of planned thickness placed immediately below the pavement or surface course.

Base station is a station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

Bed and breakfast inn means a lodging facility in which the operator resides and which is established for the purpose of providing temporary overnight accommodations for tourists, vacationers and other similar transients. The facility may have a dining room but only for the provision of food for the registered guests of the facility.

Beneficial Fill means fill material consisting only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, or gravel.

Berm means a mound of earth or the act of pushing earth into a mound.

Block means a piece of land bounded on one (1) or more sides by streets or roads.

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Board of commissioners, the County Board of Commissioners, Rowan County, NC.

Body shop means found as term "automobile repair facility."

Broadcast tower is any freestanding or building mounted structure, including any base, tower or pole, antenna & appurtenances intended for transmitting radio or television signals.

Buffer means an area of natural or planted vegetation through which stormwater runoff flow is diffused in a manner so that runoff does not become channelized and provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buffer strip means open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances.

Building means a structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two (2) buildings by an open porch, breezeway, passageway, carport or other open structure, with or without a roof, shall not be thought of as making them one (1) building.

Building, principal means a building in which is conducted the main or principal use of the lot on which such building is located.

Building setback line--front means a line establishing minimum allowable distance between the wall of the principal building and the street or road rights-of-way line when measured perpendicularly from the rights-of-way. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard except as expressly provided elsewhere in this chapter.

Building setback line--side or rear means a line establishing minimum allowable distance between the wall of the principal building and the side or rear property lines. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard except as expressly provided elsewhere in this chapter.

Built-upon area means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, and paths), recreation facilities (e.g. tennis courts), etc. This does not include slatted decks, the water area of a swimming pool, a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric, and trails defined in G.S. 113A-85 that are either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

Campground means an area or property that provides more than one (1) site or space for overnight and temporary primitive tent camping for recreation, education or vacation purposes. Campgrounds may not provide or include sites or spaces for a recreational vehicle. This definition is not intended to include camping by an individual or family on their own property.

Cabin means a habitable structure used for overnight or temporary lodging of a recreational rental purpose regardless of whether said structure is subject to the NC Building Code. For

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purposes of this definition, the term does not include a dwelling unit, but is intended to include cottages, huts, treehouses, yurts and other similar structures.

Caliper means the diameter of a tree trunk.

Child care center means any child care arrangement which provides child care for between three (3) and twelve (12) preschool-age children in a residence or three (3) or more children in a building other than a residence on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day, regardless of the time of day and regardless of whether the same or different children attend as defined by G.S. 110-86. The following are not included: public schools; non-public schools whether or not accredited by the state department of public instruction, which regularly and exclusively provide a course of grade school instruction to children who are school-age; specialized activities such as athletics, dance, music lessons, or Boy Scouts; summer day camps that operate less than four (4) consecutive months and do not participate in the child care subsidy program; summer camps having children in full-time residence; bible schools conducted during vacation periods; facilities licensed under G.S. Ch. 122C, Art. 2; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

Church/synagogue means a tax exempt building used for nonprofit purposes by a recognized and legally established sect for the purpose of worship, including educational buildings and daycare facilities when operated by such church/synagogue.

Classic motor vehicle means any motor vehicle, twenty (20) years old or older, being of recognized and enduring interest, appeal and importance to the owner.

Cluster development shall refer to residential clustering for the purposes of this chapter.

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

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

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

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

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

DRAFT

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

County manager means the County Manager of Rowan County.

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

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

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

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

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

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

Declaration of unit ownership means a duly recorded instrument by which property is submitted to the provisions of G.S. Ch. 47A.

Dedication means a gift, by the owner, of the right to use or possess land for a specified purpose or purposes. This transfer of property rights requires a written document stating dedication and is completed with an acceptance.

Deed restrictions. See term "covenant, restrictive."

Developed lot means a lot of record which at the effective date was occupied by structures used for residential, religious, governmental, business, commercial, industrial purposes or as a place of public assembly.

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

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

Dimensional nonconformity means a nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other building or lot lines does not conform to the regulations applicable to the district in which the property is located

Discontinue means to stop or cease the use of a property.

District. See term "zoning district."

Drinking Place means an establishment whose principal purpose is to derive income from the

DRAFT

sale of alcoholic beverages that are served and consumed on premise. These establishments, commonly known as bars, pubs, saloons, and taverns, hold themselves out to the public through advertising, signage, or other activities as purveyors of alcoholic beverages served on premise. Drinking places may also provide limited food services but do not meet the definition of an eating place as defined herein. In determining whether a use meets this definition, the Zoning Administrator may also consider the percentage of income from alcoholic beverage sales, floor plans, and plans / permits from the Rowan County Building Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission. Unless otherwise indicated, this definition does not include congressionally chartered veteran organizations or uses holding a tasting permit defined by G.S. 18B-1001.

Driveway means a private travel way which provides access from a public or private road, street or easement.

Dump station means a dedicated on-site system in an RV park that is designed to treat or retain raw sewage and / or gray water produced by the occupant(s) of a recreational vehicle(s). The dump station is subject to approval and permitting by the Rowan County Health Department.

Dwelling unit means a building, or portion thereof, providing complete and permanent living facilities for one (1) family.

Dwelling unit, attached means a dwelling unit that shares one (1) or more common walls with other similar units.

Dwelling unit, detached means any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

Easement means a grant by the property owner to the public, a corporation, or persons, of the right to use a specified portion of a lot or lots for a specified purpose.

Eating Place means an establishment principally engaged in preparing and serving food and beverages, which may or may not be consumed on premise, and in which the service of alcoholic beverages are accessory to the service of food and non-alcoholic beverages in terms of sales and square footage. In determining whether a use meets this definition, the Zoning Administrator may also consider the percentage of income from alcoholic beverage sales, floor plans, and plans / permits from the Rowan County Building Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission.

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

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

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

Events center means an establishment offering use of their facilities and associated grounds for rent or lease to any person or group for the purposes of hosting pre-planned events, which are not open to the general public, including but not limited to weddings, corporate events, reunions, and similar functions. Events centers may contain kitchen facilities, subject to Rowan County Environmental Health Division standards, where food is prepared on site or catered and the use of live or recorded music.

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

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

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

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

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

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

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

Garage. See term "automobile repair facility."

Go kart means a miniature open wheeled four-wheeled racing vehicle having a maximum height of fifty (50) inches, a maximum length of eighty-eight (88) inches, a maximum wheel base of fifty-six (56) inches and a maximum engine displacement of 253 cc. This definition shall include but not be limited to quarter midget racecars sanctioned by the Quarter Midgets of America and go karts sanctioned by the World Karting Association.

Grade finished means the final grade elevation after grading for development.

Grade natural means the elevation of the ground in its natural state before construction, filling or excavation.

Gross floor area means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Handicapped person means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

Hazardous material means any substance listed as such in SARA Section 302 (extremely hazardous substances), or Section 311 of CWA (oil and hazardous substances).

Health care facility means a facility of institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical conditions.

Health or safety nuisance of a motor vehicle may be declared a health or safety nuisance when it is found to be:

(1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;

(2) A point of heavy growth of weeds or other non-toxic vegetation over eight (8) inches in height;

DRAFT

(3) A point of concentration of gasoline, oil, or other flammable or explosive materials;

(4) So located that there is a danger of the vehicles falling or turning over; or

(5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.

Home occupation means a business, profession, occupation, or trade for the economic gain or support of a resident of the dwelling which is completely contained within the dwelling. The use is operated by the resident of the dwelling, incidental and secondary to the residential use of the lot, and which does not adversely affect the character of the lot or surrounding area.

Home occupation, rural (RHO) means a non-residential use owned and operated by the resident of the dwelling, which is located on the same or an adjacent parcel of land. In general, RHOs are more intensive land uses than home occupations and are therefore subject to the requirements of Article III. Based on the use and occupancy classification, a RHO is subject to the North Carolina Building Code for non-residential use unless otherwise determined by the Rowan County Building Inspection Department.

Homeowners association means a private, nonprofit corporation of homeowners formally constituted for the purpose of owning, operating, and maintaining common properties. Also known as a "declaration of unit ownership" in a condominium development.

Horizontal surface means a horizontal plane one hundred fifty (150) feet above the established airport elevation of seven hundred seventy-one (771) feet mean sea level, the perimeter of which is constructed by swinging arcs with a radius of ten thousand (10,000) feet from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.

Instrument landing system (ILS) means a radio navigation system which provides aircraft with horizontal and vertical guidance prior to and during landing, and at certain fixed points, indicates the distance to the reference point of landing.

Junk means scrap, copper, brass, rope, rags, batteries, paper, trash, rubber or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

Junked motor vehicle means a vehicle that does not display a current license plate and:

(1) Is partially dismantled or wrecked; and

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

Junkyard means any establishment or place of business which is maintained, operated, or used for storing, keeping, building, or selling junk or for maintenance or operation of a motor vehicle graveyard. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more material within the meaning of "junk" (as previously defined) which had been derived or created as a result of industrial activity shall be considered to be a junkyard within the meaning of this chapter.

Junkyard Control Act means G.S. Ch. 136, Art. 12, 136-141--136-155 which delegate to the state department of transportation the responsibility to regulate "junkyard" and "automobile

DRAFT

graveyards" located on interstate and federal-aid primary system highways.

Kennel means a commercial operation that provides food, shelter, and care of dogs for purposes not primarily related to medical care or engages in the breeding of dogs for sale.

Land division. See term "subdivision."

Landfill means a facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Ch. 130A, Art. 9. For the purpose of this chapter, this term does not include composting facilities.

Landowner means an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. Also includes a person holding a valid option to purchase land to act as an agent or representative.

Light Duty Truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(c) Available with special features enabling off-street or off-highway operation and use.

Land clearing and inert debris landfill (LCID) means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

Livestock facility means any farm structure or improvement used for waste lagoons, animal waste storage areas, poultry houses or hog lots and similar uses.

Lot means a parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with accessory structures or uses such as accessways, parking areas, yards, and open spaces required by this chapter.

Lot area means the total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street rights-of-way, then the lot boundary shall be the street rights-of-way, or if the rights-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street.

Lot boundary line means a line that divides one lot from another or from a rights-of-way.

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

Lot, double frontage. See term "lot, through."

Lot, flag means a lot which has less than the required amount of frontage on a street and relies

DRAFT

on a panhandle-shaped corridor for access to the bulk of the lot.

Lot, interior means a lot other than a corner lot with only one (1) frontage on a street.

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

Lot, reverse frontage means a through lot which is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

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

Lot, through means a lot that has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. Also known as a "double frontage lot."

Lot, zone means that portion of a parcel possessing a specific zoning designation. The zone lot may be the entire parcel.

Lot of record. See term "existing lot".

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home means, as defined in G.S. 143-145, a structure transportable in one (1) or more sections, which is eight (8) body feet or more in width, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and includes plumbing, heating and electrical systems contained therein. Travel trailers and campers shall not be considered manufactured homes. The term "manufactured home" is the same as a mobile home.

Manufactured home park means a single lot used or intended to be used, leased, or rented, for occupancy by two (2) or more manufactured homes as defined in this section, which are anchored in place by a foundation or other stationary support, to be used for living or commercial purposes of any kind, together with automobile parking space and incidental utility structure and facilities required and provided in connection therewith. This definition shall not include manufactured home sale lots on which unoccupied manufactured homes are parked for purpose of inspection and sales. This definition shall also not include the rental of manufactured home lots and/or spaces located outside the manufactured home park (MHP) district. Rental manufactured home lots and/or spaces shall be subject to all applicable development standards for the district they are located in, including but not limited to skirting requirements of this chapter.

Manufactured home park, family means a manufactured home park, consisting of two (2) or three (3) units in the RA district, or two (2) units in the RR district, occupied by the property owner and/or members of his / her immediate family: to wit, their lineal descendants or antecedents. A single manufactured home on a lot shall not constitute a manufactured home park.

Manufactured home space shall mean a plot of land within a manufactured home park designed for the accommodations of a single manufactured home in accordance with the requirements set forth in this section.

Manufactured home, type I means a manufactured home constructed after July 1, 1976, that

DRAFT

meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

(1) The home has a length not exceeding four (4) times its width;

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

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

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

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

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

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

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

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

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

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

Model automobile means a small-scale vehicle replica (not including aircraft) having a maximum height of 9.85 inches, a maximum length of thirty-one (31) inches, a maximum wheel base of thirteen (13) inches, and a maximum engine displacement of 3.5 cc. These automobiles are typically powered by battery pack, gasoline, or similar means of movement and may be operated

DRAFT

by a hand-held device. This definition does not intend to regulate personal use of these vehicles.

Modular home means sectional dwelling unit consisting of two (2) or more modules or sections which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a single-family dwelling. All such modular homes shall meet all single-family dwelling requirements of the state Uniform Residential Building Code.

Monopole means a single pole structure, usually self-supporting, used to support antennas.

Motor vehicle means a machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Multiconnection private water system means a water supply furnishing potable water to two (2) to fourteen (14) connections of residences or businesses, or any combination thereof, from one (1) well that is not owned and operated by a public entity.

Multifamily dwelling means two (2) or more attached, single living units under the same roof structure and connected by one (1) or more common walls. This includes, but is not limited to apartments, duplexes, condominiums, triplexes, quadruplexes, or other similar buildings which are for sale or rent and intended for human habitation.

Multi-tenant development means a tract of land under common control planned and developed as an integral unit in a single development or planned phases of development. This type of development shall consist of two (2) or more allowed uses sharing common walls. This type of development typically has a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

NCDEQ means the North Carolina Department of Environmental Quality.

NCDOT means the North Carolina Department of Transportation.

Noise means any sound which annoys or disturbs humans, or which causes, or tends to cause, an adverse psychological or physiological effect on humans.

Nonconforming lot of record means a lot of record described by a plat or a deed that was recorded prior to the effective date of this chapter (or its amendments) that does not meet the minimum lot size or other development requirements of this chapter.

Nonconforming manufactured home park means a manufactured home park that on the effective date of this chapter or the date of any subsequent amendment thereto, does not conform to one or more regulations set forth in this chapter.

Nonconforming situation means a situation that occurs when, on the effective date of this chapter or as a result of a subsequent amendment, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located.

Nonresidential development means all development other than residential development, agriculture, and silviculture.

Nudity or *a state of nudity* means any of the following:

(a) The appearance of a human anus, male genitals, female genitals, or the female breast below a point immediately above the top of the areola.

(b) State of dress, which fails to opaquely cover the human anus, male genitals, female

DRAFT

genitals, or the female breast below a point immediately above the top of the areola.

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

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

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

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

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

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

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

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

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

Parcel. See term "tract."

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

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

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

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

DRAFT

Plan, phased development means a plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by the county to be a site specific development plan. (G.S. 153A-344.1).

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

Primary surface means a surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1,000) feet as required for precision runway landings.

Private drive or driveways shall mean any street or road within the manufactured home park, not publicly maintained or publicly dedicated, but utilized as access by the residents of the manufactured home park, their guests, the public and private service vehicles. The term also includes internal drive or street.

Private individual sewage disposal system means a sewage disposal system serving one (1) connection which is usually owned and controlled by a private single entity.

Private individual water supply system means a water supply system whose water supply comes from a single source, usually limited to a well or spring.

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

Protected area means the area of a watershed, beyond the critical area, as measured ten (10) miles upstream from an intake or to the ridge line, whichever is closer, and draining to the intake.

Public hearing means a meeting at which an appointed or elected board accepts public comment about matters relating to this chapter.

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

Public or private water system means the provision to the public of piped water by a system with fifteen (15) or more connections or twenty-five (25) or more year round residents owned and operated by a municipality, county or other public entity or a privately owned licensed water supply, for profit or not-profit firm or corporation. This includes the term "community water supply system."

Public road means a dedicated road rights-of-way meeting all minimum construction standards of NCDOT or is maintained by the NCDOT road maintenance program and available for use by the general public.

Public safety tower means a tower or wireless support structure with antennas or other similar devices providing either or both an 800 MHz trunked radio system or conventional 2-way paging systems.

Recreation area or park means an area of land or combination of land and water resources that is developed for active and or passive recreation pursuits with various manmade features that accommodates such activities.

Recreational vehicle (RV) means a vehicle, which is:

DRAFT

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use; and

(e) Is fully licensed and ready for highway use.

Recreational vehicle (RV) park means an area or property established to accommodate the set-up, parking, rental, letting or leasing of a site(s) for a recreational vehicle(s). Recreational vehicle parks may also provide sites or spaces for primitive tent camping.

Residence means a home, manufactured home, an apartment, a group of homes, or single room occupied or intended for occupancy as separate living quarters for one (1) or more persons.

Residential development means buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

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

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

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

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

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

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

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

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

DRAFT

serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

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

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

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

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

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

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

(2) *Specific types of roads:*

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

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

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

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

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

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

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

DRAFT

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

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

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

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

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

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

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

Service station. See term "automobile repair facility."

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

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

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

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

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

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

Shooting range facility means a public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. This definition does not include incidental target practice areas on private property, turkey shoots meeting the standards for exemption noted in section 21-279, government

DRAFT

facilities, or occasional "sighting-in" of firearms.

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

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

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

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

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

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

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

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

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

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

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

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

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

Solar Energy System means any ~~solar collector device or structural design feature of a building, except solar shingles, along with its ancillary equipment whose primary purpose is to provide for the collection, inversion, storage, and distribution of solar energy for space heating or cooling, water heating, or generation of electricity~~ ***component(s) and subsystem(s) designed or required to collect, store or convert solar energy into electric or thermal energy for use or***

sale. This term includes, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems and solar hot water systems, but ~~This definition~~ is not intended to include incidental systems that generate a minimal level of electricity typically used to power signs, wells, gates, fences, or similar ancillary uses. ***A solar energy system is classified as one of the following types:***

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

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

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

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

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

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

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

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

Specified sexual activities means any of the following:

(a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or

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

(d) Masturbation, actual or simulated; or

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure means anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Structure, accessory means a minor structure that is located on the same lot as a principal structure and is used incidentally to a principal structure or contains an accessory use.

DRAFT

Structure, principal means the primary structure on a lot or a structure that contains a principal use.

Subdivider means a person, firm or corporation who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means all divisions of a lot or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the resultant lots are equal to or exceed the standards of this chapter.

(2) The division of land into parcels greater than ten (10) acres where no street rights-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets.

(4) The division of a lot in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street rights-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter.

(5) The division of a lot into plots or lots used as a cemetery.

(6) Land divided by a will or the courts for the purpose of dividing up a deceased person's property.

Subdivision, family means a subdivision of not more than three (3) lots plus the residual lot conveyed by the property owner to members of his / her immediate family as defined in this ordinance.

Subdivision, major means a major subdivision and defined as a subdivision where:

(1) New roads are proposed or rights-of-way are dedicated; or

(2) More than eight (8) lots are created after the subdivision is completed.

Subdivision, minor means a minor subdivision and defined as a subdivision where:

(1) No new roads are proposed, or road rights-of-way dedicated; and

(2) Where eight (8) or fewer lots will result after the subdivision is completed.

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

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

DRAFT

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

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

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

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

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

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

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

Tower height means the vertical distance measured from the tower base to the highest point on a telecommunications or broadcast tower, including any antennas or other equipment affixed thereto, but excluding any lighting protection rods extending above the tower and attached equipment.

Townhome means a subdivision of individual, attached dwelling units in conjunction with land division.

Turkey shoots means shotgun shooting competitions open, for a fee, to the public in which prizes, typically a frozen turkey or other food items are given to winners as a prize.

Use means the activity or function that actually takes place or is intended to take place on a zone lot.

se, accessory means a use that is incidental to the primary use which is conducted on the zone

DRAFT

lot.

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

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

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

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

Vacate means to leave unoccupied.

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

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

a. The complete waiver of a management requirement; or

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

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

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

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

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

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

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

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

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

Viewshed is the geographic area within a three hundred sixty-degree view from a defined observation point.

Violation means failure on the part of any person to comply with the provisions of this chapter.

DRAFT

Visible means capable of being seen without visual aid by a person of normal acuity.

Wall sign means a sign which is applied to the exterior of any building and projecting not more than twelve (12) inches from the wall.

Watercourse means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, or lake.

Water dependent structure means any structure for which the use requires access to, or proximity to, or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not "water dependent structures."

Watershed means the entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

Winery refers to a manufacturing facility or establishment engaged in the processing and bottling of grapes to produce wine or wine-like beverages as defined by the G.S. Facilities may include incidental activities such as wine tasting and associated retail sales. Operations used for bona fide farm purposes as defined by the G.S. are exempt from zoning.

Wireless facility means the set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, receivers base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

Wireless support structure means a new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Working days means days as applicable to the water supply watershed provisions of this chapter, exclusive of Saturday and Sunday, during which weather conditions or soil conditions permit land disturbing activity to be undertaken.

Yard means an open area which is unoccupied and unobstructed from the ground upward except as may be expressly provided in an ordinance.

Yard, front means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building, projected to the side lines of the lot. For the purposes of determining required setbacks, “street” shall include all ingress / egress easements and right-of-ways.

Yard, rear means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear property line and the rear line of the building, projected to the side lines of the lot.

Yard, side means an open, unoccupied space on the same lot with a principal building, situated between the front line and rear line of the building, projected to the side lines of the lot.

Yard, side street means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the side line of the building, projected to the front and rear lines of the lot. For the purposes of determining required setbacks, “street” shall include all ingress / egress easements and right-of-ways.

DRAFT

Zone lot means a parcel of land, or portion thereof, that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such setbacks and other open spaces as required by the zoning regulations.

Zoning means the designation of a particular property or portion thereof using one (1) of the zoning designations contained in this chapter.

Zoning administrator means, except as otherwise expressly provided, the person or persons, and his (their) designee(s), who are primarily responsible for the administration and enforcement of this chapter. The term "staff" or "planning staff" or "administrator" is sometimes used interchangeably with the term "zoning administrator."

Zoning district means a mapped portion of the county to which a uniform set of regulations relating to use of land, premises, and buildings apply. Includes the term "zone."

Zoning permit means a permit issued by the zoning administrator which authorizes the right to undertake and complete the development and / or use of property under the terms and conditions of such permit provided that such action is commenced within one (1) year of the date of issuance and provided that all other permits are obtained.

(Ord. of 1-19-98, § II; Ord. of 2-1-99(1); Ord. of 10-18-99(1); Ord. of 1-15-01; Ord. of 5-21-01(1); Ord. of 5-21-01(2); Ord. of 11-19-01(1); Ord. of 11-19-01(2); Ord. of 12-3-01; Ord. of 3-18-02(2); Ord. of 5-19-03; Ord. of 08-16-04; Ord. of 10-4-04; Ord. of 10-18-04; Ord. of 11-15-04; Amend. of 03-7-05; Amend. of 07-1-05; Amend. of 2-20-06(1); Amend. of 8-20-07; Amend. of 04-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 09-6-11; Amend. of 03-5-12; Amend. of 01-22-13; Amend. of 03-4-13; Amend of 12-2-13; Amend. of 04-21-14; Amend. of 09-6-16; Amend. of 10-17-16; Amend of 06-04-18; Amend. of 02-04-19; Amend. of 08-19-19; Amend. of 09-03-19)

Sec. 21-5. Jurisdiction.

This chapter governs the development and use of land within the area of the county as shown in the Official Zoning Map of Rowan County (hereafter referred to as the "zoning map," as formally adopted by the county board of commissioners.) The official copy of the zoning map shall hereafter be located in the office of the county planning department. Such area may include any parcel of land not located within the zoning jurisdiction of any municipality. The zoning map shall be incorporated and made part of this chapter.

(Ord. of 1-19-98, § I)

Sec. 21-6. Bona fide farms exempt.

This chapter shall not apply to bona fide farms, except that nonfarm uses on farms may be regulated by this chapter.

(Ord. of 1-19-98, § I)

Sec. 21-7. Severability.

If any section or specific provision or standard of this chapter, or any zoning district

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boundary is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decisions of the court shall remain in full force and effect.

(Ord. of 1-19-98, § I)

Sec. 21-8. Abrogation.

It is not intended that this chapter repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinance or law except any ordinance which this chapter specifically replaces. It is not intended that these regulations shall interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, for yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of this chapter shall govern.

(Ord. of 1-19-98, § I)

Sec. 21-9. Use or sale of land or buildings except in conformity with chapter provisions.

(a) Use, occupancy or sale of any land or buildings; or authorization or permitting the use, occupancy or sale of land or buildings shall comply with all applicable provisions of this chapter, including article VI, Nonconforming Situations.

(b) For the purpose of this article, "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

(Ord. of 1-19-98, § I; Amend. of 3-7-05)

Sec. 21-10. Relationship to other ordinances.

If zoning districts are established for all land in the county located outside the established zoning jurisdiction of any municipality, the following ordinances shall be repealed: the county mobile home park ordinance, the county watershed protection ordinance and the county junked motor vehicle and automobile salvage yard ordinance. Unless specified in this section, it is not intended that this chapter will in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this chapter will interfere with any easements, covenants or other agreements between parties. However, if the provisions of this chapter impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this chapter will take precedence over the others and will control the use or development, except as otherwise provided in this chapter.

(Ord. of 1-19-98, § I)

Sec. 21-11. Zoning vested rights.

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(a) Pursuant to G.S. 153A-344.1, a vested right to undertake and complete the development and use of property under the documented terms, any associated conditions, and approved site plans may be established for any one (1) of the following:

(1) Site plan approval by the board of commissioners;

(2) Conditional or special use permits;

(3) Conditional zoning district;

(4) Multi-family or multi-unit development plans.

(b) The approved plans and associated conditions for these districts constitute, for purposes of G.S. 153A-344.1 (site specific development plans). A right which has been vested as provided in this section shall remain vested for a period of two (2) to five (5) years as determined by the board of commissioners. Approval of a vested right pursuant to this section shall require a public hearing as provided in G.S. 153A-344.1 subject to public notice requirements from section 21-315 (1) a - c. The approving authority in its sound discretion may establish a vesting period exceeding the two-year minimum, where the petitioner shows that extending the period is warranted by relevant circumstances, including but not limited to the size and phasing of the development or the level of investment. The need for the development modifications or amendments to a plan do not extend the vesting period unless expressly provided by the appropriate board when making the amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. The vested right shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(Ord. of 1-19-98, § I; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-12. Fees.

Reasonable fees to cover the administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, zoning amendments, variances and other administrative relief. The amount of fees charged shall be established by the board of commissioners. Fees shall be paid upon submission of a signed application or notice of appeal.

(Ord. of 1-19-98, § I)

Sec. 21-13. Enforcement.

(a) *Authority of zoning administrator.* The provisions of this chapter shall be enforced by the zoning administrator.

(b) *Zoning administrator procedures.* It shall be the duty of the administrator to initiate proceedings for enforcement of these regulations. If the administrator discovers a violation of these regulations, the administrator shall notify the violator of the specific violation and give the violator a specific time to correct the violation. If the violation continues or is not corrected, or a request for an appeal or variance as provided in article XIII is not filed, the administrator shall initiate proceedings for enforcement as described in this article.

(Ord. of 1-19-98, § I; Amend. of 11-2-09)

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Sec. 21-14. Violations and penalties.

(a) *Civil penalties.*

(1) In addition to other remedies cited in this chapter for the enforcement of these provisions, this chapter may be enforced through the issuance of citations by the county. These citations shall be in the form of a civil penalty. The county may recover this penalty within seventy-two (72) hours after issuing a citation for a violation. In addition, failure to pay the civil penalty may subject the owner to civil action in the nature if debt of the penalty is not paid in the prescribed period of time.

(2) The following civil penalties are established for violations under this chapter:

a. Warning citation . . . No penalties

b. First citation . . . $ 25.00

c. Second citation for the same offense . . . 50.00

d. Third and subsequent violations for the same offense . . . 100.00

Upon issuance of a warning citation, first citation or second citation, the owner or developer shall have seven (7) days to correct the violation or make satisfactory progress to correct the violation before additional penalties are assessed. Upon issuance of the third citation, each additional day's violation is a separate and distinct offense and shall incur an additional one-hundred-dollar fine.

(b) *Misdemeanor citations.* Any person who knowingly or willfully violates this chapter, or who knowingly or willfully initiates unapproved actions shall be guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days, or by a fine not to exceed fifty dollars ($50.00).

(c) *Injunctive relief.* Whenever the county attorney has reasonable cause to believe that any person is violating or threatening to violate this article or any term, condition, or provision of approval, the county attorney may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the county for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this chapter.

(Ord. of 1-19-98, § I)

Sec. 21-15. Effective date.

This chapter shall take effect and be in full force from and after February 16, 1998.

(Amend. of 3-7-05)

Sec. 21-16. Adoption.

Duly adopted by the Rowan County Board of Commissioners of Rowan County, North Carolina the nineteenth day of January 1998 and subsequent amendments.

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(Amend. of 3-7-05; Amend. of 4-21-14)

Secs. 21-17--21-30. Reserved.

ARTICLE II. GENERAL AND OVERLAY DISTRICTS

Sec. 21-31. Zoning districts established.

(a) The county is hereby divided into a variety of general zoning districts. The purpose and minimum requirements of each zoning district are provided in the appropriate zoning district provisions and in article V. In addition, special overlay district regulations apply for specified areas. The applicability of all zoning districts to individual properties shall be shown on official zoning maps which shall be a part of the zoning ordinance. These maps shall be maintained for public inspection in the offices of the county planning department. Interpretation of zoning district uses and boundaries shall be as provided in article XII and article XIII.

(b) The following general use and overlay districts are established:

(1) *General zoning districts:*

a. Rural Agricultural (RA)
b. Rural Residential (RR)
c. Residential Suburban (RS)
d. Multifamily Residential (MFR)
e. Manufactured Home Park District (MHP)
f. Neighborhood Business (NB)
g. Commercial, Business, Industrial (CBI)
h. 85-ED-1
i. 85-ED-2
j. 85-ED-3
k. 85-ED-4
l. Industrial (IND)
m. Institutional (INST)

(2) *Overlay districts:*

a. Water Supply Watershed (WS).
b. Airport Height (AZO).
c. Agricultural (AO).
d. Manufactured Home Overlay (MHO).

(Ord. of 1-19-98, § III; Ord. of 6-7-99; Ord. of 4-21-03; Amend. of 3-7-05)

Sec. 21-32. General zoning districts defined; purpose and intent.

(a) *Rural Agricultural, RA.* This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for agricultural purposes, and instances of non-residential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of home-based business opportunities and other non-residential uses deemed appropriate through a conditional use permit process. It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed non-residential uses. The most intensive land uses would not be allowed in this district.

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(b) *Rural Residential, RR.* This zoning district is comprised of areas of the county in which moderate levels of single-family housing has occurred or is occurring. In this district, agricultural uses have been replaced to a significant degree with single-family housing. The regulations in this district are intended to provide a land owner with an opportunity to engage in limited business or commercial activities. Multifamily uses are not allowed.

(c) *Residential Suburban, RS.* The purpose of this zoning district is to protect existing residential neighborhoods and promote the creation of more residential neighborhoods. These areas are typically near major thoroughfares and have or could be provided significant infrastructure. Commercial uses, business uses and multifamily uses are generally not allowed.

(d) Multifamily Residential, MFR. This district is intended to allow for a wide range of residential uses and will be the primary location for multifamily development. This district will typically be located near arterials or collectors. The development of multifamily developments within this district cannot be predetermined and cannot be adequately controlled by general district standards. Therefore specific development proposals for multifamily developments in this district shall be reviewed and approved by the board of commissioners. Approval of the site plan may include the addition of reasonable and appropriate standards to the site plan. No other uses allowed in the MFR district shall require site plan approval by the board of commissioners unless expressly required by this chapter. Additional approval standards for multifamily residential developments are listed in article III. The requirements of this district shall not apply to duplexes on individual lots but shall apply to multiple duplexes on an individual lot.

(e) *Manufactured Home Park, MHP.*

(1) This district is established in order to provide for the proper location and planning of manufactured home parks, excluding family manufactured home parks. Special requirements shall be applied to these parks which shall specify improvements to the park to ensure the public health, safety and welfare of the park inhabitants as well as the surrounding area. Designation of an area as being in the MHP district provides design and appearance criteria which are more appropriate for rental manufactured housing and/or spaces, including vinyl or similar skirting, clustering of units and reduced road construction standards. These standards are not applicable to manufactured homes and/or lots located outside a MHP district. This district requires site plan review for development of manufactured home parks by the board of commissioners. This review is required because the use may have particular impacts on the surrounding area and the county as a whole. Approval of the site plan may include the addition of reasonable and appropriate standards to the site plan. No other uses allowed in the MHP district shall require site plan approval by the board of commissioner unless expressly required by this chapter.

(2) Manufactured home parks, existing at the effective date of this chapter and registered as provided by the county mobile home park ordinance are zoned as conforming uses, even though they may not meet the development standards of this chapter. Expansions of the existing registered manufactured home parks or construction of new manufactured home parks, approved under the county mobile home park ordinance may be initiated or continue unless no work has begun within six (6) months of the date of issuance of a "permit to develop" under that ordinance, or work has ceased for a period of twelve (12) months.

(3) Other manufactured home parks, which meet the intent of this section by having

DRAFT

improvements similar to the requirements of this chapter may also be zoned as conforming uses. However, all expansions of any manufactured home park, existing at the effective date of this chapter shall meet all requirements of this chapter unless expressly provided otherwise. Development standards for a manufactured home park are listed in article III.

(f) *Commercial, Business, Industrial, CBI.* This zone allows for a wide range of commercial, business and light to medium industrial activities which support both the local and / or regional economies. The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend "highway business" along identified NC and US highways; community / regional / potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water / sewer represent significant public investment to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. The CBI district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

(g) *Industrial, IND.* This district is intended to provide for industrial activities involving extraction, manufacturing, processing, assembling, storage, and distribution of products. The district is also designed to accommodate other, more intense non-residential uses which generate adverse side effects such as noise, odor or dust. The IND district is generally appropriate in areas identified by an adopted land use plan for industrial corridors, potential development nodes, locations accessible to rail lines and utility infrastructure, and existing industrial areas. These corridors represent significant public and private investment, which should be identified to foster tax base growth and employment opportunities for the citizens. The IND district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

(h) *Neighborhood Business, NB.* This district is primarily designed to provide rural business opportunities typically in the form of small retail, service, office, and light manufacturing uses to serve the community's existing and future needs for goods, services, and employment opportunities. Standards within the district are intended to promote context sensitive development appropriately scaled and organized in a manner that would not be detrimental to the surrounding area. Development within this district would contain impacts inherently more intensive than those associated with uses permitted with special requirements in the RA district but significantly less than those in CBI zoned areas. The NB district is generally appropriate in areas identified by an adopted land use plan for rural businesses located on identified minor and major thoroughfares and within community nodes. However, additional consideration may be necessary as some thoroughfare segments would not be conducive to NB designation due to surrounding land use and / or potential negative impacts such as traffic, noise, and visual impacts. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.

(i) *Institutional, INST.* The purpose of the Institutional district is to recognize and permit the creation of defined areas for the unified and orderly development of major cultural, educational, medical, governmental, religious and other institutions in order to support and enhance their benefits to the community in a manner which protects adjacent residential uses. Trade school facilities teaching a trade, for example truck driving or welding, which have that activity on site, shall meet zoning requirements for that use.

DRAFT

(Ord. of 1-19-98, § III; Ord. of 2-1-99(1), §§ 2, 9; Ord. of 6-17-02; Ord. of 4-21-03; Amend. of 4-21-14; Amend. of 09-03-19)

Sec. 21-33. Overlay districts.

Overlay districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use of development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of the lot. Overlay districts are applicable on an area wide basis to support specific public policy objectives and as such should be consistent with adopted land use plans. Overlay districts may be applied to conventional and conditional zoning districts. An overlay district may be initiated as an amendment by the board of commissioners, planning board or property owner.

(1) *Airport Zone Overlay, AZO.* The zones and restrictions established in this subsection are designed to limit the height of structures surrounding the county airport's established elevation of seven hundred seventy-one (771) feet above mean sea level (msl) in order to prevent hazards to the lives and property of the users of the airport and the occupants of land in the vicinity.

a. *Uses allowed.* The use requirements of the underlying district apply to the AZO district. However, all uses must be in conformance with the provisions of this section.

b. *Establishment of zones.* To carry out the provisions of this section, there are hereby created and established certain civil airport imaginary surfaces which include all of the land lying beneath the approach surface, transitional surface, horizontal surface, conical surface and primary surface. These civil airport imaginary surfaces are established with relation to the Rowan County Airport runway and proposed extensions of thereof. Such imaginary surfaces are shown on the Official County Airport Zoning Map prepared by the Rowan County Planning Department and dated October 4, 2004, which is adopted and incorporated herein by reference. The size of each such imaginary surface is based on the categorization of this runway as a precision instrument runway. The slope and dimensions of the imaginary surfaces, applied to each end of a runway, are determined by the most precise approach existing or planned for the runway end. The surfaces are hereby established and defined as follows:

1. *Horizontal surface.* A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging acres with a radius of ten thousand (10,000) feet from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.

2. *Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

3. *Primary surface.* A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1,000) feet as required for precision runway landings.

DRAFT

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

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

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

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

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

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

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

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

1. Landfills;

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

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

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

1. Density and Built-Upon Limits

DRAFT

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

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

2. Nonpoint Source and Stormwater Pollution Control.

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

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

DRAFT

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

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

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

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

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

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

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

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

e. Special nonresidential intensity allocation (SNIA) permit.

1. *Purpose.* The purpose is to provide a method for the board of commissioners to allow ten (10) percent of the county's portion of the balance of watershed area (excluding a critical area) to be granted an SNIA permit to be developed at up to seventy (70) percent built-upon surface area.
2. *Application and review procedures.* Applications shall include a site plan as prescribed in section 21-52.
3. *Review and approval.* The site plan shall be reviewed by the board of commissioners. Approval of the plan may include the addition of reasonable and appropriate conditions.
4. *Applicable areas.* Areas in which SNIA permits may be approved are as follows:
   i. WS-II-BW.
   ii. WS-III-BW.
   iii. WS-IV-PA.

DRAFT

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

f. High Density standard and built-upon limits.

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

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

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

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

(2) Intent. High Density standards will allow for creation of denser development projects while ensuring impacts to water quality within the watershed are minimized by utilizing Best Management Practices to control stormwater runoff and resulting pollution. Furthermore, the application of High Density standards to projects referenced in 21-33(2)(f)(1) will preserve the SNIA provision for development activities within the watershed that are of a scale and scope that do not warrant high density standards.

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

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

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

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

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

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

DRAFT

of this subsection; water quality impacts resulting from the development project will be minimized; and the waiver lends itself to a better project design.

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

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

Code	*1987 U.S. SIC Description*
01	Agricultural production--crops
02	Agricultural production--livestock
515	Wholesale farm products and raw material part of a bona fide farm operation
5261	Retail nurseries, lawn and garden supply stores part of a bona fide farm operation
	Other similar agricultural uses such as feed and seeds part of a bona fide farm operation
	Family subdivisions of up to three (3) lots plus the remainder
	Family manufactured home parks of up to three (3) manufactured homes occupied by members of the immediate family of the property owner Rural home occupations
07	Agricultural services

b. *Development of property not part of a bona fide farm located in AO District.* Within the AO district setback of fifty (50) feet shall be provided from land in agricultural use.

(4) *Manufactured Home Overlay, MHO.*

a. *Purpose and intent.* The purpose of the Manufactured Home Overlay is to provide for the development of Type II and Type III manufactured homes in established residential zoning districts while maintaining the overall residential, rural or agricultural character of those districts. Because of the potential impacts of the establishment of this district, it has prescribed conditions contained in this subsection to ensure compatibility with the surrounding area.

b. *Permitted districts.* The Manufactured Home Overlay supplements the range of uses and regulations in the underlying district. The overlay is allowed in the following districts permitting residential development; RA, RR, CBI and MFR. All other uses in the underlying district shall continue to remain in effect and subject to the regulations and conditions of approval of the underlying district.

c. *Procedures for district designation.* The following procedures are required for MHO

DRAFT

district designation:

1. Designation as an MHO district shall require a rezoning as provided in article XIV of this chapter.

2. Upon approval of an MHO district by the board of commissioners, the area so designated shall be labeled "MHO" on the zoning map.

d. *Review.* The petitioner seeking to rezone property to this district must illustrate that the proposed development will comply with the evaluation criteria contained in section 21-59. A site plan is required as provided by section 21-52. In approving the district reasonable conditions may be included to protect the public health, safety and welfare and to meet the intent of this chapter.

e. *Development standards.* The following standards shall apply for the location of type II and type III manufactured homes unless specifically provided otherwise in this chapter:

1. Location of type II and type III manufactured homes on subdivisions of one (1) or more lots shall require establishment of an MHO zoning district.

2. Upon establishment of an MHO district the following types of homes may be located in the following districts:

i. RA district: Type II and type III.

ii. RR district: Type II.

iii. CBI district: Type II and type III.

iv. MFR district: Type II and type III.

3. Side & rear yard setbacks for the district's external boundary is 30 feet.

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

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

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

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

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

DRAFT

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

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

Manufacturing group:

Printing and publishing (SIC 27).

Drugs (SIC 283).

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).

DRAFT

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).

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

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

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

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

Manufacturing group:

Printing and publishing (SIC 27).

Drugs (SIC 283).

DRAFT

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.***

Service industries group:

Engineering and management services (SIC 87).

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:

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

DRAFT

Communications and telecommunication towers (SIC 48 pt).

Wholesale trade group:

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

Services group:

Racing, including track operation (SIC 7948).

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

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

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

a. Allowed primary uses are:

Manufacturing group:

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

DRAFT

Paper and allied products (SIC 26).

Printing and publishing (SIC 27).

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

Drugs (SIC 283).

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

Rubber and miscellaneous plastics products (SIC 30).

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

Primary metal industries (SIC 33).

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:

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

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.***

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Health services (SIC 80).

Legal services (SIC 81).

Educational services (SIC 82).

DRAFT

Membership organizations (SIC 86).

Engineering and management services (SIC 87).

b. Allowed accessory and ancillary uses on up to twenty (20) percent of the total acreage:

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Wholesale trade group:

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Transportation, communication, and utilities group:

Communications and telecommunication towers (SIC 48 pt).

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

a. Allowed primary and accessory uses are:

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.***

Retail trade group:

DRAFT

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

General merchandise stores (SIC 53).

Food stores (SIC 54).

Automotive dealers and gasoline service stations (SIC 55).

Apparel and accessory stores (SIC 56).

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

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Nondepository credit institutions (SIC 61).

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

Insurance carriers (SIC 63).

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

Real estate (SIC 65).

Holding and other investment offices (SIC 67).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Miscellaneous repair services (SIC 76).

Motion pictures (SIC 78).

Amusement and recreational services (SIC 79).

Health services (SIC 80).

Legal services (SIC 81).

Educational services (SIC 82).

Social services (SIC 83).

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

Membership organizations (SIC 86).

Engineering and management services (SIC 87).

Miscellaneous services (SIC 89).

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

Transportation, communication, and utilities group:

DRAFT

Communications and telecommunication towers (SIC 48 pt).

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

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

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

b. *Screening.* In accordance with article IX, screening for a PUD shall be determined using the predominant use of the PUD or relevant portion thereof.

c. *Street frontage.* Minimum of one hundred (100) feet for development.

d. *Maximum lot coverage.* Eighty (80) percent of lot area.

e. *Development size.* Development sizes are as permitted below. Permitted and conditional uses on lots five (5) acres or more but less than twenty (20) acres in size are only allowed on lots of record existing at the effective date of the ordinance from which this chapter derives, or on aggregations of lots existing at the effective date of the ordinance, creating a lot five (5) acres or larger in size.

1. *85-ED-1.*

   Permitted used . . …….. 5 acres

   Conditional uses . ……... 5 acres

   PUDs ……..... 20 acres

2. *85-ED-2.*

   Permitted used . . …….. 5 acres

   Conditional uses . . …….. 5 acres

   PUDs . . ……... 20 acres

3. *85-ED-3.*

   PUDs . ……... 20 acres

4. *85-ED-4.*

   PUDs . ……... 20 acres

f. *Subdivision requirements.* All subdivisions of property must be approved as a PUD.

g. *Maximum building height.* No maximum height.

h. *Parking.* As required in zoning ordinance.

i. *Signs.* As provided in zoning ordinance.

j. *Circulation system.* Requires access to major or minor thoroughfare or interstate service road. No access to local streets is allowed. Interior streets are designed to connect to other adjoining property within a 85-ED district. This requirement may be

DRAFT

waived if it is found that connection to adjoining property is not appropriate due to incompatibility of adjacent development.

k. *Nuisance conditions.* The project shall no cause detrimental levels of noise, dust, odor etc. to nearby areas.

l. *Loading, maintenance and outdoor storage areas.* All loading, maintenance and outdoor storage areas shall be located to the rear or side of the building, but shall not face a side street unless approved as such during the PUD process.

m. *Open space.* Open space shall be suitably landscaped with grass and/or trees and shrubs. Within a PUD the open space shall be pedestrian oriented. Parking or vehicular access is not allowed.

n. *Lighting.* Lighting shall be provided at intersections, along walkways and in parking lots. The maximum height of lighting is twenty-five (25) feet. Spacing of lighting shall be four (4) times the height.

o. *Building character and style.* Building designs within a PUD shall strive to establish a distinctive style and maintain a high quality development standard. Buildings should include similar architectural styles but should not be identical throughout the development. The site plan shall at a minimum describe building materials colors and architectural features of the development.

p. *Pedestrian facilities and design.* Within a PUD, the site plan shall provide for a unified and well-organized arrangement of buildings, service areas, parking, etc., to provide a high level of convenience and safety for pedestrians, employees, and visitors.

q. *Landscaping.* Approval of PUD shall include at a minimum the following:

1. Trees shall be planted on both sides of interior access streets used by the public. These trees shall be ten (10) feet tall at planting and a minimum of twenty (20) feet tall at maturation, and shall be of similar size and shape. The trees shall be planted no further than forty (40) feet apart.

2. Entranceways and medians shall be landscaped with trees and/or shrubs as appropriate for the type of development.

(Ord. of 12-18-00(2); Amend. of 3-7-05; Amend. of 11-2-09; Amend. of 9-6-11; Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 4-21-14; Amend. of 10-17-16; Amend. of 7-13-20)

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.

This article provides regulations and conditions for selected uses which are unusual in their nature or complexity. These uses may require areas of unusual size, or are potentially incompatible with their surroundings unless special development standards are applied, or which depend on sound site planning and design to prevent them from becoming detrimental to the health, safety, or general welfare of the public or neighboring land uses.

DRAFT

(Ord. of 1-19-98, § IV)

Sec. 21-52. Site plan required.

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

(1) Zone lot with dimensions and development setbacks;

(2) Tax parcel number;

(3) Property address;

(4) Adjoining deeded properties and their uses;

(5) Existing structures;

(6) Proposed structure with size;

(7) Proposed use;

(8) Number of employees, if applicable;

(9) Hours of operation, if applicable;

(10) Off-street parking, loading and unloading, access to existing streets;

(11) Easements and rights-of-way;

(12) All pertinent development requirements of this chapter;

(13) Any additional information required by the zoning administrator to assess the merits of the application, including but not limited to a commercial driveway permit, traffic impact analysis, environmental impact statements;

(14) Floodplains;

(15) Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable;

(16) Screening & Buffering, if applicable;

(17) Zoning District;

(18) Proposed phasing, if applicable;

(19) This required site plan shall be in sufficient detail to allow the zoning administrator to reasonably understand the proposed development. The scale shall be one (1) inch equals one hundred (100) feet or greater for zone lots three (3) acres or less in size, or one (1) inch equals two hundred (200) feet for zone lots more than three (3) acres in size.

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

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

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

DRAFT

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

(1) Rural Home Occupations [RHO].

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

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

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

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

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

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

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

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

(1) *Building size.* The maximum allowable building size for uses listed in section 21-113 as "SR" in the RA and RR districts shall not exceed ten (10) percent of the gross acreage of the lot, excluding right-of-way with a maximum of 12,000 sq. ft. in the RA district and 2,000 sq.ft. in the RR district. Existing accessory structures for personal use not associated with uses permitted in this section must be considered within the maximum allowable building size for the property listed in section 21-285.

(2) *Building Setbacks.* Maximum square footage and related setback requirements shall be as specified below.

DRAFT

Building Square Footage	*Setback, Front (in feet)*	*Setback, Side, Side Street and Rear Yards (in feet)*
0--2,000	30	20
2,001--4,000	40	30
4,001--8,000	50	40
8,001--12,000	60	50

Existing structures proposed for use as a rural home occupation that do not comply with these setbacks shall not be precluded from such use if all other requirements are met.

(Ord. of 1-19-98, § IV; Ord. of 6-29-99; Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 09-03-19)

Sec. 21-55. General criteria for RHO uses listed as SR in Section 21-113.

Uses listed as SR in article III shall comply with the following criteria, as applicable:

(1) *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings.

(2) *Location.* The RHO must be located on property which meets the following criteria:

a. The property must have at least thirty-five (35) feet of state road frontage. Properties that do not meet the requisite road frontage requirement are limited to a maximum building size of 2,000 sq. ft. and must comply with all other applicable standards herein.

b. The business must be on or adjacent to the primary residence of the business owner / operator but nonetheless shall be located on a lot containing required road frontage in subsection (a).

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

(4) *Square footage.* The maximum square footage allowed for a use shall include all buildings used for retail sales of any type on that property.

(5) *Parking.* Parking shall be provided off-street subject to article VII for that use.

(6) *Signage.* Signage shall be as prescribed in article VIII for the underlying district.

(7) *Noise.* Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.

(8) *Outdoor storage.* All outside storage areas including dumpsters shall be:

a. Sited to the rear of the building;

b. Not within the required setbacks.

DRAFT

c. Outdoor storage shall be screened as provided in article IX for that use.

(9) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.

(10) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

(11) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this chapter.

(12) *Activities.* Manufacturing activities are confined to the building.

(13) *Outdoor display.* Outdoor display shall be limited to two thousand five hundred (2,500) square feet unless otherwise provided.

(14) *Screening*. Any structures and operational areas used for the business must be screened in accordance with Article IX. This requirement does not apply to a residence(s) on the same parcel or an adjacent parcel if in the same ownership as the land on which the RHO is located or is owned by an immediate family member as defined by this ordinance.

(Ord. of 1-19-98, § IV; Ord. of 6-29-99; Amend. of 09-03-19)

Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.

Uses listed as SR in section 21-113 shall meet the following requirements expressly provided below.

(1) *Additional standards applicable to specific uses listed as SR in the residential group.*

a. *Duplex, individual located in the RR district; minimum lot size.* The minimum lot size shall be one hundred fifty (150) percent of the lot size required for a single-family dwelling.

b. *Family care home.*

1. *Occupancy.* No more than six (6) handicapped persons may reside in a family care home.

2. *Separation.* No family care home shall be located within a four-hundred-foot radius of another family care home.

c. *Family manufactured home park.*

1. *Application.* The proposed park must be located on a lot of record existing prior to June 8, 1999. An application and site plan shall be completed by the applicant. Applications that do not meet the standards of this subsection may be considered under the family subdivision provisions of the Subdivision Ordinance.

2. *Setbacks within park.* Setbacks for spaces within parks, measured from edge of applicable street or property line:
Front . . .. 20 feet
Side . ... 15 feet

DRAFT

Rear . …….. . 20 feet

3. *Setbacks from external property lines.* Setbacks for manufactured homes from adjacent property lines and rights-of-ways are fifty (50) feet.

4. *Occupancy of homes.* Manufactured homes shall be occupied by members of the immediate family of the property owner.

5. *Number of units in park.* The maximum number of manufactured homes allowed under this subsection are subject to the lesser of the density standards in section 21-84 or the following:

   i. No more than three (3) manufactured homes are allowed in a family manufactured home park in the RA district.

   ii. No more than two (2) manufactured homes are allowed in a family manufactured home park in the RR district.

   Single-family dwellings existing prior to the family manufactured home park application shall be included toward the number of homes permitted under this subsection.

6. *Type of manufactured homes allowed.* The manufactured homes shall meet the placement criteria for manufactured homes in section 21-284 (1) and the skirting requirements of subsection 21-276(b). While single-family dwellings are not eligible as new dwelling units under this provision, their existence prior to a family manufactured home park application would not preclude the application from consideration.

7. *Change of occupancy or ownership.* When occupancy or change of ownership of the family manufactured home park occurs which results in such park not meeting the original criteria for approval as a family manufactured home park, the manufactured homes shall become conforming with the underlying district.

(2) *Additional standards applicable to specific uses listed as SR in the agriculture, forestry and fishing in the rural district.*

a. *Veterinary services (SIC 0742) and Animal Shelters, Boarding Kennels, Dog Pounds (SIC 0752 pt).*

   1. *Site plan.* A site plan shall be provided showing the lot and all existing and proposed buildings as well as all runs and/or training facilities.

   2. *Siting.* Kennels not wholly enclosed by a security fence at least six (6) feet in height; and all kennels not wholly enclosed within a building shall be located at least one hundred (100) feet from the lot line of any residentially developed lot.

   3. *Runs.* No run area is allowed with the setback.

b. Reserved.

(3) *Additional standards applicable to specific uses listed as SR in the mining group.*

a. *Common sand mining special requirements.*

   1. *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings, quarries, pits, stock piles, and other relevant features of the quarrying operation.

DRAFT

2. *Access.* All access roads shall be at least twenty feet from any adjoining property line not part of the mining operation; constructed with a paved, gravel, or crushed stone surface; and maintained in a dust-free manner.

3. *Setbacks.* All land disturbing activities shall be located at least one hundred (100) feet from any zone lot line.

4. *Operation.* Hours of operation shall be limited to sunrise to sunset.

5. *Minimum lot size.* The minimum lot size is five (5) acres.

6. *Smoke, odors, dust.* Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the zone lot line.

b. *Reserved.*

(4) *Additional standards applicable to specific uses listed as SR in the construction group.*

a. *Heavy construction other than building construction contractors (SIC 16).*

1. *Minimum lot size.* The minimum lot size is one (1) acre.

2. *Storage.* All storage shall be a minimum of fifty (50) feet from adjoining residentially developed property lines.

b. *Reserved.*

(5) *Additional standards applicable to specific uses listed as SR in the manufacturing group.*

a. *Saw mills and planing mills, general (SIC 2421); dimension hardwood (SIC 2426 pt); sawmills, special product (SIC 2429 pt).*

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

2. *Reserved.*

b. *Winery.*

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

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

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

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

a. *Trucking (SIC 421).*

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

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

DRAFT

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

b. *Dead storage of manufactured homes.*

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

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

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

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

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

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

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

2. Non-Residential system.

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

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

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

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

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

d. Co-location of Wireless and Eligible Facilities Requests (SIC 48 part). Co-location of

DRAFT

wireless and eligible facilities requests are recognized as an efficient method for providing wireless facilities and are encouraged due to their minimization of adverse visual impacts and the opportunity for an expedited and effective administrative review.

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

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

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

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

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

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

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

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

   2. The associated wireless facilities shall comply with the setbacks for the underlying zoning district, screened according to section 21-215(1)b.1.--3. and be constructed of similar materials/color as the host structure.

   3. The existing host structure may not be externally altered, except to accommodate the addition of the antenna.

   4. Two (2) copies of a site plan as provided in section 21-52 and photograph documentation as required in Section 21-60(3)a. 4 and 5.

   5. Certification from a North Carolina registered professional engineer that any and all structures have sufficient structural integrity to accommodate the addition of an antenna with a design minimum of TIA/EIA-222F (as amended).

   6. Failure to comply with any of the criteria in items 1. through 5. shall require the

DRAFT

application to be reviewed as a new wireless support structure.

f. Public Safety Tower. The deployment of wireless infrastructure for use by local, state and federal government agencies is critical to ensuring the public safety and general welfare of the County's citizens at all times. The provision of reliable and uniform radio and telecommunications coverage by these agencies can only be secured through construction, operation and maintenance of its own infrastructure. Applications for a public safety tower shall include:

1. Two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including items in Section 21-60(3)a.1.i.

2. Documentation substantiating the owner and applicant for the public safety tower is either a local, state or federal agency.

3. Fall zone certification from an NC Registered Professional Engineer in compliance with Section 21-60(3)(c).

4. No Hazard to Air Navigation determination from the Federal Aviation Administration (FAA) and No Adverse Effect determination from the NC State Historic Preservation Office (NCSHPO). Both determinations must be dated within twelve (12) months of the public safety tower application submittal.

5. A public safety tower is not subject to the height and location standards of Section 21-60(3)(b).

6. Co-locations of commercial wireless facilities on a public safety tower may be considered under the provisions of Section 21-56(6)(d).

(7) *Additional standards applicable to specific uses listed as SR in the wholesale trade group.*

a. *Motor vehicle parts, used (indoor) in the CBI and IND districts (SIC 5015).*

1. *Operation.* Operations including but not limited to dismantling of motor vehicles and storage of motor vehicle parts must be completely contained within a building enclosed on all sides. No junked or wrecked motor vehicles, motor vehicle parts, or junk may be kept outside an enclosed building for any period of time other than periodic unloading of received vehicles and loading of parts or dismantled motor vehicles for off-site delivery completed in a timely manner. Uses that comply with the standards of this subsection are not subject to the specific standards from section 21-246

(8) *Additional standards applicable to specific uses listed as SR in the retail sales group*

a. *Automotive dealers and gasoline service stations (SIC 55).*

1. *Display area.* The outdoor display area for automotive sales shall not exceed five thousand (5,000) square feet.

2. *Reserved.*

(9) *Additional standards applicable to specific uses listed as SR in the services group.*

a. *Educational services (SIC 82) that include overnight boarding or lodging.*

DRAFT

1. Proof of accreditation by a recognized board, or provide proposed articles of incorporation and by-laws that provide specific criteria for a board of directors including membership makeup and general responsibilities for oversight of the facility.
2. Projected school enrollment and number of boarders.
3. Description of curriculum.
4. Traffic study.
5. Overnight staffing.

b. *Membership sports and recreation clubs (7997 pt.).*

1. *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
2. Recreational facilities located within a major subdivision used exclusively by resident members and their guests in the RA, RR, and RS districts are exempt from the requirements of Section 21-55 (2). All other facilities shall be subject to section 21-60(7)(d).

c. *Automotive repair and services (SIC 75).*

1. *Screening required.* Junked motor vehicles and motor vehicle parts shall be screened from adjacent property by a six-foot high opaque screening. Vegetative screening, if used, shall be opaque during all seasons of the year and planted and maintained in accordance with article IX.
2. *Storage of junked motor vehicles.* The junked motor vehicles shall not be stored in the front yard of the property or in the required front yard setback.
3. *Setbacks for stored junked motor vehicles.* The junked motor vehicles shall be a minimum of fifteen (15) feet off the side and rear property line or side street right-of-way and twenty (20) feet off the right-of-way existing at the effective date of this chapter or fifty (50) feet off the centerline of the road if the right-of-way is not established.
4. *Stacking of junked motor vehicles.* The junked motor vehicles shall not be stacked higher than the screening.

d. *Archery and shooting range (indoor) (SIC 7999pt.).*

1. *Operation.* All discharged shots or arrows must occur within a building enclosed on all sides designed for such use.

(10) *Additional standards applicable to specific uses listed as SR in the unclassified uses group.*

a. *Multitenant developments.*

1. *Application.* An application shall be provided with:

i. Site plan as provided in section 21-52; and

DRAFT

ii. Development name, name(s) and address(es) of owners and park designers.

2. *Board of commissioners review of the development proposal.* The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected.

3. *Uses allowed.* Uses are limited to those provided in the district the multitenant development is located. Uses requiring conditional use permits shall obtain the required approval prior to issuance of a building permit.

b. *Reserved.*

(11) *Residential storage facilities.*

a. The parcel shall be in fee simple ownership.

b. Minimum lot size shall be the same as for a single-family residence.

c. The structure shall not exceed the lesser of three (3) percent of the lot size or three thousand (3,000) square feet.

d. Setbacks shall be at a minimum the same as single family dwellings.

c. No outdoor storage is allowed except as specifically provided otherwise.

d. Storage of vehicles shall not be in the front yard.

e. Outside lighting shall be designed to prevent direct glare on adjoining residences.

Requests for residential storage facilities that exceed three (3) percent of the lot size referenced in subsection (c) but do not exceed three thousand (3,000) sq.ft. may be considered as a conditional use subject to the process outline in sections 21-57 through 21-59 if all other standards in this subsection are met.

(Ord. of 1-19-98, § IV; Ord. of 2-1-99(1), §§ 6, 7; Ord. of 10-18-99(1); Ord. of 4-21-03; Amend. of 2-20-06(1); Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 10-15-18; Amend. of 09-03-19)

Sec. 21-57. Review and approval of conditional uses.

(a) The classification of conditional use is established to provide for the location of those uses which are generally compatible with other land uses permitted in the zoning district in which the conditional use is located but which, because of their unique characteristics or potential impacts on the surrounding areas or the county as a whole, require individual consideration of their location, design, configuration and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

(b) Any use designated in article V as a conditional use shall be reviewed by the planning director. The planning director shall consult with other appropriate agencies when evaluating conditional use permits and shall prepare an evaluation report. At a minimum, the staff report shall address the general criteria outlined in section 21-60 of this article.

(Ord. of 1-19-98, § IV; Ord. of 10-18-04; Amend. of 3-7-05; Amend. of 11-2-09)

DRAFT

Sec. 21-58. Review procedures.

(a) *Submission.* Applications for conditional use permits shall be submitted to the county planning department accompanied by a nonrefundable fee set by the county board of commissioners. Once received, the Planning Director shall review the request and, if deemed complete, submit a recommendation to the Board of Commissioners to schedule a public hearing regarding the request. Incomplete applications will be retuned to the applicant with the deficiencies noted.

(b) *Conditional use review.* Planning staff shall prepare and present a report on the application to the board(s) reviewing the application. The board shall evaluate the application with reference to applicable conditions contained in this section as well as general criteria contained in this chapter. When deciding conditional use permits, the board of commissioners shall follow quasi-judicial procedures. The board of commissioners may impose reasonable and appropriate conditions upon the conditional use permit that support the findings found in this article.

(c) *Site plan required.* Application for conditional use permit review shall require a site plan as provided in section 21-52 of this article. The planning director may also require additional information reasonably required to review the development proposal.

(d) *Oath.* All evidence presented at the public hearing with regard to applications for conditional use permits shall be under oath.

(e) *Required findings.* All decisions regarding a conditional use permit application shall not be approved or denied unless each of the following findings has been made:

(1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;

(2) That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and

(3) That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

(f) *Amendments of conditional use permits.* Amendments to approved conditional use permits may be made as follows:

(1) *Minor changes.* Conditional use permits are considered through a quasi-judicial process and the county recognizes slight deviations in site-specific development proposals may arise, warranting changes to the plans and therefore offers a provision for administrative approval of a minor change. The applicant may submit a written request to the planning director that includes supporting documentation (e.g. federal / state permits, survey / engineering information) substantiating the need for the minor change. After reviewing the record of proceedings, the planning director may consider minor changes that are substantially similar to that approved by the Board of Commissioners subject to the following criteria:

(a) Relocation of operational area improvements that do not project into the required setback;

(b) One time expansions that do not exceed the lesser of ten (10) percent of the approved

DRAFT

structure or one thousand (1,000) square feet for nonresidential uses;

(c) One time expansions that do not exceed the lesser of ten (10) percent of the development or five (5) units;

(d) Structural alterations that do not significantly effect the basic style, ornamentation, and / or character of the building; or

(e) Change in detail which does not affect the basic relationship of the use to the required standards of the applicable ordinances or condition(s) of approval.

Regardless of Sec. 21-58(f)(1)(a-e), the planning director may forward the requested change to the Board of Commissioners for consideration in the same procedure as required for the original issuance of the conditional use permit as per Sec. 21-58(a). All other changes shall be reviewed by the Board of Commissioners as per Sec. 21-58(a). Modifications requesting reduction of the minimum standards within the zoning ordinance shall be treated as a variance request and not considered herein.

(2) *Timing of amendment proposal.* Requests for a minor change may be submitted to the planning director at any time, although proposals to change or amend any approved conditional use permit shall not be considered by the Board of Commissioners within one (1) year after date of original authorization of such permit or within one (1) year after hearing of any previous proposal to amend or change any such permit unless deemed appropriate by the planning director. The applicant may appeal the decision of the planning director to the planning board. The planning board will make a recommendation for the board of commissioner's consideration. Failure of the Board of Commissioners to set a public hearing regarding an amendment shall constitute denial of the request and conditions of the original permit shall remain in effect.

(g) *Action.* Following the required review, the board shall take final action on each conditional use permit request. After the required public hearing is closed, the board shall take one (1) of the following actions:

(1) Approve the issuance of the permit as requested;

(2) Approve the issuance of the permit, with additional conditions;

(3) Continue the request; or

(4) Deny the request for the permit.

In accordance with section 21-11, an approved conditional use permit secures a vested right to undertake a project for two (2) years unless a longer duration is requested by the applicant and approved by the Board of Commissioners. See section 21-315 for additional procedures.

(h) *Notification of decision.* Notifications shall be delivered in accordance with section 21-315.

(i) *Notice and public hearing.* Notice and public hearings shall be as provided in section 21-315.

(j) *Revocation*. The Board of Commissioners may consider revocation of an approved conditional use permit through the same procedure as the original permit. Following the hearing, the Board of Commissioners may elect to revoke the permit if it is factually determined that one or more instances listed below have occurred:

(1) The vested rights time period from Sec. 21-11 lapsed;

(2) The permit was obtained by fraud;

DRAFT

(3) Non-compliance with the approved site plan and / or conditions of approval;

(4) Repeated zoning code violations or criminal activity; or

(5) Eminent threat to public health or safety.

Failure to validate at least one of these instances shall allow the conditional use permit to remain valid. Petitioners may appeal this decision to superior court.

(Ord. of 1-19-98, § IV; Ord. of 10-18-04; Amend. of 3-7-05; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-59. Evaluation criteria.

In addition to meeting special standards for a particular use, the applicant must illustrate that he/she can comply with the following criteria when any conditional use is proposed.

(1) Adequate transportation access to the site exists;

(2) The use will not significantly detract from the character of the surrounding area;

(3) Hazardous safety conditions will not result;

(4) The use will not generate significant noise, odor, glare, or dust;

(5) Excessive traffic or parking problems will not result; and

(6) Use will not create significant visual impacts for adjoining properties or passersby.

(Ord. of 1-19-98, § IV)

Sec. 21-60. Conditional use requirements for specific uses.

The following criteria shall be used in evaluating specific conditional use permit applications. If no specific requirements are listed for a specific use, then only the general criteria will be used in evaluating the application.

(1) *Mining group: Metal mining (SIC 10), mining and quarrying of non-metallic minerals (SIC 14) except common sand mining.*

a. *New Facilities*. Facilities regulated under this section are considered to be those operations where no mining or quarrying activity has ever occurred; or operations have been abandoned or discontinued for a period of three hundred sixty (360) consecutive days; or its NC Department of Environmental Quality authorized mining permit has expired.

1. *Site plan.* A site plan showing the existing lot, all existing and proposed buildings, quarries, pits, stock piles and other relevant features of the quarry operation.

2. *Access.* Access shall be gained from a principal arterial or major collector. All access roads shall be fifty (50) feet from any property line and maintained in a dust free manner.

3. *Setbacks.* All land disturbing activities shall be located at least three hundred (300) feet from any zone lot line, except uses listed as SIC 1459 "Clay, Ceramic and Refractory Minerals, Not Elsewhere Classified" may reduce the setback to one hundred (100) feet as provided below:

DRAFT

i. There is no residence within five hundred (500) feet of the property line.

ii. A fifty-foot wide solid vegetative buffer separates the properties which contains, at a minimum, a row of trees, forty (40) percent of which are large maturing trees and which are not less than ten (10) feet high at the time of planting and are spaced not more than six (6) feet apart.

iii. The buffer may be used for drainage, erosion control or similar uses but shall not contain areas form which material extraction occurs.

4. *Noise.* Noise shall not exceed levels prescribed in Section 21-241 of this Chapter.

1. *Existing Facilities*. Facilities regulated under this section are those mining or quarrying operations that existed prior to enactment of this chapter [February 16, 1998] and have continuously operated and maintained an active mining permit with NC Department of Environmental Quality. Said facilities seeking conforming use status or expansions to their operational areas are subject to these standards.

1 *Site plan*. A site plan showing the existing lot, all existing and proposed buildings, quarries, pits, stock piles and other relevant features of the quarry operation.

2. *Access*. Current and proposed roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust free manner.
3. *Setbacks*. All operational areas not in common ownership of the facility entity shall be setback a minimum of fifty feet (50') from adjoining property lines.
4. *Noise*. Noise shall not exceed the levels prescribed in Section 21-241 of this Chapter.
5. *Blasting*. All activities and operations involving blasting that are discernable beyond the external property line shall only be conducted during daylight hours.

(2) *Manufacturing trade group.*

a. Pulp mills (SIC 261); paper mills (SIC 262); chemicals and allied products (SIC 28) except Drugs (SIC 283) and Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284); petroleum refining and related products (SIC 29); leather and finishing (SIC 3111); hydraulic cement (SIC 324); structural clay products (SIC 325); concrete, gypsum and plaster products (SIC 327); abrasives, asbestos, non-metallic mineral products (SIC 329); primary metal industries (SIC 33); ammunition except for small arms (SIC 3483), ordinance and accessories (SIC 3489); power, distribution and specialty transformers (SIC 3612); and wholesale trade group: chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).

1. *Minimum lot size.*

i. Five (5) acres for manufacturing group uses regulated under this subsection.

ii. Ten (10) acres for wholesale trade group uses regulated under this subsection.

2. *Location of structures, storage of materials.* The location of principal structures and storage of flammable or hazardous materials shall be two (2) times the required buffer

DRAFT

area in article IX. However, parking, storage of nonflammable and nonhazardous materials, etc. may be placed up to the required additional buffer.

3. *Site location.* Site shall have primary access to arterial or major collector street. This requirement is not applicable to expansions of facilities regulated under this subsection, which are contiguous to facilities existing prior to August 16, 2004.

4. *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent entrance to the operational area by unauthorized persons. Fencing standards shall be as specified in section 21-215(2)(b)2.

5. *Dust, odor, glare.* Dust, odor, and glare shall not be noticeable at adjacent residential property lines.

6. *Removal and reclamation.* Applications for new facilities classified in SIC 28 except Drugs (SIC 283) and Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284), 29, 3612, 516 & 517 & temporary use permits for facilities classified as SIC 2951 & 3241 seeking approval pursuant to section 21-281(2) of this chapter may be required to provide written documentation substantiating that the applicant or operator has and will maintain a surety bond payable to Rowan County sufficient to disassemble and remove any outdoor equipment, stockpiles, etc. or reclaim any excavated areas once the facility ceases production for a period of three hundred sixty (360) days. The bond amount shall be based on an estimate provided by a registered professional engineer or architect having professional credentials, recognized expertise or specialization in construction and removal of similar facilities. Renewable bonds are expected to provide updated estimates and reflect increases due to labor costs, demolition practices, addition of equipment, etc. The requirements of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.

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

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

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

DRAFT

8. *Separation.* The facility shall be no closer than one-half (1/2) mile from a church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling. The distance shall be measured from any portion of the property dedicated or utilized for the function of the church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling including but not limited to buildings, recreation and parking areas, etc. and the nearest point of the operational area of the proposed facility. The standards of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.

b. *Winery.* Facilities must be operated in association with an on-site vineyard sufficient to serve as the primary crop source in the production.

1. *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
2. *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
3. *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.

(3) *Transportation, communications, electric, gas and sanitary services group: Communications and Wireless support structures (SIC 48(part)).*

a. *New wireless support structures*. For all new wireless support structures, the county encourages the applicant to investigate preferred sites and those locations that minimize the impact to the North Carolina Scenic Byway corridor. In the event the new wireless support structure cannot be located at a preferred site, evidence that the applicant has investigated the possibilities for co-location on an existing wireless support structure shall be presented with its application. At a minimum the evidence should contain:

1. Copies and responses of certified letters sent to owners/operators of all existing towers and structures with telecommunications facilities within the search ring of the proposed site, requesting the following information:
   i. Height above ground and sea level.
   ii. Existing tenants, including any telecommunication service providers and planned tower use.
   iii. Whether the existing site could accommodate the addition of their wireless facilities.
   iv. If the addition of their wireless facilities cannot be accommodated, an assessment of whether the existing site could be upgraded and a general description of the means and projected costs of shared use of the tower.
2. Inventory of all preferred sites, and alternative tower structures considered within the search ring, including specific analysis of each preferred site and alternative tower structure outlining positive and negative aspects for utilizing.
3. A completed application for a new wireless support structure shall include:
   i. Two copies of a site plan registered professional engineer or a professional land surveyor as provided in section 21-52.

DRAFT

ii. Topography information for the equipment compound and fall zone including base elevation of wireless support structure or alternative tower structure.

iii. Tower height and height of antenna location (if different).

iv. Setbacks including ingress and egress easements, fall zone, fencing and screening requirements found in section 21-215(1)b.1.--3.

v. Adjacent land uses and the separation distance from antenna facility to the nearest occupied residential dwelling.

4. Using the latitude and longitude of the proposed wireless support structure location as a fixed point, obtain actual photographs of the site that present a 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective toward the fixed point from the nearest North Carolina DOT maintained roads in relation to the site.

5. Utilizing each of the photographs from item 4. above, create a simulated photographic image of the proposed wireless support structure or antenna addition to an alternative tower structure from each of the perspectives referenced above depicting the tower at a scale relative to its surroundings with specific regard to height and width.

6. Engineering report certifying the tower is compatible for co-location with a minimum of five (5) compatible users including the primary user and copy of co-location policy.

b. *Tower heights and types.* To maintain the character of the rural areas of the county and allow for placement in the commercial and industrial areas of the county, new wireless support structures will be regulated in the following manner:

1. Rural Agricultural (RA), Rural Residential and Neighborhood Business (NB) districts. Monopole not to exceed one hundred ninety-nine (199) feet based on five (5) co-located antenna arrays.

2. Commercial, business, industrial (CBI), Industrial (IND), 85-ED-1, 85-ED-2, 85-ED-3, and 85-ED-4. Monopole or lattice tower not to exceed two hundred fifty (250) feet based on six (6) co-located antenna arrays.

3. Requirements 1. and 2. of this subsection may be modified by the board of commissioners based upon:

i. Evidence presented by the applicant that demonstrates a height increase is in the interest of public safety or is necessary to provide the applicant's designed service.

ii. An alternative design would better blend into the surrounding environment regardless of zoning district.

c. *Provisions for tower safety.* New towers must either be so designed as to land upon its own property or lease area in the event of a fall as certified by a North Carolina registered professional engineer or have a minimum lot size or lease area no less than ten thousand (10,000) square feet and have an accompanying fall zone easement equal to the tower height plus ten (10) feet. New composite tower shall, at a minimum, fully loaded, comply with TIA/EIA-222F.

d. *Retention of consultant.* The county may elect to retain a consultant or professional services to review the application and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives and compliance with state and federal rules and regulations. The applicant shall pay any expense for consulting or professional services in excess of the application

DRAFT

fee. The county shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the zoning administrator shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application. All determination costs not excluded by NCGS 153A-349.52(f) are reimbursable by applicant.

e. *Obstruction lighting and marking.* Wireless support structures located within the county's airport zone overlay may exhibit obstruction lighting and marking in accordance with the Federal Aviation Administration standards. All other towers shall be of galvanized finish, or painted with a rust protective paint of an appropriate color to harmonize with the surroundings as approved by the board of commissioners. Requirements of this subsection may be modified by the board of commissioners based upon an increase in tower height or location in another jurisdiction's regulated air space or in the interest of public safety.

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

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

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

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

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

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

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

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

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

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

DRAFT

~~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. Common property lines within the system area are not subject to setback standards.

ii. Equipment Setbacks. All proposed inverters, substations, buildings, or other strutures 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. To preserve industrial properties for job creation, tax base and economic development opportunities, the maximum system area shall be no greater than twenty-five (25) 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 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

DRAFT

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.***

   Decommissioning Plan. The applicant shall provide a decommissioning 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 basis. Acceptance of the decommissioning plan and cost estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the mutually agreed cost estimate amount, which will remain in effect for the first ten (10) years of operation.

   At a minimum, the contents of the decommissioning plan shall include the cost estimates referenced herein and information found in the NC Template Solar Ordinance's Example Decommissioning Plan updated to reflect the site's locational attributes. This plan shall be recorded in the Rowan County Register of Deeds prior to construction of the site.

   An updated decommissioning plan detailing costs shall be submitted to the Planning Department at least six (6) months prior to the ten-year anniversary of installation and six (6) months prior to every five (5) year anniversary thereafter. In addition to the updated decommissioning plan submittals, the system owner shall provide an analysis of the power produced annually by the facility; an operational efficiency and status

DRAFT

report of the panels and equipment; and any intended upgrades or replacements of panels, equipment, etc. Acceptance of the updated plans and estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. A new financial surety at 1.25 times the mutually agreed cost estimate amount shall be provided by the owner / operator to Rowan County for the time period associated with the updated plan.

The system owner / operator may request an extension of the 360 day period to prevent execution of the Decommissioning Plan. The request shall be considered in the same manner as approval was granted.

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

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

(5) *Wholesale trade group.*

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

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

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

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

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

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

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

~~3. *Separation from certain uses.* The facility shall be a minimum of one thousand (1,000)~~

DRAFT

~~feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.~~

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

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

b. ~~c~~. *Livestock yard.*

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

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

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

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

(7) *Services group.*

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

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

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

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

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

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

DRAFT

i. When a permit allowing such activity is issued in advance by the administrator;
ii. For operation of the shotgun shooting range; or
iii. For purposes of subdued-lighting certification of law enforcement officers; and
iv. On Sundays, shooting shall not commence before 12:30 p.m.

6. *Additional site plan information.* Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, projected noise contours for firearm shooting ranges, and existing and proposed structures, occupied dwellings within one-fourth mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility.

7. *Additional requirements for pistol/rifle shooting ranges.* Projectiles from pistol/rifle shooting areas shall be contained by an earthen berm or existing natural topography a minimum of fifteen (15) feet in height.

8. *Exceptions.* Operational hours may be increased under the following conditions:
   i. A permit allowing such activity is issued in advance by the administrator; or
   ii. The hours of operation may be increased no more than six (6) times a year for an official shooting tournament involving thirty (30) or more participants, without requiring a permit from the administrator.

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

10. *Licenses and permits.* All required and permits shall be obtained prior to operation of the facility.

11. *Trail marking.* All trails for archery ranges shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.

12. *Insurance.* The organization shall maintain a minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.

b. *Cabins (SIC 7011), Campgrounds and recreational vehicle parks (SIC 7033).*

1. *Minimum lot size.* The minimum lot size is two (2) acres.

2. *Setbacks.*

   Front . …….. 50 feet

   Side street . . ……. 30 feet

   Side . . ……. 20 feet

   Rear …….. 20 feet

3. *Density.* The minimum size of spaces shall be determined by the county health department.

4. *Interior drives.* Interior drives shall be a minimum of eighteen (18) feet compacted gravel six (6) inches thick. “Hammerhead” style turnarounds or suitable alternative shall be provided at the terminus of all interior roads subject to inspection and approval by the Rowan County Fire Marshal. Each internal road shall have a road name and addresses for each site or space displayed, regardless of occupancy, in accordance with provisions of Chapter 19.5 of the Rowan County Code of Ordinances.

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   1. *Site plan.* A site plan shall be required as provided in article III, section 21-52.

DRAFT

2. *Buffering.* All parking areas shall be screened by a type A buffer from residentially zoned area.

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

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

1. *Buffers.* All buildings off street parking and service areas will be separated by a type A buffer from an abutting property in a residential zoning district or abutting a residential use.

2. *Site plan.* A site plan is required.

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

4. *Setbacks.* Structures shall have fifty (50) feet side and rear yard setbacks.

5. *Provision of food and refreshments.* Provision for food, refreshment and entertainment for club members and their guests may be allowed in conjunction with this use if the board of commissioners determines that said provisions will not constitute a nuisance.

f. *Model automobile racing.* Use of these vehicles on a personal basis shall not be regulated in this section.

1. *Minimum lot size.* The minimum lot size shall be three (3) acres.

2. *Setbacks.* A fifty-foot separation from operational area to adjacent properties and road rights-of-way.

3. *Screening.* Type A screen is required around operational area.

4. *Noise.* The operation shall not exceed the maximum allowable noise levels as provided in section 21-241.

5. *Facility.* Track operation must be outdoors. Indoor operations must be located in the NB, CBI, or IND zoning districts. The zoning administrator shall determine elements that constitute indoor.

g. *Rodeos, horse shows, rental of saddle horses, riding academies and schools, and riding stables (SIC 7999 (part)).*

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

2. *Setbacks.* All animals and animal storage areas shall be a minimum of one hundred (100) feet from any zone lot line.

3. *Parking.* Adequate off-street parking shall be provided for participants and spectators.

4. *Noise.* Noise shall not exceed the level allowed in the county noise ordinance for residential districts and Chapter 14 of the Rowan County Code of Ordinance for any associated amplified sound.

(8) *Unclassified uses: Adult uses.*

a. Spacing. No adult use shall be located within one thousand three hundred twenty (1,320) feet from any church, public or private school, day care, public park, single-family or multifamily residence, any hotel, motel, inn, tourist camp, or similar place designed for

DRAFT

overnight accommodation, or another adult use. This distance shall be measured from any portion of the property dedicated or utilized for the function of the above uses and the nearest point of the operational area for the proposed adult use.

b. Treatment of windows, doors, etc. All windows, doors, openings, etc. for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.

c. No adult use shall include within the establishment any quarters designed for more than one person to view any adult materials while in the same immediate vicinity, other than the primary sales area of said adult establishment.

d. No adult use shall include within the establishment any private viewing areas designed for use by more than one person at any given time, nor shall any adult use permit more than one person at a time to occupy any private viewing area.

e. No adult use shall include within the establishment any means of adjoining connections between private viewing areas designed to allow more than one person any access to a single private viewing area at a time. "Adjoining connections" includes, but is not limited to, any doors, windows, access panels, opening of any size whatsoever, in walls that separate individual viewing areas.

An adult use operating as a conforming use shall not be made nonconforming by the subsequent location of a church, public or private school, day care, public park, single-family or multifamily residence, any hotel, motel, inn, tourist camp, or similar place designed for overnight accommodation, or another adult use within one thousand three hundred twenty (1,320) feet of the adult use.

f. If approved for a conditional use permit, an application and a nonrefundable fee must be presented to the zoning administrator to obtain an adult use license. At a minimum, the application shall include the following:

1. Sufficient evidence to determine compliance with applicable portions of subsection 21-60(8).
2. Sufficient evidence to determine compliance with any conditions of approval imposed by the board of commissioners.
3. Acknowledgement that a supervisor will be present during hours of operation to enforce all applicable standards of approval.
4. Acknowledgement that the business shall permit staff from appropriate county, state, or federal governments to inspect site for compliance with all applicable regulations any time during hours of operation.
5. License fee as required by the board of commissioners.
6. Acknowledgement that, if approved, license must be renewed annually to continue operation of business. Applicants must promptly reapply thirty (30) days before the expiration date to ensure a timely response.

The zoning administrator will approve or deny the license request within thirty (30) days of receiving the request. A license may not be issued if one of the following findings has been made:

1. License fee has not been received.

DRAFT

2. Application is not complete or contains false information.

3. Site is currently in violation of zoning ordinance or condition of approval.

No adult use business may operate until the zoning administrator has approved the license request. The license shall expire one year from the date of approval and may only be renewed by a subsequent application.

Inspections. The zoning administrator shall suspend an adult use license for thirty (30) days if one of the following determinations has been made:

1. Refuse inspection by officials permitted by this ordinance during hours of operation.

2. Provided false or misleading information during the conditional use or licensing process.

3. Site is not in compliance with zoning ordinance or conditions of approval.

The adult use license will be revoked if, after the suspension period, the zoning administrator has determined that one of the above findings is still accurate.

(9) *Racetracks (SIC 7948 (part)).*

a. *Lot size.* The minimum lot size shall be twenty (20) acres for a go-kart track and shall be fifty (50) acres for drag strips and motor speedways.

b. *Location.* The racetrack facility shall be located on a lot which has direct access to; or is contained in a commercial or industrial park which has direct access to a major thoroughfare, major collector, minor thoroughfare, minor collector, principle arterial, interstate, or service road.

c. *Lighting.* No lights shine on abutting residential property.

d. *Setbacks.* Go-kart tracks and stands shall be set back three hundred (300) feet from the property line. All other operations including parking shall be set back one hundred (100) feet from the property line. Drag strip and motor speedway operations, including parking, shall be set back three hundred (300) feet from side and rear property lines and one hundred (100) feet from all front and side street property lines.

e. *Security fencing.* A secure fence shall be provided to restrict entry when the facility is not open.

f. *Buffer.* Notwithstanding other provisions of this chapter, a type B buffer shall be provided along all side and rear property lines unless the facility abuts a similar operation.

g. *Hours of operation.* Hours of operation shall not exceed 7:00 a.m. to 11:00 p.m.

h. *Muffled race vehicles.* All vehicles shall be equipped with mufflers.

i. *Noise standards.* The operation of the track will not exceed the maximum allowable noise levels as provided in this chapter or the county noise ordinance.

(10) *Reserved.*

(11) *Manufactured home parks.*

a. *Application.* An application shall be provided with:

1. Site plan as provided in section 21-52; and

DRAFT

2. Manufactured home park name, name(s) and address(es) of owners and park designers.

b. *Board of commissioners review of the development proposal.* The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected. In approving the plan, the following criteria must be met:

1. Adequate transportation access to the site exists;
2. The use will not significantly detract from the character of the surrounding area;
3. Hazardous safety conditions will not result;
4. The use will not generate significant noise, odor, glare, or dust;
5. Excessive traffic or parking problems will not result; and
6. The use will not create significant visual impacts for adjoining properties or passersby.

c. *Setbacks from external property lines.* Setbacks for manufactured homes from adjacent property lines and rights-of-ways are fifty (50) feet.

d. *Setbacks within park.* Setbacks for spaces within park, measured from edge of applicable street or property line:

Front .... 20 feet

Side . . .. 15 feet

Rear . ... 20 feet

e. *Proximity to a livestock facility.* No manufactured homes within a manufactured home park shall be located within three hundred (300) feet of any livestock facility.

f. *Parking.* Each manufactured home space shall have four hundred (400) square feet of parking with four (4) inches of compacted stone on a well compacted subgrade.

g. *Public road frontage.* The park is required to have thirty-five (35) feet of frontage on a publicly maintained road.

h. *Internal street standards.*

1. *Generally.* All lots shall be served by an internal street. No access directly to an existing state road is allowed for individual lots. Internal streets shall be paved a minimum of sixteen (16) feet wide. The base course shall be six-inch ABC or three-inch BCBC. The pavement surface shall consist of BST or one and one-half inch BST or I-2. All materials shall meet the standards set forth in the latest edition of the North Carolina Standard Specifications for Roads and Structures. The subgrade, base course, and pavement surface shall be inspected and approved by the county planning and development department before a certificate of occupancy is issued. The owner of the park shall be responsible for coordinating inspection of each phase of street construction with county planning and development department. The owner of the manufactured home park shall be responsible for arranging required internal street inspections with the planning department a minimum of twenty-four (24) hours in advance. Drainage shall be

DRAFT

reviewed prior to issuing a certificate of occupancy for the manufactured home park. All storm drainage shall be adequate so that the road may be maintained without excessive cost and will not cause flooding. In areas where ditch grades or qualities of flow deem it impractical to maintain and establish vegetation, an erosive resistant lining, such as paving or rock riprap may be required. Subsurface drainage shall be adequate to maintain a stable subgrade.

Note: Subgrade. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The zoning administrator may require a subgrade soil test, if needed, to determine the soils classification type.

2. Abbreviations.

ABC: Aggregate Base Course, No. 7 Stone.

BCBC: Bituminous Concrete Base Course, Type HB (Black Base).

BST: Bituminous Surface Treatment.

I-2: Bituminous Concrete Surface Course, Type I-2 (Note: I-1 may be used in lieu of I-2).

SA: Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt).

i. *Street names.* Permanent street names shall be assigned to all internal streets.

j. *Signs.* Signs shall be provided as follows:

1. Street name signs shall be provided;

2. One (1) identification sign is required at each entrance to the manufactured home park.

k. *Space numbering.* Each space shall have a site number, a minimum of four (4) inches in height clearly visible from the internal street serving the space.

l. *Lighting.* Street light at all intersections, internal and with public roads. Street lights at intervals no greater than five hundred (500) feet for parks with ten (10) or more spaces.

m. *Trash removal.* The owner of the park shall provide one (1) of the following methods:

1. Provision of centralized trash dumpsters; or

2. Provision of individual covered trash containers, picked up at least once a week.

n. Density shall be calculated per gross acre as follows:

1. Individual well and septic tank: Twenty thousand (20,000) square feet per unit.

2. Public water or public sewer: Fifteen thousand (15,000) square feet per unit.

3. Public water and public sewer: Ten thousand (10,000) square feet per unit.

(12) *Broadcast towers: SIC 4832 radio and SIC 4833 television broadcasting.*

a. *Co-location.* In order to limit visual impacts in the RA district, co-location of radio and broadcast antennas on existing broadcast towers should be the primary method for providing new or expanded radio and television coverage. Inasmuch as co-location is the preferred method for providing new or expanded radio and television coverage,

DRAFT

co-locations may be approved administratively provided the following criteria accompanies the request:

1. Two (2) copies of a site plan prepared by a registered professional engineer or professional land surveyor as provided in section 21-52.
2. Height above ground and sea level of broadcast tower and height of antenna for proposed co-location.
3. Existing tenants on the broadcast tower and their heights above ground and sea level.

b. *Analysis of existing broadcast towers.* In the event the broadcast antennas cannot be co-located on an existing broadcast tower, evidence that the applicant has explored co-location opportunities with all broadcast towers in Rowan County shall accompany an application for a new broadcast tower. At a minimum, evidence of their due diligence should include:

1. Inquires and responses to existing broadcast tower owners/operators within Rowan County requesting the following information:
   i. Tower height and height available for co-location.
   ii. Assessment of whether tower could be upgraded to accommodate their co-location, i.e. structural and/or increase in height.
2. Using each of the broadcast towers inventoried above, provide a station coverage map depicting the anticipated signal contours for city grade vs. market grade based on height available for co-location. Areas of signal overlap and interference with other broadcast stations (as applicable) should be distinguished as well or provided on a separate map. The map(s) should depict principal arterial roads, municipal and county boundaries.

c. *New broadcast towers.* All applications for new broadcast towers should contain the following:

1. Two (2) copies of a site plan prepared by a registered professional engineer or professional land surveyor as provided in section 21-52.
2. Topography information for site; base elevations of tower site; tower height and antenna location.
3. Setbacks including access easements, fall zone, fencing and screening requirements found in section 21-215(1)b.1.--3.
4. Using the latitude and longitude of the proposed tower location as a fixed point, obtain actual photographs of the site that present a 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective toward the fixed point from the nearest North Carolina DOT maintained roads in relation to the site.
5. Create photo simulations from each of the perspectives referenced above depicting the tower at a scale relative to its surroundings with specific regard to height and width.
6. Certification from registered professional engineer that channel, frequency and power of transmitter are operating within FCC licensing limits.

DRAFT

7. Provide a station coverage map depicting the anticipated signal contours for city grade vs. market grade. The map should depict principal arterial roads, municipal and county boundaries.

8. Indicate the total population and number of persons located within the coverage area based on most recent decennial census; specifically indication the same for Rowan County.

9. If the broadcast tower application is a site move or city of licensure change, provide the total population based on most recent decennial census and population based on most recent decennial census that will no longer receive coverage.

d. *Tower viewshed.* New broadcast tower locations should limit visual impacts to the North Carolina Scenic Byway, National Register of Historical Properties and those on the statewide study list for inclusion in the National Register program. In an effort to portray the visual impacts the tower has on the surrounding area, the applicant shall provide terrain profile maps prepared in the following manner:

   1. Using the latitude and longitude of the proposed tower location as a fixed point, prepare terrain profile maps portraying line-of-site from the highest point on tower to limits of its visibility.

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

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

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

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

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

DRAFT

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

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

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

a. Separation of off-premises signs shall be one thousand (1,000) feet per road side as measured parallel to the road travelway. The road side is considered to consist of one (1) side of the road. Only one (1) sign per one thousand (1,000) feet shall be allowed per roadside. This standard shall apply to all roads, except signs exempted in section 21-181.

b. Location of off-premises signs, excluding those exempted in sections 21-135(g) and 181, shall be limited to the CBI and IND zoning districts. In addition the property shall meet the following standards.

1. On property (tax parcel) which has one (1) or more permanent structures devoted to commercial or commercial activity or otherwise on which commercial or industrial activity is conducted extending outward five hundred (500) feet beyond the edge of the activity. The building shall be within six hundred sixty (660) feet of nearest edge of right-of-way.

2. Said activity shall have been on the site three (3) months or more.

3. Site shall have all required local state and federal privilege licenses as required by law.

4. The activity shall be serviced by approved utilities.

5. The activity shall have direct or indirect vehicular access and be a generation of traffic volume.

6. Employees shall be on site during usual normal and customary hours for that activity.

7. The activity shall be visible and recognizable as commercial or industrial.

c. For the purpose of this section none of the following activities shall be commercial or industrial:

1. Outdoor advertising structures or activity or any other business or industrial activity carried on in connection with an outdoor advertising activity.

2. Agricultural uses.

3. Transient or temporary activities including seasonal activities.

4. Activities conducted in a building principally used as a residence.

5. Railroad tracks or sidings.

6. Sign face area per side shall not exceed four hundred fifty (450) square feet on I-

DRAFT

85 or three hundred (300) feet on all other roads. "Double-decker" signs are prohibited as are tandem signs.

7. Height shall not exceed fifty (50) feet over roadway.

8. The signs shall have a one thousand-foot separation from residences to limit detrimental effects on the residential property.

(14) *Winery, Wine Tasting Room*

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

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

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

(15) *Residential clustering.*

a. *Purpose.* The purpose is to encourage innovative development by allowing variations from normal regulations pertaining to dimensional criteria provided in article IV. In addition to the requirements of this subsection, approval of cluster subdivisions shall require approval as required by the subdivision ordinance.

b. *Development standards.* Proposed residential clustering shall contain a minimum of four (4) dwelling units on a total area of two (2) or more acres.

c. *Setbacks from exterior lot lines.*

Front, from rights-of-way ……. . . 75 feet

Side . . ……. 40 feet

Side street, from rights-of-way . . …… 50 feet

Rear . ……. . 40 feet

d. *Internal setbacks.*

Front, from edge of roadway . . ……... 20 feet

Side . . ……. 0 or 10 feet

Rear . . ……. 0 or 10 feet

e. *Buffers.* As required for MFR districts.

f. *Density.* To determine the total number of dwellings allowed for gross acreage excluding rights of way on public roads shall be divided by the minimum lot size allowed in the zoning district the subject property is in.

g. *Common areas.* Maintenance of the common areas shall be the responsibility of a homeowner's association, unless a written agreement is made or the area has been deeded or accepted by the county or a local municipality. If required, the homeowners association shall be responsible for the maintenance, payment of taxes, and shall control the open space area subject to restrictive covenants.

DRAFT

(16) *Multi-family developments.*

a. *Application.* An application shall be provided with:

1. Site plan as provided in section 21-52; and

2. Development name and name(s) and address(es) of owners and designers.

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

Public water and sewer: Twelve (12).

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

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

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

(17) *Event center.*

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

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

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

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

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

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

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

Sec. 21-61. Conditional districts.

(a) Purpose. There are instances where certain uses may have significant impacts on the surrounding area and the county which cannot be predetermined and controlled by general district standards. As a result, a general zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted as a conditional district subject to development requirements to address the anticipated impacts would be consistent with the spirit and intent

DRAFT

of this chapter. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

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

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

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

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

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

DRAFT

plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The approval of the district and any requested conditions shall be included on an approval form provided by the county. If the approval and any attached conditions are acceptable to the petitioner, then this acceptance shall be indicated by the petitioner signing the approval form.

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

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

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

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

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

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

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

(2) Minor changes.

a. The county recognizes slight deviations in site-specific development proposals may arise, warranting changes to the plans and therefore offers a provision for administrative approval of a minor change. The applicant may submit a written request to the planning director that includes supporting documentation (e.g. federal / state permits, survey / engineering information) substantiating the need for the minor change. After reviewing the record of proceedings, the planning director may consider minor changes that are substantially similar to that approved by the Board of Commissioners subject to the following criteria:

1. Relocation of operational area improvements that do not project into the required

DRAFT

setback;

2. One time expansions that do not exceed the lesser of ten (10) percent of the approved structure or one thousand (1,000) square feet for nonresidential uses;

3. One time expansions that do not exceed the lesser of ten (10) percent of the development or five (5) units;

4. Structural alterations that do not significantly effect the basic style, ornamentation, and / or character of the building; or

5. Change in detail which does not affect the basic relationship of the use to the required standards of the applicable ordinances or condition(s) of approval.

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

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

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

1. The vested rights time period from Sec. 21-11 lapsed;

2. The permit was obtained by fraud;

3. Non-compliance with the approved site plan and / or conditions of approval;

4. Repeated zoning code violations or criminal activity; or

5. Eminent threat to public health or safety.

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

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

DRAFT

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

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

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

(1) There has been a significant zoning district reclassification of an adjacent property;

(2) A new or updated land use plan which changes public policy regarding the property is adopted by the county; or

(3) Public facilities such as roads, waterlines, sewer lines, or other infrastructure are constructed or expand to serve the property and enable the proposed development to be accommodated.

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

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

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

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

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

i. System Area.

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

b. Common property lines within the system area are not subject to setback standards.

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

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

3. Screening, Buffering and Fencing. 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

DRAFT

system area perimeter, the applicant may propose use of option (i) or (ii) noted below. Nonetheless, the standards of this subsection may be increased or supplemented as provided in Section 21-61(e).

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 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.

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

5. Decommissioning Plan. Decommissioning Plan. The applicant shall provide a decommissioning 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 basis. Acceptance of the decommissioning plan and cost estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the mutually agreed cost estimate amount, which will remain in effect for the first ten (10) years of operation.

At a minimum, the contents of the decommissioning plan shall include the cost estimates referenced herein and information found in the NC Template Solar Ordinance's Example Decommissioning Plan updated to reflect the site's locational attributes. This plan shall be recorded in the Rowan County Register of Deeds prior to construction of the site.

An updated decommissioning plan detailing costs shall be submitted to the Planning Department at least six (6) months prior to the ten-year anniversary of installation and six (6) months prior to every five (5) year anniversary thereafter. In addition to the updated decommissioning plan submittals, the system owner shall provide an analysis of the power produced annually by the facility; an

DRAFT

operational efficiency and status report of the panels and equipment; and any intended upgrades or replacements of panels, equipment, etc. Acceptance of the updated plans and estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. A new financial surety at 1.25 times the mutually agreed cost estimate amount shall be provided by the owner / operator to Rowan County for the time period associated with the updated plan.

The system owner / operator may request an extension of the 360 day period to prevent execution of the Decommissioning Plan. The request shall be considered in the same manner as approval was granted.

6. ***Supplementary Materials. The applicant shall provide the following with the conditional district 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.***

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

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

DRAFT

greater than one-half (.5) acre in size.

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

1. ***Operation. Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection and section 21-246.***
2. ***Front yard setback. The facility shall be one hundred (100) feet from the edge of the right-of-way.***
3. ***Separation from certain uses. The facility shall be a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.***
4. ***Side and rear yard buffering and screening. The facility shall be completely surrounded by type B buffer and screening, as provided in article IX.***
5. ***Operational area. No operations shall occur in the required buffer.***

(d) Zoological garden (SIC 8422).

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

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

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

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

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

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

DRAFT

residentially developed properties.

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

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

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

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

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

(8) *Signage.* Shall be as prescribed in article VIII, Signs, for the underlying district.

(9) *Noise.* Noise shall not exceed the decibel levels during time periods prescribed in section 21-241 for construction, manufacturing, transportation, communications, electric, gas and sanitary services, wholesale, and service uses.

(10) *Outdoor storage.* All outside storage areas including dumpsters shall be:

a. Sited to the rear of the building;

b. Not within the required setbacks.

c. Notwithstanding other requirements of this subsection, outdoor storage shall be completely screened from adjacent residentially zoned property

(11) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.

(12) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

(13) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this ordinance.

(14) *Screening and buffering.* Screening as required by Sec. 21-216.

(15) *Outdoor display.* Outdoor display shall be limited to five thousand (5,000) square feet.

(Ord. of 6-17-02; Amend. of 5-7-07; Amend. of 9-6-11; Amend. of 09-03-19)

Secs. 21-66--21-80. Reserved.

ARTICLE IV. DIMENSIONAL CRITERIA

Sec. 21-81. Dimensional requirements; general.

Requirements for lot area, width, depth, and frontage, front, side and rear yard shall be provided in section 21-84, unless modified by the Board of Commissioners through residential clustering, multi-family developments subject to section 21-60 (16), Planned Development Subdivisions subject to chapter 22 section 58 of the Subdivision Ordinance, or as otherwise

DRAFT

provided.

(Ord. of 1-19-98 § V; Amend. of 10-4-10; Amend. of 4-21-14)

Sec. 21-82. Measurement of setback or building line.

Setbacks or front or side street building lines and other applicable elements of this chapter shall be measured from the street or road rights-of-way. If no recorded rights-of-way exists, the assumed rights-of-way shall be thirty (30) feet from the centerline of the road.

(Ord. of 1-19-98, § V)

Sec. 21-83. Rear yard triangular lot.

A triangular shaped lot where the side lot lines intersect at the rear of the lot, shall provide a rear yard as required for that district. The rear yard shall be determined by locating a point on each side lot line measured from the intersection of the side yards toward the front of the lot, and connecting these two (2) lines.
(Ord. of 1-19-98, § V)

Sec. 21-84. Table of dimensional requirements.

DISTRICTS	**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**
Minimum zone lot size[(1)(3)]									
Septic tank and individual or multi-connection well	20,000 sq ft	20,000 sq ft	20,000 sq ft	6 acres	2 acre with 3 du/acre [(2)]	N/A[(2)]	20,000 sq ft	N/A	N/A
Minimum zone lot size[(1)(3)]									
Public water or community water or Public sewer or approved package treatment plant	15,000 sq ft	15,000 sq ft	15,000 sq ft	6 acres	2 acre with 8 du/acre [(2)]	N/A[(2)]	15,000 sq ft	N/A	N/A
Minimum zone lot size[(1)(3)]									
Public water and sewer	10,000 sq ft	10,000 sq ft	10,000 sq ft	6 acres	2 acre with 12 du/acre [(2)]	N/A[(2)]	10,000 sq ft	N/A	N/A
Minimum lot width at right-of-way	35 ft	35 ft	35 ft	35 ft	35 ft[(6)]	35 ft	35 ft	35 ft	35 ft
Minimum lot width at Building setback line	70 ft	70 ft	70 ft	70 ft	70 ft[(6)]	70 ft	50 ft	70 ft	70 ft
Minimum lot depth									
Without public water & sewer	150 ft	150 ft	150 ft	150 ft	150 ft[(6)]	100 ft[(2)]	100 ft[(2)]	150 ft	150 ft
Public water and sewer	125 ft	125 ft	125 ft	125 ft	125 ft[(6)]	100 ft	100 ft	125 ft	150 ft
Principal structure setback									
Front Yard[(4)]	30 ft	30 ft	50 ft	50 ft	50 ft[(6)]	50 ft[(2)]	30 ft	30 ft	50 ft
Side street	20 ft	20 ft	25 ft	50 ft	50 ft[(6)]	30 ft[(2)]	20 ft	20 ft	30 ft
Side yard[(4)]	10 ft	10 ft	10 ft	50 ft	50 ft[(6)]	10 ft or 0 ft[(2)]	10 ft or 0 ft[(7)]	10 ft	10 ft or 0 ft
Rear yard[(4)]	10 ft	10 ft	20 ft	50 ft	50 ft[(6)]	10 ft or 0 ft[(2)]	10 ft or 0 ft[(2)(7)]	10 ft	10 ft or 0 ft

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Accessory structure setback[8]									
Front	30 ft	30 ft	50 ft	50 ft[5]	50 ft[6]	10 ft	10 ft	10 ft	10 ft
Any right-of-way	10 ft	10 ft	10 ft	30 ft[5]	50 ft[6]	10 ft	10 ft	10 ft	10 ft
Side and rear yard	10 ft	10 ft	10 ft	10 ft[5]	10 ft[6]	10 ft	10 ft	10 ft	10 ft

(1) May be increased based on location in regulated watershed.
(2) For single family use standards for RA district.
(3) For individual lot size/space standards in an MHP district refer to section 21-60(11)n.
(4) For individual space setbacks in an MHP district refer to section 21-60(11)d.
(5) From exterior property lines.
(6) Requirements may be modified or exempted as provided by section 21-60(16). Dimensional criteria for subdivided lots shall be as provided for in the RA district, excluding external boundaries of the development.
(7) See "special requirements" for NB district for setbacks from residential zoning districts.
(8) Refer to section 21-285 for additional standards.

(Ord. of 1-19-98, § V; Ord. of 2-1-99(1), § 12; Ord. of 10-18-99(1); Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 11-2-09; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 4-21-14)

Secs. 21-85--21-110. Reserved.

ARTICLE V. PERMITTED AND CONDITIONAL USES

Sec. 21-111. Generally.

The range of uses permitted as of right and under prescribed conditions established in this article is summarized in section 21-113. In the event of a conflict between section 21-113 and the text of this chapter, the text shall control.

(Ord. of 1-19-98, § VI)

Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.

Section 21-113, Table of uses, and section 21-166, Parking requirements, are based on the SIC Manual. Specific uses listed under headings in that manual shall be subject to the guidelines prescribed for general use categories as listed in these tables. Where specific uses are not listed, the administrator may apply the standards set forth in this chapter for similar uses.

(Ord. of 1-19-98, § VI

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Sec. 21-113. Table of uses.

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use		Zoning Districts								
		Residential					Nonresidential			
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Residential										
SIC	Single family dwelling, site built	P	P	P	P	P	P	P		
	Single family dwelling, modular	P	P	P	P	P	P	P		
	Manufactured home	P Type I (1)	P Type I (1)		P Type I, II, III	P Type I (1)	P Type I (1)			
(1) Refer to section 21-284 for exception to this criteria, section 21-137 for replacement of nonconforming manufactured homes and section 21-281 for temporary uses										
	Temporary family health care structure	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)		
	Duplex, individual	P	SR			P	P			
	Duplexes, triplexes, quadraplexes, other multi-family developments					C				
	Home occupations	P	P	P	P	P	P	P		
	Residential clustering	C	C	C		C				
	Family care homes	SR	SR	SR	SR	SR	SR	SR	SR	
	Manufactured home park				C					
	Manufactured home park, family	SR	SR		SR	SR				
	Major Subdivisions for residential use	P	P	P	P	P				
Agriculture, forestry and fishing										
01	Agricultural Production - Crops	P	P	P	P	P	P	P	P	P
02	Agricultural production livestock and animal specialties	P	P	P	P	P	P	P	P	P
07	Agricultural services, *all except*	P	P	P	P	P	P	P	P	P
0741	Veterinary Services for Livestock	SR or C	SR or C				P	SR		P

DRAFT

0742	Veterinary Services for Animal Specialties	SR	SR				P	SR		P
0751	Livestock Services, except veterinary, *all except*	SR or C	SR or C				P	SR		P
0751 (pt)	Slaughtering, custom	C					P	C		P
0752	Animal specialty services, except veterinary, *all except*	SR or C	SR or C				P	SR		P

P- Permitted by Right **P(A) - Permitted as Accessory Use** **SR - Permitted with Special Requirements** **C- Conditional Use** ***CD – Conditional District***		**Zoning Districts**								
		Residential					**Nonresidential**			
Use		**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**
Agriculture, forestry and fishing cont.										
0752 (pt)	Boarding horses, training horses, except racing	P	P				P	P		P
0752 (pt)	Animal Shelter, Boarding Kennel, and Dog Pound	C					P	C		P
0782	Lawn and garden services	SR	SR				P	SR		P
0783	Ornamental Shrub and Tree Services	SR	SR				P	SR		P
08	Forestry	P	P	P	P	P	P	P	P	P
09	Fishing, hunting and trapping	P	P	P	P	P	P	P	P	P
	Greenhouses	P	P				P	P		P
Mining										
10	Metal mining									C
12	Coal mining									C
13	Oil and gas extraction									C
14	Mining and quarrying of non-metallic minerals except fuels, *all except*									C
1442	Common sand mining	SR	SR				P			P
Construction										
15	Building construction- general contractors and operative builders	SR	SR				P	SR		P

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16	Heavy construction other than building construction – contractors	SR	SR				P	SR		P
17	Construction – special trade	SR	SR				P	SR		P
Manufacturing										
20	Food and kindred products, *all except*	SR	SR				P	SR		P
201	Meat products						P			P
207	Fats and oils									P
208 (pt)	Winery	SR or C	SR or C				P	SR		P
2091	Canned and cured fish and seafood						P			P
2092	Prepared fresh or frozen fish and seafood						P			P
21	Tobacco products	SR	SR				P	SR		P
22	Textile mill products, *all except*						P			P
226	Dying and finishing textile									P
23	Apparel & other finished products made from fabrics & similar material	SR	SR				P	SR		P
24	Lumber and wood products, except furniture, *all except*	SR	SR				P	SR		P
241	Logging	P	P	P	P	P	P	P	P	P
2421	Sawmills and planning mills, general	SR								P
2426 (pt)	Dimension, hardwood	SR								P
2429 (pt)	Sawmills, special product	SR								P
2491	Wood preserving									P
25	Furniture and fixtures	SR	SR				P	SR		P
26	Paper and allied products, *all except*						P			P
261	Pulp mills									C
262	Paper mills									C
27	Printing, publishing, allied industries	SR	SR				P	SR		P
28	Chemicals and allied products, all except									C
283	Drugs						P			P

DRAFT

284	Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations						P			P
29	Petroleum refining, related products									C
30	Rubber and miscellaneous products	SR	SR				P	SR		P
31	Leather & leather products, *all except*	SR	SR				P	SR		P
311	Leather and finishing									C
32	Stone, clay, glass and concrete products, *all except*	SR	SR				P	SR		P
324	Hydraulic cement									C
325	Structural clay products									C
327	Concrete, gypsum, plaster products									C
P- Permitted by Right **P(A) - Permitted as Accessory Use** **SR - Permitted with Special Requirements** **C- Conditional Use** ***CD – Conditional District***		**Zoning Districts**								
		Residential					**Nonresidential**			
Use		**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**
Manufacturing cont.										
329	Abrasives, asbestos, Non-metallic mineral products									C
33	Primary metal industries									C
34	Fabricated Metal products, except machinery and transportation equipment, *all except*	SR	SR				P	SR		P
3483	Ammunition except for small arms									C
3489	Ordnance and accessories									C
35	Industrial and commercial machinery and computer equipment	SR	SR				P	SR		P
36	Electronic and other electrical equipment and components, except computer equipment, *all except*	SR	SR				P	SR		P
3612	Power distribution and specialty transformers						P			P

DRAFT

37	Transportation equipment	SR	SR				P	SR		P
38	Measuring, analyzing and controlling instruments	SR	SR				P	SR		P
39	Miscellaneous manufacturing industries	SR	SR				P	SR		P
Transportation, communications, electric, gas and sanitary services										
40	Railroad transportation									P
41	Local & suburban transit, interurban highway passenger transportation	SR	SR				P	SR		P
42	Motor freight transportation and warehousing, *all except*	SR	SR				P	SR		P
421	Trucking	SR	SR				P	SR		P
4221	Farm product warehousing and storage	SR or C	SR or C				P	SR		P
	Dead storage of manufactured homes	SR	SR		SR	SR	SR			SR
4226 (pt)	Automobile dead storage									C
4226 (pt)	Oil and gasoline storage caverns for hire and petroleum and chemical bulk stations and terminals for hire						P			P
43	U.S. Postal Service	P	P	P	P	P	P	P	P	P
44	Water transportation, *all except*						P			P
4493 (pt)	Marinas						P	SR		P
45	Transportation by air						P			P
46	Pipelines, except natural gas	C	C	C	C	C	C	C	C	C
47	Transportation services, *all except*						P			P
472	Arrangement of passenger transportation	SR	SR				P	SR		P
48	Communications, *all except*						P			P
	Transmission tower & Wireless support structures	C	C				C	C		C
	Co-location of wireless facilities	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Eligible facilities request	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Alternative tower structures	SR	SR	SR	SR	SR	SR	SR	SR	SR

DRAFT

	Public safety tower	SR	SR	SR	SR	SR	SR	SR	SR	SR
4832	Radio broadcast towers	C								
4833	Television broadcast towers	C								
49	Electric, gas, water services (SIC 491, 492, 493, 494), *all except*						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 *except*									
	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***

	Zoning Districts								
	Residential					**Nonresidential**			
Use	**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**
Transportation, communications, electric, gas and sanitary services cont.									
Garbage: collect, destroy & process	***CD***								C
Land clearing and inert debris landfill (LCID)	***CD*** ~~C~~								C
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
496 Steam and air conditioning supply						P			P

DRAFT

Wholesale trade										
50	Wholesale trade, durable goods, *all except*	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				P	SR		P
5093	Scrap and waste materials									C
51	Wholesale trade, nondurable goods, *all except*	SR	SR				P	SR		P
5153	Grain and field beans	SR or C	SR or C				P	SR		P
5154	Livestock (wholesale)									C
5159	Farm product raw materials, NEC	SR or C	SR or C				P	SR		P
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

DRAFT

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, *all except*	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, *all except*	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

P(A) - Permitted as Accessory Use
SR - Permitted with Special Requirements

C- Conditional Use ***CD – Conditional District***

	Zoning Districts								
	Residential					**Nonresidential**			
Use	**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**
Services cont.									
79 Amusement, recreational services, *all except*	SR	SR				P	SR		P

DRAFT

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, *all except*	SR or C	SR or C	SR			P	SR		P
7997 (pt)	Gun club, shooting clubs	C					C			C
7999	Amusement and recreation services, NEC, *all except*						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, *all except*	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, *all except*	P	P	P			P	P	P	P
	Facility providing overnight habitation								SR	

DRAFT

83	Social services, *all except*	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, *all except*						C		C	C
8361 (pt)	Homes for the aged and rest homes within incidental health care	SR	SR				P	SR	P	P
84	Museums, art galleries and botanical gardens, *all except*	SR	SR				P	SR	P	P
	Zoological parks	***CD*** ~~C~~					C		~~C~~	
86	Membership organizations, *all except*	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, *all except*						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 **P(A) - Permitted as Accessory Use** **SR - Permitted with Special Requirements** **C- Conditional Use** ***CD – Conditional District***	**Zoning Districts**								
	Residential					**Nonresidential**			
Use	**RA**	**RR**	**RS**	**MHP**	**MFR**	**CBI**	**NB**	**INST**	**IND**

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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
Unclassified										
	Adult uses						C			
	Construction and demolition landfill									C
	Event center	C	C				P	C		P
	Major subdivisions for non-residential use						P	P	P	P
	Multi-tenant developments						SR	SR	SR	SR
	Residential storage facility	SR or C	SR or C	SR or C			P	P		
SEE ARTICLE III. FOR SPECIAL REQUIREMENTS AND CONDITIOANL USE CRITERIA FOR SPECIFIC USES.										

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

Secs. 21-114--21-130. Reserved.

ARTICLE VI. NONCONFORMING SITUATIONS*

Sec. 21-131. Purpose and intent.

It is the intent of these provisions to regulate and limit nonconforming situations established prior to the effective date of this article, or subsequent amendments, to prescribe guidelines for their continuance which will strive to achieve the desired character of the county and preserve the integrity of this article. Any nonconforming situation may be continued, maintained, or expanded

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in accordance with the terms of this section. It is also the intent of this section to provide relief mechanisms which may allow the use of nonconforming lots under certain conditions.

(Ord. of 11-19-01(2))

***Editor's note:** An ordinance adopted Nov. 19, 2001, amended art. VI in its entirety, in effect repealing and reenacting said article to read as herein set out. The former art. VI, §§ 21-131--21-139, pertained to similar subject matter and derived from § VII of an ordinance adopted Jan. 19, 1998.

Sec. 21-132. General provisions.

(a) A nonconforming situation occurs when, on the effective date of this article or subsequent amendment, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matter as density and setback requirement) is not in conformity with this article, because signs do not meet the requirements of this article, or because land or buildings are used for purposes made unlawful by this article.

(b) Unless otherwise specifically provided for in this article and subject to the restrictions and qualifications set forth in the remaining sections of this article, nonconforming situations that were otherwise lawful on the effective date of this article may be continued. Whenever this section refers to the effective date of this article, the reference shall be deemed to include as originally adopted, creates a nonconforming situation.

(1) *Single lot of record with lot area and/or lot width nonconformity.*

a. When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and lot of record at the time of adoption of this article or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with. Notwithstanding the above standards, setbacks for nonconforming lots of record may be reduced as provided by section 21-332 of this chapter.

b. In the RS, RR and RA residential zones, only a single-family dwelling or a manufactured home shall be permitted on the nonconforming lot, if allowed as a permitted use in that district.

(2) *Lots with contiguous frontage in one (1) ownership.* When two (2) or more adjoining and vacant lots of record are in one (1) ownership and said lots individually have a lot area or lot width which does not conform to the dimensional requirements of the district where located, such lots shall be combined to create one (1) or more lots that meet the standards of the district where located prior to issuance of a zoning permit.

(3) *Other standards for lot sizes.* Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the county board of health regulations or other applicable state standards.

DRAFT

(Ord. of 11-19-01(2); Amend. of 4-21-14)

Sec. 21-133. Continuation of nonconforming use of land.

Any nonconforming situation legally existing at the time of adoption or amendment of this article may be continued so long as it remains otherwise lawful subject to conditions provided in this section.

(Ord. of 11-19-01(2))

Sec. 21-134. Conditions for continuance for a change in nonconforming situation.

Such nonconforming use of land shall be subject to the following conditions:

(1) No nonconforming situation shall be changed to another nonconforming situation unless such use is determined to be of equal or less intensity. In determining whether a proposed nonconforming situation is of equal or less intensity, the board of commissioners shall consider the following and determine findings of fact relevant to their determination:

a. Probable traffic impacts of each use.

b. Parking requirements of each use.

c. Probable number of persons on the premises of each use at a time of peak demand.

d. Off-site impacts of each use, such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties or the public health or safety.

(2) The number of dwelling units in a nonconforming residential use shall not be increased.

(Ord. of 11-19-01(2))

Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.

(a) Except as provided for in subsections (b) through (g), no nonconforming use shall be extended, enlarged, or replaced.

(b) Any single-family residential nonconforming use (which may be a manufactured home) or accessory structure associated with a residential use may be enlarged or replaced with a similar structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or project further into the required setback. Accessory structures permitted in accordance with Sec. 21-54 or as rural home occupations may only be extended, enlarged, or replaced subject to subsections (c) through (f).

(c) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special use permit if the county board of commissioners finds that, in completing the extension, enlargement, or replacement work:

(1) There is no increase in the operational area existing on the effective date of this ordinance;

(2) There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and

DRAFT

(3) There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare or other nuisances.

In issuing a special use permit, the board of commissioners may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas. The board may also establish a vesting period from two (2) to five (5) years subject to section 21-11.

(d) A nonconforming situation may be extended throughout any portion of a completed building that, when the use therein was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. However, a nonconforming situation may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection (c). In addition, the level of noise, dirt, odor, glare or other nuisance shall not increase.

(e) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if such permit was obtained in compliance with all applicable laws and ordinances in effect at the time of approval.

(f) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violations of other sections of this article occur.

(g) The replacement or repair of any off-premise sign for which there is in effect a valid permit issued by NCDOT shall not be subject to the standards of this ordinance so long as the square footage of its advertising surface area is not increased as specified in G.S. 136-131.2. As used in this section, reconstruction includes the changing of an existing multi-pole sign structure to a new monopole structure.

(Ord. of 11-19-01(2); Amend. of 9-6-11; Amend. of 4-21-14)

Sec. 21-136. Repairing damaged nonconforming structures.

(a) *Conditions for repair of damaged nonconforming uses.* Repair or rebuilding such nonconforming structures shall be subject to the following conditions:

(1) In the event of damage by fire or other causes to the extent less than seventy-five (75) percent of its tax value prior to such damage as determined by the county director of Building Inspections, reconstruction of a nonconforming structure shall be permitted for the same use subject to the following conditions:

a. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements.

b. In the same manner in which it originally existed.

(2) In the event of damage by fire or other causes to the extent exceeding seventy-five (75) percent of its tax value prior to such damage as established by the county director of Building Inspections, reconstruction of a nonconforming structure shall be permitted

DRAFT

provided it is constructed:

a. In the same manner in which it originally existed subject to compliance with the requirements of the state building code; or

b. Relocated in compliance with dimensional and use requirements of the district in which the unit is relocated.

(3) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the state building code.

(4) Off-premise signs may be repaired or replaced subject to section 21-135 (g) or this subsection.

(b) *Preservation of safe or lawful conditions.* Nothing in this article shall prevent the strengthening or restoration to a safe or lawful condition any building declared unsafe or unlawful by the county building inspector or other duly authorized official.

(Ord. of 11-19-01(2); Amend. of 9-6-11; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-137. Abandonment and discontinuance.

(a) *Nonconforming use.* A nonconforming manufactured home space, vacated for one hundred eighty (180) days, or left vacated for one hundred eighty (180) days after the effective date of this article shall only be used for a conforming use. A manufactured home space in a MHP zoning district meeting the applicable standards of section 21-283, which contain one or more non-conforming situations from section 21-60(11), left unoccupied for more than one hundred eighty (180) days shall not be considered abandoned, discontinued, or vacated unless all of the spaces within the MHP district are unoccupied for said time period. Other nonconforming uses left vacant, abandoned or discontinued for a period of three hundred sixty (360) days shall only be re-established as a conforming use.

(b) *Determination of nonconformity.* For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on the zone lot are generally to be considered as a whole. If a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period as provided in subsection (a) shall terminate the right to maintain it thereafter.

(c) *Existing nonconforming manufactured homes.* Existing nonconforming manufactured homes may be replaced with a newer manufactured home; however, the new manufactured home shall meet current building codes for manufactured housing as set forth by the department of housing and urban development, unless expressly provided otherwise in this article. The new manufactured home shall be as large or larger that the replaced manufactured home. If the space is left vacant for more than one hundred eighty (180) days, the space shall only be used for a conforming use. If the manufactured home is not replaced within one hundred eighty (180) days it can only be replaced with a conforming use.

(Ord. of 11-19-01(2); Amend. of 9-6-16)

Sec. 21-138. Miscellaneous nonconforming situations.

(a) *Nonconforming situation resulting from governmental acquisition.* Any lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot

DRAFT

or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this article.

(b) *Nonconforming parking created by change of use.* Whenever a change of use that does not involve the enlargement of an existing structure is proposed for a lot on which the parking requirements of this article for the proposed new use cannot be met due to insufficient lot area, the proposed change of use shall not be regarded as an impermissible extension or enlargement of a nonconforming situation. However, the permit-issuing authority shall require that the parking requirements be satisfied to the extent possible utilizing the lot area that is available.

(Ord. of 11-19-01(2))

Sec. 21-139. Nonconforming signs.

Nonconforming signs shall be treated as any other nonconforming use.

(Ord. of 11-19-01(2))

Sec. 21-140. Projections into required setbacks.

(a) *Projection of porches into yards.* Porches, terraces, steps and similar features with a floor level of not more than five (5) feet above the highest adjacent grade, may project eight (8) feet into the required setback but in no case shall be closer than five (5) feet to the adjacent side or rear property line or ten (10) feet to the right-of-way.

(b) *Projection of cornices, eaves, chimneys, flues, etc.* Cornices, eaves, chimneys, flues, heating and air conditioning units and other similar features may project four (4) feet into any required yard. However, in no case shall such units be closer than five (5) feet to the adjacent property lines or rights-of-way.

(Ord. of 11-19-01(2); Amend. of 10-4-10)

Secs. 21-141--21-160. Reserved.

ARTICLE VII. PARKING

Sec. 21-161. Purpose.

This section is intended to ensure an adequate amount of properly designed parking areas to prevent traffic congestion and to minimize any detrimental effects on adjacent properties.

(Ord. of 1-19-98, § VIII)

Sec. 21-162. General design requirements.

All off-street parking areas shall meet the requirements of this article and shall be properly maintained to ensure continued compliance with this article.

(Ord. of 1-19-98, § VIII)

DRAFT

Sec. 21-163. Parking areas.

Parking areas shall conform to the general criteria listed below unless expressly provided otherwise in this chapter.

(1) *Location.* Off-street parking areas shall be provided on the same zone lot as the principal use or on a nearby lot a reasonable walking distance away. Such areas shall not be located within any rights-of-way and shall be set back five (5) feet from any zone lot line.

(2) *Safety.* All parking areas shall be designed so that emergency vehicles may safely enter, maneuver in, and exit such areas without backing onto a street or road.

(3) *Surfacing.* Notwithstanding the other requirements of this chapter, required parking areas shall be properly graded and improved with an all-weather surface, which may be gravel.

(4) *Lighting.* Parking areas shall be adequately lighted during business hours. Such lighting shall be designed to minimize adverse effects upon adjoining properties and rights-of-way.

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

Sec. 21-164. Parking space requirements.

(a) *Calculation of minimum spaces required.* The number of standard off-street parking spaces required by this section shall be determined in accordance with section 21-166. Any fraction resulting from the calculation of required parking spaces shall be rounded up to the nearest whole number.

(b) *Minimum space dimensions.*

(1) *Standard spaces.* Each standard parking space shall be twenty (20) feet long and nine (9) feet wide. Parallel parking spaces shall be at least twenty-two (22) feet long and nine (9) feet wide.

(2) *Handicapped spaces.* Handicapped spaces shall be as required by the North Carolina Building Code and the Americans With Disabilities Act.

(Ord. of 1-19-98, § VIII)

Sec. 21-165. Flexibility of administration.

The presumptive standards set forth in the parking requirements table cannot cover every possible use or situation, nor can the table be considered exact. Therefore, the administrator is given flexibility to administer this section as follows:

(1) *Similar use.* Parking space requirements for a use not identified in the table shall be based on a similar, listed use.

(2) *Other use.* In the case of unique land uses or those that have unusually high parking requirements, the landowner shall demonstrate to the administrator that sufficient off-street parking can be provided.

(3) *Numerical standard.* Deviations from the number of spaces are permitted when the administrator determines that the requirements for a particular situation are unreasonable.

DRAFT

The reasons for allowing the deviation or requirement shall be noted in writing by the administrator.

(Ord. of 1-19-98, § VIII)

Sec. 21-166. Table of parking requirements.

SIC	MINIMUM PARKING SPACES DU = Dwelling Unit SF = Square Feet ELS = Employee on Largest Shift	
Residential		
	Single family dwelling, site built	N/A
	Single family dwelling, modular	N/A
	Manufactured home, individual lot	N/A
	Manufactured home, MHP	2 spaces/MHP space
	Duplex, individual	2 space/DU
	Duplexes, triplexes, quadruplexes, other multi-family developments	2 spaces/DU
	Home occupations	N/A
Agriculture, forestry and fishing		
	All uses	1 space/400 SF + 1 space/vehicle
Mining		
	All uses	1 space/ELS + 1 space/vehicle
Construction		
	All uses	1 space/ELS + 1 space/vehicle
Manufacturing		
	All uses	1 space/ELS + 1 space/vehicle
Transportation, communications, electric, gas and sanitary services		
40	Railroad transportation	1 space/ELS + 1 space/vehicle
41	Local and suburban transit and interurban highway passenger transportation	1 space/ELS + 1 space for every 100 SF of Waiting Area
42	Motor freight transportation and warehousing	1 space/ELS + 1 space/vehicle
43	U.S. Postal Service	1 space/ELS + 1 space/400 SF
45	Transportation by air	1 space/ELS + 1 space/4 planes
46	Pipelines, except natural gas	1 space/ELS + 1 space/ELS
47	Transportation services	1 space/ELS + 1 space/ELS
48	Communications	1 space/ELS + 1 space/ELS
49	Electric, gas and sanitary services	1 space/ELS + 1 space/vehicle
Wholesale trade		
	All uses	1 space/ELS + 1 space/vehicle
Retail trade		
	All uses	1 space/ELS + 1 space/400 SF + 1 space/vehicle
Finance, insurance and real estate		
	All uses	1 space/ELS + 1 space/400 SF
Services		
70	Hotels, rooming houses, camps & other lodging places, *all except*	1 space/room + 1 space/ELS + 1 space/200 SF of meeting area
Services cont.		
7032	Sporting and recreational camps	1 space/campsite + 1 space/ ELS + 1 space/200 SF of meeting area
7011 & 7033	Cabins, Campgrounds, and RV Parks	1 space/campsite + 1 space/ ELS + 1 space/200 SF of meeting area
72	Personal services	1 space/ELS + 1 space/400 SF
73	Business services	1 space/ELS + 1 space/400 SF
75	Auto repair, services, and parking	1 space/service bay + 1 space/ELS
76	Miscellaneous repair services	1 space/ELS + 1 space/400 SF
78	Motion pictures	1 space/ ELS + 1 space/4 seats
79	Amusement and recreational services, *all except*	1 space/400 SF
7948	Racing, including track operations	1 space/4 seats
7992	Public golf courses	10 spaces/hole
	Shooting ranges, skeet shooting & trapshooting facilities, similar	1 space/ELS + 1 space/station
	Riding stables	1 space/ELS + 1 space/4 stables
80	Health services	1 space / 200 SF

DRAFT

81	Legal services	1 space / 400 SF
82	Educational services	1 space/ELS + 1 space/400 SF
83	Social services	1 space / 400 SF
84	Museums, art galleries, and botanical and zoological gardens	
86	Membership organizations, *all except*	1 space/400 SF
	Churches	1 space/5 persons seating capacity
87	Engineering, accounting, res. Management and related services	1 space/400 SF
88	Private households	N/A
89	Miscellaneous services	1 space/400 SF
Public administration		
	All uses	1 space/ELS + 1 space/400 SF
Note: The term 'vehicle' includes any and all vehicles used in the normal operation of the business or facility. The term 'station' includes but is not limited to any and all uses as a seat in a barber/beauty shop, or a shooting station in a shooting facility.		

(Ord. of 1-19-98, § VIII; Amend. of 3-5-12; Amend. of 4-21-14; Amend. of 10-17-16; Amend. of 09-03-19)

Secs. 21-167--21-180. Reserved.

ARTICLE VIII. SIGNS*

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***Editor's note:** An ordinance adopted Dec. 3, 2001, amended art. VIII in its entirety, in effect repealing and reenacting said article to read as herein set out. The former art. VIII, §§ 21-181--21-183, pertained to similar subject matter and derived from § IX of an ordinance adopted Jan. 19, 1998.

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Sec. 21-181. Applicability.

All on premises signs of any size and off-premises signs one hundred (100) square feet and smaller, are exempt from the regulations in this article, unless expressly provided otherwise.

(Ord. of 12-3-01; Amend. of 10-4-10; Amend. of 4-21-14)

Sec. 21-182. Lighting of signs.

No signs may have lighting which:

(1) Causes glare to shine on adjacent residentially developed property.

(2) Obstruct views, imitate traffic lights or otherwise confuse or potentially endanger motorists.

(Ord. of 12-3-01)

Sec. 21-183. Off-premises signs.

Off-premises signs, larger than one hundred (100) square feet, are only allowed as conditional uses on the CBI and IND zoning districts. In addition to general evaluation criteria provided for all conditional uses specific criteria are provided in section 21-60(13).

(Ord. of 12-3-01; Amend. of 1-22-13)

Sec. 21-184. Reserved.

DRAFT

(Amend. of 8-20-07; Amend. of 9-6-16)

Secs. 21-185--21-210. Reserved.

ARTICLE IX. SCREENING AND BUFFERING

Sec. 21-211. Purpose.

Certain land uses, because of their character and intensity, may create an adverse impact when developed adjacent to other less intensive land uses. The general purpose of this article is to establish guidelines to preserve the value and appearance of property in the county and to recognize that the transition between certain uses requires attention to protect less intensive land uses. The goal is to identify land use relationships that may be incompatible and to specify an appropriate buffer or screen in order to minimize adverse impacts.

(Ord. of 1-19-98, § X)

Sec. 21-212. Applicability.

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

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

Sec. 21-213. Buffer requirements.

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

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

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

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

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

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

DRAFT

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

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

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

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

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

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

(1) Artificial streambank or shoreline stabilization;

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

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

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

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

Sec. 21-214. Letter of compliance.

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

(Ord. of 1-19-98, § X)

Sec. 21-215. Required screening type.

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

(1) *Type A.*

DRAFT

a. Buffer: Twenty (20) feet.

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

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

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

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

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

(2) *Type B.*

a. Buffer: Eighty (80) feet.

b. Screening shall consist of:

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

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

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

(Ord. of 1-19-98, § X)

Sec. 21-216. Screening and buffering.

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

Screening and Buffering

DRAFT

	Group1	Group 2	Group 3	Group 4
Group 1	None	Type A	Type A	Type B
Group 2	Type A	None	Type A	Type B
Group 3	Type A	Type A	None	None
Group 4	Type B	Type B	None	None

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

(1) Single-family dwellings.

(2) Modular homes.

(3) Manufactured housing on individual lots.

(4) Duplexes on individual lots.

(c) *Group 2:*

(1) Manufactured home parks.

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

(3) Multi-family development.

(4) Residential clustering.

(d) *Group 3:*

(1) Veterinary services (074).

(2) Farm supplies.

(3) Building construction, general contractors (15).

(4) Heavy construction other than building contractors (16).

(5) Construction special trades (17).

(6) Food and kindred products (20).

(7) Tobacco products (21).

(8) Textile mill products (22).

(9) Apparel (23).

(10) Lumber and wood products (24) except logging and sawmills.

(11) Furniture and fixtures (25).

(12) Paper and allied products (26) except pulp and paper mills.

(13) Printing, publishing and allied industries (27).

(14) Drugs (283)

DRAFT

(15) Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (284)

(16) Rubber and miscellaneous products (30).

(17) Leather and leather products (31) except leather tanning and finishing.

(18) Stone, clay, glass and concrete products (32) except hydraulic cement, structural clay products, concrete, gypsum and plaster products.

(19) Abrasives, asbestos, nonmetallic mineral products, fabricated metal products (34) except ammunition, except for small arms; ordnance and accessories.

(20) Industrial and computer machinery and equipment (35).

(21) Electronic and other electrical equipment (36).

(22) Transportation equipment (37).

(23) Measuring, analyzing and controlling instruments (38).

(24) Miscellaneous manufacturing (39).

(25) Transportation and utilities (Division F), all except sanitary services, sewerage systems, refuse systems, dumps, sanitary land fills, rubbish collection and disposal, and ***Non-Residential*** solar energy systems.

(26) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick, stone, and related construction materials, metal and minerals, except petroleum, scrap and waste materials, livestock (wholesale); chemical and allied products, petroleum and petroleum products.

(27) All retail trade (Division G).

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

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

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

(1) Metal mining (10).

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

(3) Sawmills (242).

(4) Pulp mills (261).

(5) Paper mills (262).

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

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

(8) Leather tanning and finishing (3111).

(9) Hydraulic cement (324).

(10) Structural clay products (325).

DRAFT

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

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

(13) Primary metal industries (33).

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

(15) Ordnance and accessories (3489).

(16) Permitted refuse systems (4953).

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

(18) Utility Scale solar energy systems.

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

Sec. 21-217. Alternative buffers and screening.

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

(Ord. of 1-19-98, § X)

Sec. 21-218. Existing vegetation.

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

(Ord. of 1-19-98, § X)

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

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

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

Secs. 21-220--21-240. Reserved.

ARTICLE X. NUISANCES

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Sec. 21-241. Noise.

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

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

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

(d) *Maximum permitted sound levels.* The maximum permitted sound levels for the uses prescribed in subsection (b), shall be obtained at the apparent property line of the noise producer/source and not be in excess of the following decibels during the given time periods:

(1) 7:00 a.m.--11:00 p.m. not to exceed seventy (70) decibels.

(2) 11:00 p.m.--7:00 a.m. not to exceed sixty-five (65) decibels.

(Ord. of 1-19-98, § XI; Ord. of 5-21-01(1))

Sec. 21-242. Fumes and odors.

No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

(Ord. of 1-19-98, § XI)

Sec. 21-243. Vibration.

No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

(Ord. of 1-19-98, § XI)

Sec. 21-244. Junked motor vehicles.

Unless otherwise provided, junked motor vehicles in the RA, RR, and RS districts on private property not associated with a business, shall conform to the following requirements as of the effective date of this chapter.

(1) *General requirements.*

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a. The junked motor vehicles shall not be stored or located within thirty (30) feet of any adjoining property line or side street right-of-way; within eighty (80) feet of a centerline of a public road or private road of fifty (50) feet from the edge of the rights-of-way existing on February 16, 1998, whichever is greater.

b. The junked motor vehicles are not a health or safety nuisance as defined in section 21-4. No motor vehicle parts are visible from adjoining properties, nor shall the area constitute a health or safety nuisance as defined in section 21-4.

c. The junked motor vehicles shall be entirely concealed during all seasons of the year from public view from a public street and from adjoining properties. The vehicles may be concealed by an automobile cover or tarpaulin, with the covering adequately secured to prevent removal by wind. The automobile cover or tarpaulin must remain in good repair and not be allowed to deteriorate.

d. The junked motor vehicles shall not be in the front yard of the primary building of the lot.

e. Only five (5) junked motor vehicles shall be permitted outside any enclosed building unless otherwise specified by this chapter.

(2) *Exceptions for junked motor vehicles.*

a. In addition to the five (5) junked motor vehicles allowed outside any enclosed building in subsection (1)e, five (5) additional classic motor vehicles which meet the definition of a junked motor vehicle, shall be allowed in the RA district. Storage of these vehicles shall meet all other requirements of this chapter.

b. The repair of no more than one (1) motor vehicle per household for personal use is exempt from the location, screening, concealment and setback requirements of this chapter. The vehicle shall not constitute a health or safety nuisance as defined in section 21-4.

(Ord. of 1-19-98, § XI; Amend. of 11-2-09)

Sec. 21-245. Standards for junked motor vehicles stored at nonconforming automobile repair facilities.

Automobile repair facilities may store no more than ten (10) junked vehicles outside an automobile salvage yard or enclosed building unless otherwise specified by this chapter. The junked motor vehicle shall comply with the requirements below on February 16, 1998.

(1) The junked motor vehicles and motor vehicle parts shall be screened from adjacent property by a six-foot high opaque screening. Vegetative screening, if used, shall be opaque during all seasons of the year and planted and maintained in accordance with article IX;

(2) The junked motor vehicles shall not be stored in the front yard of the property or in the required front yard setback;

(3) The junked motor vehicles shall be a minimum of fifteen (15) feet off the side and

DRAFT

rear property line or side street right-of-way and a minimum of twenty (20) feet off the right-of-way existing at the effective date of this chapter or fifty (50) feet off the centerline of the road if the right-of-way is not established; and

(4) The junked motor vehicles shall not be stacked higher than the screening.

(Ord. of 1-19-98, § XI)

Sec. 21-246. Standards for automobile salvage yards.

(a) The standards in this section shall apply to automobile salvage yards created after November 27, 1995, in accordance with the provisions of the "Ordinance to Regulate Automobile Salvage yards as Junked or Abandoned Motor Vehicles" (hereafter referred to as the salvage yard ordinance) and prior to February 16, 1998.

(b) New automobile salvage yards and expansions of existing salvage yards approved under the provisions of the salvage yard ordinance shall comply with the following provisions:

(1) Shall be subject to any conditions of approval placed on the application by the board of commissioners;

(2) Shall be located a minimum of one hundred thirty (130) feet of any centerline or one hundred (100) feet from the edge of the right-of-way of any public or private road whichever is greater;

(3) Shall be located a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly existing at the date of submittal of a complete application. The one-thousand-foot required separation shall be measured from the closest point of the operational area of the automobile salvage yard. This prohibition shall not apply to the residence of the owner of the junkyard or automobile graveyard;

(4) Shall be entirely surrounded by an opaque screening at least six (6) feet high. Such screening shall surround the minimum area necessary for the automobile salvage yard to be maintained at its proposed size and that will also allow for a reasonable amount of maneuverability within;

(5) All operations, equipment, junk and/or inoperable motor vehicles shall be kept within the confines of the fence at all times unless in motion by transportation to and from the site;

(6) A setback shall be provided so that all equipment, junk and/or inoperable motor vehicles shall not be stored or located within fifty (50) feet of any adjoining property lot line;

(7) A six-foot high fence designed to reasonably secure the area from unauthorized entry shall surround the entire operational area; and

(8) Cars shall not be stacked higher than the fence.

(Ord. of 1-19-98, § XI)

Sec. 21-247. Nonconforming salvage yards existing on February 16, 1998.

Automobile salvage yards or automotive repair facilities existing on February 16, 1998, registered in accordance with the county automobile salvage yard and junked motor vehicle ordinance, shall conform to the standards of subsection (1) or (2) below:

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(1) *Standards without a fence.*

a. The automobile salvage yard or automotive repair facility shall be screened from view from adjacent developed lots and the road during all seasons of the year; and

b. The screen shall be a minimum of six (6) feet in height; and

c. A setback of fifteen (15) feet shall be provided on all side and rear property lines; and

d. A setback of eighty (80) feet from the road centerline or fifty (50) feet from the edge of the right-of-way existing at the effective date of the ordinance of any public or private road shall be provided, whichever is greater; and

e. The operational area existing on February 16, 1998, shall not be expanded, except in conformance with the provisions of this chapter; and

f. Storage of motor vehicles or motor vehicle parts is not allowed in the setback; and

g. Junked motor vehicles shall not be stacked higher than the required screening.

(2) *Standards with an opaque fence.*

a. The automobile salvage yard or automotive repair facility shall be screened from view from adjacent developed lots and the road during all seasons of the year; and

b. The automobile salvage yard or automotive repair facility shall be separated from adjacent lots by a fence a minimum of six (6) feet in height; and

c. A setback of five (5) feet shall be provided on all side and rear property lines; and

d. A setback of thirty-five (35) feet from the road centerline or five (5) feet from the edge of the right-of-way existing at the effective date of the ordinance of any public or private road shall be provided, whichever is greater; and

e. The operational area existing on February 16, 1998, shall not be expanded, except in conformance with the provisions of this chapter. Storage of motor vehicles or motor vehicle parts is not allowed in the setback; and

f. Junked motor vehicles shall not be stacked higher than the required screening.

(Ord. of 1-19-98, § XI; Amend. of 3-7-05)

Sec. 21-248. Removal of junked or abandoned vehicles.

The county may require the removal of junked or abandoned motor vehicles from public grounds, including but not limited to public or private road rights-of-way or private property upon a finding that such removal is necessary and desirable to promote or enhance community, neighborhood, or area appearance or to abate public health or safety nuisances.

(Ord. of 1-19-98, § XI)

Sec. 21-249. Order to remove, disposal by county.

Removal and disposal of vehicles as provided by this article shall be in accordance with G.S. Ch. 20, Art. 7A, as amended.

(Ord. of 1-19-98, § XI)

DRAFT

Secs. 21-250--21-270. Reserved.

ARTICLE XI. GENERAL DEVELOPMENT STANDARDS, EXCEPTIONS AND MODIFICATIONS

Sec. 21-271. Generally.

(a) The types of development approval governed by this article include uses permitted as of right, uses permitted with special requirements, and conditional uses.

(b) Uses permitted as of right and uses permitted with special requirements shall require a zoning permit, a building permit and a certificate of occupancy.

(c) In addition to the requirements listed in subsection (b) above, special uses and conditional uses shall require approval as described in article III.

(d) Variances from these regulations, appeals of administrative decisions rendered under this chapter, shall be governed by article XIII.

(e) Amendments to the text of this chapter and to the zoning maps, including the reclassification of property to a conditional zoning district shall be governed by article XIV.

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

Sec. 21-272. Issuance of building permits.

It is illegal for any person to begin construction, reconstruction, or to make any structural repairs, alterations, or additions to any structure without obtaining required building permits from the Building Inspections Department. The Director of Building Inspections will not issue a building permit for structures located within the zoning jurisdiction of the county unless the plans, specifications, and intended use of the structure conforms to the requirements of these regulations. The application for a building permit shall be accompanied by a zoning permit or other evidence of compliance with this chapter.

(Ord. of 1-19-98, § XII; Amend. of 10-4-10; Amend. of 9-6-16)

Sec. 21-273. Type and number of uses permitted in all zones.

The number of uses per zone lot shall be governed as follows:

(1) *Multiple uses per zone lot.* In all districts, combination uses may be placed on the same zone lots, however, the applicable requirements of subsections (2) and (3) below must be met. This includes subsequent permitted development on property that may have received approval of a conditional use permit, not including conditional districts, unless otherwise indicated.

(2) *Secondary dwelling units.* Detached secondary units excluding two or more manufactured homes are permitted provided the entire zone lot contains adequate area to meet the zone lot size requirements for each dwelling and all other requirements of this section are met.

(3) *Subdivision requirements.* Issuance of a zoning permit for multiple single-family dwellings or duplexes in a zoning district where multifamily development is not a permitted use on

DRAFT

an individual lot shall meet the minimum requirements of a minor subdivision to allow the parcel to be subdivided into conforming individual lots for each dwelling, while not requiring an approved and recorded subdivision plat.

(Ord. of 1-19-98, § XII; Ord. of 10-18-99(2); Amend. of 3-7-05; Amend. of 10-4-10; Amend. of 3-5-12; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-274. Visibility at intersections.

Nothing may be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at intersections. The area required to be kept free is known as the sight-distance triangle. The sight-distance triangle must be kept free between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets. All roads proposed to be publicly maintained shall comply with applicable NCDOT regulations.

(Ord. of 1-19-98, § XII)

Sec. 21-275. Antennae.

Antennae for private, non-commercial use are subject to the same placement requirements as accessory uses within each zoning district as provided by this chapter. However, when placement based on accessory setback requirements precludes development of a viable reception window, the zoning administrator may authorize placement otherwise if warranted by significantly improved reception.

Antennae and their associated supporting towers subject to the placement criteria in this section only, include: radio and television reception, private citizen's bands, amateur (HAM) radio and any others determined as similar by the Zoning Administrator on a case-by-case basis.

(Ord. of 1-19-98, § XII; Amend. of 12-2-13)

Sec. 21-276. Skirting of manufactured homes.

(a) *Generally.* All manufactured housing for which building permits are obtained after the effective date of this chapter shall be skirted. Manufactured homes requiring brick or finished masonry skirting as provided in subsection (c) below, issued building permits within one (1) year of the effective date of this chapter, shall complete the required masonry skirting within ninety (90) days of issuance of the certificate of occupancy by the building inspections department. Manufactured homes requiring brick or finished masonry underpinning, issued a building permit more than one (1) year after the effective date of this chapter shall complete the required underpinning prior to issuance of a certificate of occupancy. All skirting required by subsection (b) below shall be completed prior to issuance of a certificate of occupancy.

(b) *Skirting of manufactured homes in the MHP district or a family manufactured home park.*

(1) Skirting shall be of material acceptable for exterior construction that will not support combustion.

(2) Skirting material shall be durable and suitable for exterior exposures.

(3) Any wood framing used to support this skirting shall be approved moisture resistant treated wood.

DRAFT

(4) Skirting shall be continuous and unpierced except for ventilation.

(5) Skirting manufactured specifically for underpinning shall be installed in accordance with the manufacturer's specifications.

(6) Notwithstanding other provisions of this section, manufactured homes in a MHP district may install masonry skirting as provided in this section.

(c) *Skirting of manufactured homes outside the MHP district or a family manufactured home park.*

(1) Skirting shall consist of brick or finished masonry.

(2) Skirting shall be continuous and unpierced except for ventilation.

(3) Regular unfinished block may not be used for required skirting. However, split-face block may be used.

(Ord. of 1-19-98, § XII; Ord. of 4-20-98; Amend. of 4-21-14)

Sec. 21-277. Exceptions and modifications.

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

(1) Flagpoles and mailboxes;

(2) Landscaping features such as fences, trees and shrubs, terraces, gazebos, and similar items;

(3) Piers, wharves, and bulkheads;

(4) Recreational improvements such as swing sets and playgrounds;

(5) Wells and pumphouses.

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

(1) Utility lines, pipes, cables, & associated minor equipment & structures, including transformers, pumping stations, "signal boosters", & maintenance buildings;

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

(3) Water towers or tanks;

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

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

(5) LCID operations (SIC 4953 pt). LCID landfills consistent with the specific standards of this subsection are not regulated by this Chapter, but shall

DRAFT

nonetheless adhere to applicable NCDEQ standards:

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

2. 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.

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

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

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

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

All manufactured homes in manufactured home parks shall be skirted as provided in subsection 21-276(b) of this article within two (2) years of February 16, 1998.

(Ord. of 1-19-98, § XII)

Sec. 21-279. Exceptions for certain turkey shoots.

Turkey shoots operated by churches, civic group or similar nonprofit organizations are exempt from the conditional use requirements of section 21-60 (7)(a) and 21-113, Table of uses.

(Ord. of 1-19-98, § XII; Amend. of 09-03-19)

Sec. 21-280. Construction trailers.

Construction trailers may be used in conjunction with construction projects provided:

(1) The trailers are located on a building site where there is a valid building permit for a project on that site.

(2) The trailer remains on the site for the duration of the building project.

(Ord. of 1-19-98, § XII)

DRAFT

Sec. 21-281. Temporary uses.

Temporary uses are allowed subject to the following requirements:

(1) Certain uses of a temporary nature, defined as being less than forty-five (45) days in duration and held no more than five (5) times a year, including, otherwise not permitted in a particular district:

a. Christmas tree sales;

b. Religious activities;

c. Activities by civic organizations;

d. Yard sales;

e. Other similar uses.

(2) Other temporary uses not listed may be granted by the board of commissioners. In considering approval of a temporary use the board may attach reasonable and appropriate conditions to ensure that the public health, safety and welfare are protected. The approval of a temporary use shall be in accordance with the following:

a. The proposed use will not endanger the public health, safety and welfare;

b. The proposed use will not have a substantial negative impact on the adjoining properties;

c. The use will be approved for a specific period of time, not to exceed two (2) years unless deemed necessary by the Board of Commissioners in accordance with Sec. 21-11. Extension of the temporary use beyond the approved time shall require approval of the board of commissioners in the same manner as the original.

(3) Type I, II, and III manufactured homes with skirting as provided by section 21-276 may be approved for certain temporary use by the zoning administrator, contingent on a documented need. Temporary uses may be approved for:

a. A temporary residence during construction of a dwelling. Documentation shall be provided that the construction of the dwelling will commence and be completed within a reasonable time. In no situation shall this temporary use be granted for more than twenty-four (24) months.

b. As a temporary residence for a medical hardship. This use shall be allowed for the duration of the medical hardship.

When the situation resulting in the temporary use no longer is needed, or the time period allowed expires, the subject manufactured home shall be removed or made a conforming use.

(4) Temporary family health care structures, as defined by this ordinance, may be permitted as an accessory use in accordance with section 21-113 subject to the following standards:

a. The structure must be used by a caregiver or a named legal guardian in providing care for a mentally or physically impaired person on property containing the caregiver or legal guardian's residence or on property owned by the caregiver;

b. Subject to principal structure setbacks listed in section 21-84;

DRAFT

c. Only one temporary family health care structure shall be allowed on a lot or parcel of land and may not contain a permanent foundation;

d. Application for a temporary family health care structure must include a doctor's certification identifying the mentally or physically impaired person's need. Subsequent annual certifications are necessary to maintain the structure's status as a qualified temporary family health care structure; and

e. The temporary health care structure shall be removed within sixty (60) days of the mentally or physically impaired person no longer receiving or is no longer in need of the assistance provided for in this section.

(Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-7-05; Amend. of 9-6-11; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-282. Reserved.

Editor's note: Section 21-282 was automatically repealed 18 months from April 20, 1998. Said section has been deleted at the direction of the county.

Sec. 21-283. Maintenance of manufactured home parks.

Manufactured home park districts, as defined by this chapter, shall be maintained in a neat and orderly manner. This shall include but not be limited to maintenance of adequate roads and drainageways, yards, trees and shrubs. Specific standards are as provided below.

Manufactured home parks shall comply with the following criteria. Separate standards are established for manufactured home parks registered under the county manufactured home park ordinance as existing or otherwise zoned MHP in the initial adoption of county-wide zoning, manufactured home parks created or expanded under the county manufactured home park ordinance between December 15, 1989, and February 15, 1998, and manufactured home parks created or expansions of manufactured home parks as provided in this chapter. The following subsections prescribe manufactured home park standards for which compliance is required and the time allowed to come into compliance with a specific requirement. Time allowed to come into compliance with specific items varies and is provided with each requirement. A park will be in violation of this chapter if the individual specifications are not met within the required time. In addition to enforcement procedures provided otherwise in this chapter, zoning permits will not be issued for manufactured home parks in violation of this section. All manufactured home parks will be inspected biannually to determine compliance with these standards.

(1) Manufactured home parks existing prior to the adoption of the county manufactured park ordinance adopted on December 15, 1989, or which were otherwise zoned as manufactured home parks are subject to the following standards:

a. *Internal streets.* Internal streets must maintained in good condition either hard surfaced or graveled. Repairs are required to be of the same material as the existing internal street. If the street is gravel then all repairs shall be a minimum of six (6) inches of compacted gravel. If the street is paved the repair shall be a minimum of four (4) inches of compacted stone as base and paved. (Compliance required within one (1) year.) Roads shall be free of potholes, rough surfaces and ponding of water. (Compliance required within six (6) months.)

b. *Parking.* Each manufactured home space shall have a minimum four hundred (400)

DRAFT

square feet of graveled or paved parking. On-street parking is allowed. (Compliance required within six (6) months.)

c. *Grounds.* Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within six (6) months.)

d. *Drainage.* Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within one (1) year.)

e. *Trash disposal.* The owner of the park shall provide one (1) of the following methods:

1. Provision of centralized trash dumpsters; or

2. Provision of individual covered trash containers, picked up at least once a week. (Compliance required within six (6) months.)

f. *Street signs and addressing.* Park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. All numbering shall comply with the county addressing ordinance. (Compliance required within six (6) months.)

(2) Manufactured home parks created or expansions of manufactured home parks approved as provided by the county manufactured park ordinance between December 15, 1989, and February 15, 1998, are subject to the following standards:

a. *Internal streets.* Internal streets shall be kept free of potholes, rough surfaces and ponding of water and are required to be maintained to one (1) of the following standards:

1. The internal street must be an eighteen-foot wide gravel road with six-inch base; or

2. Sixteen-foot wide paved road, four-inch base.

(Compliance required within thirty (30) days.)

b. *Grounds.* Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within thirty (30) days.)

c. *Drainage.* Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within thirty (30) days.)

d. *Trash disposal.* The owner of the park shall provide one (1) of the following methods:

1. Provision of centralized trash dumpsters; or

2. Provision of individual covered trash containers, picked up at least once a week. (Compliance required within thirty (30) days.)

e. *Park identification sign.* A park identification sign is required. (Compliance required within thirty (30) days.)

DRAFT

f. *Street signs and addressing.* Park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. All numbering shall comply with the county addressing ordinance. (Compliance required within thirty (30) days.)

g. *Screening.* Required adjacent to all developed properties. For the purposes of this subsection, a developed property is one with at least one (1) principal structure located within three hundred (300) feet of the manufactured home park property line used for a residential, commercial, governmental, institutional, or industrial purpose. The required buffer is fifteen (15) feet wide, evergreen shrubs five (5) feet apart and six (6) feet high or equivalent as approved by the zoning administrator. (Compliance required within thirty (30) days.)

(3) Manufactured home parks created or expansions of manufactured home parks approved as provided by the county zoning ordinance are subject to the following standards:

a. *Maintenance of facility.* The manufactured home park or expansion approved as provided by this chapter shall maintain the development to the standards required as a condition of approval of the development. (Compliance required within thirty (30) days.)

b. *Grounds.* Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within thirty (30) days.)

c. *Drainage.* Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within thirty (30) days.)

(Ord. of 2-1-99(1); Ord. of 8-20-01)

Sec. 21-284. Location of manufactured homes not provided in the table of uses.

This section provides specific exceptions for location of manufactured homes not otherwise provided by this chapter.

(1) *Placement of manufactured homes on existing lots.* Notwithstanding other provisions of this chapter, including standards contained in the "table of uses", Type II and Type III manufactured homes may be placed on lots of record or in a subdivision for which the planning department has received a complete preliminary plat or final plat application as provided by the county subdivision ordinance, existing prior to June 8, 1999. All applicable requirements, such as skirting requirements, setbacks, etc of the underlying district and as provided otherwise shall apply. The types of manufactured homes allowed in each district as provided by this section are as follows:

a. RA District: Type II and Type III.

b. RR District: Type II.

c. CBI District: Type II and Type III.

d. MFR District: Type II and Type III.

(2) *Placement of manufactured homes in family manufactured home parks.* Location of

DRAFT

manufactured homes is allowed in family manufactured home parks as provided below:

a. The proposed park is located on a lot or lots of record existing prior to June 8, 1999.

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

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

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

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

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

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

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

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

Sec. 21-285. Accessory structures.

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

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

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

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

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

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

Secs. 21-286--21-310. Reserved.

DRAFT

ARTICLE XII. ADMINISTRATION AND HEARING REQUIREMENTS

Sec. 21-311. Board of commissioners.

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

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

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

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

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

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

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

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

(Ord. of 1-19-98, § XIII)

Sec. 21-312. Planning board.

The planning board is an appointed, advisory body making recommendations to the board of commissioners as generally authorized by G.S. Ch. 153A, Art. 18. Powers and duties are as provided by the board of commissioners.

(Ord. of 1-19-98, § XIII)

Sec. 21-313. Zoning board of adjustment (ZBA).

(a) *Authority.* As an appointed, quasijudicial body, the ZBA hears and decides appeals and variance requests as authorized by G.S. 153A-345 and zoning map interpretations subject to section 21-334.

(b) *Duties and responsibilities.* The ZBA shall carry out duties expressly provided in article XIII or as directed by the board of commissioners.

(c) *Composition.* The board of commissioners shall appoint members to the ZBA as provided by G.S. 153A-345.

(d) *Meetings and procedure.* The ZBA shall adopt rules of procedure for the transaction of official business. All meetings shall be open to the public. The ZBA shall keep a written public record of member attendance, findings and decisions.

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

Sec. 21-314. Planning department.

(a) *Duties and responsibilities.* The planning department serves as the lead agency for the overall

DRAFT

administration of this article and serves as the primary professional staff of the planning and zoning board and board of adjustment.

(1) *Planning director.* The planning director performs the following duties:

a. Supervises the various activities of the department;

b. Develops and maintains the comprehensive plan, area plans, other specialized plans, policies, regulations for plan implementation;

c. Serve as zoning administrator for the county and is hereby charged with the authority and duty to enforce this chapter. In this capacity the zoning administrator shall include staff authorized by the planning director to perform any function of this position.

d. Provides recommendations to the planning board, zoning board of adjustment, board of county commissioners, and county manager;

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

f. Acts as executive secretary to the planning board;

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

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

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

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

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

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

c. Coordinates permitting procedures;

d. Determines compliance and investigates suspected violations; and

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

(Ord. of 1-19-98, § XIII; Ord. of 4-20-98; Ord. of 5-21-01(2); Ord. of 10-18-04; Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 08-19-19)

Sec. 21-315. Hearing procedures for zoning map and text amendments, high density and conditional use permits, variances, appeals, and interpretations.

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

a. *Newspaper.* In accordance with G.S. 153A-323, zoning map and text amendments shall be advertised in a newspaper of general circulation in the county once a week

DRAFT

for two (2) consecutive calendar weeks, with the first advertisement appearing at least ten (10) days but not more than twenty-five (25) days prior to the public hearing date. In computing this advertising period, the date of publication shall not be included, but the day of the hearing shall be included.

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

c. *Signs on property.* In addition to the newspaper and mailed notice requirements, signs notifying the public of a scheduled hearing shall be posted at least ten (10) days but not more than twenty-five (25) days prior to the hearing for the above referenced requests, except for text amendments and large scale rezoning as provided in section 21-316. The signs shall be prominently placed on or immediately adjacent to the subject property. When multiple contiguous parcels are included within a request, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(2) *Conflict of interest.*

a. *Zoning map and text amendments.* A member of the board of commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Members of appointed boards providing advice to the board of commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

b. *Quasi-judicial.* A member of the board of adjustment or any other body exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Vacant positions on the board of commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority. The same is required of the board of adjustment hearings but only if there are no qualified alternates available to take the place of such members.

(3) *Conduct of hearing.* Quasi-judicial, public, and courtesy hearings shall be conducted in

DRAFT

the following manner unless modified by the chairman of the respective board:

a. Staff report;

b. Applicant or petitioner comments;

c. Public hearing opened;

d. Public comment;

e. Public hearing closed; and

f. Action.

(4) *Oath for quasi-judicial hearings*. The chairman, any member acting as chairman, or clerk to the board is authorized to administer oaths to witnesses in any matter before the board. Any person who, while under oath during a proceeding before the Board of Commissioners or ZBA, willingly swears falsely is guilty of a Class I misdemeanor.

(5) *Subpoenas for quasi-judicial hearings*. The Board of Commissioners and the ZBA through the chairman or anyone acting as chairman, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chairman explaining why it is necessary for certain witnesses or evidence to be compelled. The chairman shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chairman shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chairman may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or party seeking the subpoena may apply to Superior Court for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(6) *Action.* Once a public / courtesy hearing is closed, the appropriate decision-making body shall take some form of action during the same meeting. Such action may include continuing the hearing to a later meeting. In cases where the planning board is authorized to make a recommendation, the board shall follow action procedures of Article XIV.

In quasi-judicial decisions, the board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board and is effective upon filing with the clerk to the Board of Commissioners.

(7) *Vote.* A majority vote, excluding vacant seats and disqualified members as indicated in subsection (2), shall be sufficient for the purpose of taking any official action except that variance requests require a four-fifths (4/5) vote of its members, excluding vacant seats and disqualified members indicated in subsection 21-315(2). Quasi-judicial decisions shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a

DRAFT

copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

Each decision is subject to review by the superior court by proceedings in the nature of certiorari consistent with G.S. 160A-393. Any petition for review by superior court shall be filed within the clerk of superior court by the latter of thirty (30) days after the decision of the Board of Commissioners or ZBA is effective or after a written copy thereof is given. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

(8) *Omissions.* The unintentional failure to give written notice or the unintentional omission of the name of a property owner shall not invalidate the action of the planning board or board of commissioners.

(Ord. of 1-19-98, § XIII; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12; Amend. of 4-21-14; Amend. of 08-19-19)

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

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

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

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

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

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

a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

DRAFT

b. Two (2) reproducible copies of the development plan within the drainage basin, detailed information concerning built-upon area and specifications of the stormwater control structure consistent with section 22-109b of the Rowan County Subdivision Ordinance;

c. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

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

a. If the Board approves the application, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure.

1. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance.

2. All additional conditions shall be entered in the minutes of the meeting, at which the permit is granted, on all plans and on the permit certificate.

3. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

b. If approved by the Board, a High Density Development Permit shall be forwarded to the Subdivision Review Committee (SRC) for review pursuant to Section 22-56 of the Rowan County Subdivision Ordinance.

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

(Ordinance of 08-19-19)

DRAFT

Secs. 21-318--21-330. Reserved.

ARTICLE XIII. APPEALS, VARIANCES AND INTERPRETATIONS

Sec. 21-331. Appeals.

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

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

(2) *Time to appeal.* The property owner or his authorized agent shall have thirty (30) days from receipt of the written notice to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision to file an appeal. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

(3) *Stay of action.* An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision, unless the administrator certifies to the ZBA that, because of the facts surrounding the situation, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the ZBA shall meet to hear the appeal within fifteen (15) days after such a request is filed. The ZBA shall hear and decide all other appeals with a reasonable time. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the ZBA may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(4) *Procedures.* The administrator who made the decision shall transmit to the ZBA all documents and exhibits constituting the record upon which the action appealed from are taken. The administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The administrator shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the ZBA shall continue the hearing.

DRAFT

When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the standards of this ordinance and the scope of review shall be as provided in G.S. 160A-393(k).

(5) *ZBA action.* ZBA decisions shall include a statement of the specific reasons or findings of fact that support the motion consistent with section 21-315 (7).

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

Sec. 21-332. Variances.

Requests for a variance from the requirements of this chapter shall be in accordance with the following criteria:

(1) *Application for variance.* An application for a variance shall be submitted to the ZBA by filing a copy of the application with the administrator in the planning department. Public hearings for such applications shall be in conformance with the applicable provisions of Article XII.

(2) *Variance criteria.* A variance may be granted by the ZBA if it concludes that strict enforcement of this chapter would result in unnecessary hardships for the applicant. The ZBA, in granting a variance, shall ensure that the spirit of this chapter is maintained, public welfare and safety ensured, and substantial justice done. The board may reach these conclusions if it makes the following findings:

a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

b. The hardship results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances and / or conditions common to the neighborhood or general public may not be the basis for granting a variance;

c. The hardship is not the result of the property owner or applicant's own actions. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved;

e. The variance will not result in a land use otherwise not permitted in the applicable zoning district nor authorize the extension of a nonconforming situation in violation of article VI, or other applicable provisions of this chapter; and

f. If applicable, the setback reduction is no more than fifty (50) percent of that required and the resulting setback is no less than five (5) feet from any property line or right-of-way.

(3) *Approval*. Prior to granting a variance, the ZBA must vote affirmatively on all of the required findings listed in subsection (2). Each motion to make an affirmative finding shall set forth the specific reasons or findings of fact supporting such motion.

(4) *Denial*. A motion to deny a variance request may be made on the basis that one (1) or more of the criteria are not satisfied. Such a motion shall include a statement of the

DRAFT

specific reasons or findings of fact that support it. A reapplication for a denied variance may not be made within one (1) year of the original decision, unless substantial changes have occurred in the facts, evidence or conditions of the application, or property in question.

(5) *Conditions.* In granting variances, the ZBA may impose appropriate conditions, including a limitation on the duration of the variance, provided they are reasonably related to the variance. All such conditions are enforceable as any other applicable requirement of this article.

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

Sec. 21-333. Recordation of variances and conditions.

The administrator shall keep a record of all variances from this chapter. The nature of the variance and any supplemental conditions shall be entered on the face of any zoning permit, or the zoning permit may note the issuance of the variance and refer to the written record of the variance for further information. In the case of the Water Supply Watershed (WS) Overlay provisions, this record shall be submitted to the supervisor of the classification and standards group, water quality section, division of environmental management on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance.

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

Sec. 21-334. Interpretations.

Interpretations of the requirements of this chapter shall be in accordance with the following criteria:

(1) *Map and line interpretations.* The ZBA is authorized to interpret the official zoning map(s) and to determine disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled in accordance with section 21-331 of this article.

(2) *Application.* An application for an interpretation shall be submitted to the ZBA by filing a copy of the application with the zoning administrator in the planning department. The application shall contain sufficient information to allow the board to make the necessary interpretation.

(3) *Guidelines for interpretations.* Where uncertainty exists as to the boundaries of zoning districts as shown on official zoning maps, the following rules shall apply:

a. Those boundaries indicated as generally following the centerlines of streets, highways, watercourses, or railroads shall be construed to follow such centerlines;

b. Boundaries indicated as approximately following parcel or lot lines, municipal limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries;

c. Where a district boundary divides a lot or parcel, or where map distances are not indicated, the boundary shall be determined by measurement, using the zoning map scale; and

DRAFT

d. When a street or road is officially vacated or abandoned, the zoning designation of each abutting parcel shall be extended to apply to that portion of such rights-of-way added to adjoining land.

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

Sec. 21-335. Variance from watershed overlay.

The administrator shall review all variance requests from the Water Supply Watershed (WS) Overlay provisions to determine whether the request constitutes a minor or major variance. If conditions warrant, the administrator or the board of commissioners may require that a minor variance be reviewed as a major variance. In addition to the other provisions in this article, variance requests from the watershed overlay provisions shall be reviewed as follows:

(1) *Notice to affected governments.* The administrator shall notify, in writing, and provide a description of the variance request to each local government having jurisdiction in the watershed and the entity using the watershed for consumption. Each local government receiving notification shall have ten (10) working days to respond, in writing, to the variance request. All responses shall become part of the record for the board of commissioners proceedings for the particular variance request. A record of all variances granted from the water supply watershed provisions shall also be submitted each calendar year to the division of water quality on or before January 1 of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(2) *Transmittal of response.* The request, an accompanying staff recommendation, and responses from any other local government within the affected watershed will be forwarded to the board of commissioners for review & action, as stipulated in this article.

(3) *Minor variance.* The board of commissioners' decision is final.

(4) *Major variance.* Depending on the action by the board of adjustment, the following provisions shall apply:

a. *Denial.* The board of adjustment's decision is final.

b. *Approval.* If the board of commissioners recommends approval, a record of the variance request, meeting proceedings, and applicable conditions shall be forwarded to the state environmental management commission for final review and action. In cases where the environmental management commission denies the request, the decision is final and the administrator shall notify the applicant of the approval. In cases where the commission adds conditions which may affect the design of a development plan, the administrator shall forward the commission's decision to the board of commissioners for further review and action.

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

Sec. 21-336. Judicial review of ZBA decisions.

Each decision of the ZBA is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by superior court shall be filed within thirty (30) days after the decision of the ZBA is filed with the clerk to the Board of Commissioners.

DRAFT

(Ord. of 2-1-99(1); Amend. of 3-5-12; Amend. of 4-21-14)

Secs. 21-337--21-360. Reserved.

ARTICLE XIV. TEXT AND MAP AMENDMENTS

Sec. 21-361. Text amendments.

(a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. Proposals to amend, supplement, modify, or repeal the text of this chapter may be initiated by the board of commissioners, the planning board, or any person. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.

(b) *Planning board action.* Any proposed text amendment shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be considered at that time. The planning board may provide a recommendation to the board of commissioners on all such requests within thirty (30) days of first consideration unless the request is assigned to a planning board subcommittee for further review. Failure of the planning board to transmit its recommendation within thirty (30) days after first consideration of an amendment or a referral by the board of county commissioners may allow the board of commissioners to proceed in its consideration of the amendment without the planning board recommendation.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency in accordance with options indicated in subsection (c) and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners.

(c) *Board of commissioners action.* The board of commissioners shall hold a public hearing to consider any ordinance amendment and the planning board recommendation in accordance with Article XII. Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt one of the following statements which shall not be subject to judicial review:

(1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(3) A statement approving the zoning amendment and containing at least all of the

DRAFT

following:

a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and

b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and

c. Why the action was reasonable and in the public interest.

After adopting the consistency statement, the board of commissioners shall take one (1) of the following actions:

(1) Grant the amendment as requested or modified;

(2) Continue the request;

(3) Refer the application, with modifications, back to the planning board for further study and consideration; or

(4) Deny the amendment request.

(d) *Record of amendments.* All approved text amendments shall be recorded in the county zoning ordinance. The administrator shall provide copies of all amendments to the Water Supply Watershed (WS) Overlay provisions upon adoption to the division of water quality.

(Ord. of 1-19-98, § XV; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 3-5-12; Amend. of 09-03-19)

Sec. 21-362. Map amendments (rezoning).

(a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.

(b) *Purpose and intent.* It is the purpose of this section to set forth the procedures whereby the board of commissioners may change the zoning district classification of land after consideration of such factors as changing conditions in the area where the property is located or changes in county plans or policies.

(c) *Rezoning criteria.* When deciding whether to adopt a proposed rezoning, the primary issue before the planning board and board of commissioners is whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance. Information related to other issues which do not directly affect the public health, safety, or welfare may be declared irrelevant by the chairman and excluded from presentation at the public hearing. In particular, when considering proposed map amendments:

DRAFT

(1) *Proposed uses.* The planning board and board of commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one (1) of the possible range of uses allowed in the requested zoning district classification. Rather, the boards shall consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of uses allowed in the existing district.

(2) *Impact of zoning map change.* The boards shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed zoning change on the public at large.

(d) *Initiation.* The rezoning of property may be initiated by the board of commissioners, the planning board, or by petition of the legal property owner(s) or designated representative.

(e) *Filing of petition.* Except when initiated by the board of commissioners or the planning board, each petition to rezone a separate, noncontiguous property shall be submitted to the administrator on an approved application form and shall be accompanied by any nonrefundable, applicable fees as established by the board of commissioners.

(f) *Deadline for submittal of application.* The completed application package shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be scheduled for consideration at that time.

(g) *Withdrawal of petition.* Any petitioner shall have the right to withdraw the rezoning petition, in writing, at any time prior to a final decision by the board of commissioners.

(h) *Content of application package.* Each rezoning petition shall be accompanied by:

(1) Two (2) copies of a map, to scale, which clearly illustrates the subject property to be rezoned; or

(2) Written metes & bounds legal description for property(ies) proposed for rezoning;

(3) Any other pertinent information as may be required by this article;

(4) Requests for conditional zoning districts shall be accompanied by a site plan as specified in section 21-52.

(i) *Staff review.* The administrator shall review the rezoning application package, ensure its completeness, and prepare a written staff recommendation concerning the proposed rezoning request. The administrator may consult with other appropriate agencies, including, but not limited to, the NCDOT, the county board of education, and the environmental health division of the county health department, when evaluating rezoning requests. The staff report shall, at a minimum address the following:

(1) Relationship and conformity with any adopted plans and policies;

(2) Consistency with this article and requested zoning district's purpose and intent;

(3) Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity; and

(4) Potential impact on facilities such as roads, utilities, and schools.

(j) *Planning board action.* The planning board shall provide a recommendation to the board of commissioners on each rezoning request. The planning board shall advise and

DRAFT

comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency in accordance with options indicated in subsection (k) and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners. Rezoning requests for conditional districts or other small-scale rezonings shall also include a statement of reasonableness analyzing the request as a recommendation for adoption by the board of commissioners. Failure of the planning board to transmit its recommendation within thirty (30) days after first consideration of a rezoning or a referral by the board of county commissioners may allow the board of commissioners to proceed in its consideration of the rezoning without the planning board recommendation. The planning board shall make one (1) of the recommendations as provided in this subsection:

(1) Grant the rezoning as requested;

(2) Grant the rezoning with modifications, including a recommendation to rezone to a more restrictive district than requested; or

(3) Deny the rezoning request.

(k) *Board of commissioners action.* The board of commissioners shall consider any rezoning petition and the planning board recommendation at an advertised public hearing. Prior to adopting or rejecting any rezoning petition, the board of commissioners shall adopt one of the following statements which shall not be subject to judicial review:

(1) A statement approving the rezoning petition and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(2) A statement rejecting the rezoning petition and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(3) A statement approving the rezoning petition and containing at least all of the following:

a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and

b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and

c. Why the action was reasonable and in the public interest.

Additionally, rezoning requests for conditional zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.

After adopting the required statement(s), the board of commissioners shall take one (1) of

DRAFT

the following actions:

(1) Grant the rezoning as requested or modified;

(2) Continue the request;

(3) Refer the application, with modifications, back to the planning board for further study and consideration; or

(4) Deny the rezoning request.

(l) *Notification of decision.* Within five (5) working days of any action by the board of commissioners on a rezoning request, notice of such action shall be sent by first class mail to the rezoning petitioner and any other persons who have indicated to the zoning administrator, in writing, that they would like the decision mailed to them. Additionally, within fifteen (15) days after the effective date of a zoning change to commercial or industrial zones within six hundred sixty (660) feet of the rights-of-way of an interstate or primary highway, written notice by registered mail shall be sent to the Raleigh offices of the NCDOT in accordance with G.S. 136-136 and 136-153.

(m) *Petition resubmitted.* If a rezoning request is denied by the board of commissioners, the zoning administrator may not accept a new rezoning petition within the one (1) year period unless the administrator determines that:

(1) There has been a significant change in the zoning district classification of an adjacent property;

(2) A new or updated land use plan which changes public policy regarding the property is adopted by the county;

(3) Public facilities such as roads, water lines, sewer lines, or other infrastructure are constructed or expanded to serve the property and enable the proposed development to be accommodated; or

(4) There has been some other significant change, other than a change in ownership of the property, which might justify waiving the one-year restriction on submitting a new petition.

(n) *Recording of zoning change.* All rezoning map amendments shall be recorded on official zoning maps which are a part of this chapter and are maintained for public inspection in the office of the county planning department.

(Ord. of 1-19-98, § XV; Ord. of 4-20-98; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 9-6-16; Amend. of 09-03-19)

Sec. 21-363. Hierarchy of districts.

The districts established in this chapter are classified from "most restrictive" to "least restrictive": RS (most restrictive), RR, RA, MFR, MHP, INST, NB, CBI, 85-ED-1, 85-ED-2, 85-ED-3, 85-ED-4, IND (least restrictive).

(Ord. of 1-19-98, § XV; Ord. of 6-17-02; Ord. of 4-21-03; Amend. of 3-7-05)

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6. PUBLIC HEARING: SOLAR MORATORIUM EXTENSION ORDINANCE

The Commission conducted its public hearing on the ZTA 02-19 text amendments at the March 15, 2021 meeting but wanted to view the final document revisions prior to a vote on April 5, 2021. As a precautionary measure, the Commission opted to schedule a public hearing to consider extending the current solar moratorium another thirty (30) days should it not adopt the ZTA 02-19 text amendments (previous agenda item) at the April 5, 2021 meeting.

Due to legislation enacted for public hearings during the COVID-19 Pandemic, discussion ensued about holding a Special Meeting to ratify the actions of the Board for both the previous agenda item (*ZTA 02-19 Solar Energy Systems and Miscellaneous Text Amendments with Land Use Plan (LUP) recommendations*) and the Solar Moratorium Extension Ordinance.

County Attorney Jay Dees explained that the Board was operating under the remote participation rules since one (1) Commissioner was participating remotely. The rules required for the public hearing to be held open for an additional 24-hour period. The purpose of calling for a Special Meeting would be to approve the ordinance change at the conclusion of the required 24-hour period. Mr. Dees said the current moratorium expired at the end of the day and the Board would need to act to extend the moratorium, and in an abundance of caution, would need to hold a Special Meeting to ratify the actions.

Chairman Edds opened the public hearing. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Klusman moved to adopt a 30-day Solar Moratorium extension. The motion was seconded by Commissioner Greene and carried unanimously.

Chairman Edds moved, Commissioner Klusman seconded and the vote to schedule a Special Meeting for April 7, 2021 at 4:00 p.m. via Zoom passed unanimously.

7. PUBLIC HEARING FOR Z 01-21

Rowan County Planner Aaron Poplin provided a power point as he presented the staff report for Z 01-21. Mr. Poplin said Raymond McMillan, Jr., on behalf of K-Town Homes, was requesting a rezoning of their 3.84-acre property located approximately at the 1000 block of Old Beatty Ford Road. The request was to rezone the property from Rural Agricultural (RA) to Commercial, Business, Industrial with a Conditional District (CBI-CD) to allow the placement of a mini-warehouse storage facility. The property was further identified as Tax Parcel 140-242.

Mr. Poplin noted the request fell within the Cold Water Creek water supply watershed, which was a WS IV. At 39.2% of the built upon area, the proposed development was above the maximum built upon area of 36% of the lot and required obtaining a Special Non-Residential Intensity Allocation (SNIA) permit.

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The watershed calculations were:

- Total lot area (less r/w): 3.84 acres
- Current total built upon area: N/A
- Proposed structure size: 25,800 square feet
- Proposed other improvements: 39,717 square feet
- Total coverage after development: 65,517 square feet (39.2%)
- Allowable coverage by right: 60,217 square feet (36%)
- Cold Water Creek Watershed Acreage total: 4,975 acres
- Acres approved for SNIA: 8.96 acres out of possible 4,975 acres
- Percentage removed from 10% allocation total: 1.8%

At the conclusion of the staff report, Mr. Poplin said the Planning Board held a courtesy hearing on February 22, 2021. The Planning Board had questions about the options for meeting the watershed requirements and agreed that an SNIA permit process was the preferred process for meeting watershed requirements on a small-scale development in WS IV watersheds. No one spoke during the courtesy hearing.

The Planning Board approved the request with the following statements.

Statement of Consistency: The proposed use is consistent with the Eastern Land Use Plan; the I-85 Corridor and US Hwy 29 overlays. The same type of zoning was approved on the site across the road for a well drilling facility. The CBI-CD is specific and any changes would require board approval. The use is needed in a growing community and is non-detrimental.

Statement of Reasonableness – The tract is 3.8 acres and is compatible with current land use plan as well as future land use. It is located in a commercial community node. The conditional use district minimizes any other uses and any changes would have to be approved by the board. Same type of use exists across the street and was approved for the same type of zoning CBI-CD. The proposed use is good for both business and residential use.

Commissioner Klusman expressed concern with the watershed. Mr. Poplin responded by explaining the two (2) processes available pertaining to watershed considerations.

Commissioner Klusman shared further concerns with the application/watershed approval process.

County Attorney Jay Dees suggested it might be beneficial to schedule a time for Commissioner Klusman to meet with staff concerning the concept for watershed and ratio totals. Mr. Dees said in all his years as County Attorney the County was only at 2.4 % of the total 100% watershed allocation to be used. Mr. Dees said property owners had the right to divert water and the Board would be regulating common law rights. Mr. Dees said the process was designed to address water quality and runoff from impervious surfaces as opposed to flooding.

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Commissioner Klusman agreed the discussion should be held.

Planning Director Ed Muire explained that in the larger watersheds (WS IV classifications), any impervious cover over three (3) acres in size, came to the Board and would employ the high-density options, which meant they could develop up to 70% and the property must have engineered storm water controls. The larger projects that would happen, such as a car lot, would come before the Commission. The smaller projects came to the Board because the general thought was to preserve the SNIA allocation for the projects not subjected to engineered storm water controls.

Commissioner Klusman referred to the drive for the project and asked if it would be gravel. Using the power point, Mr. Poplin pointed out the gravel and concrete areas.

- Chairman Edds called the applicant forward and asked what the project would look like if it met the 36% threshold that could be approved by Staff.

  The applicants, Chris Puckett and J.R. McMillan, co-owners of K-Town homes came forward. Mr. Puckett said there was a chance the property could be resurveyed to add more land to the site, or, they could reduce the current site.

  Mr. McMillan referred to the map in the staff report and said if the current lot size was kept, they could take off the right side of the building to make the project smaller. Or, Mr. McMillan agreed the property could be resurveyed to make it a larger tract. Mr. McMillan mentioned that K-town did own the adjacent property and could have it resurveyed, if necessary.

Commissioner Klusman asked the applicants if they would consider one of the indicated options in order to keep the 36% threshold. The applicants were agreeable.

Commissioner Caskey asked how much of a delay the requested changes would create.

Chairman Edds said he was willing to approve the application as submitted. Chairman Edds said the suggested changes requested by Commissioner Klusman would not eliminate the physical aspect of what would happen to the water.

Chairman Edds asked if the plans had been drawn and Mr. McMillan said yes. Chairman Edds said he understood the questions surrounding the application; however, he felt the long-term conversation should take place later.

Commissioner Klusman said at this point she wanted the applicants to move the line and that she felt it was important for the County to stick with the rules in place. Commissioner Klusman said she understood there would be costs incurred to the applicants but she would vote no if the application was approved.

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Chairman Edds opened the public hearing to receive citizen input regarding Z 01-21. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Chairman Edds moved to approve the Statement of Consistency as follows: The proposed use is consistent with the Eastern Land Use Plan; the I-85 Corridor and US Hwy 29 overlays. The same type of zoning was approved on the site across the road for a well drilling facility. The CBI-CD is specific and any changes would require board approval. The use is needed in a growing community and is non-detrimental. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved approval of the Statement of Reasonableness as follows: The tract is 3.8 acres and is compatible with current land use plan as well as future land use. It is located in a commercial community node. The conditional use district minimizes any other uses and any changes would have to be approved by the board. Same type of use exists across the street and was approved for the same type of zoning CBI-CD. The proposed use is good for both business and residential use. The motion was seconded by Commissioner Greene and carried unanimously.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to approve Z 01-21 carried unanimously.

8. CONSIDER SNIA 03-21: K-TOWN HOMES

Based on the prior agenda item discussion, Chairman Edds moved to approve SNIA 03-21 followed by a second from Commissioner Caskey.

Commissioner Greene agreed with Commissioner Klusman's comments during the previous discussion that the Board should hold discussion on the SNIA permit process. Commissioner Greene said he did not currently see the matter as a big issue.

Commissioner Klusman said the southern end of the County was anticipated to "explode" with development and she preferred to stick with the 36% threshold staff could approve.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Klusman dissenting.

9. CONSIDER PE 01-21: DORSETT CHAPEL UNITED CHURCH OF GOD

Aaron Poplin, Planner for the Rowan County Planning Department, presented the request from Dorsett Chapel United Church of God (Church) for PE 02-21. Mr. Poplin said the Church, located at 1280 Hollywood Drive in Spencer, NC, had requested a Permit to Exceed (PE) for outdoor services on May 16, June 20, July 11, August 1, September 12, and October 3, 2021. The services would consist of music and preaching. The applicant expected the services to have around 100 to 150 people.

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Mr. Poplin said the Church had an outdoor service on August 2, 2020 during the COVID-19 Pandemic and neighbors in the area had complained to law enforcement. To comply with the Noise Ordinance the Church had applied and received a PE for a service on September 8, 2020. In order to continue to comply with the Ordinance, the Church was requesting a PE for six (6) more planned outdoor services.

Mr. Poplin reported the application met the necessary criteria for approval.

Chairman Edds opened the floor to receive citizen input regarding PE 01-21. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved approval of PE 01-21. The motion was seconded by Commissioner Caskey and passed unanimously.

10. DISCUSSION REGARDING NO WAKE ZONE EXTENSION AT TAMARAC SHORES MARINA (CONTINUED FROM MARCH 15, 2021)

The Board conducted a public hearing on March 15, 2021 to consider a request from Michael Barron of Tamarac Shores Drive for an extension of the No Wake Zone (NWZ) in the vicinity of Tamarac Shores Marina. The Board tabled a decision in order to obtain more information from the NC Wildlife Resources Commission (WRC) pertaining to questions raised by Mr. Barron about existing buoys.

According to Betsy Haywood, Water Safety Rulemaking Coordinator, the Assessment by the WRC Officer was far south of what Mr. Barron requested; however, it did protect the cove entrance, as well as the entire cove. The Officer's recommendation would require two (2) additional buoys since two (2) of the buoys mark the existing NWZ.

Chairman Edds stated if the Board wished to proceed with the application for rulemaking, the Board would need to adopt a Resolution and allow the Clerk to submit the Resolution and a completed D-1 Form to the WRC. The Resolution in the agenda packet was drafted based on the WRC Officer's recommendation.

County Attorney Jay Dees provided a Memorandum of Agreement for the agenda packet to be entered with Mr. Barron for the purchase, repair and placement of any No Wake Buoys.

Chairman Edds moved approval of Resolution for buoy placement as recommended by law enforcement and to authorize the Clerk to send the Resolution along with D-1 form to the WRC. The motion was seconded by Commissioner Caskey and passed unanimously (5-0).

The Resolution was approved as follows:

WHEREAS, under authority of North Carolina General Statutes Section 75A-15 any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the Wildlife

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Resource Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits; and

WHEREAS, Rowan County has given public notice of its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on High Rock Lake within the territorial limits of Rowan County, and for the implementation of the Uniform Waterway Marker System in all the waters of the County.

NOW, THEREFORE BE IT RESOLVED, that in accordance with NCGS 75A-15, the Board of Commissioners of Rowan County requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of High Rock Lake located in said County, the pertinent substance of which proposed regulations is as follows:

An area 50 yards north of 360 Tamarac Shore Drive extending south as extension of no wake zone at the Tamarac Shores Marina and adjacent cove, or, for any other distance as deemed appropriate by the Wildlife Resources Commission.

BE IT FURTHER RESOLVED, that the Rowan County Board of Commissioners requests the said Commission to promulgate regulations fully implementing the Uniform Waterway Marker System in all of the waters of said County.

11. PRESENTATION BY HAZEN AND SAWYER

Roger Arnold and Aaron Babson with Hazen and Sawyer provided a power point as they reviewed the Lead and Copper Rule Compliance for the Northeast Rowan County Water System (NEWS).

The overview included the following:

- Project background and status
- Lead and Copper Rule (LCR) regulatory requirements
- Update on study approach and findings
- Recommended corrosion control treatment

There were 162 active metered connections with 450 people served:

- Previously supplied by private groundwater wells affected by industrial contamination
- Began receiving public water supply in September 2018 from Salisbury-Rowan Utilities (SRU)
- Water is treated by SRU and provided through a meter on Long Ferry Rd.

The LCR regulated lead in drinking water. The North Carolina Department of Environmental Quality (DEQ) compliance required 10 homes to be sampled in the NEWS:

- Lead levels at the 90th percentile exceeded the Action Level of 15 ppb.
- The source of lead is privately-owned plumbing materials.
- The LCR requires “optimal corrosion control treatment”.
- The DEQ designated the required corrosion control treatment.

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Overview of the Study
Purpose
•Develop a corrosion control treatment strategy for LCR compliance
Approach

- Investigative tap sampling and source assessment
- Bench-scale corrosion control testing
- Water quality data analysis

Outcome

- Recommended strategy to implement corrosion control treatment, proposed to meet DEQ's treatment designation

Mr. Arnold discussed the shared responsibility and explained that lead and copper were released into the water through corrosion of building plumbing materials.

Investigative Tap Sampling

- The source of lead is within internal building plumbing
- Plumbing assessments by the County identified copper pipe with leaded solder
- Testing conducted after 6+ hours of stagnation. Lead levels decreased at these homes after flushing of 5+ liters.

Systemwide Voluntary Sampling Program

- Voluntary sampling results characterize the extent and magnitude of lead issues
- A total of **9 homes** in the Northeast Rowan County water system with lead levels above 15 ppb have been detected out of **116 sites** tested (between voluntary and compliance sampling).

Continuing with the power point, Mr. Arnold discussed corrosion control testing and testing results.

•Objectives:

- Determine if there is an alternate strategy that could reduce lead release
- Provide a *relative* indication of treatment effectiveness
- Treated surface water greatly improved corrosion control for leaded brass and copper compared to groundwater
- Lead release from leaded solder increased with treated surface water compared to groundwater
- Zinc orthophosphate and pH adjustment treatment decreased lead release from leaded solder, consistent with the results of prior research

A combination of treatment approaches was recommended for the NEWS:
Chemical Booster Station

- Focuses treatment efforts on the area with high lead levels in the Northeast Rowan County system

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- Allows corrosion inhibitor doses and pH levels to be more precisely controlled with the Northeast Rowan County Water System

Centralized Treatment Adjustments at SRU

- Provides consistency with zinc orthophosphate corrosion inhibitor to be used at chemical booster station
- Proposed to meet DEQ's treatment designation prior to June 12, 2021
- Target dose of at least 1.3 mg/L as PO4(to ensure minimum concentration of 1 mg/L at Northeast Rowan County Water System point of entry)

Additional Steps to Minimize Lead Exposure

- Certified Point-of-Use (POU) Filters –Continue to provide certified replacement cartridges until lead levels are below the Action Level
- System-wide sampling program –Continue to provide testing to customers in the Northeast Rowan County system
- Public Education:
    - **Flush the tap for at least 3 minutes prior to consumption**
    - **Regularly remove and clean the faucet aerator, and flush the faucet with aerator removed**
    - **Use cold water for drinking and cooking**

In closing, Mr. Arnold highlighted the following summary:

- Zinc orthophosphate and pH adjustment improved corrosion control for leaded solder in bench-scale tests
- Coordinate with SRU to implement treatment adjustments
- Construct chemical booster station to enhance treatment capabilities
- Corrosion control treatment recommendations submitted to DEQ for review
- Required date for treatment optimization is June 12, 2021

Chairman Edds stated the Board did not need to act on the information that had been presented. The presentation was to provide public information as to what had been happening with the NEWS.

12. NE ROWAN COUNTY WATER SYSTEM CHEMICAL BOOSTER STATION – CERTIFIED BID TAB

Aaron Babson with Hazen and Sawyer discussed the Chemical Booster Station (Station) timeline/process for the County's Northeast Water System. The proposed Station would be located at 1375 Long Ferry Road in Salisbury.

Five (5) bids for the Northeast Water System (NEWS) Chemical Booster Station project were received on March 10, 2021. All five (5) bids were opened and read aloud by Hazen and Sawyer at the public bid opening. Dellinger, Inc. was announced as the apparent low bid at $742,900.41. Hazen and Sawyer reviewed the proposal and felt the proposal package was complete, responsive and responsible. In addition, Hazen and Sawyer had worked with Dellinger on similar projects in the past and agreed that based

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on their successful completion of those project, Dellinger was qualified to complete the County's project. It was noted Dellinger's proposal had a discrepancy of $0.41 in the indicated sum of Items A, B, C, and D. Per Article 16 of Section 00 20 00 of the Contract Documents, the discrepancy would be resolved in favor of the correction sum, which was indicated in the bid tabulation.

The bids were received as follows:

NE Rowan County Water System Chemical Booster Station
Rowan County, NC
Technical Bid Received/Opened: Finance Department of the Rowan County Administration Building (130 W Innes Street, Salisbury, NC 28144)
Bid Tabulation

Bid Opening: 3/10/21 at 2pm

	Bidder	MWBE Paperwork Submitted	Bidder Qualification Forms (Schedule A, B &C)	License No.	Bid Security (%)	Receipt of Addendum	Total Single Prime Base Bid Price (Sum of A,B, C, & D)
1	Dellinger, Inc. (1)	Yes	Yes	5992	5%	Yes	$ 742,900.41
2	Gilbert Engineering	Yes	Yes	999	5%	Yes	$ 783,925.41
3	Harper GC	Yes	Yes	3146	5%	Yes	$ 953,000.00
4	Loughlin Sutton	Yes	Yes	3067	5%	Yes	$ 812,000.00
5	NJR Group	Yes	Yes	77426	5%	Yes	$ 2,062,235.41

(1) Dellinger, Inc. had a discrepancy of $0.41 between the indicated sum of Items A, B, C and D and the correct sum of the Items. Per Article 16 of Section 00 20 00 of the Contract Documents, the discrepany shall be resolved in favor of the correct sum, which is indicated in this bid tabulation.

The Bids tabulated herein were opened and read aloud at 2:00 p.m. on the 10th day of March 2021 in the Finance Department of the Rowan County Administration Building. The tabulation is correct in that it contains the Bid prices as presented on the original Bid Form of each Bidder.

NORTH CAROLINA PROFESSIONAL SEAL 36305 ENGINEER AARON D. BABCOCK 03-12-21

Hazen
HAZEN AND SAWYER
4011 WESTCHASE BOULEVARD, SUITE 500
RALEIGH, NORTH CAROLINA 27607
LICENSE NO. : C-0381

Following a brief question and answer period, Chairman Edds moved to approve the bid from Dellinger, Inc. in the amount of $742,900.41. The motion was seconded by Commissioner Klusman and carried unanimously (5-0).

13. NEWS BOOSTER PUMP STATION EASEMENT

County Attorney Jay Dees said the Deed of Easement in the agenda packet with the City of Salisbury (City) was for a permanent, non-exclusive easement over the property identified as Tax Parcel 052 186, for the purpose of constructing, installing, altering, maintaining, repairing and operating a chemical booster station for the County's Northeast Water System. The sum of the easement was for $10.00.

Mr. Dees asked the Board to approve the new pump station easement with one caveat, which would be to substitute the final survey for the legal description.

Chairman Edds moved, Commissioner Klusman seconded and the vote carried unanimously (5-0) to approve the new pump station easement subject to the final survey.

14. LITTER REPORT

Based on the report in the agenda packet from Caleb Sinclair, Environmental Management Director, Rowan County staff removed 27,400 lbs. of roadside litter and debris along with 189 discarded tires during the month of February, 2021. In addition to litter removal efforts for the previous month, Rowan County law enforcement responded to numerous solid waste related complaints, conducted thirteen (13) interviews and issued ten (10) citations for littering/illegal dumping.

15. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director James Howden presented the following budget amendments for the Board's consideration:

- Emergency Services – To cover unexpected replacement of batteries for the UPS. $13,000
- Social Services – The County reverted CIP funds as the result of a state-wide reallocation. The budget amendment is to revise expenditures and revenues based on the new Funding Authorization. $144,841

Commissioner Klusman moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously.

16. CONSIDER APPROVAL OF BOARD APPOINTMENTS

ELLIS CROSS COUNTRY VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS

The terms for the three (3) current fire commissioners will expire on April 30, 2021. Connie McClain, Paul Durham, III and John Evans applied and if approved their terms would expire April 30, 2023.

Commissioner Greene moved the appointment of Connie McClain, Paul Durham, III and John Evans. The motion was seconded by Commissioner Klusman and carried unanimously.

PARKS AND RECREATION

There is one vacancy. Applications were received from Alissa Redmond and Jack Kepley, Jr. The selected applicant's term would expire December 31, 2023.

Commissioner Greene moved the appointment of Jack Kepley, Jr. The motion was seconded by Commissioner Caskey and passed unanimously.

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REGION F AGING ADVISORY COMMITTEE
Crystal Clement applied to fill a vacant At Large seat. The current term will expire June 30, 2021 at which time she would be eligible for reappointment.

Commissioner Klusman moved, Commissioner Greene seconded and the vote to appoint Crystal Clement passed unanimously.

TOWN OF ROCKWELL PLANNING AND ZONING ETJ
Mark Jennings applied to fill the remainder of a vacant seat ETJ seat and if approved the term would expire March 28, 2022.

Commissioner Klusman moved, Commissioner Greene seconded and the vote to appoint Mark Jennings carried unanimously.

WOODLEAF VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS
Robert Turner, Sam Wetmore and Wesley Hastings have applied for reappointment. If approved, they would serve a 2-year term that would expire April 30, 2023.

Commissioner Klusman moved to reappoint Robert Turner, Sam Wetmore and Wesley Hastings. The motion was seconded by Commissioner Greene and carried unanimously.

17. CLOSED SESSION
Chairman Edds moved at 5:00 p.m. for the Board to enter Closed Session in accordance with North Carolina General Statute (NCGS) 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on March 15, 2021; and NCGS 143-318.11(a)(3) for attorney-client privileged communication regarding regulatory compliance and potential litigation. The motion was seconded by Commissioner Greene and passed unanimously.

Commissioner Klusman moved the Board back into Open Session at 6:02 p.m. The motion was seconded by Commissioner Greene and carried unanimously. No action was taken.

18. ADJOURNMENT
There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 6:03 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board

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Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce

Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners
130 West Innes Street · Salisbury, NC 28144
Telephone 704-216-8181 · Fax 704-216-8195

MINUTES OF THE VIRTUAL MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS April 7, 2021 – 4:00 PM J. NEWTON COHEN, SR. ROOM J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
Craig Pierce, Member
Judy Klusman, Member

County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees, Assistant County Manager/CIO Randy Cress and Finance Director James Howden were also participating remotely.

Chairman Edds convened the meeting at 4:01 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Chairman Edds moved to add the Notice of Award and Contract with Dellinger, Inc. for the Chemical Booster Station. The motion was seconded by Commissioner Klusman and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda as amended passed unanimously.

1. RATIFY ZTA 02-19: SOLAR ENERGY SYSTEMS AND MISCELLANEOUS TEXT AMENDMENTS

Chairman Edds moved to ratify ZTA 02-19 Solar Energy Systems and Miscellaneous Text Amendments. Commissioner Greene seconded and the motion passed unanimously.

(*Note: See amended motion below).

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2. RATIFY: 30-DAY EXTENSION OF SOLAR MORATORIUM

Chairman Edds moved to repeal the 30-day extension of the Solar Moratorium, effective 12:01 a.m. on April 8, 2021. The motion was seconded by Commissioner Klusman and passed unanimously.

ADDITION

NOTICE OF AWARD AND CONTRACT WITH DELLINGER, INC. FOR CHEMICAL BOOSTER STATION

In response to an inquiry from Chairman Edds, County Manager Aaron Church said the Addition to the Agenda was authorizing the County Manager to issue the Notice of Award and to sign the contract for the bid that was awarded during regular session on April 5, 2021.

Commissioner Klusman moved to approve the Notice of Award and Contract with Dellinger, Inc. for the Chemical Booster Station. The motion was seconded by Commissioner Pierce and carried unanimously.

*At this point, Planning Director Ed Muire requested clarification as to whether the motion for agenda item #1 included the Land Use recommendations.

Chairman Edds amended the motion to approve ZTA 02-19 Solar Energy Systems and Miscellaneous Text Amendments and Land Use recommendations. The amendment was seconded by Commissioner Pierce and passed unanimously.

3. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 4:07 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board

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ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Alyssa Harris, Interim Health Director
DATE:
SUBJECT: Health Department - Environmental Health Report

Updated information on the progress of the Environmental Health division within the Rowan County Public Health Department

ATTACHMENTS:

Description	Upload Date	Type
ENHS Report	4/12/2021	Backup Material
ENHS Report graphs	4/12/2021	Backup Material

ONSITE WASTEWATER REPORT

	NUMBER OF INSPECTIONS											
	Well Inspections Completed (W1,W3)	Well Permits Requested	Soil/Site Evaluations Completed (S1, S1E)	Soil/Site Evaluation Requested	IP's Completed (S3, S4, S4A, S5)	IP's Requested	Existing System Inspections Completed (S12, S13, S13D)	Existing System Inspections Requested	Final Septic Inspections (S19)	Well Grouts (W2)	Complaints Visited (S25)	Backlog
DATE RANGE												
Nov-20	27	26	151	46	52	46	6	6	49	27	8	5 weeks 2 days
Dec-20	20	22	159	37	31	37	2	3	27	23	17	3 weeks 2 days
Jan-21	37	24	181	66	38	66	7	8	24	25	13	2 weeks 1 day
Feb-21	49	24	189	48	29	48	9	9	26	24	32	4 weeks 4 days
Mar-21	48	47	182	68	54	68	2	3	52	47	11	5 weeks 2 days
Total	181	143	862	265	204	265	26	29	178	146	81	

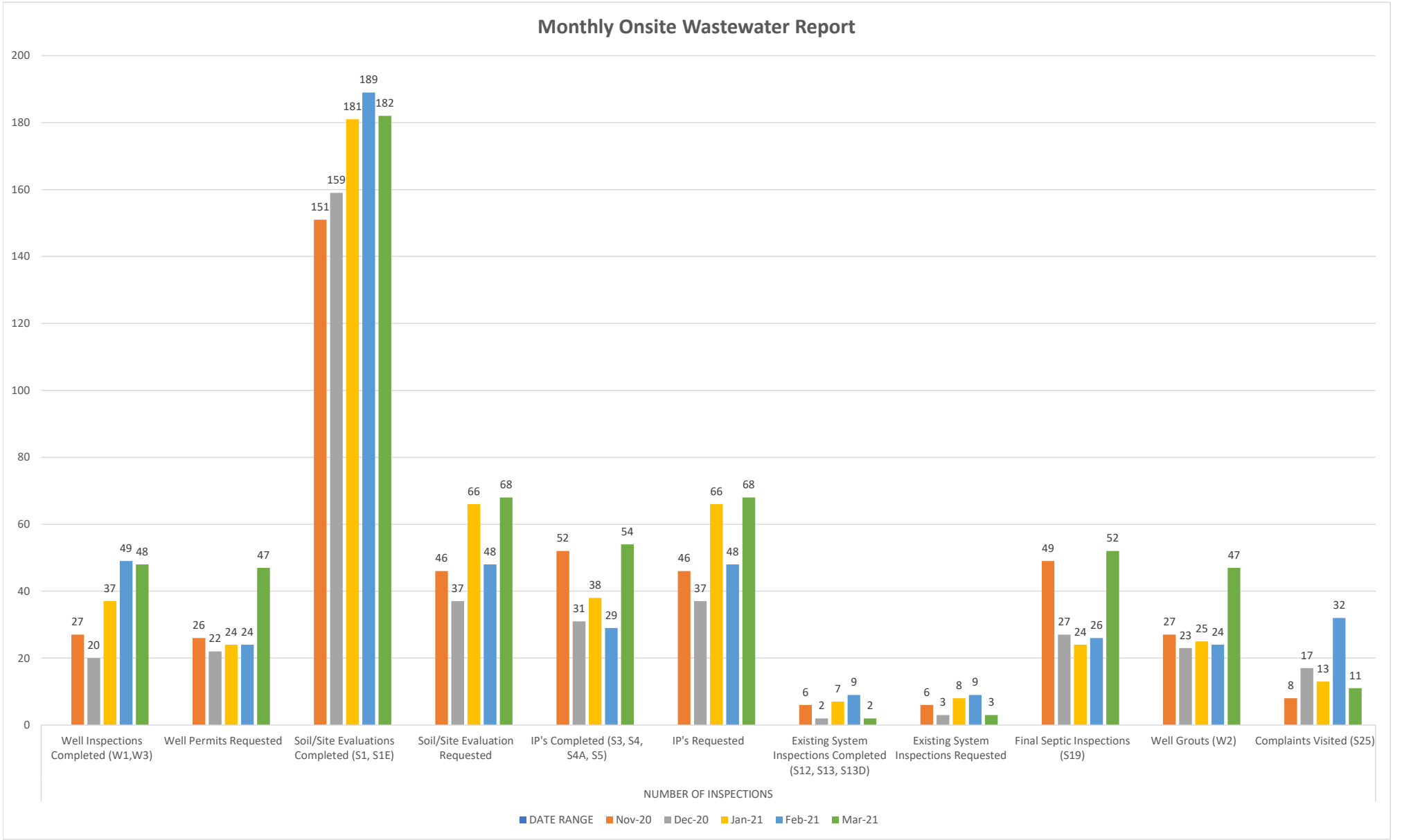
BI-WEEKLY ONSITE WASTEWATER REPORT

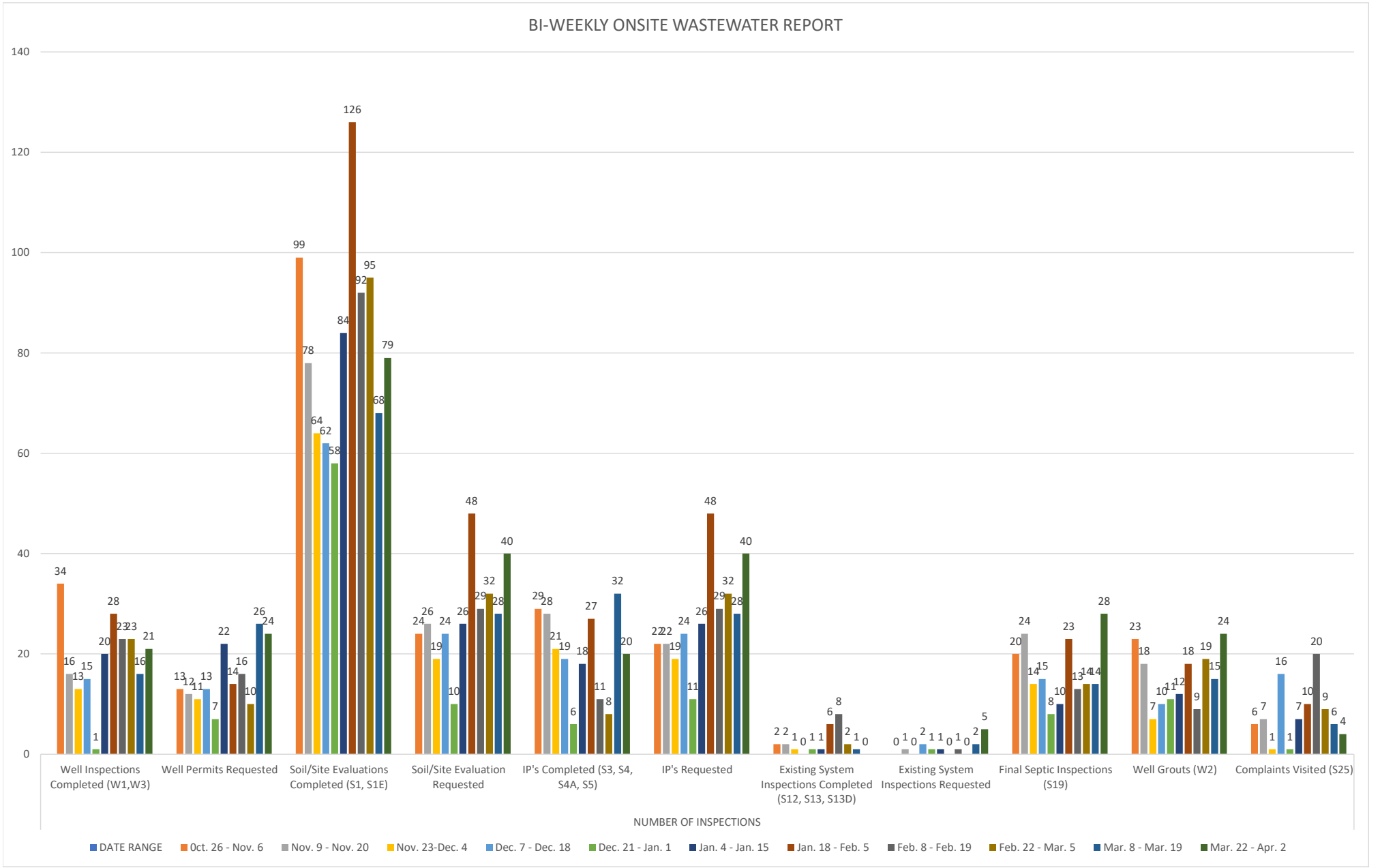
	NUMBER OF INSPECTIONS											
	Well Inspections Completed (W1,W3)	Well Permits Requested	Soil/Site Evaluations Completed (S1, S1E)	Soil/Site Evaluation Requested	IP's Completed (S3, S4, S4A, S5)	IP's Requested	Existing System Inspections Completed (S12, S13, S13D)	Existing System Inspections Requested	Final Septic Inspections (S19)	Well Grouts (W2)	Complaints Visited (S25)	Backlog
DATE RANGE												
0ct. 26 - Nov. 6	34	13	99	24	29	22	2	0	20	23	6	4 weeks 4 days
Nov. 9 - Nov. 20	16	12	78	26	28	22	2	1	24	18	7	4 weeks 4 days
Nov. 23-Dec. 4	13	11	64	19	21	19	1	0	14	7	1	5 weeks 2 days
Dec. 7 - Dec. 18	15	13	62	24	19	24	0	2	15	10	16	4 weeks
Dec. 21 - Jan. 1	1	7	58	10	6	11	1	1	8	11	1	3 weeks 2 days
Jan. 4 - Jan. 15	20	22	84	26	18	26	1	1	10	12	7	2 weeks 3 days
Jan. 18 - Feb. 5	28	14	126	48	27	48	6	0	23	18	10	2 weeks 1 day
Feb. 8 - Feb. 19	23	16	92	29	11	29	8	1	13	9	20	3weeks 3 days
Feb. 22 - Mar. 5	23	10	95	32	8	32	2	0	14	19	9	5 weeks 2 days
Mar. 8 - Mar. 19	16	26	68	28	32	28	1	2	14	15	6	4 weeks
Mar. 22 - Apr. 2	21	24	79	40	20	40	0	5	28	24	4	4 weeks 3 days
Total	210	168	905	306	219	301	24	13	183	166	87	

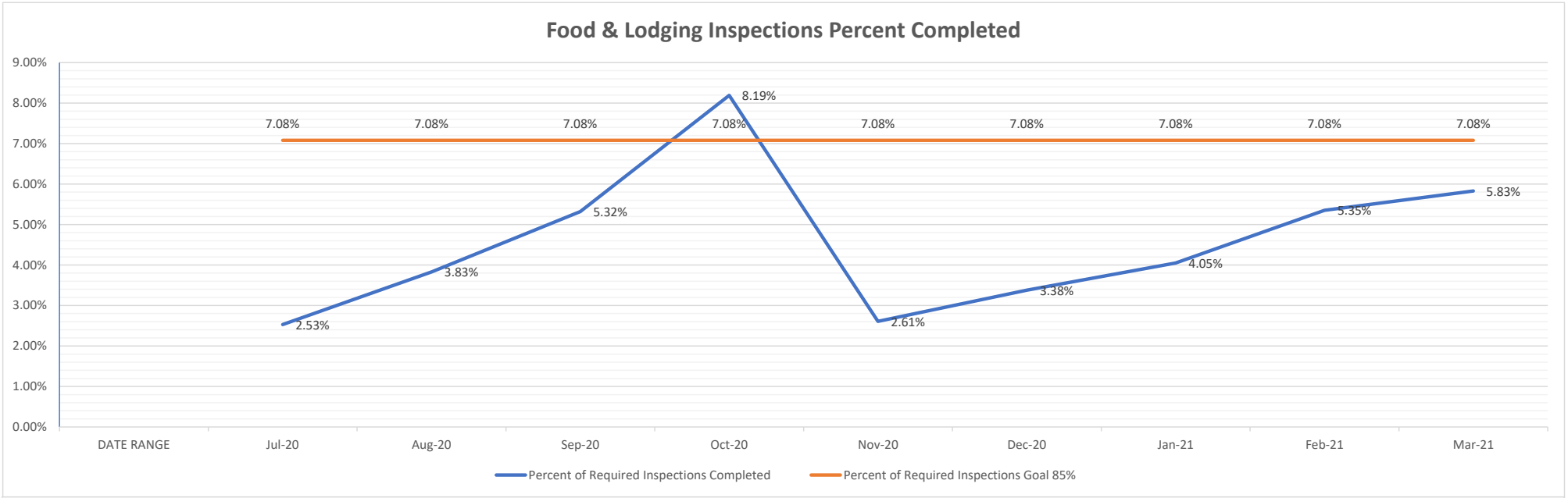
FOOD & LODGING REPORT				
	Completed Inspections	Required Inspection Completed	Percent of Required Inspections Completed	Percent of Required Inspections Goal 85%
DATE RANGE				
Jul-20	49	38	2.53	7.08
Aug-20	67	58	3.83	7.08
Sep-20	102	81	5.32	7.08
Oct-20	191	125	8.19	7.08
Nov-20	54	40	2.61	7.08
Dec-20	56	52	3.38	7.08
Jan-21	81	63	4.05	7.08
Feb-21	109	84	5.35	7.08
Mar-21	117	91	5.83	7.08
Total	826	632	41.09	63.72

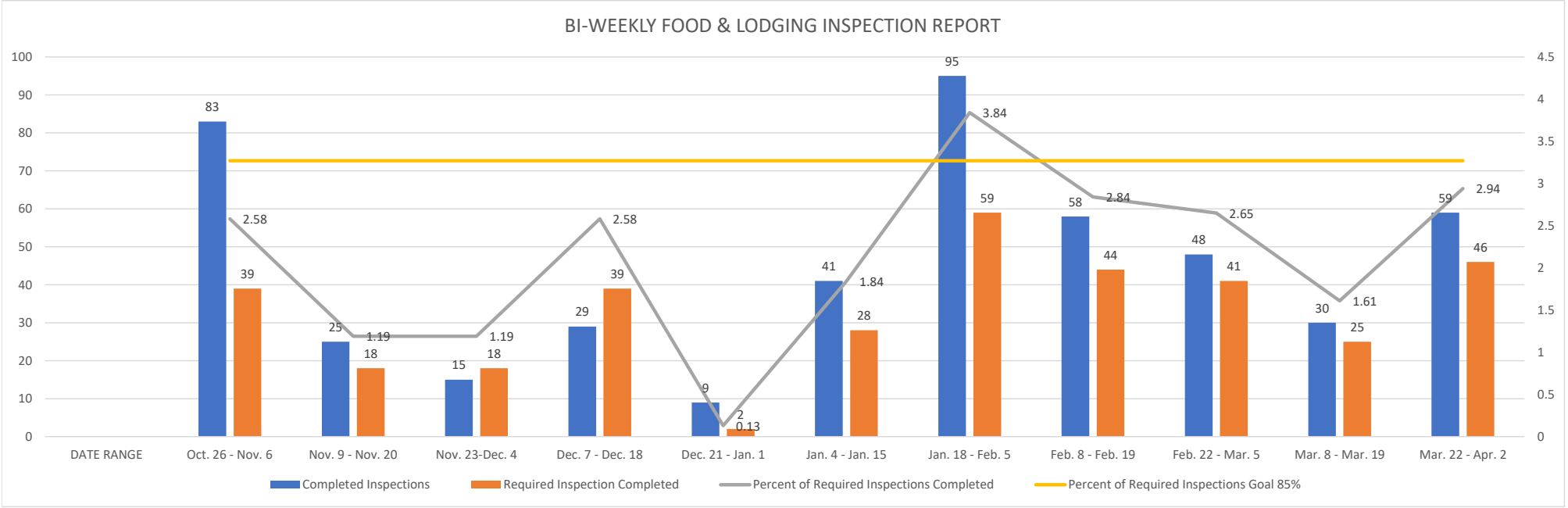
Required Inspections: 1553
Number of Establishments: 675

BI-WEEKLY FOOD & LODGING REPORT				
	Completed Inspections	Required Inspection Completed	Percent of Required Inspections Completed	Percent of Required Inspections Goal 85%
DATE RANGE				
Oct. 26 - Nov. 6	83	39	2.58	3.27
Nov. 9 - Nov. 20	25	18	1.19	3.27
Nov. 23-Dec. 4	15	18	1.19	3.27
Dec. 7 - Dec. 18	29	39	2.58	3.27
Dec. 21 - Jan. 1	9	2	0.13	3.27
Jan. 4 - Jan. 15	41	28	1.84	3.27
Jan. 18 - Feb. 5	95	59	3.84	3.27
Feb. 8 - Feb. 19	58	44	2.84	3.27
Feb. 22 - Mar. 5	48	41	2.65	3.27
Mar. 8 - Mar. 19	30	25	1.61	3.27
Mar. 22 - Apr. 2	59	46	2.94	3.27
Total	492	359	23.39	35.97


Monthly Onsite Wastewater Report
200
180
160
140
120
100
80
60
40
20
0
27 20 37 49 48
26 22 24 24 47
151 159 181 189 182
46 37 66 68 48
52 31 38 29 54
46 37 66 68 48
6 2 7 9 2
6 3 8 9 3
49 27 24 26 52
27 23 25 24 47
8 17 13 32 11
Well Inspections Completed (W1,W3)
Well Permits Requested
Soil/Site Evaluations Completed (S1, S1E)
Soil/Site Evaluation Requested
IP's Completed (S3, S4, S4A, S5)
IP's Requested
Existing System Inspections Completed (S12, S13, S13D)
Existing System Inspections Requested
Final Septic Inspections (S19)
Well Grouts (W2)
Complaints Visited (S25)
NUMBER OF INSPECTIONS
DATE RANGE
Nov-20
Dec-20
Jan-21
Feb-21
Mar-21


BI-WEEKLY ONSITE WASTEWATER REPORT
140
120
100
80
60
40
20
0
Well Inspections Completed (W1,W3)
Well Permits Requested
Soil/Site Evaluations Completed (S1, S1E)
Soil/Site Evaluation Requested
IP's Completed (S3, S4, S4A, S5)
IP's Requested
Existing System Inspections Completed (S12, S13, S13D)
Existing System Inspections Requested
Final Septic Inspections (S19)
Well Grouts (W2)
Complaints Visited (S25)
NUMBER OF INSPECTIONS
DATE RANGE
Oct. 26 - Nov. 6
Nov. 9 - Nov. 20
Nov. 23-Dec. 4
Dec. 7 - Dec. 18
Dec. 21 - Jan. 1
Jan. 4 - Jan. 15
Jan. 18 - Feb. 5
Feb. 8 - Feb. 19
Feb. 22 - Mar. 5
Mar. 8 - Mar. 19
Mar. 22 - Apr. 2


Food & Lodging Inspections Percent Completed
9.00%
8.00%
7.00%
6.00%
5.00%
4.00%
3.00%
2.00%
1.00%
0.00%
7.08%
8.19%
5.32%
3.83%
2.53%
2.61%
3.38%
4.05%
5.35%
5.83%
DATE RANGE
Jul-20
Aug-20
Sep-20
Oct-20
Nov-20
Dec-20
Jan-21
Feb-21
Mar-21
Percent of Required Inspections Completed
Percent of Required Inspections Goal 85%


BI-WEEKLY FOOD & LODGING INSPECTION REPORT
100
90
80
70
60
50
40
30
20
10
0
4.5
4
3.5
3
2.5
2
1.5
1
0.5
0
83
39
2.58
25
18
1.19
15
18
1.19
29
39
2.58
9
2
0.13
41
28
1.84
95
59
3.84
58
44
2.84
48
41
2.65
30
25
1.61
59
46
2.94
DATE RANGE
Oct. 26 - Nov. 6
Nov. 9 - Nov. 20
Nov. 23-Dec. 4
Dec. 7 - Dec. 18
Dec. 21 - Jan. 1
Jan. 4 - Jan. 15
Jan. 18 - Feb. 5
Feb. 8 - Feb. 19
Feb. 22 - Mar. 5
Mar. 8 - Mar. 19
Mar. 22 - Apr. 2
Completed Inspections
Required Inspection Completed
Percent of Required Inspections Completed
Percent of Required Inspections Goal 85%

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Aaron Poplin, Planner
DATE: 4/8/21
SUBJECT: Ratify Z 01-21: K Town Homes

On April 5th the Board of Commissioners voted to approve rezoning request Z 01-21. Planning staff did not receive any public comments during the allotted 24 hour time period required after remote public hearings

Ratify Z 01-21

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	4/8/2021	Cover Memo
GIS Map	4/8/2021	Cover Memo
Site Plan	4/8/2021	Cover Memo
Application	4/8/2021	Cover Memo

DEPARTMENT OF PLANNING & DEVELOPMENT
DATE: 03/5/2021
STAFF CONTACT: AARON POPLIN

REZONING PETITION: Z 01-21

REQUEST: RA to CBI-CD

PARCEL ID: 140 242

LOCATION: 1000 block Old Beatty Ford Rd.

ACERAGE: 3.84

CURRENT LAND USE: Vacant

OWNER: K Town Homes

APPLICANT: Raymond McMillan Jr., K Town Homes

BACKGROUND

Raymond McMillan Jr., on behalf of K Town Homes, is requesting a rezoning of their 3.84 acre property at approximately the 1000 block of Old Beatty Ford Rd. from Rural Agricultural (RA) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow the placement of a mini-warehouse storage facility. This property can be further identified as parcel 140 242.

Relationship with any plans and policies

This property is located in Area 3 of the Eastern Area Land Use Plan, and is located within the I-85, US 29 Corridor Overlay. The I-85, US 29 Corridor Overlay encourages commercial and industrial uses. The property falls close to a recognized regional node which extends one mile out from the new interchange of Old Beatty Ford Rd and I-85.

The property is also identified in the I-85 South Corridor Plan. The plan calls for the new alignment of Old Beatty Ford Rd to serve as frontage for commercial and mixed use developments as well as some industry. The plan recommends considering design guidelines for commercial development which include things such as architectural standards, screening, landscaping, and signs.

Z 04-20 was a rezoning request from RA to CBI-CD for the use of a water well drilling contractor business located across the street from this request. Z 04-20 was approved by the Board of Commissioners on November 16 2020 with no additional requirements other than the design presented on the site plan.

Consistency with the requested zoning district's purpose and intent

Commercial, Business, Industrial, CBI. This zone allows for a wide range of commercial, business and light to medium industrial activities which support both the local and/or regional economies. The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend "highway business" along identified NC and US highways; community/regional/potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water/sewer represent significant public investment to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. The CBI district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

The request falls within the Cold Water Creek water supply watershed which is a WS-IV. At 39.2% built upon area the proposed development is above the maximum built upon area of 36% of the lot, and will require getting a Special Non-Residential Intensity Allocation (SNIA) permit from the board of commissioners. Currently the Cold Water Creek water supply watershed has 488.54 remaining acres that can be removed through the SNIA permit process. Watershed IVs have the option to use high density standards instead of using the SNIA permit process; however, this application does not meet one of the three criteria that would compel them to utilize the high density standards.

Compatibility of all uses within the proposed district classification with other properties

Compatibility of Uses: the CBI district offers a wide variety of uses of varying intensities, however this request only allows for Mini-warehouse storage (4225).

MAJOR GROUP	INDUSTRY GROUP	RA	CBI-CD
Residential		Permitted	Not Permitted
Construction		Permitted with SR	Not Permitted
Manufacturing		Permitted with SR	Not Permitted
	"Heavy Impact Uses"	Not Permitted	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.		Some Permitted with SR	Mini-Warehouses
Wholesale Trade		Most Permitted with SR	Not Permitted
Retail Trade		Permitted with SR	Not Permitted
Finance, Ins., & Real Est.		Permitted with SR	Not Permitted
Services		Most Permitted with SR	Not Permitted
	Misc. Amusement & Rec.	Not Permitted	Not Permitted
Public Admin.		Not Permitted	Not Permitted

Generalized Groupings:
Permitted: 100-75% Most: 75-50% Some: 50-25% Not Permitted: 25-

Source: Section 21-113 Table of Uses

Conditions within the vicinity (see enclosed map): Area around the intersection of Old Beatty Ford Rd and Bostian Rd is mostly zoned RA with one CBI-CD zoned lot for a well drilling contractor business. Most the other uses in the area are residential aside from the Landis Church of God and the Kannapolis Lodge both located off of Bositan Rd.

Potential impact on facilities such as roads, utilities and schools

Roads: The new section of Old Beatty Ford Rd. that the site accesses from does not have traffic count data available yet. The NC DOT has already issued a driveway permit 20-030-RD for the proposed use.

Utilities: N/A

Schools: N/A

Planning Board Meeting February 22, 2021

The Rowan County Planning Board held a curtesy hearing for Z 01-21 at their February meeting. The Planning Board had a few questions about the options for meeting the watershed requirements. The Board agreed that an SNIA permit process was the preferred process for meeting watershed requirements on a small scale development in WS IV watersheds. The Board had no questions for the applicant and no one spoke during the curtesy hearing.

The Board approved the request with the following statements.

Statement of Consistency – The proposed use is consistent with the Eastern Land Use Plan; the I-85 Corridor and US Hwy 29 overlays. The same type of zoning was approved on the site across the road for a well drilling facility. The CBI-CD is specific and any changes would require board approval. The use is needed in a growing community and is non- detrimental.

Statement of Reasonableness – The tract is 3.8 acres and is compatible with current land use plan as well as future land use. It is located in a commercial community node. The conditional use district minimizes any other uses and any changes would have to be approved by the board. Same type of use exists across the street and was approved for the same type of zoning CBI-CD. The proposed use is good for both business and residential use.

Decision making and procedures

Decision Making: In addition to the above criteria, sec. 21-362 (c) of the Zoning Ordinance indicates the primary question before the Planning Board / Board of Commissioners in a

rezoning decision is “whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance.” Additionally, the boards “shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed zoning change on the public at large.”

Procedures: The Planning Board must develop a statement of consistency 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)]. A statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

A statement of reasonableness is necessary to substantiate a small-scale zoning decision and ensure the decision is “reasonable”. While spot zoning in North Carolina is considered legal, it must be determined as reasonable based on a number of factors including the following established by the courts:

- Size and nature of the tract;
- Compatibility with existing plans;
- The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community; and
- The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.

Staff Comments

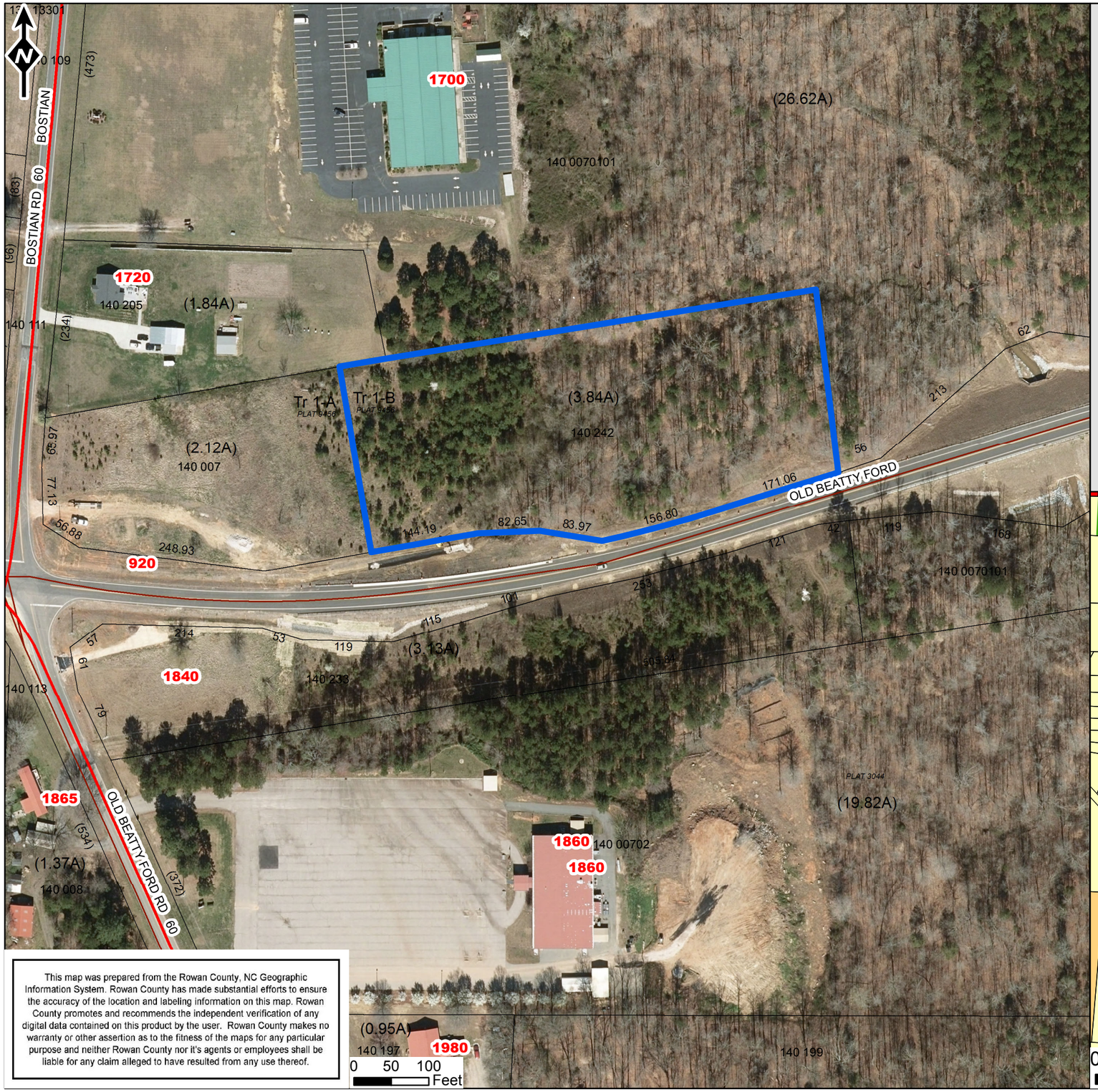
- Only the use shown in the site plan should be considered when making a decision.
- The Board can consider adding mutually agreed upon conditions to the request.

Attachments

- GIS Map
- Site Plan
- Application
- Statement worksheet

Z 01-21
Site Map

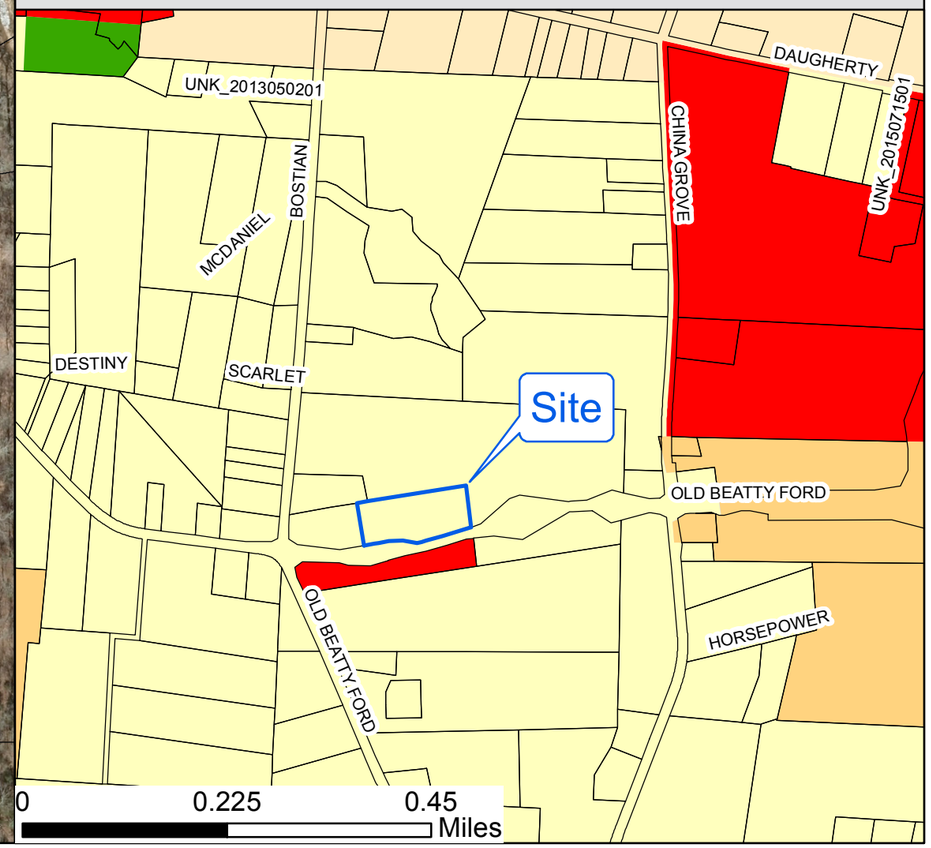
ROWAN COUNTY
NORTH CAROLINA
Be an original.



This map was prepared from the Rowan County, NC Geographic Information System. Rowan County has made substantial efforts to ensure the accuracy of the location and labeling information on this map. Rowan County promotes and recommends the independent verification of any digital data contained on this product by the user. Rowan County makes no warranty or other assertion as to the fitness of the maps for any particular purpose and neither Rowan County nor it's agents or employees shall be liable for any claim alleged to have resulted from any use thereof.

Legend

- RA
- CBI
- RR
- IND
- NB
- MHP
- Kannapolis City
- China Grove ETJ
- Site
- Parcels



SITE PLAN of
Tract 1B
Plat Book 9995, Page 9456
Tax ID 140 242

China Grove Township,
Rowan County,
North Carolina

Listed Property of: K-Town Homes LLC
119 West Avenue
Kannapolis, NC 28081

Plan prepared: January 14th, 2021

The total acreage to be divided is 5.963± acres .
There is one deeded tract. The total number of resulting lots is two.
The current zoning for the entire neighborhood is RA (Rural Agricultural District).
The side and rear lot lines are subject to a 10-foot utility easement.
Lots to be served by private wells & private septic tanks.

Principal building setbacks: ___' front; ___' side; ___' rear.
___' side street setback
Accessory building setbacks: ___' side; ___' rear.

This plat is subject to any rights-of-way, easements, or agreements of record prior to the date of this survey.

Broken lines indicate boundaries not surveyed.

The property is located within the Coldwater Creek (Lake Fisher) WS-IV watershed.

A portion of this property does lie within a Special Flood Hazard Area Inundated by 100-year Flood (Zone X) as shown on FIRM Map Number 3710562500K, effective date: June 16th, 2009.

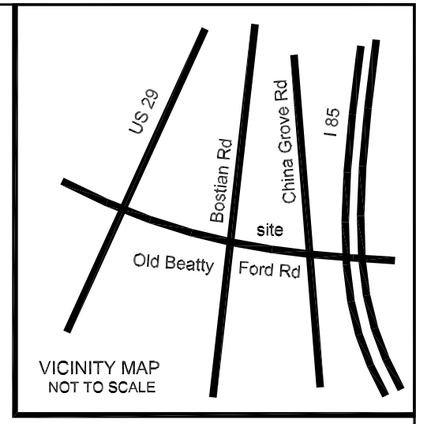
This site plan was prepared by:
John A. McHenry, PLS NC-3676
175 Rainey Road
Salisbury, NC 28081
704-431-2687

Comments Box

Requested Zoning District: CBI-CD
Setbacks for CBI-CD (front 50', side 10', rear 10', & side street 30')
Subject Tract's Existing Use: Vacant
Adjoining Uses: Institutional, Residential, & Vacant (as shown)
Fencing material: 8 Ft tall black powder coated chain link with barbwire on top
Driveway: NCDOT Permit # 30-030-RD issued 10/30/20.
Square footage of each building: shown on plan
Pass through units: removed from plan
Pavement material: gravel
Curb and gutter provided: no
Number of dumpsters: zero
Dumpster enclosures: none
Total impervious surface coverage:

On-site Impervious Surface Calculations
38,317 sq. ft. - gravel
1,400 sq. ft. - concrete entrance apron
25,800 sq. ft. - buildings
Total Impervious area - 65,517 sq. ft.
Total tract area - 167,314 sq. ft.
Percentage Impervious Surface 39.2%

Waster supply watershed: WS IV Cold Water Creek.
Storm water control measures proposed? See erosion control plan
Floodplain: 18 sqft± AE zone at northeast corner of Tract 1B
FIRM panel and effective date: FIRM Map Number 3710562500K, June 16th, 2009.
Number of employees? zero
Proposed hours of operation: 24/7 access
Designated parking areas: None. Loading and unloading areas of units shown.
Proposed lighting: Security lighting will be attached to buildings
Existing trees in the setbacks: Yes
Building materials: Steel framing & structure over concrete foundation



Zone AE Flood Hazard boundary
imported from fris.nc.gov

Tax ID 140 007 101
Landis Church of God
Deed Book 749, Page 24
Institutional Use

NC Grid Coordinates
NAD 93(2011) datum
N 653492.33 sft
E 1528488.69 sft
1" looped bar found

2.8

10.0'

N80°53'35"E — 580.43'

Tax ID 140 205
Wade Sutherland
Deed Book 1118, Page 496
Residential Use

found 5/8" rebar

N80°11'26"E — 154.14'

1/2" rebar found

N80°11'26"E
63.21'

1/2" rebar found
N 653400.46 sft
E 1527915.58 sft
NC Grid Coordinates
NAD 93(2011) datum

silt-fencing for erosion contral as dictated by topography

Tract 1B
3.841 acres±
0 acres within right of way

Tax ID 140 007
K-Town Homes LLC
Tract 1A, Plat Book 9995, Page 9456
Vacant

N09°48'34"W — 250.99'

Building 6
2400 sq. ft.

Building 5
4500 sq. ft.

Building 4
5000 sq. ft.

Building 3
5000 sq. ft.

Building 2
5000 sq. ft.

Building 1
3900 sq. ft.

gravel

gravel

security fence

S06°55'18"E — 245.62'

Tax ID 140 007 101
Landis Church of God
Deed Book 749, Page 24
Institutional Use

12.3'

50.2'

3/4" pipe found

Street & Driveway Access
Driveway Permit # 30-030-RD
dated October 30, 2020

security gate

concrete drive to meet existing facilities

S72°45'20"W — 171.06'

concrete monument found

OLD BEATTY FORD ROAD
public right of way, width varies

S74°58'41"W
chord 156.76'
arc 156.80'
radius 2010.00'

right of way

concrete monument found

S80°02'45"W — 144.19'

concrete monument found

S87°34'48"W
82.65'

1/4" bar found in pine

N80°39'32"W
83.97'

S80°02'45"W
144.19'

found 5/8" rebar

N.C. Grid North - NAD 83(2011)

0 60' 120'

Grid Distance 1" equals 60 feet

Rowan County Department of Planning & Development
402 N. Main Street Suite 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # Z
Date Filed
Received By
Amount Paid
Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: K Town Homes, LLC
Signature: Raymond McMillan
Phone: (704) 642-7475 Email: jr@insurance-mia.com
Address: 119 West Ave Kannapolis, NC 28081

APPLICANT / AGENT INFORMATION: Complete affidavit on back if non-owner

Name: Raymond N. McMillan, Jr.
Signature: Raymond McMillan
Phone: (704) 642-7475 Email: jr@insurance-mia.com
Address: 260 Whisper Dr. China Grove, NC 28023

PROPERTY DETAILS:

Tax Parcel(s): ~~140 001~~ & 140 242 Size (sq.ft. or acres): 6.17 Acres
Property Location: 1770 Bostian Rd China Grove, NC 28023
Current Land Use: Vacant
Date Acquired: 8/21/2020 Deed Reference: Book 1355 Page 249

REQUEST DETAILS:

Existing Zoning District RA Requested Zoning District CBI-CD

If requesting a conditional zoning district, list proposed use or uses:

Additional information enclosed restricting the conditional use district? Yes ☐ No ☑

Site plan containing information from sec. 21-52 enclosed? Yes ☑ No ☐

AFFADAVIT OF OWNER

To be completed if applicant is not the property owner

I (We), K Town Homes, LLC, owner(s) of the within described property do hereby request the proposed rezoning and hereby authorize the person listed below to act as my (our) duly authorized agent in this matter.

Signature(s): Raymond H. McMillan, Jr.

Date: 1/26/2023

Name of Applicant / Agent: Raymond H. McMillan, Jr.

Address: 260 Whisper Dr. China Grove, NC 28023

Phone Number: (704) 642-7475

IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

STATE OF NC COUNTY OF Cabarrus

I, Lissette Rodriguez, a Notary Public for said County and State, do hereby certify that Raymond H. McMillan Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires 04/24, 2023.

Lissette Rodriguez

SEAL

LISSETTE RODRIGUEZ
Notary Public
Cabarrus County
My Comm. Exp.
04-24-2023
NORTH CAROLINA

OFFICIAL USE ONLY

1. Signature of Rezoning Coordinator: _____ 2. Planning Board Courtesy Hearing: ___/___/___ 3. Notifications Mailed: ___/___/___ 4. Property Posted: ___/___/___ 5. Planning Board Action: Approved _____ Denied _____ 6. Board of Commissioners Public Hearing: ___/___/___ 7. Notifications Mailed: ___/___/___ 8. Property Posted: ___/___/___ 9. Dates Advertised: 1st ___/___/___ 2nd ___/___/___ 10. BOC Action: Approved _____ Denied _____ 11. Date Applicant Notified: ___/___/___

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Valerie Steele, Airport & Transit Director
DATE:	4/8/2021
SUBJECT:	FAA Sponsor Land Ownership Verification

The FAA is verifying that all FAA recognized Airport Sponsors are the landowners of the airport property. The form indicates the information must be submitted by an individual who represents the Sponsor (i.e. Commission Chairman or Town Manager, etc.) and specifics that a signed letter on Sponsor letterhead must be uploaded along with the data. The due date is April 21, 2021.

The email, Exhibit A, list of properties, confirmation of ownership listing, and a draft letter are included as attachments.

Please approve the draft letter for signature by the County Manager. Please approve for the County Manager to submit the required information to the FAA smartsheet using the link provided in the email.

ATTACHMENTS:

Description	Upload Date	Type
NCDOA Email Request	4/8/2021	Exhibit
Exhibit A	4/8/2021	Exhibit
Airport Property Table - enlarged from Exhibit A	4/8/2021	Exhibit
Airport Property Info - Verification	4/8/2021	Backup Material
Sponsor Letter_ CMO Letterhead	4/8/2021	Cover Memo

Steele, Valerie S

From: Bingham, Rachel S <rsbingham@ncdot.gov>
Sent: Thursday, March 18, 2021 3:00 PM
Cc: Clowes, Ashley E; Whitby, Caleb; Fuller, James A.; Cyndy Falgout; Meyer, Todd
Subject: REQUEST - FAA Land Ownership Verification DUE APRIL

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails by clicking the "**Report Phish**" button.

Dear GA Airport Sponsors,

The FAA is in the process of verifying that the Airport Sponsors of Record are the landowners of the airport property. Please use the link to the form below to submit your verification and certification. NCDOA will send out notification of receipt and any follow up actions necessary.

Your response is **DUE APRIL 21, 2021.** Please do not delay as it will take some time to confirm ownership title on each parcel shown on your Exhibit A.

https://app.smartsheet.com/b/form/caa170ee60b54a8ab85610f971ca2def

This communication is directed to the primary point of contact for your airport, please share this with other pertinent staff to complete the task. If you have any questions, please contact your APM directly.

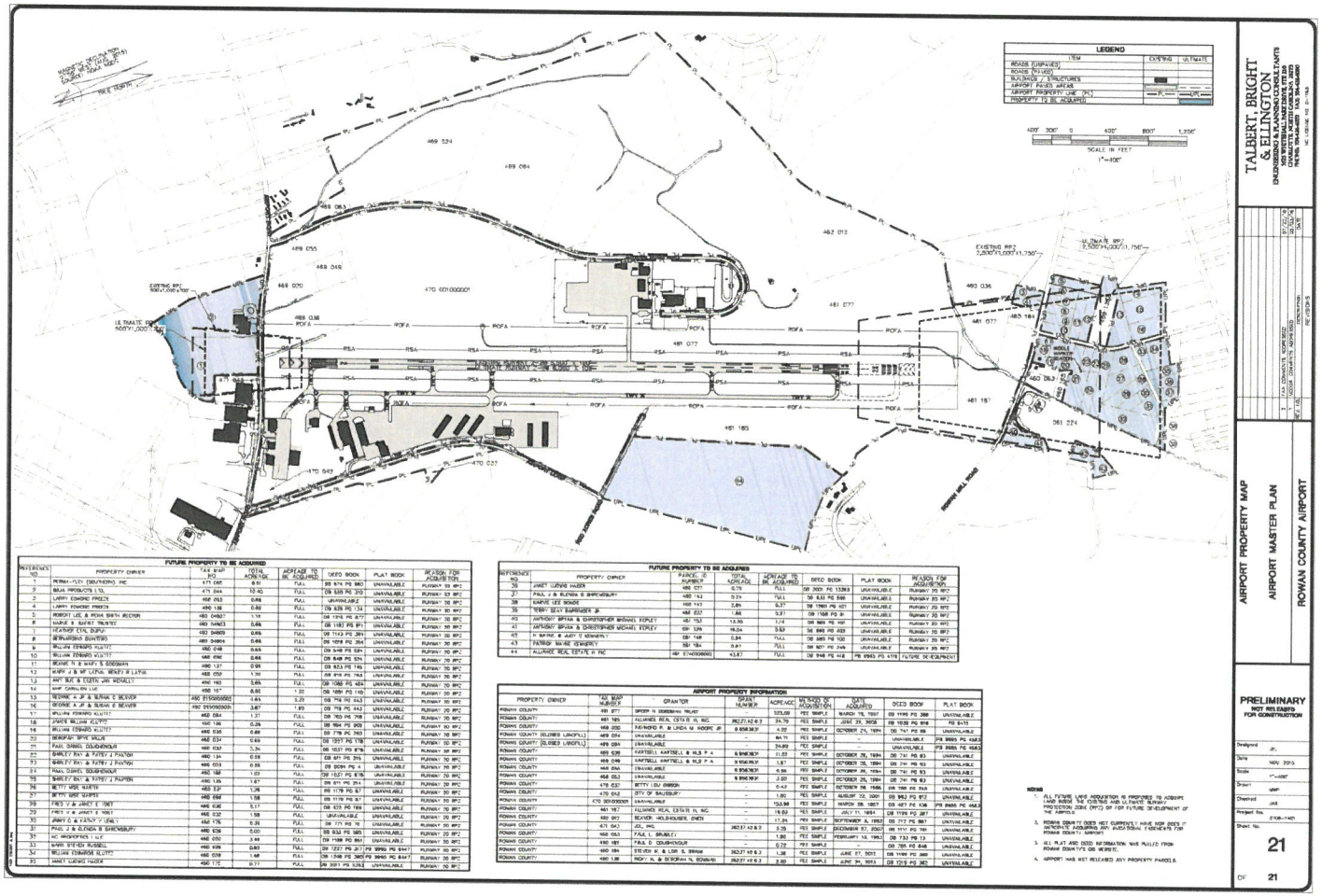
Thank you for your attention on this matter.

Rachel S. Bingham, PE
Interim Aviation Development Manager
Division of Aviation
North Carolina Department of Transportation

919 814 0570 office
919 621 1865 mobile
rsbingham@ncdot.gov

1050 Meridian Drive
Morrisville, NC 27560

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties



FUTURE PROPERTY TO BE ACQUIRED

REFERENCE NO	PROPERTY OWNER	TAX MAP NO	TOTAL ACREAGE	ACREAGE TO BE ACQUIRED	DEED BOOK	PLAT BOOK	REASON FOR ACQUISITION
1	ROWAN-SALISBURY DEVELOPERS, INC	471 006	9.10	FULL	BB 874 PG 980	UNAVAILABLE	RUNWAY 33 RPZ
2	BASS PRODUCTS LTD.	471 004	12.40	FULL	DB 535 PG 310	UNAVAILABLE	RUNWAY 33 RPZ
3	LARRY EDMOND FREEZE	468 053	0.46	FULL	UNAVAILABLE	UNAVAILABLE	RUNWAY 33 RPZ
4	LARRY EDMOND FREEZE	469 158	0.66	FULL	DB 535 PG 134	UNAVAILABLE	RUNWAY 33 RPZ
5	ROBERT LEE & PENA SMITH HESTER	469 04801	1.16	FULL	DB 1916 PG 877	UNAVAILABLE	RUNWAY 33 RPZ
6	WAYNE B. BARRET TRUSTEE	469 04803	0.46	FULL	DB 1183 PG 911	UNAVAILABLE	RUNWAY 33 RPZ
7	HEATHER ETAL DUFF	469 04809	0.46	FULL	DB 1143 PG 291	UNAVAILABLE	RUNWAY 33 RPZ
8	BERNARDINO QUINTERO	469 04804	0.46	FULL	DB 1016 PG 354	UNAVAILABLE	RUNWAY 33 RPZ
9	WILLIAM EDWARD KLUTTZ	469 048	0.46	FULL	DB 648 PG 524	UNAVAILABLE	RUNWAY 33 RPZ
10	WILLIAM EDWARD KLUTTZ	469 049	0.46	FULL	DB 648 PG 524	UNAVAILABLE	RUNWAY 33 RPZ
11	GEORGE N. & MARY S. GOODMAN	469 137	0.98	FULL	DB 853 PG 146	UNAVAILABLE	RUNWAY 33 RPZ
12	MARY J. & W.F. LEVAL BEVERLY III LEVAL	468 050	1.38	FULL	DB 818 PG 763	UNAVAILABLE	RUNWAY 33 RPZ
13	AMY SUE & EUSTIN JAN MCNALLY	469 160	5.85	FULL	DB 1080 PG 484	UNAVAILABLE	RUNWAY 33 RPZ
14	MHP CAROLINA LLC	469 167	6.66	FULL	DB 1691 PG 140	UNAVAILABLE	RUNWAY 33 RPZ
15	GEORGE A. JR & SUSAN C BEAVER	460 81500900C	1.61	1.20	DB 719 PG 543	UNAVAILABLE	RUNWAY 33 RPZ
16	GEORGE A. JR & SUSAN C BEAVER	460 81900900C	3.87	1.80	DB 719 PG 543	UNAVAILABLE	RUNWAY 33 RPZ
17	WILLIAM EDWARD KLUTTZ	462 084	1.37	FULL	DB 760 PG 798	UNAVAILABLE	RUNWAY 33 RPZ
18	JAMES WILLIAM KLUTTZ	462 106	0.26	FULL	BB 984 PG 959	UNAVAILABLE	RUNWAY 33 RPZ
19	WILLIAM EDWARD KLUTTZ	462 035	0.68	FULL	DB 778 PG 760	UNAVAILABLE	RUNWAY 33 RPZ
20	GEORGE SPIKE KLUTTZ	462 034	0.69	FULL	DB 1227 PG 178	UNAVAILABLE	RUNWAY 33 RPZ
21	PAUL DANIEL DOUGHENOUR	462 033	5.34	FULL	BB 1031 PG 876	UNAVAILABLE	RUNWAY 33 RPZ
22	SHIRLEY RAY & PATSY J PAXTON	462 134	0.58	FULL	DB 691 PG 396	UNAVAILABLE	RUNWAY 33 RPZ
23	SHIRLEY RAY & PATSY J PAXTON	462 033	0.66	FULL	DB 2094 PG 4	UNAVAILABLE	RUNWAY 33 RPZ
24	PAUL DANIEL DOUGHENOUR	462 132	1.02	FULL	DB 1527 PG 676	UNAVAILABLE	RUNWAY 33 RPZ
25	SHIRLEY RAY & PATSY J PAXTON	462 135	1.67	FULL	DB 691 PG 394	UNAVAILABLE	RUNWAY 33 RPZ
26	BETTY MAE MARTIN	462 031	1.26	FULL	BB 1179 PG 87	UNAVAILABLE	RUNWAY 33 RPZ
27	BETTY MAE MARTIN	462 054	1.58	FULL	BB 1179 PG 87	UNAVAILABLE	RUNWAY 33 RPZ
28	FRED V. & JANET L. HART	462 030	5.17	FULL	DB 823 PG 789	UNAVAILABLE	RUNWAY 33 RPZ
29	FRED V. & JANET L. HART	462 032	1.98	FULL	UNAVAILABLE	UNAVAILABLE	RUNWAY 33 RPZ
30	JIMMY C. & KATHY Y. LEAL	462 176	0.31	FULL	DB 771 PG 76	UNAVAILABLE	RUNWAY 33 RPZ
31	PAUL J. & ELIZABETH B. SHREWSBURY	462 036	5.00	FULL	BB 833 PG 585	UNAVAILABLE	RUNWAY 33 RPZ
32	NC PROPERTIES I, LLC	462 050	3.48	FULL	DB 1188 PG 861	UNAVAILABLE	RUNWAY 33 RPZ
33	MARK STEVEN RUSSELL	462 029	0.69	FULL	DB 1237 PG 217 PB 9990 PG 6447		RUNWAY 33 RPZ
34	WILLIAM EDWARD KLUTTZ	462 028	1.48	FULL	DB 1348 PG 360 PB 9990 PG 6447		RUNWAY 33 RPZ
35	JANET LUDWIG HAGER	460 170	0.77	FULL	DB 2021 PG 1253	UNAVAILABLE	RUNWAY 33 RPZ

FUTURE PROPERTY TO BE ACQUIRED

REFERENCE NO	PROPERTY OWNER	PARCEL ID NUMBER	TOTAL ACREAGE	ACREAGE TO BE ACQUIRED	DEED BOOK	PLAT BOOK	REASON FOR ACQUISITION
36	JANET LUDWIG HAGER	460 071	0.73	FULL	DB 2021 PG 1253	UNAVAILABLE	RUNWAY 33 RPZ
37	PAUL J. & ELIZABETH B SHREWSBURY	460 143	9.29	FULL	DB 833 PG 585	UNAVAILABLE	RUNWAY 33 RPZ
38	MARIE LEE BOWDE	460 141	2.69	0.37	DB 1780 PG 401	UNAVAILABLE	RUNWAY 33 RPZ
39	TERRY BEAN BARRINGER JR	460 037	1.86	0.37	DB 1508 PG 91	UNAVAILABLE	RUNWAY 33 RPZ
40	ANTHONY BRYAN & CHRISTOPHER MICHAEL RIDLEY	461 152	13.00	1.74	DB 989 PG 491	UNAVAILABLE	RUNWAY 33 RPZ
41	ANTHONY BRYAN & CHRISTOPHER MICHAEL RIDLEY	69 126	19.24	3.62	DB 989 PG 488	UNAVAILABLE	RUNWAY 33 RPZ
42	H WAYNE & JUDY D KENNEDY	DB 148	0.84	FULL	DB 885 PG 100	UNAVAILABLE	RUNWAY 33 RPZ
43	PATRIOT 90-REC PROPERTY	DB 184	0.61	FULL	DB 907 PG 249	UNAVAILABLE	RUNWAY 33 RPZ
44	ALLIANCE REAL ESTATE II INC	RP 074000900	43.83	FULL	DB 948 PG 418	PB 9990 PG 6778	FUTURE DEVELOPMENT

AIRPORT PROPERTY INFORMATION

PROPERTY OWNER	TAX MAP NUMBER	GRANTOR	GRANT NUMBER	ACREAGE	METHOD OF ACQUISITION	DATE ACQUIRED	DEED BOOK	PLAT BOOK
ROWAN COUNTY	469 071	BROOK H. OVERMAN TRUST	-	125.00	FEE SIMPLE	MARCH 15, 1967	BB 1199 PG 288	UNAVAILABLE
ROWAN COUNTY	461 165	ALLIANCE REAL ESTATE II, INC.	3627.42 & 3	24.79	FEE SIMPLE	JUNE 23, 2008	DB 1838 PG 916	RE 6/13
ROWAN COUNTY	468 050	RAYMOND R. & LINDA M. MOORE JR	0.958363'	4.02	FEE SIMPLE	OCTOBER 24, 1994	DB 741 PG 88	UNAVAILABLE
ROWAN COUNTY (CLOSED LANDFILL)	469 094	UNAVAILABLE	-	84.71	FEE SIMPLE	-	UNAVAILABLE	PB 9990 PG 6683
ROWAN COUNTY (CLOSED LANDFILL)	469 094	UNAVAILABLE	-	34.89	FEE SIMPLE	-	UNAVAILABLE	PB 9990 PG 6683
ROWAN COUNTY	469 038	KANTRELL KANTRELL & HILL P A	0.958363'	11.83	FEE SIMPLE	OCTOBER 25, 1994	DB 741 PG 83	UNAVAILABLE
ROWAN COUNTY	468 048	KANTRELL KANTRELL & HILL P A	0.958363'	1.81	FEE SIMPLE	OCTOBER 25, 1994	DB 741 PG 83	UNAVAILABLE
ROWAN COUNTY	468 054	UNAVAILABLE	0.958363'	6.88	FEE SIMPLE	OCTOBER 25, 1994	DB 741 PG 83	UNAVAILABLE
ROWAN COUNTY	468 053	UNAVAILABLE	0.958363'	4.02	FEE SIMPLE	OCTOBER 25, 1994	DB 741 PG 83	UNAVAILABLE
ROWAN COUNTY	470 032	BETTY LOU OWEN	-	0.43	FEE SIMPLE	OCTOBER 28, 1998	DB 1388 PG 948	UNAVAILABLE
ROWAN COUNTY	470 043	CITY OF SALISBURY	-	1.80	FEE SIMPLE	AUGUST 22, 2001	DB 962 PG 912	UNAVAILABLE
ROWAN COUNTY	470 00100001	UNAVAILABLE	-	153.58	FEE SIMPLE	MARCH 28, 1957	DB 467 PG 436	PB 9990 PG 6683
ROWAN COUNTY	461 167	ALLIANCE REAL ESTATE II, INC.	-	19.83	FEE SIMPLE	JULY 11, 1984	DB 1199 PG 287	UNAVAILABLE
ROWAN COUNTY	460 017	BEAVER, GEORGE/BEAVER, EMEN	-	17.34	FEE SIMPLE	SEPTEMBER 24, 1982	DB 717 PG 987	UNAVAILABLE
ROWAN COUNTY	471 043	JCL, INC.	3627.42 & 3	3.29	FEE SIMPLE	DECEMBER 27, 2007	DB 1711 PG 785	UNAVAILABLE
ROWAN COUNTY	460 053	PAUL L. BRADLEY	-	1.86	FEE SIMPLE	FEBRUARY 18, 1993	DB 732 PG 13	UNAVAILABLE
ROWAN COUNTY	460 181	PAUL D. DOUGHENOUR	-	0.72	FEE SIMPLE	-	DB 785 PG 848	UNAVAILABLE
ROWAN COUNTY	460 184	STEVEN K. & LORI S. SWAIM	3627.42 & 3	1.38	FEE SIMPLE	JUNE 27, 2001	DB 1199 PG 289	UNAVAILABLE
ROWAN COUNTY	460 139	ROY H. JR & DEBORAH N. EDWARDS	3627.42 & 3	2.80	FEE SIMPLE	JUNE 24, 2003	DB 1315 PG 282	UNAVAILABLE

NOTES:
1. ALL FUTURE LAND ACQUISITION IS PROPOSED TO ACHIEVE LAND BASED THE EXISTING AND ULTIMATE RUNWAY PROTECTION ZONE (RPZ) OF FOR FUTURE DEVELOPMENT OF THE AIRFIELD.
2. ROWAN COUNTY DOES NOT CURRENTLY HAVE NOR DOES IT INTEND TO ACQUIRE ANY AVIGATIONAL EASEMENTS FOR ROWAN COUNTY AIRPORT.
3. ALL PLAT AND DEED INFORMATION WAS PULLED FROM ROWAN COUNTY'S GIS WEBSITE.
4. AIRPORT HAS NOT RELEASED ANY PROPERTY PARCELS.

AIRPORT PROPERTY INFORMATION

PROPERTY OWNER	TAX MAP NUMBER	GRANTOR	GRANT NUMBER	ACREAGE	METHOD OF ACQUISITION	DATE ACQUIRED	DEED BOOK	PLAT BOOK
ROWAN COUNTY	461 077	GREER N GOODMAN TRUST	–	222.09	FEE SIMPLE	MARCH 19, 1957	DB 1199 PG 386	UNAVAILABLE
ROWAN COUNTY	461 185	ALLIANCE REAL ESTATE III, INC.	36237.42.6.2	24.70	FEE SIMPLE	JUNE 22, 2005	DB 1039 PG 816	PB 5415
ROWAN COUNTY	469 020	RAYMOND R. & LINDA M. MOORE JR.	9.9563931	4.22	FEE SIMPLE	OCTOBER 24, 1994	DB 741 PG 89	UNAVAILABLE
ROWAN COUNTY (CLOSED LANDFILL)	469 024	UNAVAILABLE	–	84.71	FEE SIMPLE	–	UNAVAILABLE	PB 9995 PG 4563
ROWAN COUNTY (CLOSED LANDFILL)	469 084	UNAVAILABLE	–	24.60	FEE SIMPLE	–	UNAVAILABLE	PB 9995 PG 4563
ROWAN COUNTY	469 039	HARTSELL HARTSELL & MLS P A	9.9563931	11.22	FEE SIMPLE	OCTOBER 26, 1994	DB 741 PG 93	UNAVAILABLE
ROWAN COUNTY	469 049	HARTSELL HARTSELL & MLS P A	9.9563931	1.97	FEE SIMPLE	OCTOBER 26, 1994	DB 741 PG 93	UNAVAILABLE
ROWAN COUNTY	469 056	UNAVAILABLE	9.9563931	6.55	FEE SIMPLE	OCTOBER 26, 1994	DB 741 PG 93	UNAVAILABLE
ROWAN COUNTY	469 063	UNAVAILABLE	9.9563931	3.50	FEE SIMPLE	OCTOBER 26, 1994	DB 741 PG 93	UNAVAILABLE
ROWAN COUNTY	470 037	BETTY LOU GIBSON	–	0.43	FEE SIMPLE	OCTOBER 28, 1995	DB 788 PG 245	UNAVAILABLE
ROWAN COUNTY	470 042	CITY OF SALISBURY	–	1.80	FEE SIMPLE	AUGUST 22, 2001	DB 963 PG 612	UNAVAILABLE
ROWAN COUNTY	470 001000001	UNAVAILABLE	–	153.99	FEE SIMPLE	MARCH 28, 1957	DB 407 PG 436	PB 9995 PG 4563
ROWAN COUNTY	461 187	ALLIANCE REAL ESTATE III, INC.	–	19.03	FEE SIMPLE	JULY 11, 1994	DB 1199 PG 387	UNAVAILABLE
ROWAN COUNTY	462 012	BEAVER, HOLSHOUSER, OWEN	–	17.34	FEE SIMPLE	SEPTEMBER 3, 1993	DB 717 PG 867	UNAVAILABLE
ROWAN COUNTY	471 043	JGL, INC.	36237.42.6.2	3.25	FEE SIMPLE	DECEMBER 27, 2007	DB 1111 PG 781	UNAVAILABLE
ROWAN COUNTY	460 063	PAUL L. BRUMLEY	–	1.90	FEE SIMPLE	FEBRUARY 10, 1993	DB 733 PG 13	UNAVAILABLE
ROWAN COUNTY	460 165	PAUL D. COUGHENOUR	–	0.72	FEE SIMPLE	–	DB 755 PG 646	UNAVAILABLE
ROWAN COUNTY	460 184	STEVEN W. & LORI S. SWAIM	36237.42.9.3	1.38	FEE SIMPLE	JUNE 27, 2012	DB 1199 PG 388	UNAVAILABLE
ROWAN COUNTY	460 138	RICKY M. & DEBORAH N. BOWMAN	36237.42.9.3	2.30	FEE SIMPLE	JUNE 24, 2013	DB 1219 PG 362	UNAVAILABLE

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	1235 NATIONAL GUARD RD

Administrative Data

Parcel ID No.	**461 077**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**223.90AC**
Deed Year Bk/Pg	**2013 - 1199 / 386**
Plat Bk/Pg	**/**

Sales Information

Grantor	
Sold Date	0101-20-13
Sold Amount $	**0**

Valuation Information

Market Value $ **6,254,859**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 6,254,859

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**5**

* Note - As of January 1
** Note - Bathroom(s), Bedroom(s), shown for description only
*** Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
Salisbury ETJ
SALISBURY
MOORESVILLE RD
GIBSON RD
LAUREL LN
ARDSLEY WAY
OVERBROOK DR
CANDLEWICK DR
ROWAN MILL RD
FOXFIRE DR
SUNRISE DR
ORE DR
BALFOUR DR
CRANBOURN CIR
CASTLE WOOD DR
EMERSON
MAYS DR
PAR DR
SUNSET DR
RYEFIELD DR
FAIRFIELD ST
MAIN ST
JACOB ROSS RD
COTTAGE ST
NIZER ST
GUFFY ST
AMERICAN DR
VICTOR ST
NEWSOM DR
REDACRES RD
FORBES AV
SUNNYBROOK RD
DANA DR
FULLER DR
STANYCLIFF PL
AUDREY LN
RACHEL LN
MARINA DR
SUMMERSET ST
MCKINLEY LN
LARSON DR
LAURA KATE AV
PRESTON
GASKEY RD
CONES TOGA TR
NATIONAL GUARD RD
ROBERT DR
ROGER DR
DOVE LN
TIMBERCANE TR
MILES DR
HARRIS RD
SCOTT TRC
BOSTAVEN TURF DR
OLD PARK CT
RED FOX RUN
QUAIL DR
BOB WHITE RUN
PAN RIDGE RUN
QUAIL CIR
AIRPORT RD
462 009
462 010
462 116
462 007
462A001
462 193
CALC AC: 14.52 Ac.
462 032
462 147
460 152
460 155
460 156
460 157
CALC AC: 16.09 Ac.
461 0010000002
462 0060001
CALC AC: 66.8 Ac.
460 036
461 187
CALC AC: 114.32 Ac.
061 224
CALC AC: 16.04 Ac.
061 228
CALC AC: 59.04 Ac.
462 005
463 058
463 157
462 012
CALC AC: 18.5 Ac.
461 199
CALC AC: 24.72 Ac.
461 153
CALC AC: 24.74 Ac.
CALC AC: 24.27 Ac.
462E192
462 190
CALC AC: 30.55 Ac.
461 185
CALC AC: 22.08 Ac.
061 195
061 230
CALC AC: 21.41 Ac.
061 187
061 071
469 043
CALC AC: 82.77 Ac.
459 024
CALC AC: 223.9 Ac.
461 077
463 265
CALC AC: 29.54 Ac.
462 188
CALC AC: 23.71 Ac.
CALC AC: 120.61 Ac.
461 0740000002
060 160
060 008
463 210
CALC AC: 44.32 Ac.
469 005
CALC AC: 24.61 Ac.
469 064
463 032
CALC AC: 68.39 Ac.
463 030
CALC AC: 24.08 Ac.
469A038
469 018
CALC AC: 21.38 Ac.
400 003
CALC AC: 50.55 Ac.
461 0740000001
461 198
CALC AC: 23.14 Ac.
060 023
CALC AC: 21.64 Ac.
400 0070001
400 065
400 008
469 006
469 031
469 012
469 046
CALC AC: 17.67 Ac.
469 051
CALC AC: 150.93 Ac.
470 001000001
469 045000001
CALC AC: 25.53 Ac.
469 008
470 069
470 031
470 029
CALC AC: 43 Ac.
400 038
CALC AC: 51.9 Ac.
400 011
469 032
469 029
469 021
469 039
400 071
Map Scale: 1 inch = 940 feet

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 RED ACRES RD

Administrative Data

Parcel ID No.	**461 185**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**24.70AC**
Deed Year Bk/Pg	**2005 - 1039 / 816**
Plat Bk/Pg	**5415 /**

Sales Information

Grantor	
Sold Date	0622-20-05
Sold Amount $	**249,500**

Valuation Information

Market Value $ **469,300**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 469,300

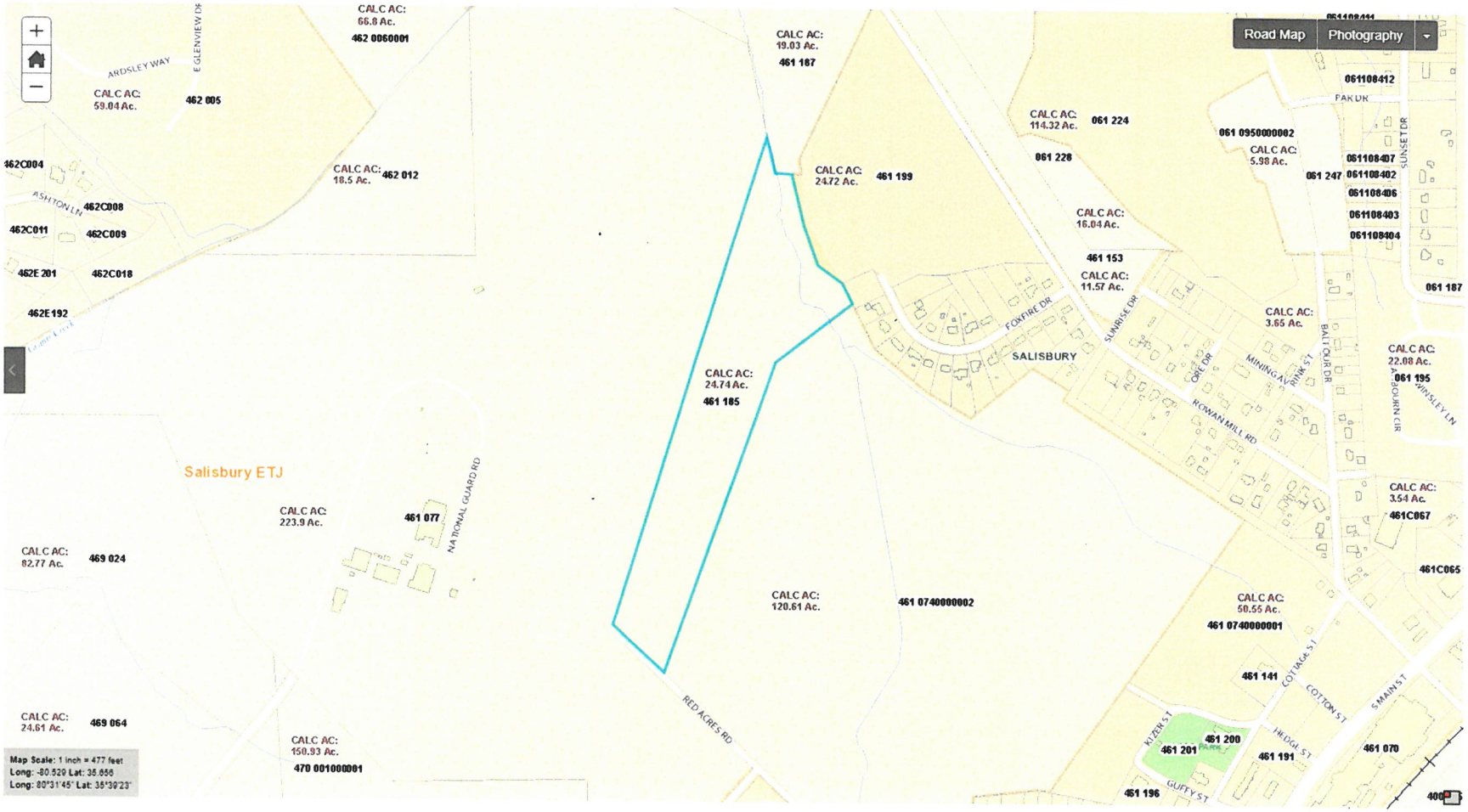
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
66.8 Ac.
462 0060001
ARDSLEY WAY
E GLENVIEW DR
CALC AC:
59.04 Ac.
462 005
462C004
ASHTON LN
462C008
462C011
462C009
462E 201
462C018
462E192
CALC AC:
18.5 Ac.
462 012
CALC AC:
19.03 Ac.
461 187
CALC AC:
114.32 Ac.
061 224
061 228
061 0950000002
CALC AC:
5.98 Ac.
061108412
PAK DR
SUNSET DR
061108407
061 247
061108402
061108406
061108403
061108404
CALC AC:
24.72 Ac.
461 199
CALC AC:
16.04 Ac.
461 153
CALC AC:
11.57 Ac.
FOXFIRE DR
SUNRISE DR
SALISBURY
CALC AC:
3.65 Ac.
ORE DR
MINING AV
RINK ST
BALTOUR DR
ROWAN MILL RD
CALC AC:
22.08 Ac.
061 195
WINSLEY LN
BOURN CIR
061 187
CALC AC:
24.74 Ac.
461 185
Salisbury ETJ
CALC AC:
223.9 Ac.
461 077
NATIONAL GUARD RD
CALC AC:
3.54 Ac.
461C067
461C065
CALC AC:
82.77 Ac.
469 024
CALC AC:
120.61 Ac.
461 0740000002
CALC AC:
50.55 Ac.
461 0740000001
461 141
COTTAGE ST
COTTON ST
S MAIN ST
RED ACRES RD
CALC AC:
24.61 Ac.
469 064
CALC AC:
150.93 Ac.
470 001000001
KIZER ST
461 201
461 200
461 191
HEDGI ST
461 070
GUFFY ST
461 196
Map Scale: 1 inch = 477 feet
Long: -80.529 Lat: 35.656
Long: 80°31'45" Lat: 35°39'23"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**469 020**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**4.22AC**
Deed Year Bk/Pg	**1994 - 741 / 089**
Plat Bk/Pg	**/**

Sales Information

Grantor	**MOORE RAYMOND ROSCOE JR**
Sold Date	1024-19-94
Sold Amount $	**100,000**

Valuation Information

Market Value $ **109,720**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 109,720

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
1.98 Ac.
469 049
CALC AC:
2.81 Ac.
469 063
MATIKA VILLA
CALC AC:
7.95 Ac.
469 021
CALC AC:
6.37 Ac.
469 055
CALC AC:
3.88 Ac.
469 020
CALC AC:
11.04 Ac.
469 039
ROWAN COUNTY
CALC AC:
150.93 Ac.
470 001000001
NATIONAL GUARD RD
MAGGIE AV
DOYLE AV
LAKESIDE INN
AIRPORT RD
471 00301
CALC AC:
18.49 Ac.
TALLENT TIMO
CALC AC:
26.77 Ac.
471 109
CALC AC:
1.52 Ac.
471 005
CLYBURN KATH
R&R DEVELOPM
CALC AC:
10.72 Ac.
471 044
CALC AC:
4.72 Ac.
471 039
JACO PROPERT
Map Scale: 1 inch = 109 feet

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 NATIONAL GUARD RD

Administrative Data

Parcel ID No.	**469 024**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**84.71AC** **577-10**
Deed Year Bk/Pg	**2002 - 0 / 0**
Plat Bk/Pg	**4563 / 4563**

Sales Information

Grantor	
Sold Date	0101-20-02
Sold Amount $	**0**

Valuation Information

Market Value $ **1,440,070**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 1,440,070

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
Salisbury ETJ
462 122
462 127
462 170
462 190
462E196
462E 200
462C018
462E192
462 187
462 188
463 210
463 030
469A038
469 005
469 043
469 024
469 028000001
469 018
469 017
469 064
469 062
469 026
469 006
469A020
469 035
469 031
469 012
469 046
469 054
469 030
469 060
469 045000001
469 051
468A0090000002
469 008
469 033
469 009
469 032
469 029
469 021
469 049
469 055
469 039
469 020
469 025
469 053
472 1720000001
471 057
461 077
461 185
461 0740000002
461 0740000001
470 001000001
470 069
470 031
470 029
470 070
470 063
470 044
CALC AC: 24.27 Ac.
CALC AC: 30.55 Ac.
CALC AC: 29.54 Ac.
CALC AC: 10.4 Ac.
CALC AC: 14.33 Ac.
CALC AC: 44.32 Ac.
CALC AC: 23.71 Ac.
CALC AC: 9.25 Ac.
CALC AC: 82.77 Ac.
CALC AC: 24.61 Ac.
CALC AC: 21.38 Ac.
CALC AC: 223.9 Ac.
CALC AC: 24.74 Ac.
CALC AC: 120.61 Ac.
CALC AC: 50.55 Ac.
CALC AC: 4.58 Ac.
CALC AC: 17.67 Ac.
CALC AC: 17.99 Ac.
CALC AC: 7.38 Ac.
CALC AC: 25.53 Ac.
CALC AC: 150.93 Ac.
CALC AC: 19.75 Ac.
CALC AC: 8.09 Ac.
CALC AC: 13.11 Ac.
CALC AC: 11.04 Ac.
CALC AC: 7.95 Ac.
CALC AC: 9.64 Ac.
QUAIL CIR
QUAIL DR
LANE CIR
LANE DR
TERRACLIFF DR
Grants Creek
NATIONAL GUARD RD
CONESTOGA TR
GASKEY RD
RACHEL LN
MCKINLEY LN
SUMMERSET ST
LAURA KATE AV
PRESTON LN
SARAH ELEN LN
MATTHEW DR
AIRPORT RD
DOYLE AV
ASHLOCK
DANA DR
FERRY DR
REED ACRES RD
HODGE ST
FORBES AV
S MAIN ST
Map Scale: 1 inch = 597 feet

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 NATIONAL GUARD RD

Administrative Data

Parcel ID No.	**469 064**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**24.60AC** **577-10**
Deed Year Bk/Pg	**2002 - 0 / 0**
Plat Bk/Pg	**4563 / 4563**

Sales Information

Grantor	
Sold Date	0101-20-02
Sold Amount $	**0**

Valuation Information

Market Value $ **467,400**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 467,400

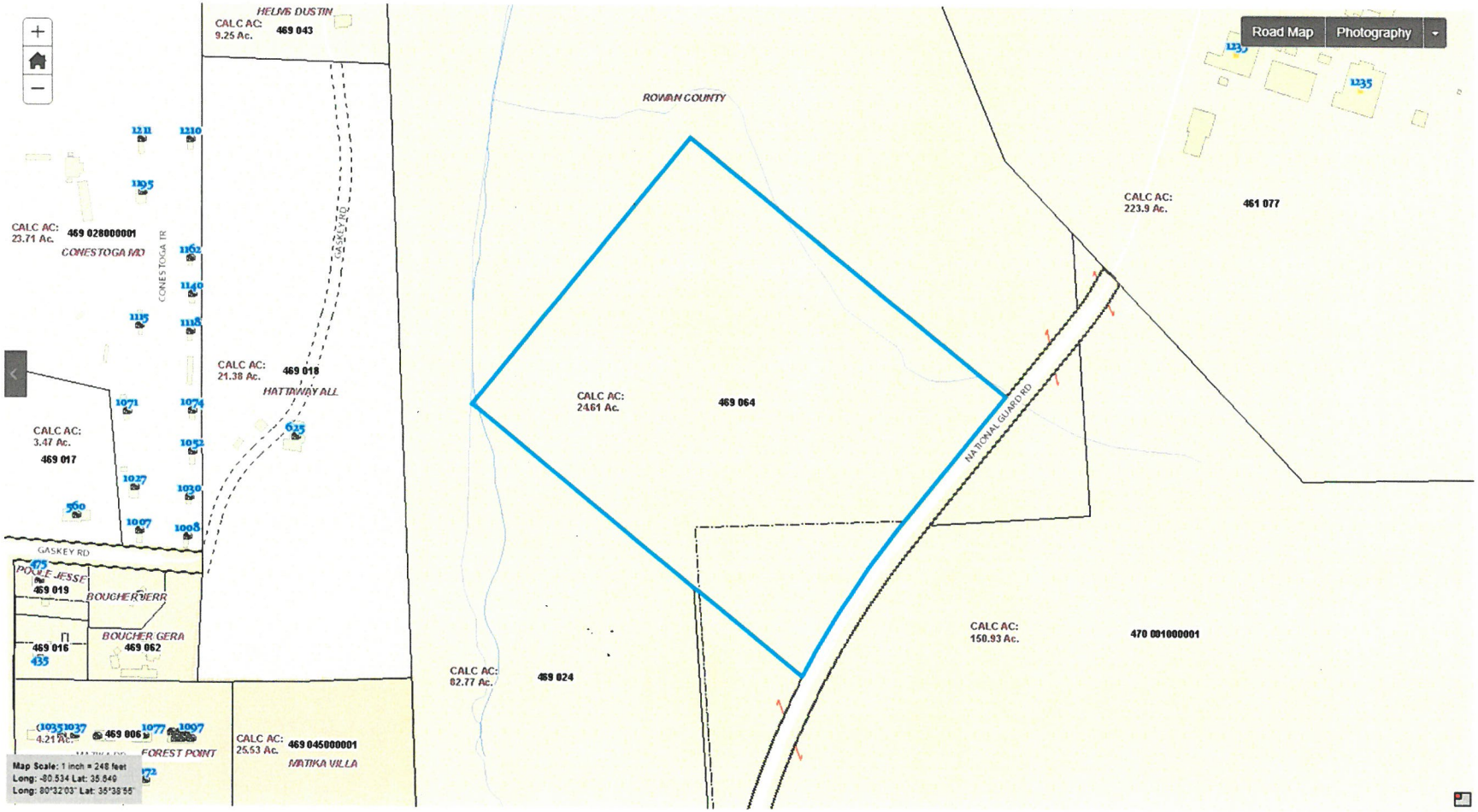
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
HELMS DUSTIN
CALC AC:
9.25 Ac.
469 043
ROWAN COUNTY
CALC AC:
23.71 Ac.
469 028000001
CONESTOGA MD
CONESTOGA TR
GASKEY RD
CALC AC:
21.38 Ac.
469 018
HATTAWAY ALL
CALC AC:
3.47 Ac.
469 017
GASKEY RD
POOLE JESSE
469 019
BOUCHER BERR
BOUCHER GERA
469 062
469 016
CALC AC:
4.21 Ac.
469 006
FOREST POINT
CALC AC:
25.53 Ac.
469 045000001
MATIKA VILLA
CALC AC:
246.1 Ac.
469 064
NATIONAL GUARD RD
CALC AC:
223.9 Ac.
461 077
CALC AC:
150.93 Ac.
470 001000001
CALC AC:
82.77 Ac.
469 024
Map Scale: 1 inch = 248 feet
Long: -80.534 Lat: 35.649
Long: 80°32'03" Lat: 35°38'55"

Rowan County Government
TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**469 039**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**11.22AC** **741-092**
Deed Year Bk/Pg	**1994 - 741 / 093**
Plat Bk/Pg	**/**

Sales Information

Grantor	**HARTSELL HARTSELL & MILLS PA**
Sold Date	1026-19-94
Sold Amount $	**500,000**

Valuation Information

Market Value $ **222,156**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 222,156

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC: 2.77 Ac.
469 024
CALC AC: 2.81 Ac.
469 063
NATIONAL GUARD RD
CALC AC: 7.95 Ac.
469 021
MATIKA VILLA
469 061
CALC AC: 2.3 Ac.
CALC AC: 6.37 Ac.
469 055
CALC AC: 1.98 Ac.
469 049
ROWAN COUNTY
CALC AC: 150.93 Ac.
470 001000001
CALC AC: 11.04 Ac.
469 039
CALC AC: 3.88 Ac.
469 020
3670
3680
BOSS PAINTSHOP
ARRAZAMARI
TALL OAKS CIR
KRISTY
MAGGIE AV
DOYLE AV
CLYBURN KATH
471 005
CALC AC: 1.2 Ac.
TALLENT TIMO
CALC AC: 26.77 Ac.
471 109
CALC AC: 18.49 Ac.
471 00301
LAKESIDE INN
PINE CONE LN
CALC AC: 4.72 Ac.
471 039
JACO PROPERT
CALC AC: 10.72 Ac.
R&R DEVELOPM
471 044
515
BAJA PRODUCTS
AIRPORT RD
CALC AC: 9.43 Ac.
471 052
PERMA-FLEX (
CALC AC: 3.19 Ac.
471 043
471 041
SECOND HARVE
3830
STATEGIC MOVES
3840
NEW HANGER
400
FOOD LION HANGER
380
HANGER
350
SHOE SHOW
470 042
Map Scale: 1 inch = 200 feet
Long: -80.630 Lat: 35.641
Long: 80°37'47" Lat: 35°38'29"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**469 049**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**1.97AC**
Deed Year Bk/Pg	**1994 - 741 / 093**
Plat Bk/Pg	**/**

Sales Information

Grantor	**LAWSON WILLIAM B &**
Sold Date	**1026-19-94**
Sold Amount $	**500,000**

Valuation Information

Market Value $ **57,130**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 57,130

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
** Note - Bathroom(s), Bedroom(s), shown for description only
*** Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


CALC AC:
150.93 Ac.
470 001000001
1100
443.3
662.4
158.3
334.4
292.94
228.2
329.9
774.9
ROWAN COUNTY CALC AC:
6.37 Ac.
469 055
CALC AC:
1.98 Ac.
469 049
CALC AC:
11.04 Ac.
469 039
CALC AC:
3.88 Ac.
469 020
NATIONAL GUARD RD
(719)
Map Scale: 1 inch = 89 feet
Long: -80.527 Lat: 35.641
Long: 80°31'35" Lat: 35°38'26"
Road Map
Photography

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**469 055**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**6.56AC** **741-092**
Deed Year Bk/Pg	**2001 - 741 / 93**
Plat Bk/Pg	**/**

Sales Information

Grantor	
Sold Date	0102-20-01
Sold Amount $	**0**

Valuation Information

Market Value $ **157,440**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 157,440

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
82.77 Ac.
469 024
CALC AC:
2.81 Ac.
469 063
CALC AC:
7.95 Ac.
469 021
MATIKA VILLA
469 061
CALC AC:
2.3 Ac.
CALC AC:
1.98 Ac.
469 049
CALC AC:
6.37 Ac.
469 055
NATIONAL GUARD RD
ROWAN COUNTY
CALC AC:
150.93 Ac.
470 001000001
CALC AC:
11.04 Ac.
469 039
CALC AC:
3.88 Ac.
469 020
KRISTIN LN
MAGGIE AV
DOYLE AV
TALL OAKS CIR
ARBAIZA/MARI
CALC AC:
0.795 Ac.
LAKESIDE INV
CALC AC:
18.49 Ac.
471 00301
CALC AC:
9.64 Ac.
471 057
KB GODLEY XI
CALC AC:
26.77 Ac.
471 109
TALLENT TIMB
AIRPORT RD
CLYBURN KATH
CALC AC:
1.2 Ac.
471 005
CALC AC:
10.72 Ac.
471 044
R&R DEVELOPM
Map Scale: 1 inch = 150 feet

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**469 063**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**3.50AC** **741-092**
Deed Year Bk/Pg	**2001 - 741 / 93**
Plat Bk/Pg	**/**

Sales Information

Grantor	
Sold Date	0102-20-01
Sold Amount $	**0**

Valuation Information

Market Value $ **94,500**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 94,500

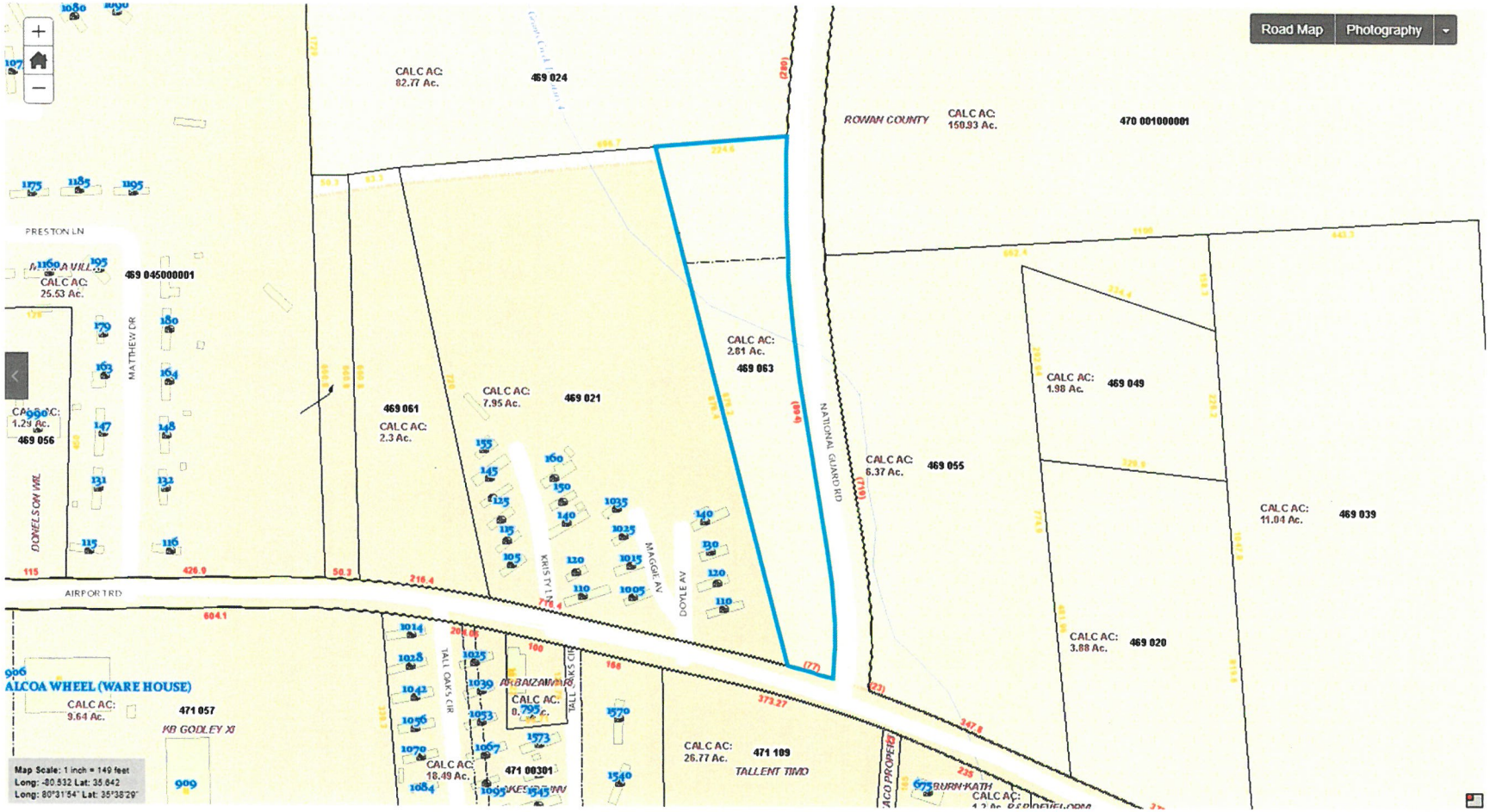
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
82.77 Ac.
469 024
ROWAN COUNTY
CALC AC:
150.93 Ac.
470 001000001
PRESTON LN
CALC AC:
25.53 Ac.
469 045000001
MATTHEW DR
CALC AC:
1.29 Ac.
469 056
DONNELSON WIL
CALC AC:
2.3 Ac.
469 061
CALC AC:
7.95 Ac.
469 021
CALC AC:
2.81 Ac.
469 063
NATIONAL GUARD RD
CALC AC:
6.37 Ac.
469 055
CALC AC:
1.98 Ac.
469 049
CALC AC:
11.04 Ac.
469 039
CALC AC:
3.88 Ac.
469 020
AIRPORT RD
KRISTY LN
MAGGIE AV
DOYLE AV
TALL OAKS CIR
TALL OAKS DR
ALCOA WHEEL (WARE HOUSE)
CALC AC:
9.64 Ac.
471 057
KB GODLEY XI
CALC AC:
0.795 Ac.
CALC AC:
18.49 Ac.
471 00301
CALC AC:
26.77 Ac.
471 109
TALLENT TIMO
Map Scale: 1 inch = 149 feet
Long: -80.532 Lat: 35.642
Long: 80°31'54" Lat: 35°38'29"

Rowan County Government
TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT LOOP

Administrative Data

Parcel ID No.	**470 037**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**.43AC**
Deed Year Bk/Pg	**1996 - 786 / 245**
Plat Bk/Pg	**/**

Sales Information

Grantor	
Sold Date	**1028-19-96**
Sold Amount $	**6,500**

Valuation Information

Market Value $ **22,928**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 22,928

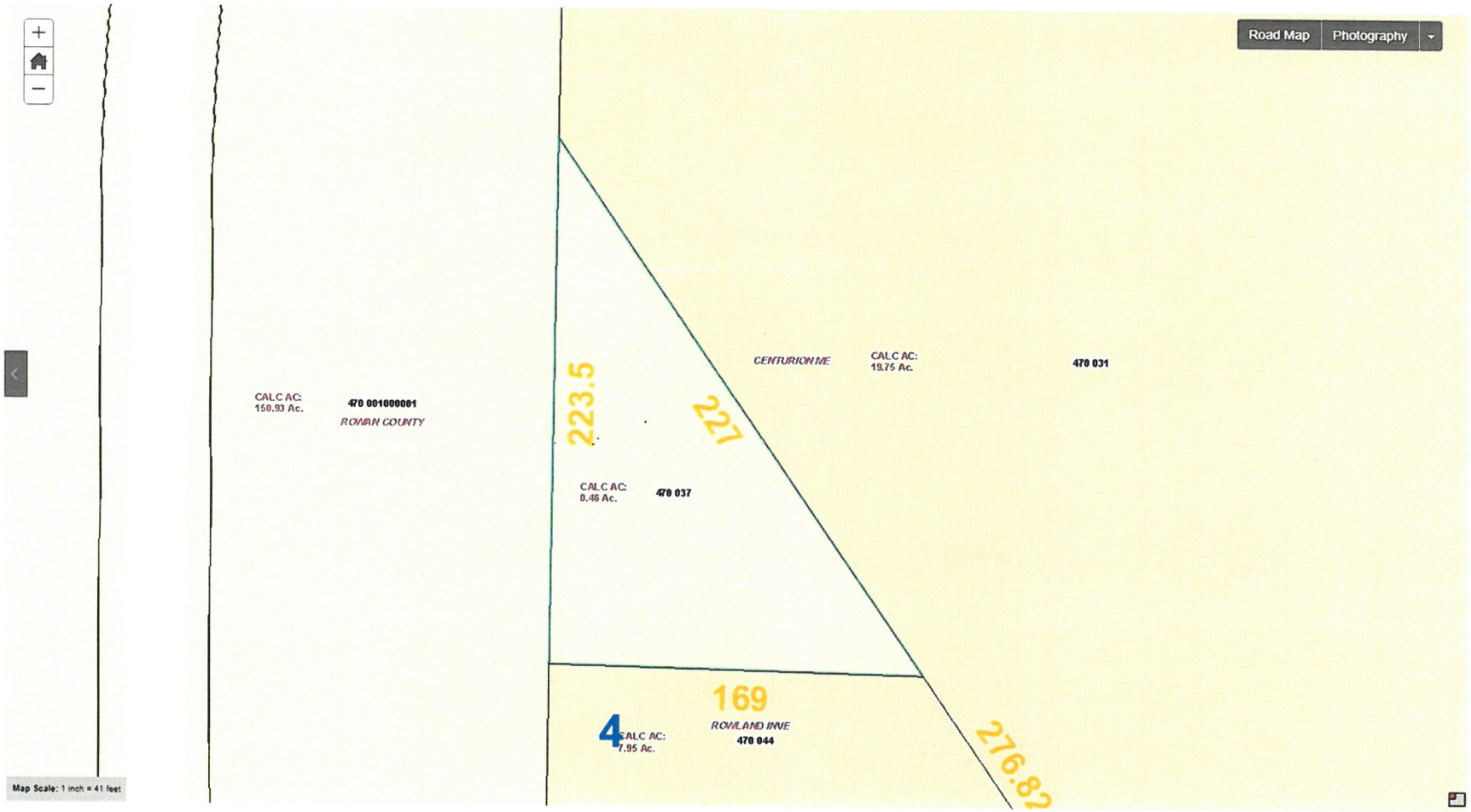
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
150.93 Ac.
470 001000001
ROWAN COUNTY
223.5
227
CENTURION ME
CALC AC:
19.75 Ac.
470 031
CALC AC:
0.46 Ac.
470 037
169
4
CALC AC:
7.95 Ac.
ROWLAND INVE
470 044
276.82
Map Scale: 1 inch = 41 feet

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 AIRPORT RD

Administrative Data

Parcel ID No.	**470 042**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**1.60AC**
Deed Year Bk/Pg	**2003 - 963 / 612**
Plat Bk/Pg	**/**

Sales Information

Grantor	**SALISBURY CITY OF**
Sold Date	0131-20-03
Sold Amount $	**0**

Valuation Information

Market Value $ **46,400**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 46,400

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


3840
NEW HANGER
ROWAN COUNTY
380
HANGER
470 001000001
350
SHOE SHOW
CALC AC:
150.93 Ac.
320
230
62.02
183.55
222.35
320
230
266
CALC AC:
1.91 Ac.
470 042
AIRPORT RD
SECOND HARVE
CALC AC:
9.8 Ac.
471 120
CALC AC:
14.61 Ac.
471 038
RV CAPITAL L
Map Scale: 1 inch = 68 feet
Long: -80.521 Lat: 35.637
Long: 80°31'15" Lat: 35°38'14"
Road Map
Photography
539.17
585.7
D & M LLC
CALC AC:
4.01 Ac.
470 066
229.86
445
CALC AC:
14.13 Ac.
470 034

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	3670 AIRPORT LOOP

Administrative Data

Parcel ID No.	**470 001000001**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61A**

Administrative Data

Legal Desc	**153.99AC**
Deed Year Bk/Pg	**2013 - 407 / 436**
Plat Bk/Pg	**4563 / 4563**

Sales Information

Grantor	
Sold Date	0101-20-13
Sold Amount $	**0**

Valuation Information

Market Value $ **6,729,293**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 6,729,293

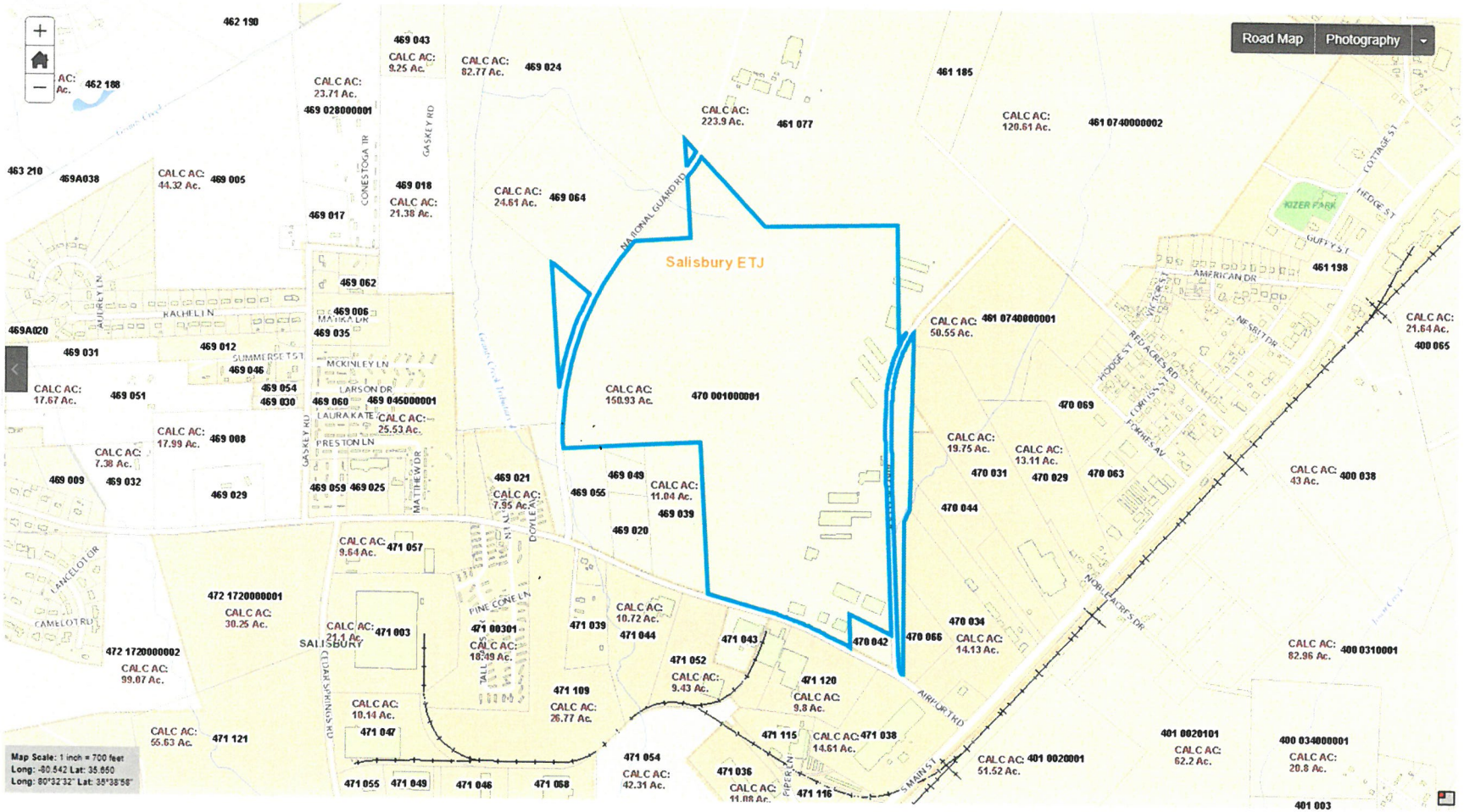
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**9**

* Note - As of January 1
** Note - Bathroom(s), Bedroom(s), shown for description only
*** Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
Salisbury ETJ
NATIONAL GUARD RD
GASKEY RD
CONESTOGA TR
RACHEL LN
MATTHEW LN
MCKINLEY LN
LARSON DR
LAURA KATE
PRESTON LN
MATTHEW DR
SUMMERSET ST
DOYLE AV
N MAIN ST
PINE CONE LN
TALL OAKS DR
CEDARS RIDGE RD
SALISBURY
LANCELOT DR
CAMELOT RD
COTTAGE ST
HEDGE ST
GUFFY ST
KIZER PARK
AMERICAN DR
NESBITT DR
RED ACRES RD
HODGE ST
CURTIS ST
FORBES AV
NOBLE ACRES DR
AIRPORT RD
MAIN ST
PIPER LN
462 190
462 188
463 210
469A038
469 043
CALC AC: 9.25 Ac.
CALC AC: 82.77 Ac.
469 024
461 185
CALC AC: 223.9 Ac.
461 077
CALC AC: 120.61 Ac.
461 0740000002
CALC AC: 23.71 Ac.
469 028000001
CALC AC: 44.32 Ac.
469 005
469 018
CALC AC: 21.38 Ac.
469 017
CALC AC: 24.61 Ac.
469 064
469A020
469 062
469 006
469 035
469 031
469 012
469 046
469 054
469 030
CALC AC: 17.67 Ac.
469 051
469 060
469 045000001
CALC AC: 25.53 Ac.
CALC AC: 17.99 Ac.
469 008
CALC AC: 7.38 Ac.
469 009
469 032
469 029
469 059
469 025
469 021
CALC AC: 7.95 Ac.
469 055
469 049
CALC AC: 11.04 Ac.
469 039
469 020
CALC AC: 150.93 Ac.
470 001000001
CALC AC: 50.55 Ac.
461 0740000001
470 069
CALC AC: 19.75 Ac.
CALC AC: 13.11 Ac.
470 031
470 029
470 063
470 044
CALC AC: 21.64 Ac.
400 065
CALC AC: 43 Ac.
400 038
CALC AC: 9.64 Ac.
471 057
472 1720000001
CALC AC: 30.25 Ac.
CALC AC: 21.1 Ac.
471 003
471 00301
CALC AC: 18.49 Ac.
471 039
CALC AC: 10.72 Ac.
471 044
471 043
471 052
CALC AC: 9.43 Ac.
470 042
470 066
470 034
CALC AC: 14.13 Ac.
472 1720000002
CALC AC: 99.07 Ac.
471 109
CALC AC: 26.77 Ac.
471 120
CALC AC: 9.8 Ac.
CALC AC: 82.96 Ac.
400 0310001
CALC AC: 10.14 Ac.
471 047
CALC AC: 55.63 Ac.
471 121
471 115
CALC AC: 14.61 Ac.
471 038
401 0020101
CALC AC: 62.2 Ac.
400 034000001
CALC AC: 20.8 Ac.
CALC AC: 51.52 Ac.
401 0020001
471 054
CALC AC: 42.31 Ac.
471 036
CALC AC: 11.08 Ac.
471 116
471 055
471 049
471 046
471 058
401 003
Map Scale: 1 inch = 700 feet
Long: -80.542 Lat: 35.650
Long: 80°32'32" Lat: 35°38'58"

Rowan County Government
TAX ADMINISTRATION RECORD SEARCH

Select Search:
Real Property Record Search
Tax Bill Search
Advanced Record Search

Account | Buildings | Land | Tax Card | Sketch | Deeds | Sales | Tax Bill | Map

Account Details for **ROWAN COUNTY**

New Search

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	**130 W INNES ST** **SALISBURY , NC 28144**	**0 ROWAN MILL RD**

Administrative Data		Administrative Data		Valuation Information
Parcel ID No.	**461 187**	Legal Desc	**19.03AC**	Market Value $ **258,427**
OLD Tax ID				
PIN		Deed Year	**2013**	Market Value - Land and all permanent improvements, if any, effective valuation date January 1, 2019, date of County's most recent General Reappraisal
Owner ID	**476490000**	Deed Bk/Pg	**1199 / 387**	
Tax District	**126 - LOCKE FIRE DISTRICT**	Plat Bk/Pg	**/**	Assessed Value $ **258,427**
		Sales Information		
Land Use Code		Grantor		If Assessed Value not equal Market Value then subject parcel designated as a special class - agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.
Land Use Desc		Sold Date	**01-20-13**	
Neighborhood	**006 61A**	Sold Amount $	**0**	

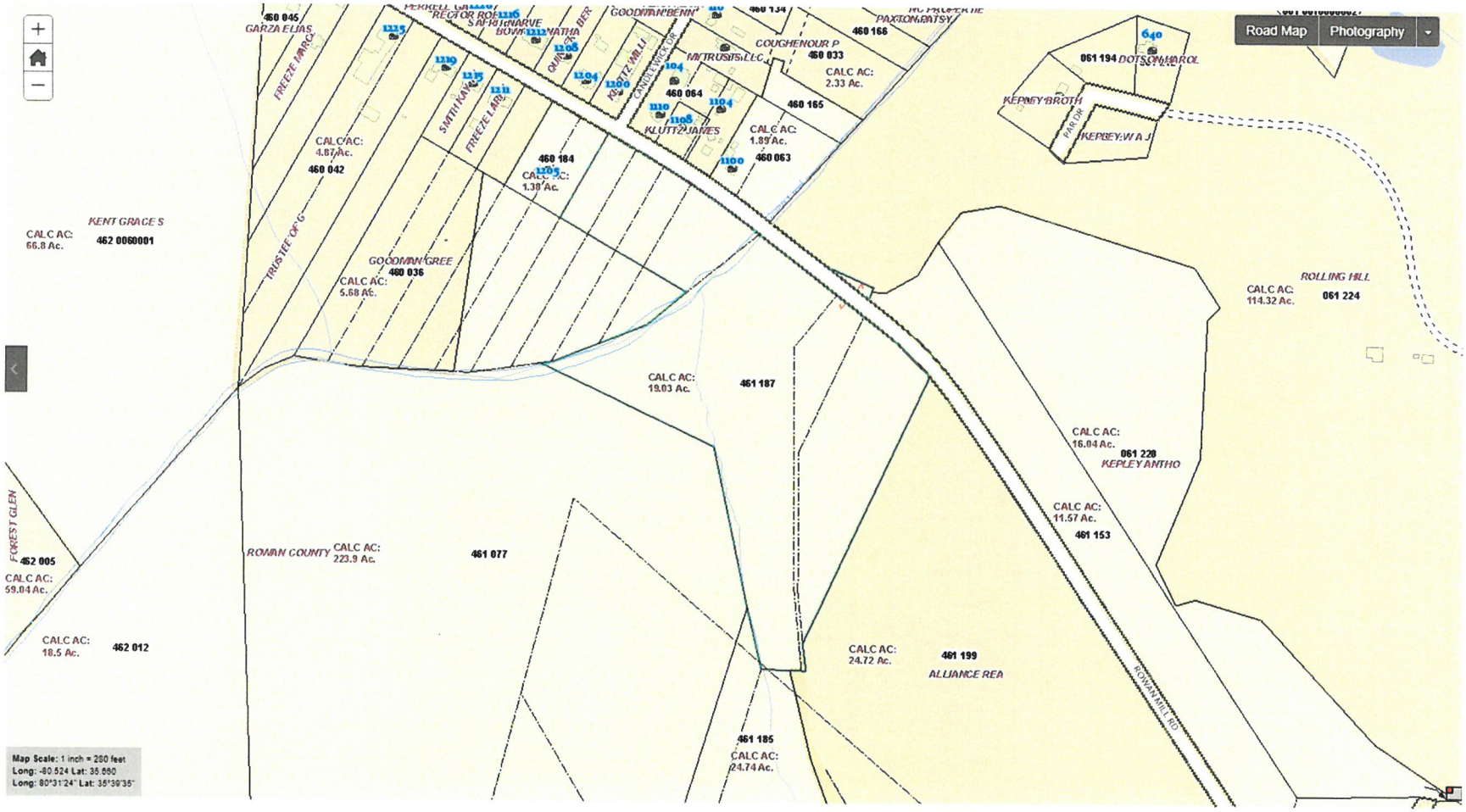
Back to Results | **Print This Property Record Card** | New Search

Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Rowan County, NC and NexGen Digital Document Solutions assume no legal responsibility for the use of the information contained herein.

Please direct any questions or comments about the data displayed here to taxdept@rowancountync.gov

This application was developed for Rowan County by NexGen Digital Document Solutions
www.ustaxdata.com

ustaxdata® OneSEARCH


Road Map
Photography
460 045
GARZA ELIAS
FREEZE MARC
CALC AC:
4.87 Ac.
460 042
SMITH KAYE
FREEZE LARR
460 184
CALC AC:
1.38 Ac.
1203
GOODMAN BENN
KLUTZ WILL
CANDLEWICK DR
460 064
KLUTZ JAMES
1108
1110
1104
460 165
COUGHENOUR P
460 033
CALC AC:
2.33 Ac.
460 166
PAXTON PATSY
M TRUSTS LLC
CALC AC:
1.89 Ac.
460 063
1100
640
061 194 DOTSON MAROL
KEPLEY BROTH
PAR DR
KEPLEY W A J
KENT GRACE S
CALC AC:
66.8 Ac.
462 0060001
TRUSTEE OF G
GOODMAN GREE
460 036
CALC AC:
5.68 Ac.
ROLLING HILL
CALC AC:
114.32 Ac.
061 224
CALC AC:
19.03 Ac.
461 187
CALC AC:
16.04 Ac.
061 228
KEPLEY ANTHO
CALC AC:
11.57 Ac.
461 153
FOREST GLEN
462 005
CALC AC:
59.04 Ac.
ROWAN COUNTY
CALC AC:
223.9 Ac.
461 077
CALC AC:
18.5 Ac.
462 012
CALC AC:
24.72 Ac.
461 199
ALLIANCE REA
ROWAN MILL RD
461 185
CALC AC:
24.74 Ac.
Map Scale: 1 inch = 280 feet
Long: -80.524 Lat: 35.660
Long: 80°31'24" Lat: 35°39'35"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 MOORESVILLE RD

Administrative Data

Parcel ID No.	**462 012**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 61**

Administrative Data

Legal Desc	**17.37AC**
Deed Year Bk/Pg	**1993 - 717 / 867**
Plat Bk/Pg	**/**

Sales Information

Grantor	**DAVIS JOHN ROBERT C HEIRS**
Sold Date	**0903-19-93**
Sold Amount $	**23,500**

Valuation Information

Market Value $ **133,191**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 133,191

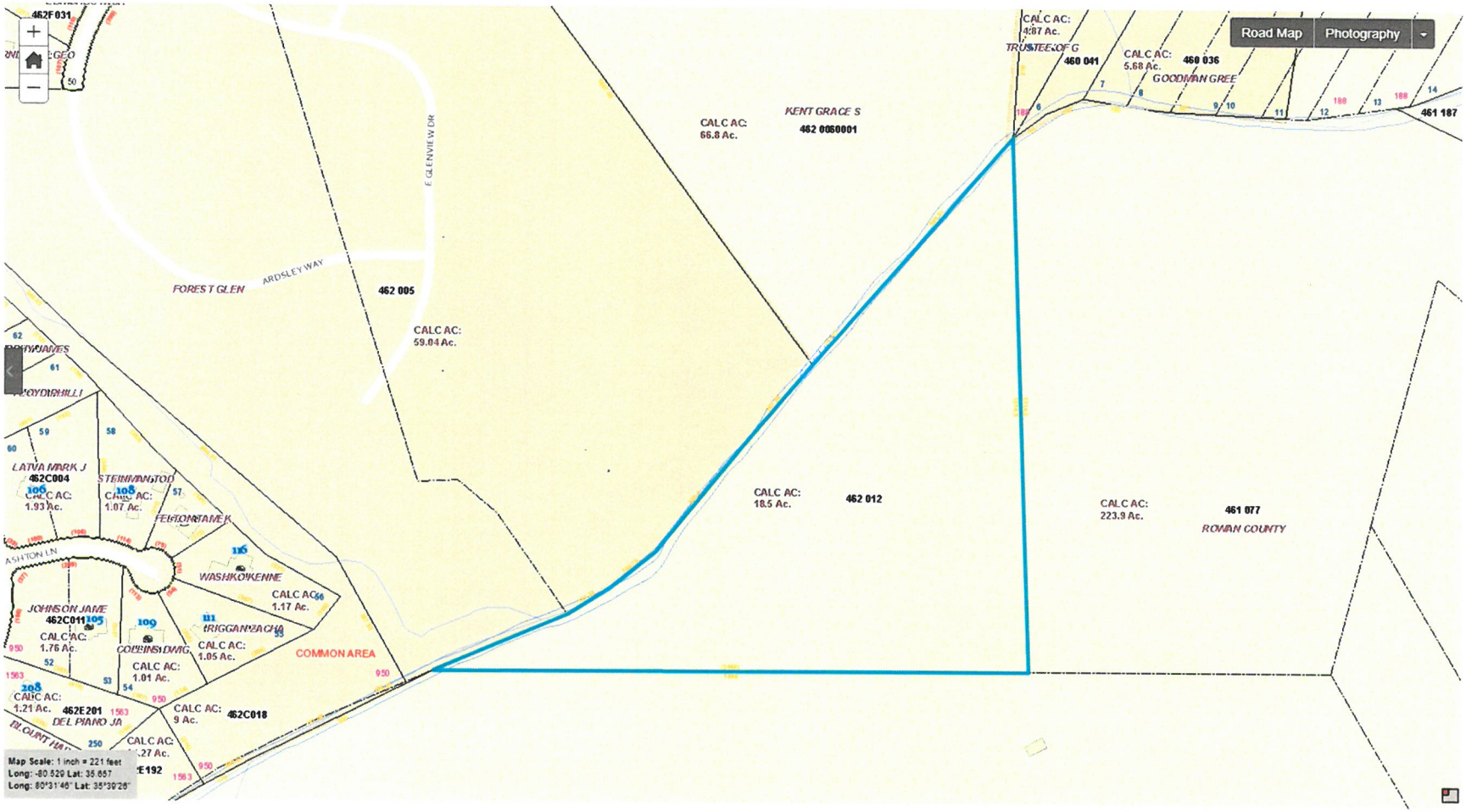
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
462F 031
CALC AC:
4.87 Ac.
TRUSTEE OF G
460 041
CALC AC:
5.68 Ac.
460 036
GOODMAN GREE
461 187
CALC AC:
66.8 Ac.
KENT GRACE S
462 0060001
E GLENVIEW DR
FOREST GLEN
ARDSLEY WAY
462 005
CALC AC:
59.04 Ac.
LAVA MARK J
462C004
CALC AC:
1.93 Ac.
CALC AC:
1.07 Ac.
FEIGONTAMEK
ASHTON LN
WASHKOKENNE
CALC AC:
1.17 Ac.
JOHNSON JAME
462C011
CALC AC:
1.76 Ac.
TRIGGANZACH
CALC AC:
1.05 Ac.
COMMON AREA
CALC AC:
1.01 Ac.
CALC AC:
1.21 Ac.
462E201
DEL PIANO JA
CALC AC:
9 Ac.
462C018
CALC AC:
18.5 Ac.
462 012
CALC AC:
223.9 Ac.
461 077
ROWAN COUNTY
Map Scale: 1 inch = 221 feet
Long: -80.529 Lat: 35.657
Long: 80°31'46" Lat: 35°39'26"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	425 AIRPORT RD

Administrative Data

Parcel ID No.	**471 043**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 71**

Administrative Data

Legal Desc	**3.25AC**
Deed Year Bk/Pg	**2007 - 1111 / 781**
Plat Bk/Pg	**/**

Sales Information

Grantor	**JGL INC**
Sold Date	1228-20-07
Sold Amount $	**1,250,000**

Valuation Information

Market Value $ **1,163,479**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 1,163,479

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	/
Grade	/
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**1**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
469 039
ROWAN COUNTY
CALC AC:
150.93 Ac.
470 001000001
AIRPORT RD
440.25
1280.67
329.7
515
BAJA PRODUCTS
264
400
FOOD LION HANGER
380
HANGER
(186)
CALC AC:
10.72 Ac.
471 044
R&R DEVELOPM
675.25
425
SILVER EAGLE DISTRIBUTORS LTD.
448.95
308
CALC AC:
3.19 Ac.
471 043
183.55
62.02
385
ROWAN DISTRIBUTING INC
CALC AC:
3.11 Ac.
471 041
684.4
155.9
273.86
PERMA-FLEX
CALC AC:
6.43 Ac.
471 052
491
SECOND HARVE
CALC AC:
9.8 Ac.
471 120
705.7
463
PARKER HANNIFIN
Map Scale: 1 inch = 88 feet
Long: -80.525 Lat: 35.637
Long: 80°31'30" Lat: 35°38'14"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	1100 ROWAN MILL RD

Administrative Data

Parcel ID No.	**460 063**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 51B**

Administrative Data

Legal Desc	**L31-32 1.90AC**
Deed Year Bk/Pg	**1994 - 733 / 013**
Plat Bk/Pg	**/**

Sales Information

Grantor	**BRUMLEY PAUL L**
Sold Date	0531-19-94
Sold Amount $	**50,000**

Valuation Information

Market Value $ **72,405**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 72,405

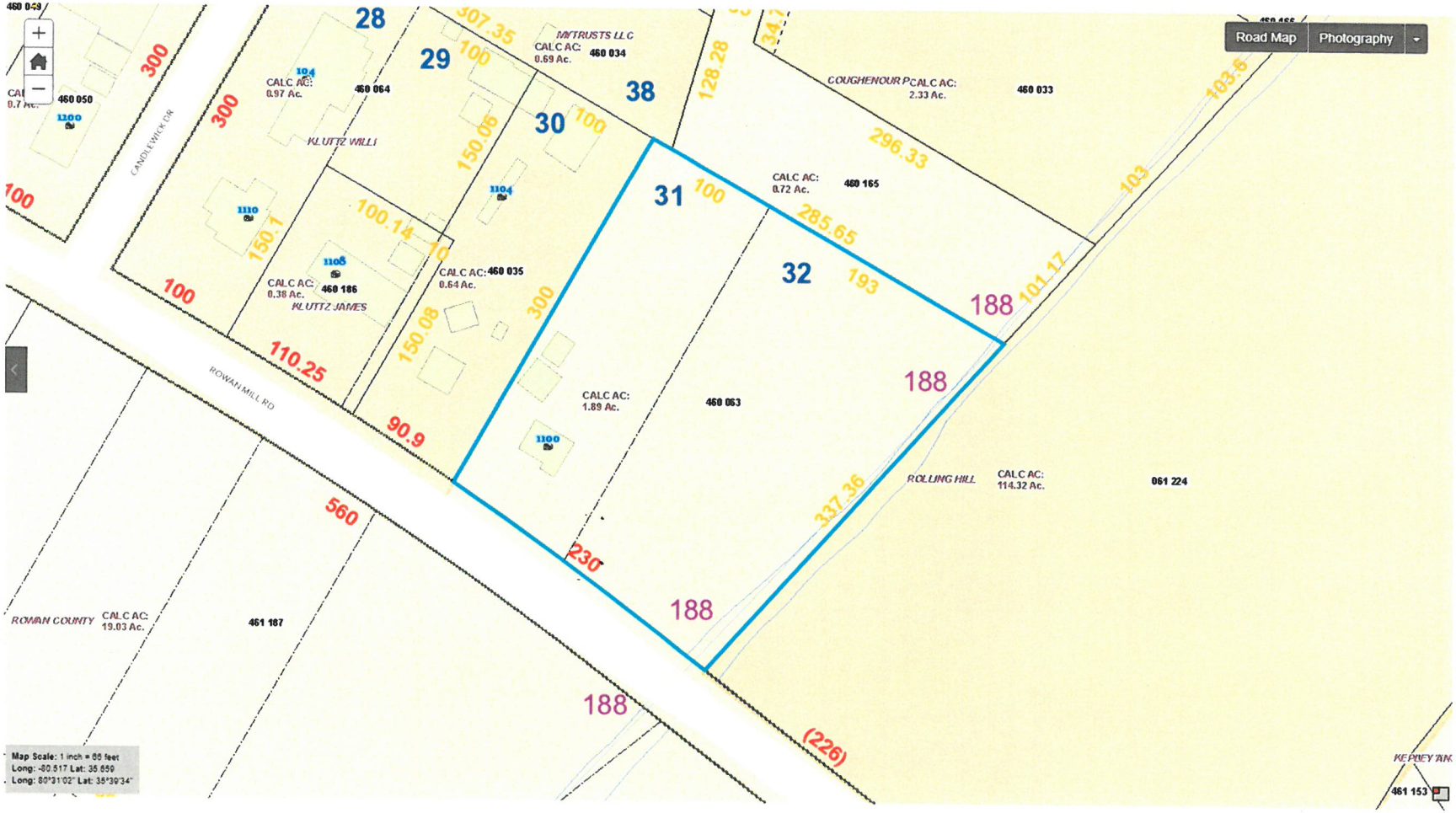
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	**1965**
Built Use/Style	**SINGLE FAMILY DWELLING (1**
Current Use	**D05 / D05**
Grade	**D05 / D05**
* Percent Complete	**100**
Heated Area (S/F)	**672**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	**0**
** Bathroom(s)	**1 full baths 0 half baths**
*** Multiple Improvements	**1**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
28
29
30
31
32
38
460 064
460 034
460 033
460 165
460 035
460 186
460 063
460 050
461 187
061 224
461 153
MITRUSTS LLC
CALC AC: 0.69 Ac.
COUGHENOUR P CALC AC: 2.33 Ac.
CALC AC: 0.72 Ac.
CALC AC: 0.97 Ac.
KLUTTZ WILL
CALC AC: 0.64 Ac.
CALC AC: 0.38 Ac.
KLUTTZ JAMES
CALC AC: 1.89 Ac.
ROLLING HILL
CALC AC: 114.32 Ac.
ROWAN COUNTY
CALC AC: 19.03 Ac.
CANDLEWICK DR
ROWAN MILL RD
KERLEY TRL
307.35
128.28
296.33
103.6
103
101.17
285.65
193
188
150.06
100.14
150.08
110.25
90.9
560
230
337.36
(226)
Map Scale: 1 inch = 66 feet
Long: -80.517 Lat: 35.659
Long: 80°31'02" Lat: 35°39'34"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	0 ROWAN MILL RD

Administrative Data

Parcel ID No.	**460 165**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 51B**

Administrative Data

Legal Desc	**.72AC** **308-50**
Deed Year Bk/Pg	**1995 - 755 / 646**
Plat Bk/Pg	**/**

Sales Information

Grantor	
Sold Date	0717-19-95
Sold Amount $	**0**

Valuation Information

Market Value $ **11,048**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 11,048

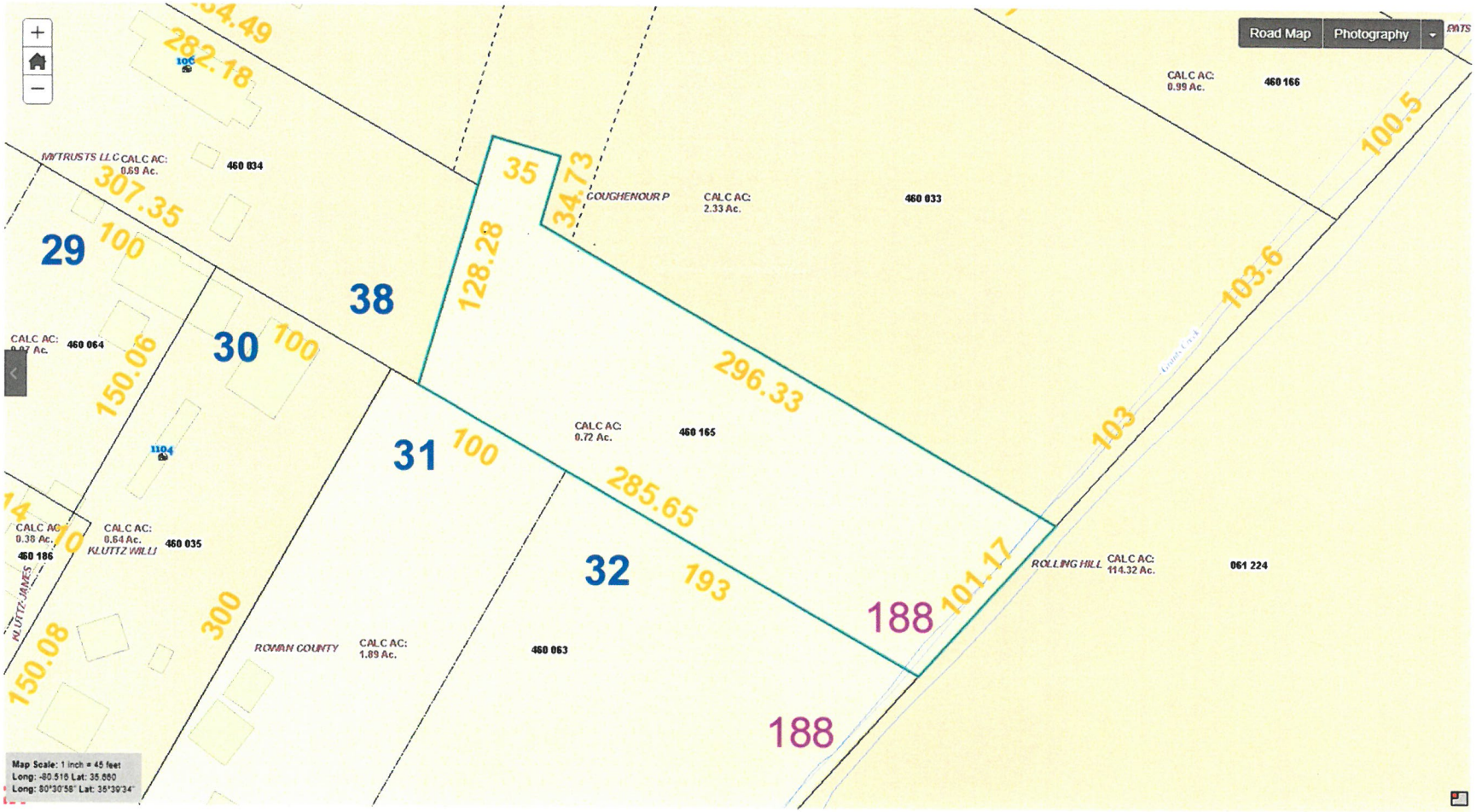
If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	
Built Use/Style	
Current Use	**/**
Grade	**/**
* Percent Complete	**100**
Heated Area (S/F)	**0**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	
** Bathroom(s)	**full baths**
*** Multiple Improvements	**0**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC:
0.99 Ac.
460 166
100.5
MTRUSTS LLC CALC AC:
0.69 Ac.
460 034
307.35
COUGHENOUR P
CALC AC:
2.33 Ac.
460 033
35
34.73
128.28
29
100
38
103.6
CALC AC:
460 064
30
100
150.06
296.33
CALC AC:
0.72 Ac.
460 165
31
100
285.65
103
1104
CALC AC:
0.38 Ac.
460 186
CALC AC:
0.64 Ac.
KLUTTZ WILLI
460 035
32
193
188
101.17
ROLLING HILL
CALC AC:
114.32 Ac.
061 224
KLUTTZ-JAMES
300
150.08
ROWAN COUNTY
CALC AC:
1.89 Ac.
460 063
188
Map Scale: 1 inch = 45 feet
Long: -80.516 Lat: 35.660
Long: 80°30'58" Lat: 35°39'34"

Rowan County Government

TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	1205 ROWAN MILL RD

Administrative Data

Parcel ID No.	**460 184**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**126 - LOCKE FIRE DISTRICT**
Land Use Code	
Land Use Desc	
Neighborhood	**006 51B**

Administrative Data

Legal Desc	**L10-11 1.38AC**
Deed Year Bk/Pg	**2012 - 1199 / 388**
Plat Bk/Pg	**/**

Sales Information

Grantor	**SWAIM LORI S & HSB**
Sold Date	0627-20-12
Sold Amount $	**181,000**

Valuation Information

Market Value $ **183,088**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 183,088

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	**2002**
Built Use/Style	**SINGLE FAMILY DWELLING (1**
Current Use	**B+- / B+-**
Grade	**B+- / B+-**
* Percent Complete	**100**
Heated Area (S/F)	**1,793**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	**0**
** Bathroom(s)	**2 full baths 1 half baths**
*** Multiple Improvements	**1**

* Note - As of January 1
* * Note - Bathroom(s), Bedroom(s), shown for description only
* * * Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
ROWAN MILL RD
CANDLEWICK DR
7065
460 184
CALC AC: 1.38 Ac.
200.01
299.97
299.81
99.94
FREEZE LARRY
460 139
460 065
460 059
SMITH KAY TU
460 041
460 049
460 050
460 064
KLUTTZ WILLI
460 186
KLUTTZ JAMES
460 035
460 036
GOODMAN GREE
ROWAN COUNTY
461 187
461 077
Map Scale: 1 inch = 61 feet
Long: -80.519 Lat: 35.659
Long: 80°31'10" Lat: 35°39'33"

Rowan County Government
TAX ADMINISTRATION RECORD SEARCH

Property Owner	Owner's Mailing Address	Property Location Address
ROWAN COUNTY	130 W INNES ST SALISBURY , NC 28144	115 CANDLEWICK DR

Administrative Data

Parcel ID No.	**460 138**
OLD Tax ID	
PIN	
Owner ID	**476490000**
Tax District	**101 - CITY OF SALISBURY**
Land Use Code	
Land Use Desc	
Neighborhood	**006 51B**

Administrative Data

Legal Desc	**L35-36 2.32AC**
Deed Year Bk/Pg	**2013 - 1219 / 362**
Plat Bk/Pg	**540 /**

Sales Information

Grantor	
Sold Date	0620-20-13
Sold Amount $	**278,000**

Valuation Information

Market Value $ **269,912**

Market Value - Land and all permanent improvements, if any, effective January 1, 2019, date of County's most recent General Reappraisal

Assessed Value $ 269,912

If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

Improvement Detail

(1st Major Improvement on Subject Parcel)

Year Built	**1990**
Built Use/Style	**SINGLE FAMILY DWELLING (1**
Current Use	**BM5 / BM5**
Grade	**BM5 / BM5**
* Percent Complete	**100**
Heated Area (S/F)	**3,096**
Fireplace (Y/N)	
Basement (Y/N)	
** Bedroom(s)	**0**
** Bathroom(s)	**2 full baths 0 half baths**
*** Multiple Improvements	**1**

* Note - As of January 1
** Note - Bathroom(s), Bedroom(s), shown for description only
*** Note - If multiple improvements equal "MLT" then parcel includes additional major improvements


Road Map
Photography
CALC AC: 8.46 Ac.
460 157
430.93
CALC AC: 3.84 Ac.
460 0150000001
460 0150000002
BEAVER GEORG
416.69
665.3
188
CALC AC: 1.29 Ac.
460 04805
20
21
22
37
36
35
34
33
23
24
25
142.2
114
MCNALLY ANN
CALC AC: 2.63 Ac.
460 182
500
383.8
460 04801
CALC AC: 2.56 Ac.
ROWAN COUNTY
CALC AC: 2.32 Ac.
460 138
99.81
100.21
100.09
84.15
RECTOR ROBER
460 04807
CALC AC: 1.15 Ac.
KERR KEVIN B 460 052
SAFRIT NARVE
460 04803
CALC AC: 0.69 Ac.
460 04806
BOWMAN NATHA
CALC AC: 0.96 Ac.
460 137
GOODMAN BENN
415.88
415.89
93.64
460 04804
QUINTERO BER
CANDLEWICK DR
OVERBROOK DR
(120)
300
200
180.8
NASH HENRY R
CALC AC: 1.35 Ac.
460 031
343.69
YOST FRED V
150.6
114
CALC AC: 1.69 Ac.
460 135
PAXTON PATSY
CALC AC: 0.56 Ac.
460 025
CALC AC: 0.59 Ac.
460 134
41
102.4
103
COUGHENOUR P
CALC AC: 460,166 0.99 Ac.
CALC AC: 460 033 2.33 Ac.
264.8
Map Scale: 1 inch = 71 feet
Long: -80.519 Lat: 35.662
Long: 80°31'07" Lat: 35°39'41"

Rowan County Office of the Manager
130 West Innes Street · Salisbury, NC 28144
Telephone 704-216-8180 · Fax 704-216-8195

Rachel S. Bingham, PE
Interim Aviation Development Manager
Division of Aviation
North Carolina Department of Transportation
1050 Meridian Drive
Morrisville, NC 27560

Dear Ms. Bingham,

The FAA recognized Sponsor, Rowan County, is the name of the party that owns or has permanent easement to all land shown on the Mid-Carolina Regional Airports Exhibit A.

Respectfully,

Aaron Church
County Manager

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Finance Department
DATE:	4/9/2021
SUBJECT:	Inmate Healthcare Services - Award Contract

Please see the attached recommendation to award Wellpath the inmate healthcare services at the Rowan County Detention Center.

Please consider awarding a contract to Wellpath to provide inmate healthcare services at the Rowan County Detention Center.

ATTACHMENTS:

Description	Upload Date	Type
Inmate Healthcare Services - Award Contract	4/9/2021	Cover Memo

ROWAN COUNTY
NORTH CAROLINA
Be an original.

ROWAN COUNTY FINANCE DEPARTMENT

130 W. Innes Street, Salisbury, NC 28144
704.216.8170
www.rowancountync.gov

James M. Howden, CPA | Finance Director

MEMORANDUM

TO: Rowan County Board of Commissioners
Aaron Church, County Manager

FROM: James M. Howden, Finance Director
David Sifford, Purchasing Agent

RE: Approval of Contract for Inmate Healthcare Services

DATE: April 9, 2021

After due advertisement, proposals to administer inmate healthcare services at the Rowan County Detention Center were received and opened by David Sifford, Purchasing Agent.

The Finance Department received bids from three vendors: Wellpath, Southern Health Partners and Advanced Correctional Healthcare. The yearly cost submitted by the bidders was $1,030,488, $1,037,340 and $1,176,758, respectively. Attached is an email from Sheriff Kevin Auten recommending Wellpath for the service and a summary of the bids received. The complete bid packages are on file in the Purchasing Office.

Staff's Recommendation: It is the recommendation of the Sheriff's Office and the Finance Department that a contract be awarded to Wellpath to provide inmate healthcare services at the Rowan County Detention Center beginning July 1, 2021 at an estimated first year cost of $1,030,488.

Sifford, David

From: Auten, Kevin
Sent: Monday, April 5, 2021 2:33 PM
To: Church, Aaron; Howden, James M; Sifford, David
Cc: Dees, Jay
Subject: FW: Message from sd07p105
Attachments: Ssd07p10521040515130.pdf

I have attached our synopsis of the three proposals that came in for our inmate medical services. Our staff chose Wellpath based on the notes you have attached to this email. Please let us know our next step so we can get a letter of intent to our provider so they can start hiring. As you know the relationship with our current provider is not good.

Sheriff Kevin L. Auten

Wellpath – 12 months base with additional months quoted at a monthly price.

- 16 facilities in NC – 2800 beds – 33 states – 15,000 employees – 300,000 patients – 60million patient encounters per year.
- Electronic Records management – "ERMA"
  - Cost of any integration is completely the responsibility of Wellpath
  - 60 day implementation
- No med techs
- RN (HSA) not LPN
- Total hours of coverage = 332

Cost without "Cost Pool" or "Cap" – Cost pool can be added dollar for dollar.

- $1,030,488/year = $85,874/month
- Per Diem over 325 = $0.69 per inmate per day
  - Refund of $0.69 per inmate per day if under 275
- 3% cost increase per year when contract is renewed

ACH – Advanced Correctional Healthcare – 12 month base with additional months quoted at the monthly price.

- 303 facilities – 15 states – None in NC
- Elec. Medical records
  - DetainEMR – Propriatary
  - Will not pay for the integration – (last time this was $10,000 and had to be negotiated with Mediko afterwards)
- No med techs
- RN (HSA) not LPN
- Total hours of coverage = 208

Contract was submitted with a cost pool – Could be negotiated without cost pool dollar for dollar.

Without cost pool:

- $1,176,757.78/year = $98,063.16/month
- If cost pool is added at dollar for dollar the county would get refunded at 90% any money not used in 12 month period
- Per Diem over 325 = $.44 per day
- No refund if ADP drops below any number

SHP - Southern Health Partners – 12 month abase with additional months quoted at the monthly price.

- 250 facilities – 1000+employees
- HSA will be RN or LPN

- 2 med techs
- Total budgeted hours = 304
- Total cost $1,037,340/year = $86,445/month
- Cost pool can be added at dollar for dollar
    - First $75,000 – county responsibility
    - $75,000 - $125,000 – 50% county and 50% SHP responsibility (SHP responsibility could only reach $25,000 max)
    - Over $125,000 – County responsibility
- Per Diem = $1.25 per inmate per day over 300
    - No refund for ADP reduction
- Base cost will go up 3% each year renewed

Based on the calculations I have received through the bid process I have done some comparisons and found that in my opinion "Wellpath" is the company we should go with for the Rowan County Jail Medical company. Below are several reasons that Wellpath rises to the top of my recommendation.

1. Wellpath is offering 332 total hours compared to 208 and 304 from others.
2. Wellpath will not use Med techs. They will only use LPN level nursing or above.
3. Wellpath will not allow anyone with less than RN qualifications to be the Site Supervisor as opposed to the use of an LPN.
4. Wellpath will cover the cost of any integration needed for the electronic medical records as opposed to the county paying for that.
5. Wellpath is the only proposal who offers a refund for the Per Diem if the ADP drops below a certain number. They all will go up at a certain number.
6. Wellpath's per Diem is set at $.69 as opposed to the lowest being $.44. However the proposal with $.44 Per Diem provides 124 fewer nursing hours per week.
7. Wellpath's yearly renewal cost increase is the same (3%) as the others.

The cost proposed is $1,030,488/year = $85,874/month. We were asking for a 14 month contract to begin on May 1, 2021. The cost for the 14 month contract would be as follows.

$1,030,448 +$85,874 (May 2021)+ $85,874 (June 2021) = $1,202,196

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Finance Department
DATE:	4/9/2021
SUBJECT:	Auditing Services - Award Contract

Please see the attached recommendation for Martin Starnes & Associates, CPAs P.A. to perform Rowan County's annual audit.

Please consider awarding a contract for auditing services to Martin Starnes & Associates, CPAs P.A.

ATTACHMENTS:

Description	Upload Date	Type
Auditing Services - Award Contract	4/9/2021	Cover Memo

ROWAN COUNTY FINANCE DEPARTMENT
130 W. Innes Street, Salisbury, NC 28144
704.216.8170
www.rowancountync.gov
James M. Howden, CPA | Finance Director

MEMORANDUM

TO: Rowan County Board of Commissioners
Aaron Church, County Manager

FROM: James M. Howden, Finance Director
Derrick Atkins, Internal Auditor

RE: Proposals for Auditing Services for Fiscal Years 2021 - 2023

DATE: April 9, 2021

The Finance Department recently requested proposals for auditing services for fiscal years 2021, 2022 and 2023. Proposals from five certified public accounting firms were received; Martin Starnes & Associates, CPAs, P.A., Potter & Company, P.A., Elliott Davis, PLLC, Cherry Bekaert, CPAs & Advisors and Thompson, Price, Scott, Adams & Co., P.A. Finance staff evaluated the qualifications, experience, audit approach and proposed auditing hours and fees provided by each firm. All five firms meet the qualifications specified in the Request for Proposals.

Martin Starnes received the highest score in terms of experience and qualifications. The firm also proposed the lowest annual fees - $61,000, $62,830 and $62,830 for fiscal years 2021, 2022 and 2023, respectively. Attached is the cost estimate for Martin Starnes & Associates, CPAs, P.A. The complete bid packages and evaluation results are on file in the Finance Office.

Staff Recommendation: It is the recommendation of the Finance Department that Martin Starnes & Associates, CPAs, P.A. be chosen as the County's auditors for fiscal years 2021, 2022 and 2023.

ROWAN COUNTY
NORTH CAROLINA

SECTION II
COST ESTIMATE
2021 – 2023

MARTIN ◆ STARNES
& ASSOCIATES, CPAs, P.A.
"A Professional Association of Certified Public Accountants and Management Consultants"

Rowan County, NC
Section II - Table of Contents

	Page
Professional Fees – Auditing Services	*1*
Summary of Audit Costs Sheet	*2*
***Requirement 1**: Audit Programs*	*3*
***Requirement 2:** Statistical Sampling*	*3*
***Requirement 3:** Use of Automated Processes and Internal Control Testing Methods*	*4*
***Requirement 4:** Computer Audit Specialists*	*4*
***Requirement 5:** Audit Team Organization*	*5*
***Requirement 6:** Management Letter*	*5*
***Requirement 7:** Assistance Expected from County Staff*	*5*
***Requirement 8:** Tentative Audit Schedule*	*5-6*
***Requirement 9:** Use of Internal Audit Staff*	*6*
***Requirement 10:** Trial Balance Format*	*7*
***Requirement 11:** Additional Information – We Have a Story to Tell!*	*7-8*
Final Considerations	*9*
Supplemental Information:	
Governmental Entities We Currently Audit	*10*

MARTIN ♦ STARNES
& ASSOCIATES, CPAs, P.A.

Rowan County, NC
Section II – Cost Estimate

PROFESSIONAL FEES – AUDITING SERVICES

	On-Site Interim	On-Site Final	In Office Total	Total Hours	Rate	Fee
Partner	-	-	20	20	$ 200	$ 4,000
Senior Audit Manager/Manager	32	40	40	112	150	16,800
Senior Accountant	32	40	45	117	125	14,625
Staff Accountants (3)	96	120	50	266	95	25,270
Clerical	-	-	10	10	-	305
Travel costs	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-
Other costs	-	-	-	-	-	-
Totals for the 2021 audit	160	200	165	525		$ 61,000

Proposed fees for year ending June 30, 2021 [1]	$ 61,000
Estimated costs for year ending June 30, 2022 [1]	$ 62,830
Estimated costs for year ending June 30, 2023 [1]	$ 62,830
(1) Single Audit fees - per each major program in excess of five (5)	$ 3,000

Audit contracts must be approved annually by the Local Government Commission. For your planning purposes, our estimated fees to provide our services to you in the future are shown in the table above. These are estimated fees only. Governmental and rule-making boards may add or change their requirements related to our services which may change these estimates. The actual fee agreement will be set forth in the annual contract signed for the relevant year.

Basis/Methodology of Cost Estimate:

At Martin Starnes & Associates:

- Estimated fees presented are generally on a "fixed-fee" basis. If a situation occurs that would cause additional fees, we will discuss the changes with the Finance Director before the additional fees are incurred by the County. We will specify the services to be provided and an estimate of the related fees. We do not bill for travel costs related to the audit engagement. If we are engaged to provide services outside of the audit engagement, we will negotiate the fees for those services, and they may include reimbursing our firm for travel related expenses. Our hourly rates for such services range from $85-$300.
- The fees proposed herein include technical assistance to the County's staff throughout the year. We are available to serve our government clients twelve months a year. Any assistance that would require supplemental fees will be negotiated in advance. Summary: No surprise fees!
- Our fees also include the planning meeting; submission of the report to the LGC; preparation of the Data Collection Form; and a presentation to the Board of Commissioners.

Basis for Determining Cost Estimate After First Year:

We estimate an average fee increase of 3-5% per year. However, as you know, there are many governmental and rule-making boards that regularly add or change their requirements related to the services we provide to you that could affect the average increase.

MARTIN ◆ STARNES
& ASSOCIATES, CPAs, P.A.

Rowan County, NC
Section II – Cost Estimate

SUMMARY OF AUDIT COSTS SHEET

EXHIBIT 1

SUMMARY OF AUDIT COSTS

		FY 2021	FY 2022	FY 2023
1.	Audit and Financial Statement Review (includes personnel costs, travel, and supplies and materials)	$61,000	$62,830	$62,830
2.	Extra Audit Services ($_____ per hour)	$_____	$_____	$_____
3.	Other (explain) **see below			
	_____			
	_____	$_____	$_____	$_____
4.	Other (explain) _____			
	_____			
	_____	$_____	$_____	$_____
	TOTAL	$61,000	$62,830	$62,830

**Single audit fees for each major program in excess of five (5) - $3,000 per program per year

PROPOSAL CERTIFICATION

By signing below, I Certify that I have carefully read and fully understand the information contained in this RFP; and that I have the capability to successfully undertake and complete the responsibilities and obligations of the Proposal being submitted and have the authority to sign Proposal on behalf of my organization.

Company	Martin Starnes & Associates, CPAs, P.A.
By (print name)	Erica L. Brown
Title	Audit Partner
Address	730 13th Ave. Dr. SE, Hickory, NC 28602
Phone	(828) 327-2727
Email	ebrown@martinstarnes.com

Proposer's Signature _____ Date 3/26/21

MARTIN ♦ STARNES
& ASSOCIATES, CPAs, P.A.

❖ REQUIREMENT 1 – AUDIT PROGRAMS

We use an intuitive audit software, developed by CCH, a Wolters Kluwer subsidiary, an industry leader in accounting and tax software. The program is called *"Knowledge Coach"* and is integrated into CCH's *"Knowledge Based Audit Approach"*. Knowledge Coach is the only integrated audit planning, risk assessment, and audit program workflow and management system that has been approved by the AICPA's National Peer Review Committee. Please see the following excerpt from a press release about Knowledge Coach:

> *"Developed from the ground up by auditors, for auditors, ProSystem* fx *Knowledge Coach combines the industry-specific content and guidance of ProSystem* fx *Knowledge Tools with a dynamic audit workflow engine that dramatically streamlines the audit planning process and helps users efficiently manage an audit from beginning to end.*
>
> *"Peer review is an important milestone for Knowledge Coach, because it confirms that not only is our content compliant with AICPA risk-based audit standards, but our processes for developing, presenting and utilizing this content in the Knowledge Coach application maintains and enhances this compliance," said CCH Product Manager Mike Ritchie. "Knowledge Coach is* ***the first product of its kind*** *– making the same kind of breakthrough in the audit realm that the first computer-based programs did for tax. As a result, we wanted to have it subjected to peer review, and we're very gratified that it has been validated through that process," Ritchie said.*

After we have completed the planning, risk assessment, and internal control portion of the engagement, Knowledge Coach will intuitively guide the substantive portion of the audit through suggested audit steps. This process will eliminate unnecessary procedures due to SALY (same as last year) and highlight audit areas that, based on our planning and risk assessment, require and deserve the brunt of our audit effort. Our approach is a combination of a balance sheet approach, substantive analytic review, and detail testing of specific general ledger accounts. Our substantive analytic review procedures are designed specifically for Rowan County and are approved by the senior management of the engagement during the planning stages of the audit. Every procedure we perform will have a specific purpose and audit objective in mind.

❖ REQUIREMENT 2 – STATISTICAL SAMPLING

We do not use statistical sampling in our financial statement audit approach. Our audit approach uses haphazard or random sampling in order to test the contents of the audit area rather than the attributes of the audit area. We obtain our audit assurance from a combination of detail testing (sampling) and analytic review. Detail testing (sampling) is the process of testing 100% of all individually significant items based on materiality and risk assessment and then evaluate the remaining population to determine whether the sample is sufficient or additional transactions need to be tested to fulfill the sample requirement based on our risk assessment. Analytic review is the process of comparing our expectations of a particular audit area to the actual results and analyzing the differences. We believe this approach is more effective in detecting material errors and is less time consuming on our staff and the governmental unit's staff.

❖ Requirement 3 – Use of Automated Processes and Internal Control Testing Methods

We use Knowledge Coach software (see details in Section II, Requirement 1 above) that accepts data and answers to client-specific and risk assessment planning questions to automate our audit programs used for testing. Our audit software, ProSystem Engagement, allows us to automate our files (Excel) by linking them to the trial balance database that contains detailed account balances.

Our internal control procedures include documentation of the major systems of internal controls (cash receipts, cash disbursements, payroll, and computer/IT), performing walk-throughs (testing) to confirm our understanding of internal controls, and performing cash counts at various sites where cash collections are conducted. We will also test controls over manual journal entries and budget amendments posted to the general ledger as part of our internal control procedures.

We will interview many members of the County's staff to document our understanding of internal controls and accounting procedures. Our focus on internal controls is over any area where significant amounts of cash collections take place, the cash disbursement process (P.O. to check), journal entry preparation, approval and entry to general ledger, and the budget amendment process. Every procedure we perform will have a specific purpose and audit objective in mind.

Controls over cash disbursements will be tested by making selections posted to the general ledger using dual purpose testing (major program expenditures are selected to duly test controls and compliance) and tracing the GL posting back to source documents (invoices, purchase orders, etc.) to test for proper approval and posting, as well as allowance as a major program expenditure.

Controls over cash receipts are tested by performing walk-throughs and cash counts at various sites/departments that collect cash throughout the County's operations (Register of Deeds, for example).

Controls over payroll are tested by selecting a sample of County employees from selected payroll periods. Personnel files and timesheets for the selected pay period will be obtained. We agree the payroll records to the personnel files and timesheets to ensure that the employee actually exists, is being paid from the correct department, is being paid for actual time worked, and is being paid at an approved rate.

Controls over manual journal entries and budget amendments are tested by making several selections of entries and amendments posted during the fiscal year and obtaining documentation to ensure that the item was properly approved and posted to the system as approved.

❖ Requirement 4 – Computer Audit Specialists

Our Technology Manager is available to either conduct the County's MIS controls assessment or review the assessment performed by our Senior Accountant. Our audit process includes documenting our understanding of the internal control systems, including the computer system's controls, assessing risk, and identifying potential security issues that would have a direct and material impact on the financial statements taken as a whole. Our staff is qualified to analyze the computer controls and make any necessary recommendations.

❖ Requirement 5 – Audit Team Organization

Staff Assigned	Percentage of Time
Senior Management Team (2)	25%
Senior Accountant (1)	25%
Staff Accountants (3)	50%

The Manager will supervise the on-site fieldwork with assistance of the Senior Accountant.

❖ Requirement 6 – Management Letter

Audit standards have significantly changed the content of the Yellow Book and the Single Audit opinion letters. Consequently, a management letter would only report minor internal control weaknesses, suggestions for improving operational procedures, cost-saving ideas, and any other suggestions for improving the overall operation of the County. There will be no surprises! If we have detected an issue during our audit procedures, management will be informed immediately. Any issues disclosed in the management letter or the compliance letters will have been fully discussed with management during the engagement.

❖ Requirement 7 – Assistance Expected from County Staff

We prefer all of the client assistance outlined in the RFP to be provided in electronic format wherever possible. The County can expedite the audit process by minimizing immaterial post-final AJE's and providing all items on the "Prepared by Client" list before fieldwork begins.

Please refer to Requirement 10 for information regarding the trial balance format. We may also download your interim trial balance for risk assessment and planning purposes as of 12/31, 3/31, and 6/30 (unadjusted).

It is our understanding that County staff will prepare the Comprehensive Annual Financial Report in its entirety.

❖ Requirement 8 – Tentative Audit Schedule

Note: MSA is committed to working with our clients through the COVID-19 pandemic. Due to any existing COVID restrictions, we have the ability to perform audit procedures and audit presentations remotely to the extent required by the County, utilizing secure electronic sharing of files and virtual meetings through Zoom, Microsoft Teams or other online platforms. Such requirements can be discussed during the planning stage of the audit.

Audit Planning

We work on our government engagements year-round. We begin by downloading an interim trial balance in January or February of each year. We use this data to assess audit risk, plan our interim procedures, perform preliminary analytic review, and gather data about new projects, funds, and departments. We also stay current with the County by reading the minutes of the Board's meetings each month. We will meet with the appropriate members of the Finance Department to plan the engagement each year. At this meeting, timetables for our responsibilities and the County's responsibilities will be agreed upon.

Interim and Final Fieldwork

Generally, we will perform interim fieldwork at a mutually agreed-upon week from March–June of each year. During interim, we will update our understanding of internal controls, test compliance (Federal and State programs), and audit transactions in capital project funds, special revenue funds, and capital outlay. Our team will be on site for up to one week. We are planned and prepared when we arrive; therefore, once we come on site, we will stay until our objectives are completed. If we have internal control or compliance findings, we will discuss those with management at the completion of our interim procedures.

In a typical year, we will perform final fieldwork in September-October. Final fieldwork will last approximately one week on site and several weeks in the office. Before we begin the on-site portion of the fieldwork, we will have imported final trial balances, planned our procedures, and coordinated with the finance staff any data needed for our procedures. Our staff will hit the ground running and complete our procedures timely, efficiently, and with minimal interruption of your staff. We will provide any audit adjustments, compliance findings, and internal control findings at the completion of final fieldwork.

Our typical timeline for the County will be as follows:

- March-April – Download interim trial balance and perform preliminary analytic procedures. This procedure allows us to keep informed of changes at the County before the audit commences.
- March-April – Planning meeting with the Finance Director. At the planning meeting, we will mutually agree on the fieldwork timetable, client prepared schedules, etc. The purpose of this meeting is to get your staff and our staff on the same page.
- Mutually agreed-upon time between March and June – Interim fieldwork (test internal controls and grant compliance, as required)
- September-October – Import final trial balance; perform analytical procedures; perform compliance testing; perform final risk assessment; perform final fieldwork
- October – Submission of report to Local Government Commission
- Mutually agreed-upon time between October and December – Presentation to the Board of Commissioners

❖ *Requirement 9 – Use of Internal Audit Staff*

Use of internal audit staff will be discussed during the planning stage of the audit. Typically, audit communication and PBC items are facilitated by the internal auditor.

❖ Requirement 10 – Trial Balance Format

To expedite the audit, we need the final trial balance in electronic format (preferably Excel) one week before final fieldwork is scheduled to begin. This allows us to import your trial balance into our audit software and begin identifying our risk areas before fieldwork actually begins. We will need the trial balance to contain the account number in one cell, the account name in one cell, the year-to-date account balance in one cell, and the final budget in one cell.

❖ Requirement 11 – Additional Information

We Have A Story To Tell!

We have provided Rowan County with all of the information requested in the RFP. There is information and perspective that we would like to share about our firm that is difficult to glean from the basic questions in an RFP. Please indulge us as we explain what makes us different from other qualified firms.

History

Our firm's government client list has grown from one small town in Alexander County to one of the largest governmental audit practices in the state with a simple formula:

Quality + Service + Value = Success

We have grown one client at a time with a focus on client retention. Since 1992, we have lost very few clients during the re-proposal process. We are convinced that ***Quality + Service + Value = Success*** works!

Quality

Approximately 85% of our audit practice is dedicated to serving governments in North Carolina. We are confident no other firm in North Carolina can make that claim. Our audit staff does not have a 12/31 busy season. Therefore, they are focused on serving our government clients and only have one busy season. This structure has minimized our turnover and increased the quality of our audit product through continuity on the engagement.

We have three Partners who have been reviewers for the GFOA Certificate of Excellence Program. We serve on the NCACPA's Government Auditing and Accounting Task Force. We have been members of the AICPA's Government Audit Quality Center since its inception. We are 100% committed to providing the absolute best quality government audit available in North Carolina. Our audit practice has been subjected to quality reviews since 1992 without a blemish. *In fact, during a recent review, the Peer Reviewer asked us to provide his firm with training.*

Service

"If you fail to plan, you plan to fail". Each or our engagements start with a plan that is mutually agreed upon by our staff and the client's staff. This includes dates of fieldwork, dates client prepared schedules are due to us, and dates documents are due from us to the client.

We have a state-of-the-art technology system that successfully eliminates geography as a constraint on service. Your staff will never notice that our firm is in Hickory, and you are in Salisbury. Our most recent enhancement to service is our "SafeSend" electronic document transfer system. Documents can be transmitted to us through a simple and secure email link. This provides secure, fast transmission of data. It is like having our own private electronic file room with our clients!

Value

Fees do not always reflect value. Our business model from the very beginning was to provide quality service with a highly trained staff. Our model also includes maintaining state-of-the-art hardware and software in our audit practice. An example of this commitment was the conversion to ***Knowledge Coach***, as discussed herein. We are focused on efficiency and effectiveness in every step of the audit process. The end result - we offer much more to the County than an audit. We add VALUE to the financial reporting process.

Our firm is "lean" in regard to overhead. Each member of management has client responsibilities as well as management responsibilities. This results in lower standard hourly billing rates. Finally, integrity is the ultimate source of our value-based firm.

How Do We Complete the Volume of Governmental Audits On Time?

- We plan our engagements starting January 2nd of each year so that we can efficiently perform the engagement and minimize the final fieldwork time required.
- We use state-of-the-art technology and use it to the fullest extent.
- We hire and retain the best staff.
- We spend more hours auditing your unit from January–July than our competition. Therefore, we are rarely surprised by what we find at final fieldwork from August–October.
- Our audit staff is leveraged so that we have a balanced ratio of senior leadership, senior accountants, and staff accountants. Each senior accountant manages approximately 10 engagements and has the entire staff accountant pool, as well as our firm leadership, at his or her disposal. Any time an engagement incurs problems, it is handed off "up the ladder" to a manager, rather than drowning the senior accountant.
- Finally, we view our audit practice with a "team" approach. When all of our engagements are completed, then *WE* are finished. "All hands on deck" takes on a whole new meaning at Martin Starnes & Associates.

We have grown our audit practice from the ground up, one client at a time, and one staff member at a time. Therefore, our growth has been planned for and managed. Every engagement has a staffing plan that anticipates when the staff will be ready to supervise the engagement, when the senior will be ready for a promotion to audit manager, and when the audit manager will be ready for more complex management requirements. This allows for continuity on the job, continuity with your staff, and maximum efficiency in our procedures. How do we manage turnover? We have made staff retention a number one priority of the firm.

FINAL CONSIDERATIONS

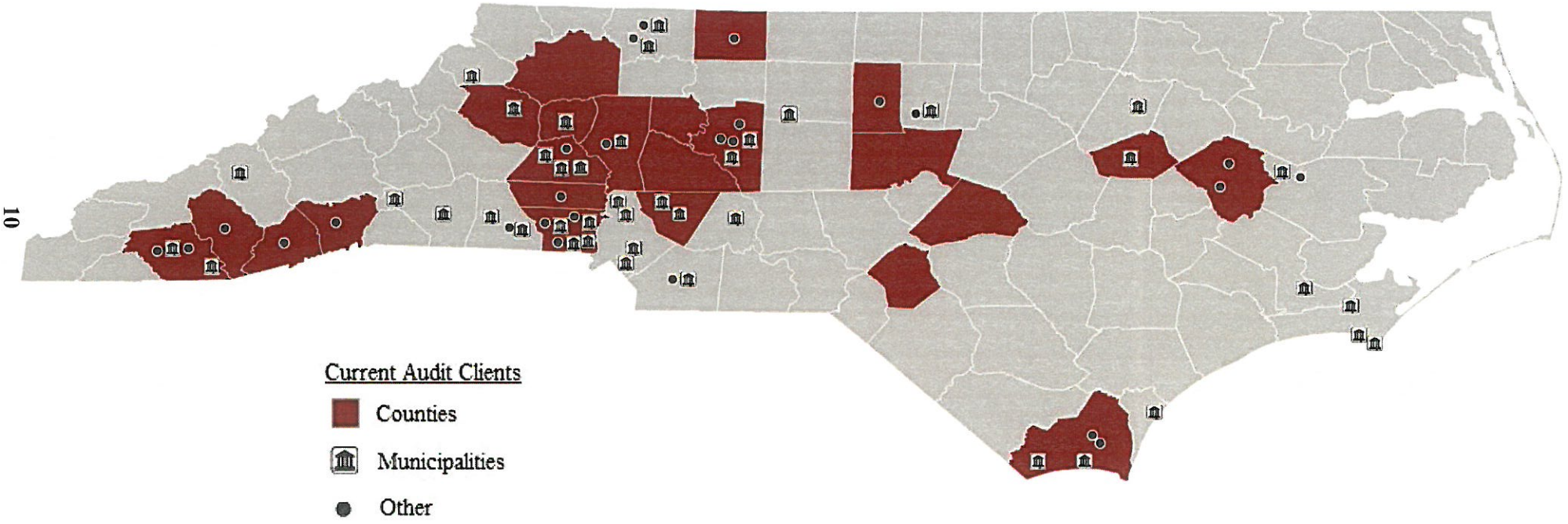
Quote from J. Michael Barham, NC Board of CPA Examiners at the 2009 Local Government Update

> *"If you want to improve the quality of Yellow Book and OMB audits, select your auditors based on the following criteria: experience, references, contact the firm's current audit clients, evaluate professional qualifications, evaluate the firm's commitment to CPE, the firm's peer review results, and contact the LGC about the firm's quality and timeliness; but most importantly, do not let the price be the driving force."*

SUPPLEMENTAL INFORMATION

North Carolina Is Our Neighborhood

Governmental Entities We Currently Audit



**Map as of June 30, 2020

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: TJ Brown, EM Division Chief
DATE: April 12, 2021
SUBJECT: Acceptance of Tier II Grant

On December 7, 2020 the Board of Commissioners approved the Emergency Services, EM Division to apply for a Tier II Grant for Disaster Preparedness Guides. These funds will be used to create guides for distribution to citizens.

Our Division has received notification that we have been selected to receive funding for this project.

We respectfully request the Board of Commissioners accept this grant award.

ATTACHMENTS:

Description	Upload Date	Type
Background Memo	4/12/2021	Cover Memo
Award Letter	4/12/2021	Backup Material

ROWAN COUNTY 911 EM
EMERGENCY SERVICES
EM DIVISION
Be an original.
2727 Old Concord Rd, Suite E, Salisbury, NC, 28146-8388
[p] 704-216-8900 **[f]** 704-216-8921

To: Rowan County Board of Commissioners

From: TJ Brown, Emergency Management Division Chief

Date: April 12, 2021

Re: Consider Acceptance of Tier II Grant Award

On December 7, 2020 the Board of Commissioners approved the Emergency Services, EM Division to apply for a Tier II Grant for Disaster Preparedness Guides. These funds will be used to create guides for distribution to citizens.

Our Division has received notification that we have been selected to receive funding for this project.

We respectfully request the Board of Commissioners accept this grant award.

DocuSign Envelope ID: 72DC26B9-9854-4BF2-8015-686F60AAA38D

North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Executive Director

NC Tier II Grant
Fiscal Year 2021

Grant#: T2-2021

SUBAWARD NOTIFICATION

TJ Brown
Rowan County
2727 Old Concord Rd.
Salisbury , NC 28146-6319

Period of Performance: January 1, 2021 **to** February 28, 2022
Project Title: FY21 Tier II Noncompetitive
Total Amount of Award: $1,000.00
MOA #: 2170059

North Carolina Emergency Management (NCEM) is pleased to inform you that the federal Fiscal Year (FY) 2021 NC Tier II Grant has been approved for funding. In accordance with the provisions of FY 2021 NC Tier II Noncompetitive award, NCEM hereby awards to the foregoing subrecipient a grant in the amount shown above.

Payment of funds: The grant shall be effective upon final approval by NCEM of the grant budget and program narrative and the execution of the forthcoming Memorandum of Agreement. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

Conditions: The subrecipient shall understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. Subrecipient shall also certify the understanding and agreement to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the 2 CFR 200 and all applicable laws governing these funds and all other federal, state and local laws; that all information is correct; that there has been appropriate coordination with affected agencies; that subrecipient is duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the subrecipient; and that all agencies involved with this project understand that federal funds are limited to the period of performance. Subrecipient must read and sign forthcoming Memorandum of Agreement for acceptance of the award.
For projects involving construction or the installation of equipment:
Prior to funds being expended from this award the subrecipient must complete and submit an Environmental Planning and Historical Preservation form to NCEM for approval. On receipt of the approval letter from NCEM the subrecipient may begin to expend grant funds.

Supplanting: The subrecipients confirm that sub-grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, the subrecipient will certify that the receipt of federal funds through NCEM shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY THE DEPARTMENT OF PUBLIC SAFETY, NORTH CAROLINA EMERGENCY MANAGEMENT GRANT PROGRAM BUDGET AND NARRATIVE

MAILING ADDRESS
4236 Mail Service Center
Raleigh NC 27699-4236
www.readync.org
www.ncdps.gov

OFFICE LOCATION
1636 Gold Star Drive
Raleigh, NC 27607-3371
Telephone: (919) 825-2500
Fax: (919) 825-2685

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North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Executive Director

NC Tier II Noncompetitive Grant

Fiscal Year 2021

Memorandum of Agreement (MOA)

between

Grantor:
State of North Carolina
Department of Public Safety
Emergency Management

Recipient:
Rowan County
Tax ID/EIN #: 566000336-A
Duns #: 074494014

MOA #: 2170059
DPS fund code:

Award amount: $1,000.00
Period of performance: January 1, 2021 to February 28, 2022

1. **Purpose**
   This grant award supports the hazardous material preparedness activities of Local Emergency Planning Committees (LEPCs) as defined in the Emergency Planning and Community Right-to-Know Act (EPCRA). These funds are to be used by your county's or region's LEPC for hazardous materials emergency response planning, training, and related exercises. See Attachment 1: Allowable Expenditures.

2. **Authority**
   In accordance with the provisions of N.C.G.S. §166A-29.1, North Carolina Emergency Management hereby awards to the foregoing Recipient a grant in the amount shown above.

3. **Compensation**
   The Grantor agrees that it will pay the Recipient complete and total compensation for the services to be rendered by the Recipient. Payment to the Recipient for expenditures under this Agreement will be reimbursed after the Recipient's cost report, detailed invoices, and proof of payment are submitted and approved for eligible expenses. These documents must be submitted no later than March 31, 2022. The original signed copy of this MOA must be signed by the Official(s) authorized to sign below and returned to North Carolina Emergency Management no later than 45 days after the award date. The grant shall be effective upon return of the executed Memorandum of Agreement and final approval by North Carolina Emergency Management.

4. **Conditions**
   The funds awarded under this grant must only be used by your county's or region's LEPC for the purposes of hazardous materials emergency response planning, training and exercises, as mandated in N.C.G.S.§ 166A-29.1. Furthermore, the use of these funds must meet one or more of the follow criteria:

   A. Support costs incurred facilitating LEPC meetings (e.g. printing, general office supplies, food and non-alcoholic beverages)

   B. Support regional LEPC meetings and collaboration

   C. Enhance LEPC outreach efforts or produce promotional materials

   D. Host or support local and regional LEPC conferences

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E. Create or update hazardous material emergency response plans

F. Support local or regional hazardous materials response exercises

G. Support purchases of equipment necessary to support the LEPC and its mission

Purchases of equipment must be pre-approved in writing by the NCEM Hazardous Materials Group

H. Under no circumstances are the following items eligible for funding under this grant:
- Salaries or benefits for any employee
- Drone aircraft or unmanned aerial vehicles
- Support for programs not focused on hazardous materials preparedness

5. **Regulation**
The funds awarded under this grant must be used in compliance with all applicable state and federal laws to include compliance with N.C.G.S. §§ 143C-6-22, 143C-6-23 and 09 NCAC 03M. By accepting this payment, the Recipient agrees to use these funds in a manner consistent with state and federal laws and regulations.

6. **Taxes**
Recipient shall be responsible for all taxes.

7. **Warranty**
As an independent recipient, the Recipient will hold the Grantor harmless for any liability and personal injury that may occur from or in connection with the performance of this Agreement to the extent permitted by the North Carolina Tort Claims Act. Nothing in this Agreement, express or implied, is intended to confer on any other person any rights or remedies in or by reason of this Agreement. This Agreement does not give any person or entity other than the parties hereto any legal or equitable claim, right or remedy. This Agreement is intended for the sole and exclusive benefit of the parties hereto. This Agreement is not made for the benefit of any third person or persons. No third party may enforce any part of this Agreement or shall have any rights hereunder. This Agreement does not create, and shall not be construed as creating, any rights enforceable by any person not a party to this Agreement. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina. Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Recipient. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

8. **Points of contact**
To provide consistent and effective communication between the Grantor and Recipient, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. The Department of Public Safety, North Carolina Emergency Management contact shall be Assistant State Hazardous Materials Manager, Grants Management Branch staff, and NCEM Field Branch staff. The Recipient's point of contact shall be the person designated by the Recipient.

9. **Public record access**
This agreement may be subject to the North Carolina Public Records Act, Chapter 132 of the North Carolina General Statutes.

10. **Situs**
This Agreement shall be governed by the laws of North Carolina and any claim for breach or enforcement shall be filed in State Court in Wake County, North Carolina.

11. **Antitrust laws**
This Agreement is entered into in compliance with all State and Federal antitrust laws.

12. **Other provisions/severability**
Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Recipient. If a term

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of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

13. **Compliance**
Recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Recipient shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA.

14. **Entire agreement**
This agreement and any annexes, exhibits and amendments annexed hereto and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

15. **Modification**
This agreement may be amended only by written amendments duly executed by the Grantor and the Recipient.

16. **Termination**
The terms of this agreement, as modified with the consent of all parties, will remain in effect until February 28, 2022. Either party upon thirty (30) days advance written notice to the other party may terminate this agreement. Upon approval by NCEM Hazardous Materials Group and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable Grant Adjustment Notice. Failure to provide applicable cost reports, proof of payment and/or a deobligation request letter by March 31, 2022 will result in an automatic deobligation of grant funds.

17. **Execution and effective date**
This grant shall become effective upon return of this original Memorandum of Agreement, properly executed on behalf of the Recipient, to North Carolina Emergency Management and will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective January 1, 2021. The last signature shall be that of Erik A. Hooks, Secretary for the North Carolina Department of Public Safety.

18. Certification of eligibility - Under the Iran Divestment Act
Pursuant to N.C.G.S§147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. § 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, N.C.G.S. § 147-86.55 et seq.* requires that each vendor, prior to contracting with the State certifies, and the undersigned on behalf of the Vendor does hereby certify, to the following:

A. That the vendor is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran

B. That the vendor shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List

C. That the undersigned is authorized by the Vendor to make this Certification

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address: https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-divestment-Act-resources.aspx and will be updated every 180 days. For questions about the Department of State Treasurer's Iran Divestment Policy, direct questions to (919) 814-3852.

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IN WITNESS WHEREOF, the parties have each executed this Agreement and the parties agree that this Agreement will be effective as of January 1, 2021.

N.C. DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT
1636 GOLD STAR DR
RALEIGH, NC 27607

Michael A. Sprayberry

MICHAEL A. SPRAYBERRY, EXECUTIVE DIRECTOR & DEPUTY HOMELAND SECURITY ADVISOR
NC EMERGENCY MANAGEMENT/
NC OFFICE OF RECOVERY & RESILIENCY

APPROVED AS TO PROCEDURES

William Polk

WILLIAM POLK, DEPUTY GENERAL COUNSEL REVIEWED FOR THE DEPARTMENT OF PUBLIC SAFETY, BY WILLIAM POLK, DPS DEPUTY GENERAL COUNSEL, TO FULFILL THE PURPOSES OF THE NORTH CAROLINA TIER II GRANT PROGRAM

TARA WILLIAMS-BROWN,
CONTROLLER
DEPARTMENT OF PUBLIC SAFETY

ERIK A. HOOKS, SECRETARY
DEPARTMENT OF PUBLIC SAFETY

ROWAN COUNTY
2727 OLD CONCORD RD.
SALISBURY , NC 28146-6319

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FOR THE 2021 TIER II GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY ERIK A. HOOKS, SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs EXCEPT FOR THE TIER II GRANT.

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Attachment 1

DocuSign Envelope ID: 72DC26B9-9854-4BF2-8015-686F60AAA38D

North Carolina Department of Public Safety
Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Executive Director

FY2021 Tier II Grants: Allowable Expenditures

Tier II grants that are awarded may provide Local Emergency Planning Committees (LEPCs) the funding options to expand the scope of their hazardous materials emergency preparedness programs. Expansion through response planning, training and related exercises are allowed, and may include fixed facility planning. LEPC(s) that applied for competitive and/or noncompetitive Tier II grants and that were selected/approved for an award were each awarded grant funds from the hazardous materials facility fees collected during the Tier II reporting period. The grant funds are to be used for hazardous materials emergency response planning, training and related exercises, with some conditions and limitations.

The funds awarded under this grant are only allowed for use by your county LEPC or regional LEPC and must fall under one or more of the following categories:

- Supporting costs incurred facilitating LEPC meetings (e.g. printing, general office supplies, food and non-alcoholic beverages)
- Supporting regional LEPC meetings and collaboration
- Enhancing LEPC outreach efforts or produce promotional materials
- Hosting or supporting local and regional LEPC conferences
- Creating or updating hazardous material emergency response plans
- Supporting local or regional hazardous materials response exercises
- Supporting purchases of equipment necessary to support the LEPC
- Supporting hazardous material risk assessments currently being conducted by North Carolina Emergency Management
- Subscription- HazMat related website, (e.g. MSDS online, Chemtrac) for approved list of eligible subscriptions contact NCEM Hazmat prior to purchase of subscription at hazmat@ncdps.gov

All equipment purchases must have prior written approval.

Allowable expenditures are in accordance with the provisions of N.C.G.S. §166A-29.1.

Tier II grants may not be used for salaries or benefits for any employee, drone aircraft or unmanned aerial vehicles, items intended as gifts, or support for programs not focused on hazardous materials preparedness.

LEPCs have until December 31, 2021 to spend these funds. All requests for reimbursement must include a cost report, invoices, proof of payment, and an AAR and/or revised plans if applicable to their approved project. Reimbursement requests must be submitted to NCEM Grants Branch no later than February 28, 2022. For questions regarding the grant contact: NCEM Grants Branch at NCEMgrants1@ncdps.gov

MAILING ADDRESS:
4236 Mail Service Center
Raleigh NC 27699-4236
www.ncdps.gov
www.readync.org

OFFICE LOCATION:
1636 Gold Star Drive
Raleigh, NC 27607-3371
Telephone: (919) 825-2500
Fax: (919) 825-2685

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ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: County Manager Aaron Church
DATE: April 12, 2021
SUBJECT: Professional Development Revision

ATTACHMENTS:

Description	Upload Date	Type
Professional Development Revision	4/12/2021	Cover Memo

ROWAN COUNTY
NORTH CAROLINA
Be an original.

TO: Board of Commissioners
FROM: Aaron Church, Rowan County Manager
DATE: April 11, 2021
SUBJECT: Professional Development Revision

The agenda item on March 15, 2021 authorized the Randy Cress and myself to apply for a course in the Harvard “Executive Certificate in Public Leadership” & “Certificate in Public Leadership” Program. The prior document should have read the “Executive Certificate in Public Policy” Program.

Requested Board Action: Approve the revised professional development authorization as presented in the attached document with “Revised April 11, 2021” at the top of the document.

Original Document Approved:

2. Authorize Aaron Church to apply for a course in the Harvard Executive Certificate in Public Leadership Program. If accepted into the courses authorize payment and enrollment for Aaron Church in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

Revised April 11, 2021:

2. Authorize Aaron Church to apply for a course in the Harvard "Executive Certificate in Public Policy" Program. If accepted into the courses authorize payment and enrollment for Aaron Church in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

Original Document Approved:

4. Authorize Randy Cress to apply for a course in the Harvard Certificate in Public Leadership Program. If accepted into the courses authorize payment and enrollment for Randy Cress in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

Revised April 11, 2021:

4. Authorize Randy Cress to apply for a course in the Harvard "Executive Certificate in Public Policy" Program. If accepted into the courses authorize payment and enrollment for Randy Cress in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

REVISED
APRIL 11, 2021

1. Authorize the payment and enrollment for Aaron Church to enroll in the ECornell Psychology of Leadership Certificate.

   Cost: $3,600.

   Courses: The Psychology of Getting Things Done, Identifying and Managing Emotions, Interpreting the Behavior of Others, Mastering the Essentials of Influence, Applying Strategic Influence, and Designing an Effective Team Structure.

   Duration: 3 Months

   Location: The courses are online and will not require travel.

2. Authorize Aaron Church to apply for a course in the Harvard "Executive Certificate in Public Policy" Program. If accepted into the courses authorize payment and enrollment for Aaron Church in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

   First Course

   Cybersecurity: The Intersection of Policy and Technology

   Session Dates: July 26, 2021-July 30, 2021

   Application Deadline: July 12, 2021

   Cost: $3,800

   Second Course

   To be determined.

   Session Dates: 2021 Summer or Winter

   Application Deadline: TBA

   Cost: Not to exceed $5,000

   Third Course

   To be determined.

   Session Dates: 2022

   Application Deadline: TBA

   Cost: Not to exceed $5,000

3. Authorize the payment and enrollment for Randy Cress to enroll in the Notre Dame Executive Certificate in Leadership.

Cost:	$4,995
Courses:	Foundations of Leadership, Leadership Challenges and Strategic Leadership.
Duration:	6 Months
Location:	The courses are online and will not require travel.

4. Authorize Randy Cress to apply for a course in the Harvard "Executive Certificate in Public Policy" Program. If accepted into the courses authorize payment and enrollment for Randy Cress in the 3 different courses over the next 6 years not to exceed $5,000 per course. (different courses vary in cost, the first course is $3,800).

First Course

Leading in Artificial Intelligence: Exploring Technology and Policy

Session Dates: July 12, 2021-July 16, 2021

Application Deadline: June 28, 2021

Cost: $3,800

Second Course

To be determined.

Session Dates: 2021 Summer or Winter

Application Deadline: TBA

Cost: Not to exceed $5,000

Third Course

To be determined.

Session Dates: 2022

Application Deadline: TBA

Cost: Not to exceed $5,000

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Shane Stewart, Assistant Planning Director
DATE:	April 9, 2021
SUBJECT:	Public Hearing: Z 02-21 Northpoint Development

BACKGROUND

Northpoint Development has submitted a rezoning petition for Rowan County Tax Parcel 409-022 located in the 400 block of Webb Rd. The 44.85 acre parcel is currently owned by Sharon Fesperman and Willis Myers and is zoned 85-ED-2; the request seeks a change to Commercial, Business, Industrial (CBI).

The Planning Board conducted a Courtesy Hearing at its March 22, 2021 meeting and unanimously recommended approval of the request. Its adopted Statement of Consistency is included for reference in this packet as an attachment.

RECOMMENDATION

- Receive Staff Report
- Allow for Applicant's Comments
- Conduct Public Hearing
- Render Decision on case Z 02-21

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	4/9/2021	Cover Memo
Z.02.21 Application	4/9/2021	Backup Material
Statement of Consistency	4/9/2021	Backup Material
GIS Map	4/9/2021	Exhibit

Rowan County Planning & Development
402 N. Main Street Room 204 Salisbury, NC 28144

Z 02-21 Staff Report

OWNERS:	Sharon Fesperman and Willis Myers
ACQUIRED:	August 12, 2016 [Deed Book 1275 Page 150] via mother's estate; Myers Family owned since at least May 1979
APPLICANT:	Northpoint Development
REQUEST:	General Rezoning (Map Amendment) from 85-ED-2 to CBI

PROPERTY INFORMATION		**VALUATIONS**
Address:	400 block of Webb Rd	
Tax Parcel:	409-022	
Acreage:	44.85 acres per deed / 40.85 calculated acreage	$605,274
Existing Improvements:	1537 sq ft single-family dwelling	$80,464
	1800 sq ft barn	$8,100
	Shed	$300
	Total Appraised Value:	$694,138
Present Use Value System: (aka "Farm Use")	Property has 27.85 acres in open land and 16 acres undeveloped acres as agricultural use	-$555,534
	Taxable Total:	$138,604

PROPERTY CHARACTERISTICS

Frontage: 2,137 feet along Webb Rd (SR# 1500) and 726 feet along NC Railroad Corridor (RR)

Topography: Generally flat but gently slopes from west (rail corridor) to east toward Town Creek

Soils: North-south band of Cecil sandy clay loam (CeB2) adjoining RR; similar orientations of soil types from west to east include: Mecklenburg loam (MbB); Sedgefield fine sandy loam (SeB); and Wahee loam (WaA) adjoining Town Creek floodplain

Soil Traits: All are well suited for agricultural activities, but as transition from CeB2 to MbB occurs the suitability for urban development (septic and roads) begins to worsen due to low permeability and soil strength

Wetlands: Preliminary determination by the US Army Corps of Engineers suggest the presence of three (3) areas comprising a total of .25 acres of wetlands subject to Section 404 of the Clean Water Act for permitting. Mitigation or stormwater management is a likely requirement for development approval.

Floodplain: Approximately .424 acres (18,469 sq ft) are within the Town Creek Special Flood Hazard Area

Infrastructure: Municipal water line (24") and a natural gas line (4") are located along the western side of US 29; service to the site will need routing under 29 and the railroad corridor. Municipal sewer (18") line is east of the site paralleling Town Creek and is available for extension

ZONING ANALYSIS

Current Zone:	85-ED-2. Distribution and wholesaling operations differentiate it from 85-ED-1
Requested:	CBI (Commercial, Business, Industrial). Allows for a wide range of commercial, business and light to medium industrial activities to support local and regional economies. Appropriate designations are located in commercial corridors and areas served by public utilities.
Plan Conformity	Property is located in the I-85 and US 29 Corridor of the East Rowan Land Use Plan Recommendations are for commercial and industrial uses and mixed use developments. Heavy impact uses that utilize the rail corridor, utility infrastructure and transportation network are encouraged provided the use does not compromise existing land uses in the area. Light manufacturing, distribution and motor sports industries may be appropriate.
Purpose & Intent	Northpoint intends to develop the property with a speculative building project that due to its scale and layout may not be able to utilize the full extent of the property if located in the 85-ED-2 district. While similar to the ED district designations, the CBI district will afford more potential uses / tenants and not have some of the performance standards or uses limited by the conditional use process, i.e. tenants may readily occupy the building when completed.
Compatibility Of Uses	Primary difference between 85-ED-2 and CBI in terms of uses, relates to the number of uses allowed. 85-ED-2 is more selective in the number of uses allowed in Manufacturing group; Transportation, Communication, Utilities group; and all other uses are considered thru the conditional use process which include: Construction group; Manufacturing group; Transportation group; Wholesale Trade group and Services group. In contrast, CBI allows all these uses "by right" with addition of Finance group; Retail Trade group and Public Administration group. However, uses deemed to be "Heavy Impact" are not allowed by right in CBI as most are conditional uses in the Industrial (IND) district only.
Vicinity Conditions	South side of Webb Rd: Essroc Cement Corp and Universal Forest Products are Industrial districts; Cornerstone Church is CBI and the residential uses / vacant tracts toward I-85 are zoned Rural Residential (RR) West side of property: NC Railroad corridor and all properties westward are CBI East side of property: Vacant tract owned by AH Inc. primarily w/in Town Creek Special Flood Hazard Area is zoned CBI North side of property: 360 acre tract owned by Seven Island Environmental, often referred to as the Platinum Property is zoned 85-ED-2. With exception of a 15 acre solar facility the property is undeveloped but is viewed as one of the prime economic development sites in the County due to existing infrastructure, interstate visibility and I-85 access at Webb and Peeler Roads.
Zoning History	Initial adoption of countywide zoning in 1998 designated the subject property and surrounding areas as CBI. The Z 15-00 project studied the northern and central I-85 sections for economic development potential and created the 85-ED designations;

resulting in this area being rezoned 85-ED-2 sometime thereafter. Cornerstone Church was rezoned from RR to CBI in case Z 08-07 and the AH Inc tracts to the east were zoned from RA to CBI in the Z 08-16 case.

POTENTIAL IMPACTS

Traffic 2019 Average Annual Daily Traffic (AADT) from NCDOT indicates 7300 vehicles on Webb Rd at a point before the railroad, which is an increase from 2018 (7200 AADT) and as the trend represents increases from 2012 (4000 AADT); 2014 (4200 AADT); 2016 (5500 AADT). For reference the 2019 AADT on I-85 north of Webb Rd interchange was 93,000 and south of the interchange was 89,000.

Existing capacity for this segment of Webb Rd is 12,200 AADT but the current AADT exceeds anticipated 2040 traffic of 5700. Current AADT has Webb Rd function at sixty percent (60%) capacity. Aside from the typical commercial driveway permit(s) for project access, NCDOT has requested a more formalized analysis from Northpoint to gauge anticipated traffic impacts and determine what improvements may be necessary.

Utilities Salisbury-Rowan Utilities (SRU) has proximate water and sewer infrastructure in the area that can serve the site. Northpoint will coordinate with SRU to extend services for the project.

Environment Development of the site will require a soil erosion and sedimentation control plan submitted to the Planning & Development Dept and compliance with Phase 2 stormwater management administered by NCDEQ. Based on limited SFHA on property it's unlikely this will prevent or hinder the project. Site development may also be subject to Section 404 permitting for disturbance of any identified wetlands.

AZO Although the site is within the conical and approach surfaces of the MidCarolina Regional Airport the structure height(s) should not be affected by this requirement. However, if the ZTA 02-19 Solar Facility text is adopted, no roof mounted solar panels would be allowed.

PLANNING BOARD ACTION

The Planning Board unanimously approved this Z 02-21 request at its March 22, 2021 meeting. It has also provided its Statement of Consistency for consideration by the Commission.

COMMISSION ACTION

The Commission will also need to adopt a Statement of Consistency prior to rendering a decision on Z 02-21. Should the Commission opt to approve the request, the Planning Board recommendation may be used as a guide.

Rowan County Department of
Planning & Development
402 N. Main Street Suite 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # Z 02-21
Date Filed 2.24.21
Received By MEM
Amount Paid ✓
Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Sharon Fesperman & Willis Myers
Signature: Sharon Fesperman & Willis Myers
Phone: (704) 633-0139 Email: sharonfesperman@yahoo.com
Address: 4280 Jack Brown Road, Salisbury, NC 28147

APPLICANT / AGENT INFORMATION: Complete affidavit on back if non-owner

Name: Northpoint Development - Michael Johnston
Signature:
Phone: (614) 546-9850 Email: mjohnston@northpointkc.com
Address: 4805 Montgomery Rd, Suite 310, Cincinnati, OH 45212

PROPERTY DETAILS:

Tax Parcel(s): 409-022 Size (sq.ft. or acres): 44.85
Property Location: 410 Webb Road
Current Land Use: Residential
Date Acquired: 08/20/16 Deed Reference: Book 1275 Page 150

REQUEST DETAILS:

Existing Zoning District 85-ED-2 Requested Zoning District CBI

If requesting a conditional zoning district, list proposed use or uses:

Additional information enclosed restricting the conditional use district? Yes ☐ No ☑

Site plan containing information from sec. 21-52 enclosed? Yes ☐ No ☑

AFFADAVIT OF OWNER

To be completed if applicant is not the property owner

I (We), Sharon Fesperman and Willis Myers, owner(s) of the within described property do hereby request the proposed rezoning and hereby authorize the person listed below to act as my (our) duly authorized agent in this matter.

Signature(s): Sharon Fesperman Willis Myers

Date: _____

Name of Applicant / Agent: Northpoint Development - Michael Johnston

Address: 4805 Montgomery Rd, Suite 310, Cincinnati, OH 45212

Phone Number: 614.546.9850

IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

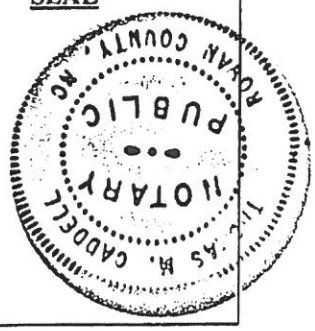
STATE OF North Carolina **COUNTY OF** Rowan

I, Thomas M Caddell, a Notary Public for said County and State, do hereby certify that Sharon Fesperman + Willis Myers personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires _____, 20 ____.

Thomas M Caddell

SEAL



OFFICIAL USE ONLY

1. Signature of Rezoning Coordinator: M.E.M 2. Planning Board Courtesy Hearing: 3/22/21 3. Notifications Mailed: 3/12/21 4. Property Posted: 3/12/21 5. Planning Board Action: Approved ✓ Denied _____ 6. Board of Commissioners Public Hearing: 4/19/21 7. Notifications Mailed: 4/7/21 8. Property Posted: 4/7/21 9. Dates Advertised: 1st 4/8/21 2nd 4/15/21 10. BOC Action: Approved _____ Denied _____ 11. Date Applicant Notified: / /

Statement of Consistency

The Z 02-21 general rezoning from 85-ED-2 to CBI is based on the following facts:

- Current zoning [and use] of the [surrounding] land is being used for commercial, industrial and mixed use already;
- [The request] is consistent with the East Rowan Land Use Plan's I-85 and US 29 corridor [recommendations]
- CBI is consistent and complimentary to other uses in the area and the parcel is adjacent to existing CBI districts.

ROWAN COUNTY
NORTH CAROLINA
Be an original.

Z 02-21: Northpoint

LEGEND

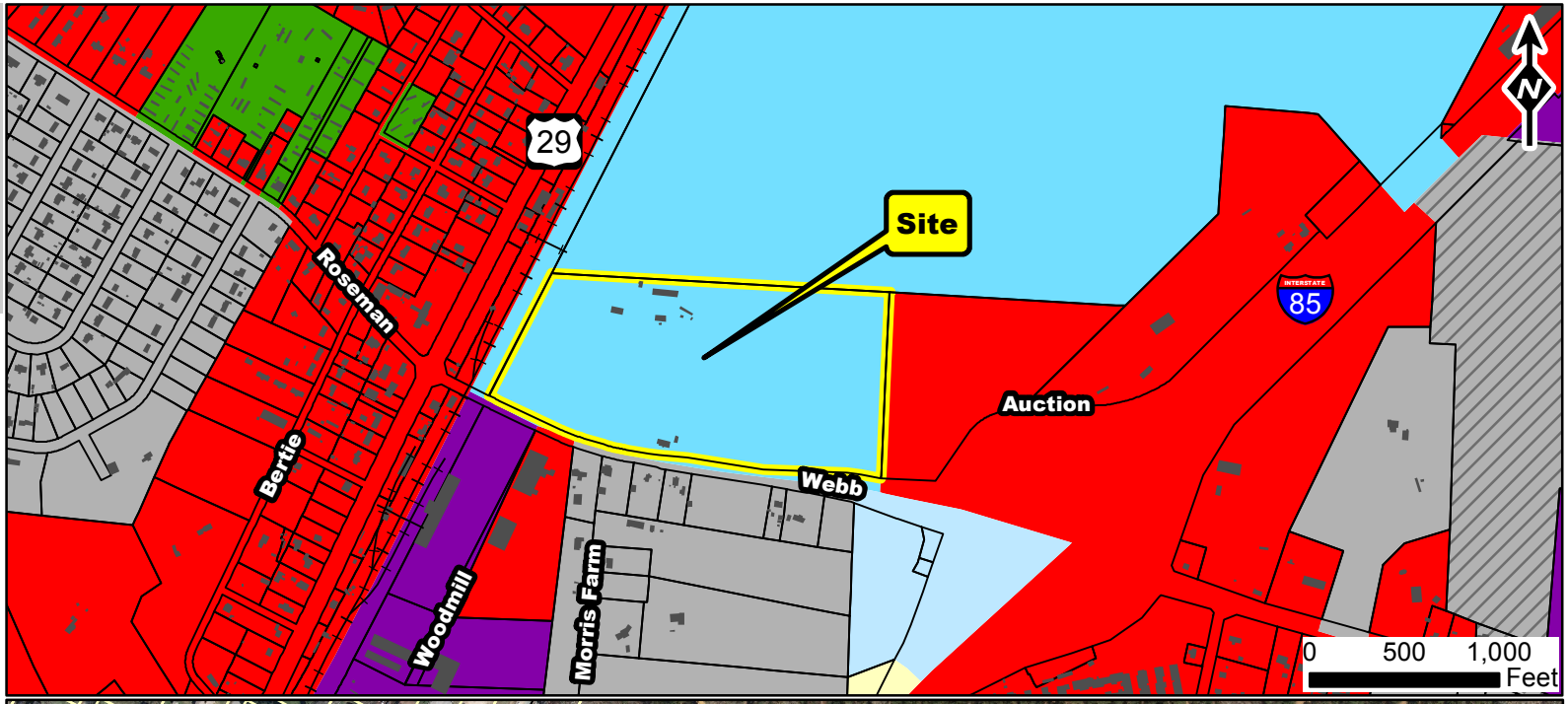
Zoning

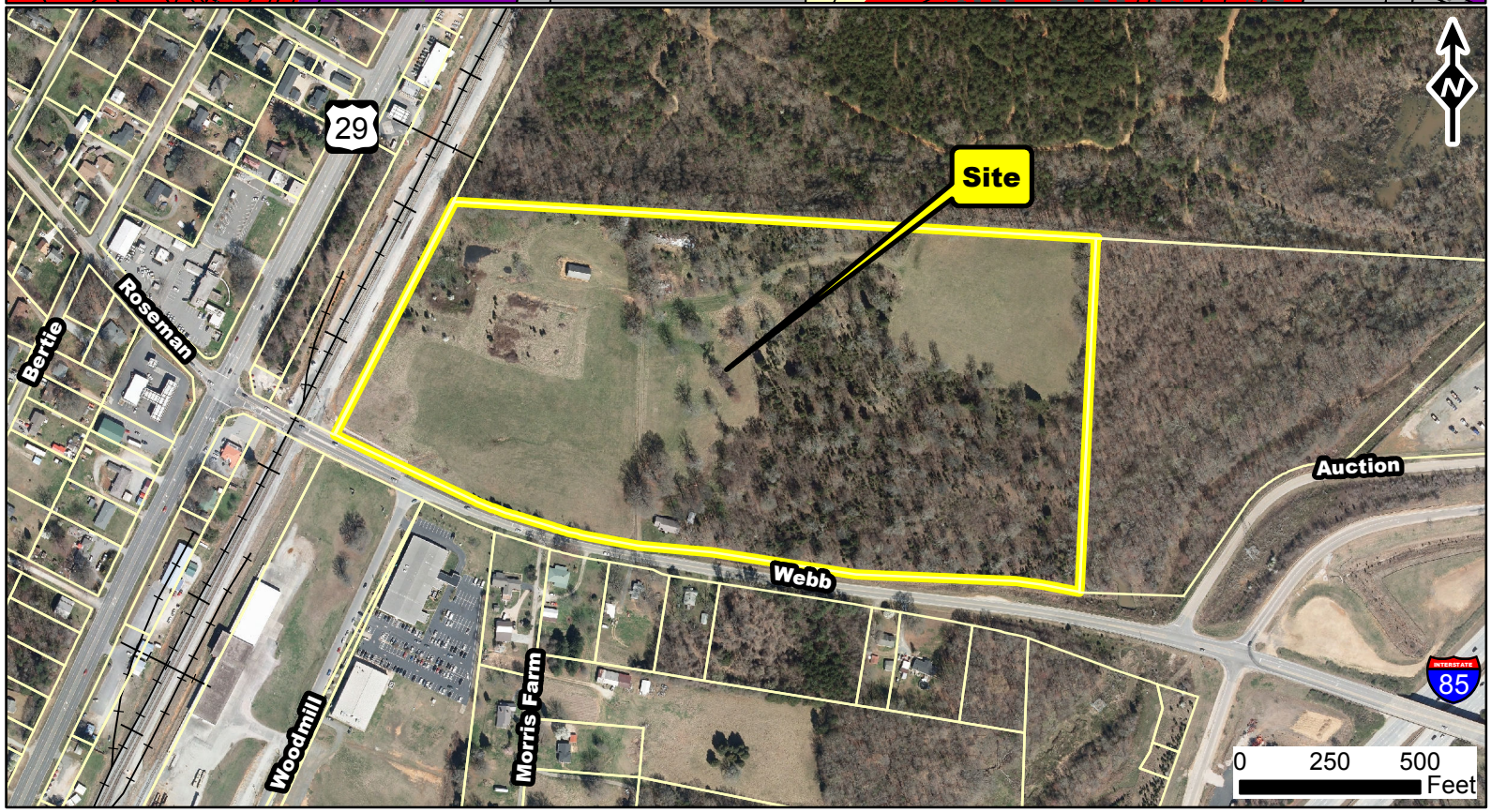
- RA
- RR
- MHP
- AO
- CBI
- IND
- 85-ED-1
- 85-ED-2

- Site
- Parcels
- Roads
- Rail
- Buildings

Feb. / Mar. 18 Aerial

Prepared by RC Planning Dept.: March 12, 2021





ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Shane Stewart, Assistant Planning Director
DATE:	April 9, 2021
SUBJECT:	Conduct Quasi-judicial Hearing for Amending CUP 08-16; Cherry Treesort

---

On 1/17/17, the BOC approved a conditional use permit request (CUP 08-16) by property owner Trent Cherry for two (2) existing "treehouses" and five (5) proposed treehouses at the 1800 Block of Flat Rock Road identified as tax parcel 120-140. "Treehouses" used for overnight rental are included in the definition of a "cabin" by the Zoning Ordinance distinguished as a habitable structure used for overnight or temporary lodging of a recreational rental purpose.

Mr. Cherry constructed three (3) of the proposed five (5) treehouses resulting in a total of five (5) completed treehouses before the two (2) year expiration date to obtain permits for requested improvements from his CUP 08-16 plan. In March of 2020, Mr. Cherry requested ten (10) new structures comprised of treehouses and "hobbit" style houses, which are principally underground, and a vested right period of five (5) years to obtain construction permits rather than the default two (2) years. On 3/16/20, the BOC approved three (3) of the ten (10) requested units along with the vested rights request for five (5) years.

Mr. Cherry constructed the three (3) approved units from the 2020 amendment request and is seeking approval for eight (8) additional tree houses along the southern portion of his property.

1. Sworn oath for those testifying
2. Receive staff report
3. Petitioner comments
4. Open floor for other comments
5. Close hearing and discuss
6. Motions to adopt 3 findings of fact
7. Motion to approve / deny / table CUP 08-16 Amendment

ATTACHMENTS:

Description	Upload Date	Type
Chairman's Speech	4/9/2021	Exhibit

Staff Report	4/9/2021	Exhibit
Site Plan	4/9/2021	Exhibit
Site Pictures	4/9/2021	Cover Memo
GIS Map	4/9/2021	Exhibit
Applicant's Evaluation Criteria	4/9/2021	Exhibit
Application	4/9/2021	Exhibit
Procedural Checklist	4/9/2021	Exhibit

Greg Edds, Chairman

CUP 08-16 Amend. #2 CHAIRMAN'S SPEECH

The hearing for consideration of amending CUP 08-16 is now in session and will focus on an application submitted by Trent Cherry to add eight (8) additional treehouses on Tax Parcel 120-140 located at the 1800 Block of Flat Rock Road.

If you feel that any member of the Board may have a conflict of interest in hearing the case, please address the Board now prior to any testimony or information being presented.

When the Board enters into deliberations to decide the case, no further testimony may be presented. The Board will render one of the following three decisions:

1. Approve the permit as requested or with additional conditions;
2. Continue the request; or
3. Deny the request.

All parties who plan to testify in this case may come forward and be sworn in. Those who testify must state their name and address at the podium for the benefit of the Board's Clerk. All material presented must be given to the Clerk and will become part of the record. This Board can only accept **sworn** testimony. **No** hearsay evidence is admissible.

Shane Stewart will present the case for the County.

DEPARTMENT OF PLANNING & DEVELOPMENT
APRIL 8, 2021
STAFF CONTACT: SHANE STEWART

CUP 08-16 Amend. #2: Cherry Treesort – Mr. Trent Cherry

REQUEST: "Expand Cherry Treesort". Site plan proposes eight (8) new treehouses.

Parcel ID: 120-140

Location: 1800 Block of Flat Rock Rd.

Acreage: Apx. 24.77 AC

Zoning: RA & RR

Floodplain: N/A

Watershed: WS IV CA – Flat Rock Branch

Property Owner / Applicant: Trent & Ashley Cherry

Existing Use: "Cabin rental" consisting of 5 treehouses and 2 "hobbit houses"

24.77 Acres per GIS.

BACKGROUND

On 1/17/17, the BOC approved a conditional use permit request (CUP 08-16) by property owner Trent Cherry for two (2) existing "treehouses" and five (5) proposed treehouses at the 1800 Block of Flat Rock Road identified as tax parcel 120-140. "Treehouses" used for overnight rental are included in the definition of a "cabin" by the Zoning Ordinance distinguished as a habitable structure used for overnight or temporary lodging of a recreational rental purpose.

Mr. Cherry constructed three (3) of the proposed five (5) treehouses resulting in a total of five (5) completed treehouses before the two (2) year expiration date to obtain permits for requested improvements from his CUP 08-16 plan. In March of 2020, Mr. Cherry requested ten (10) new structures comprised of tree houses and "hobbit" style houses, which are principally underground, and a vested right period of five (5) years to obtain construction permits rather than the default two (2) years. On 3/16/20, the BOC approved three (3) of the ten (10) requested units along with the vested rights request for five (5) years.

CUP 08-16 AMEND. #2

Mr. Cherry constructed the three (3) approved units from the 2020 amendment request and is seeking approval for eight (8) additional treehouses along the southern portion of his property.

CONDITIONAL USE REQUIREMENTS: SEC. 21-60 (7)(B)

- Minimum Lot Size: The minimum lot size shall be two (2) acres. **The site totals**
- Setbacks: Front 50 feet; Side Street 30 feet; Side 20 feet; and Rear 20 feet. **Based on the revised site plan, all proposed improvements will comply with setback minimums.**

- Density: The minimum size of spaces shall be determined by the county health department. **Mr. Cherry has three (3) septic systems serving the existing units and plans to construct a fourth system designed to serve the new treehouses. The system layout was approved with conditions by the Environmental Health Office.**

- Interior drives: Interior drives shall be a minimum of eighteen (18) feet compacted gravel six (6) inches thick with a suitable turnaround at the terminus of all interior roads as approved by the Rowan County Fire Marshal. **The Fire Marshal's inspection and turn movement testing with a fire truck indicated the existing roads comply with this section. Planning Staff and the Fire Marshal recommend completing the loop prior to permit issuance on any additional treehouses. The Fire Marshal indicated a maintenance agreement between the fire department and Mr. Cherry would be created upon road completion.**

- Parking: No parking allowed on public streets. Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on-site. At a minimum, one (1) parking space per unit shall be provided. **One (1) new space will be provided for each unit.**

- Screening & Buffering: Land uses in this category shall be considered a group 2 use and screened accordingly. **Screening is required if a treehouse is located within 200 feet of an adjacent residential principal or accessory use. The plan proposes screening two (2) units with 200 feet of adjacent residences with evergreens as per ordinance requirements.**

EVALUATION CRITERIA: SEC. 21-59

In addition to meeting the above standards, the applicant must illustrate they are able to comply with the following criteria (see applicant's enclosed responses to the below criteria):

1. Adequate transportation access to the site exists. On April 27, 2020, NCDOT approved commercial driveway permit #20-011-RD for Cherry Farm Circle. Although this request does not propose new treehouses along Treehouse Lane to the north, the driveway also has an approved commercial driveway permit serving four (4) existing treehouses.

2. The use will not significantly detract from the character of the surrounding area. The proposed treehouses will be located within the existing treeline located at least twenty (20) feet from the property line. While the treehouses will be visible from the adjacent property lines and at Flat Rock Road, the current tree coverage on-site, treehouse locations, and adjacent structure location and tree coverage greatly reduce visibility.

3. Hazardous safety conditions will not result. According to Building Inspections staff, the treehouses are inspected as single family dwellings in conjunction with a certification issued by James Basinger, P.E., addressing the structural component of the code. Additionally, Environmental Health staff indicated the site is in compliance with their department's regulations and do not foresee problems assuming the approved septic design is followed.

4. The use will not generate significant noise, odor, glare, or dust. Planning staff have received various calls from concerned citizens during the life of Cherry Treesort regarding gunshots, music, and similar noise concerns from the site. According to the 2016 & 2020 BOC meeting minutes, one (1) citizen expressed similar concerns along with visibility / privacy from the treehouses at both meetings.

   Planning Staff requested a count of 911 calls between March 1, 2020 (last CUP request) to April 6, 2021 associated with the Treesort property and noted the following two (2) calls:

   - 3/1/20 11:29 PM – Stalking.
   - 6/26/20 10:38 PM – Allergic Reaction.

   Two (2) other calls occurred along the 1900 – 2000 Block of Flat Rock Road for a dog in the road and another for road rage, which were not associated with the Treesort property.

5. Excessive traffic or parking problems will not result. According to the Cabarrus Rowan Metropolitan Planning Organization's (CRMPO) Comprehensive Transportation Plan (CTP), Flat Rock Road is classified as a major thoroughfare with a design capacity of 11,800 vehicles per day. The most recent Annual Average Daily Traffic (AADT) count collected in 2018 approximately 440 feet south of the intersection with Patterson Street indicated 2,800 vehicles per day. The ITE Trip Generation Manual (7th Edition, 2001) does not have an appropriate category for the proposed use but applying 9.11 trips per motel room (Code 320) or 9.57 per detached single family dwelling (Code 210) suggest the potential for 73 or 77 vehicle trips per day respectively (based on 8 new units).

6. Use will not create significant visual impacts for adjoining properties or passersby. See #2 above.



PUBLIC NOTICE

April 7, 2021 – Mailed notice to eighteen (18) adjoining land owners (within 100 feet of the subject property).

April 7, 2021 – Sign posted on property.

April 14, 2021 – Request and material posted on website.

FINDINGS OF FACT The BoC must adopt facts supporting the below findings of fact based on the above six (6) criteria:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

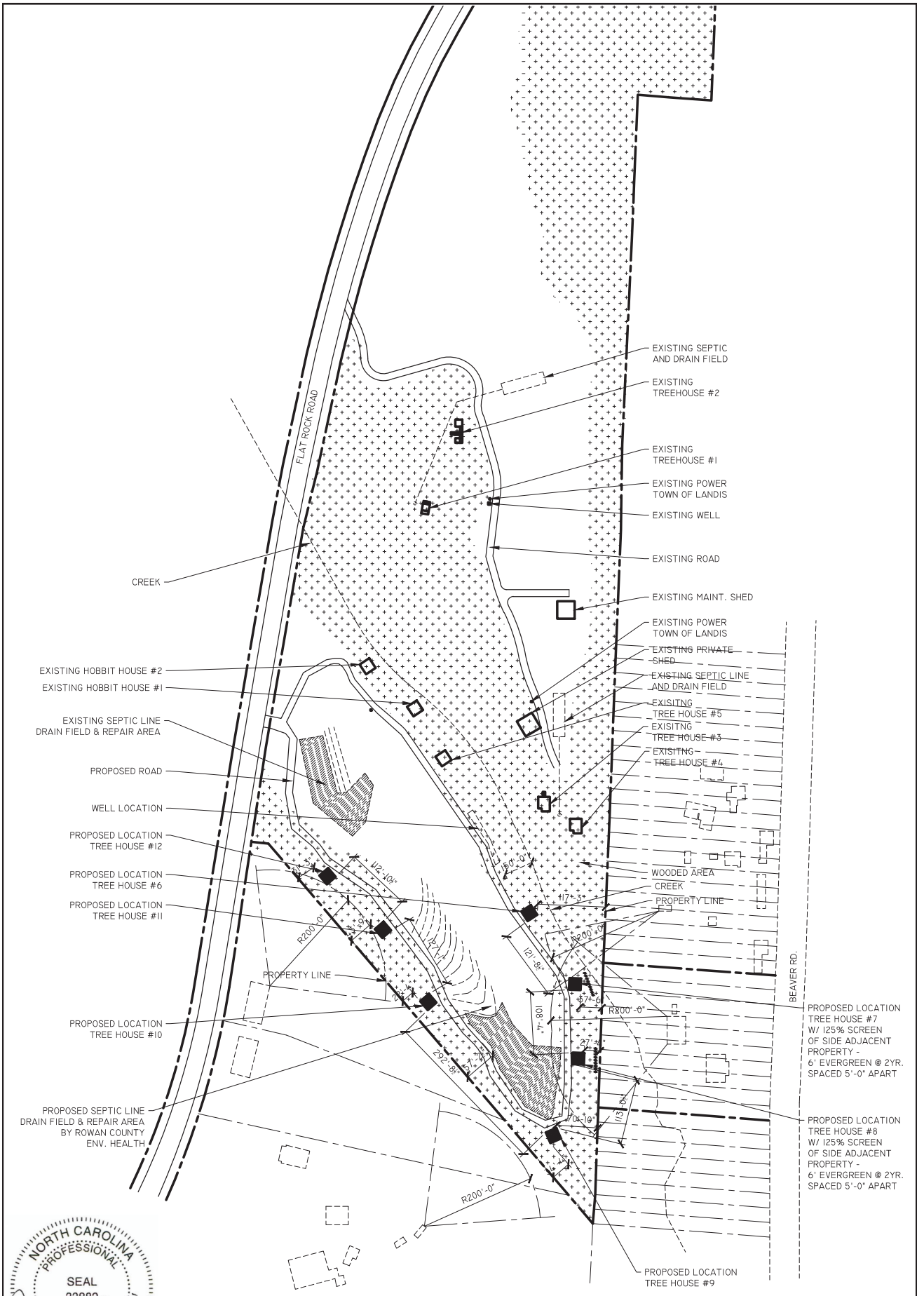
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

See enclosed checklist to guide decision. Planning Staff will provide example findings for consideration at the hearing.

STAFF COMMENTS The request in 2020 was approved subject to the following conditions:

1. Obtain commercial driveway permit from NCDOT for lower entrance; submit road names for consideration;
2. Make necessary road improvement to comply with 18' wide road and 6" compacted stone base, including hammerhead style turn arounds, for existing and proposed internal roads;
3. Comply with all applicable Building Code and Environmental Health standards for construction and operation; and
4. A five (5) year vested right was authorized for initiating construction of the three (3) units and related improvements, expiring March 17, 2025.

All of the above conditions have been met.



NORTH CAROLINA PROFESSIONAL SEAL 33882 ENGINEER JAMES R. BASINGER
4-8-2021

NOTE NOT A BOUNDARY SURVEY
PLAT REPRODUCED FROM DEED 1249-930
WOODED/FIELD AREA FROM GIS

Basinger Design Co.
engineering | design | consulting
JAMES R. BASINGER, PE
CONSULTING ENGINEER
545 PLEASANT VILLAGE LANE
CHINA GROVE, N.C. 28023
704.973.9413 (fax)
704.796.1445 (mobile)

PROJECT NO.	DATE	DRAWN BY:
21020	8 APR 2021	JRB

TITLE/PROJECT INFO:
CHERRY TREESORT
FLAT ROCK RD.
CHINA GROVE, NC 28023

DRAWING NAME:
PROPOSED SITE PLAN
PARCEL 120-140
SCALE: 1" = 150'-0"

SHEET NO.
1






Pvt Cherry Farm Cir
SR 1210
Flat Rock Rd 1800
61862V






LUCY LU'S

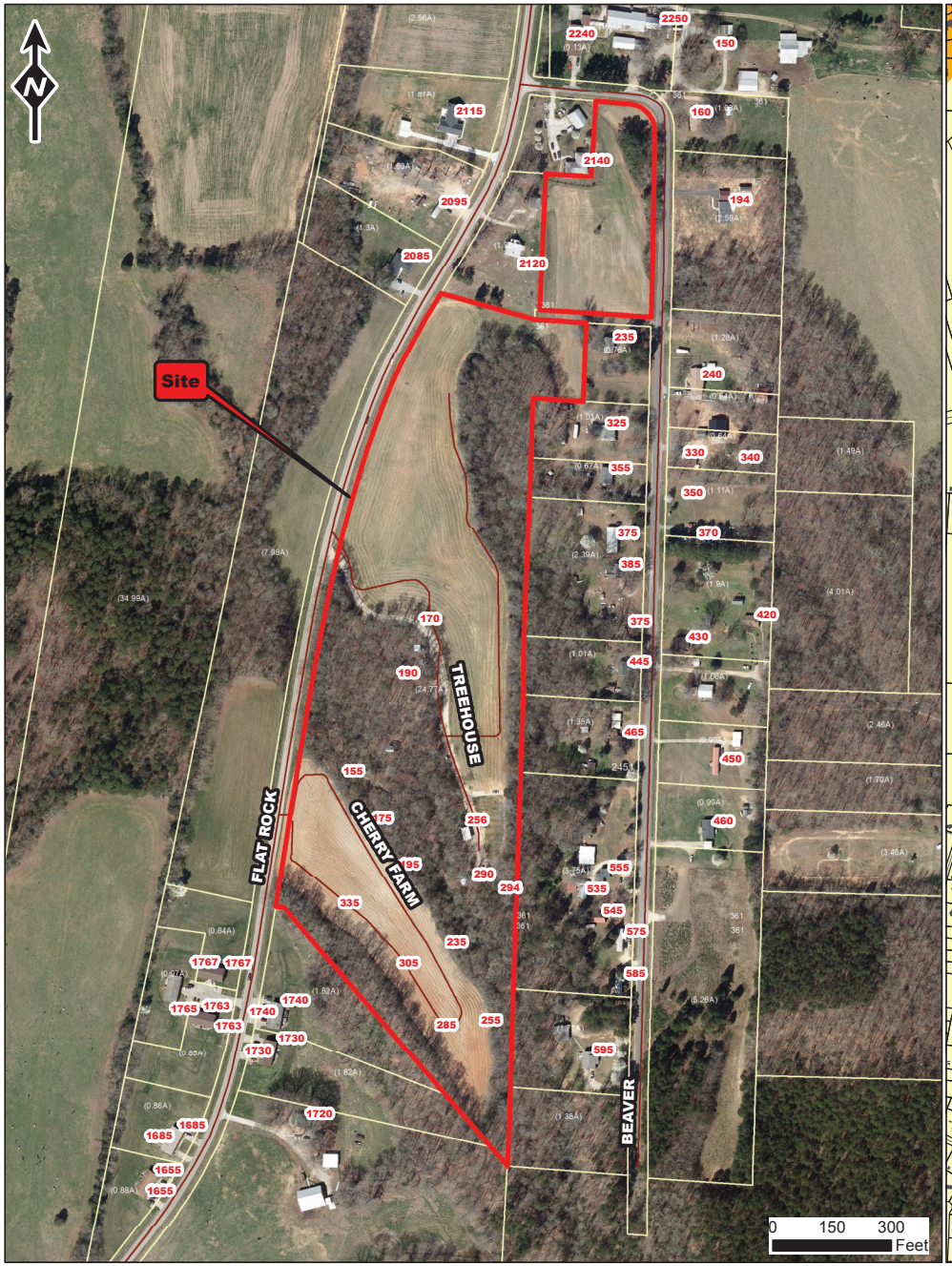


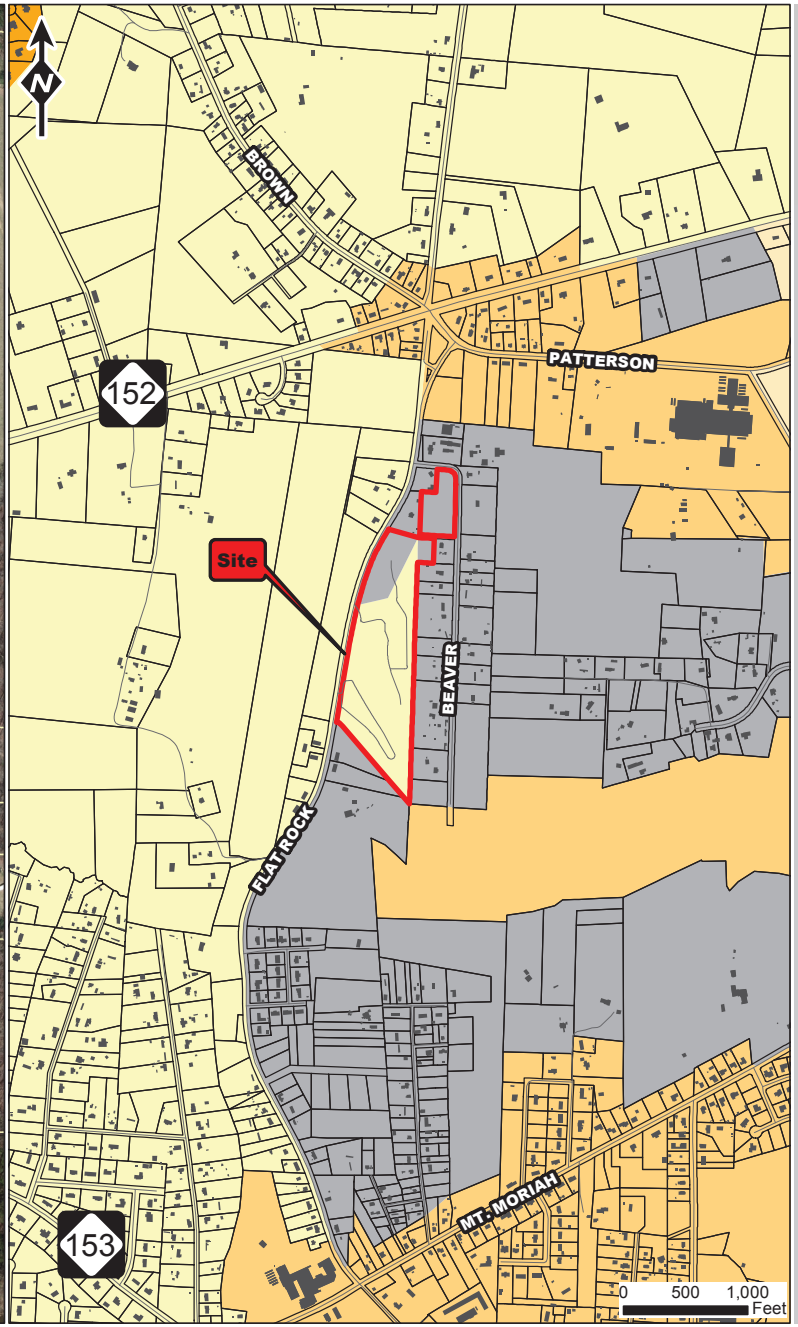












ROWAN COUNTY
NORTH CAROLINA
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CUP 08-16 Amend #2
Cherry Treesort

LEGEND

County Zoning

- RS
- RR
- RA
- Landis
- Town Limits

- Site
- Buildings
- Parcels
- Roads

Feb. / Mar. 18 Aerial Imagery

Prepared by Rowan County Department of Planning and Development.: April 5, 2021

1). Adequate transportation access to the site exists.

Yes, we are located directly off of Flat Rock road and we have DOT approved road leading into the property from Flat Rock.

2).The use will not significantly detract from the character of the surrounding area.

Our treehouses are professionally built and will bring beauty to the area. We keep our property extremely clean and maintained.

3). Hazardous safety conditions will not result.

We meet all codes and have never had an incident at our property since owning.

4). The use will not generate significant noise, odor, glare, or dust

No, we rent out high end treehouses and most of our guests are families looking for some peace and quite.

5) & 6). Excessive traffic of parking problems will not result and the use will not create significant visual impacts for adjoining properties or passerby.

No, we have assigned parking spots for our guests and our we have had no trouble with neighbors complaining about the look or our houses.

Rowan County Department of Planning & Development
402 N. Main Street Ste 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # **CUP 08-16**
Date Filed 3.16.21
Received By MSM
Amount Paid $200 CK
Office Use Only

CONDITIONAL USE PERMIT APPLICATION

OWNERSHIP INFORMATION:

Name: Trent Cherry
Signature: Trent Cherry
Phone: 704-467-5496 Email: trentcherry@hotmail.com
Address: 250 Woodland dr., China Grove, NC 28023

APPLICANT / AGENT INFORMATION:

Name:
Signature:
Phone: Email:
Address:

PROPERTY DETAILS:

Tax Parcel: 120-140 Zoning District: RA
Date Acquired: 2015 Deed Reference: Book 1249 Page 930
Property Location: 1920 Flat rock rd., China Grove, NC 28023
Size (sq. ft. or acres): 26.1 Street Frontage: 1700+
Current Land Use: cabins / agriculture

Surrounding Land Use: North Agriculture
South duplexes
East Residential
West Agriculture

PURPOSE & SECTION:

State purpose of conditional use permit:

Expand Cherry Treesort

Cite section(s) of Zoning Ordinance which permit is being requested:

21-60 (7B)

ATTACHED DOCUMENTS:

Applicant must attach a response to the evaluation criteria from Section 21-59 and an accompanying site plan based on information required in Section 21-52 and 21-60.

Attached: Yes ☑ No ☐

Applicant shall, at the time the application is made, present all the necessary evidence (maps, drawings, statements, certifications, etc.) showing how the requirements of the applicable sections of the Zoning Ordinance will be met.

OFFICIAL USE ONLY

1. Signature of Coordinator: MEM 2. Board of Commissioners Public Hearing: 4/19/21 3. Notifications Mailed: 4/7/21 4. Property Posted: 4/7/21 5. BOC Action: Approved _____ Denied _____ 6. Date Applicant Notified: ___/___/___

Checklist for Review of Conditional Use Permits

Overview. Conditional uses are assumed to be generally compatible with other land uses permitted in the zoning district in which the conditional use is proposed, but due to their unique characteristics or potential impacts on the surrounding areas or the county as a whole, individual consideration of their location, design, configuration and/or operation at the proposed location is required. Specific conditions may be attached to a conditional use permit application in order to ensure conformance with the zoning district, other county ordinances or to address the project's impacts to the surrounding area.

Applicant: Trent Cherry

Property Owner: Trent Cherry

Tax Parcel: 120-140 **Location:** 1800 Block Flat Rock Rd

Request: Add 8 treehouses

Conditional Use Requirements. Has the applicant provided the following specific items necessary for consideration? For any item indicated as "NO", compliance with the condition(s) should be required prior to

	YES	NO
Minimum Lot Size: Shall be two (2) acres.		
Setbacks: Front 50 feet; Side Street 30 feet; Side 20 feet; and Rear 20 feet		
Density: The minimum size of spaces shall be determined by health department		
Interior drives: 18' wide 6" thick approved by the Fire Marshal.		
Parking: No parking on street. Minimun of one (1) space per unit.		
Screening & Buffering: Group 2 use and shall be screened accordingly.		

Evaluation Criteria. Has the applicant demonstrated that their proposal can comply with the following general conditional use evaluation criteria? For any item indicated as "NO", condition(s) may be added to bring the proposal into compliance.

	YES	NO
Adequate transportation access to the site exists.		
The use will not significantly detract from the character of the surrounding area.		
Hazardous safety conditions will not result.		
The use will not generate significant noise, odor, glare, or dust.		
Excessive traffic of parking problems will not result.		
The use will not create significant visual impacts for adjoining properties or passersby.		

Required Findings. All decisions regarding a conditional use permit application shall not be approved or denied unless each of the following findings has been made. A motion and vote on each finding is necessary. In order for the conditional use permit to be granted, all three (3) findings must be satisfied.

	YES	NO
Motion 1: The development of the property in accordance with the proposed condition will not materially endanger the public health or safety.		

Supporting Fact(s): _____

Motion 2: That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.		

Supporting Fact(s): _____

Motion 3: That the location and character of the development in accordance with conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.		

Supporting Fact(s): _____

Additional Conditions. Specific conditions attached to the application that ensure conformance with the zoning district, other county ordinances or that address the project's impacts to the surrounding area.

Condition 1: _____

Condition 2: _____

Additional Conditions: _____

Permit Decision. A simple majority vote is only needed. Note that vacant seats and disqualified members are not counted in computing majority.

MOTION TO: GRANT ☐ DENY ☐ CONTINUE ☐

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Shane Stewart, Assistant Planning Director
DATE:	April 9, 2021
SUBJECT:	Public Hearing: FY 21-22 HOME Funding Action Plan

2nd Public Hearing Requirement due to Funding Increase

The Commission conducted the required program public hearing at its March 15, 2021 meeting prior to adopting its FY 2021-22 HOME Funding Action Plan. The anticipated allocation to the County was anticipated to be $178,200 (similar to FY 2020-21) but a member jurisdiction opted not to participate this year resulting in a funding increase to all jurisdictions.

The anticipated funding for FY 2021-22 increased to $209,969 which is a greater than a ten percent (10%) change, requiring the County to conduct another public hearing on the proposed funding increase and intended services to be provided by the program.

Staff recommends the scope of the program continue to focus on owner occupied rehabilitation as the need for this service to the community is evident based on inquiries. Although there is an increase in funding, the rising cost of materials and construction will keep the number of anticipated homes to be served at five (5) units, but any remaining funds will be spent toward rehabilitation of owner occupied housing.

Suggested Actions

- Conduct Public Hearing for HOME Funding Action Plan
- Approve the FY 21-22 HOME Funding Action Plan and accept modification(s) of a decrease or increase in Consortium funding of ten percent (10%)
- Authorize the County Manager to sign the application as the Certifying Official
- Authorize the County Manager to sign all administrative and housing related documents associated with this program, including current and past Annual Agreements with the City of Concord
- Authorize the Chairman to enter into a contract with the Salisbury CDC to administer the County's program for FY 21-22

ATTACHMENTS:

Description	Upload Date	Type
HOME Funding Action Plan	4/9/2021	Backup Material
HOME Service Area Map for Rowan County	4/9/2021	Exhibit

CABARRUS-IREDELL-ROWAN HOME CONSORTIUM

2021-2022
HOME FUNDING ACTION PLAN



APPLICATIONS DUE MARCH 19, 2021

Submit application to:

City of Concord
Attn: Pepper Bego
Planning & Neighborhood Development Department
P.O. Box 308
Concord, NC 28026
704-920-5133
begop@concordnc.gov

SECTION I

APPLICATION INFORMATION

Full Legal Name of Applicant: Rowan County

Applying as: ☒ Consortium HOME Subrecipient

☐ CHDO

Address: 402 N. Main Street Suite 204

City/State/Zip: Salisbury, NC 28144

Telephone Number: 704-216-8599

Contact Person: Ed Muire

Title: Planning Director

Telephone Number: 704-216-8599 E-Mail: ed.muire@rowancountync.gov

Name of Project: Rowan County HOME Program

Total funds requested: $209,960.00

(DO NOT include Admin funds in total)

To the best of my knowledge and belief all data in this application are true and current. The document has been duly authorized by the governing board of the applicant.

Signature: _____ _____

Certifying Official Date

SECTION II

PROJECT DESCRIPTION

Project/Program Title: Rowan County HOME Program

Project/Program Location: Scattered sites

II (a) Type of Activity (check one)

____ New construction for Homeownership ____ New construction for rental

_X_ Owner-Occupied Rehabilitation ____ Rental Rehabilitation

____ Acquisition/Rehab/Resale ___ Down Payment Assistance

_____ Other (specify): _____

II (b) Goals and Objectives (*Provide a written description of your goals and objectives. Also provide a copy of your* ***Needs Assessment hearing minutes and notice.)***

The goal and objective for Rowan County's HOME Program is to provide housing rehabilitation assistance to eligible low and moderate income homeowners residing in non-entitlement areas of Rowan County.

PLEASE PLACE A CHECK MARK BESIDE YOUR OBJECTIVE AND A CHECK MARK BY THE INTENDED OUTCOME.

Objective and Outcome			
Objective (check one)		**Outcome** (check one)	
(1) Create suitable living environment	X	(1) Availability/accessibility	X
(2) Provide decent affordable housing		(2) Affordability	
		(3) Sustainability	

II (c) Short Description. One or two sentences stating the number and type of housing or other units expected to result from this project and the targeted client group. State both total number of units in project and number to be assisted with HOME. Also explain how this project will benefit low and very low income individuals and how this will be documented.

The program will provide rehabilitation assistance for five (5) single-family homes of individuals/families with household income at or below 80% of the area median income. Rehabilitation will ensure minimum housing standards are maintained and focus on deferred maintenance or other unsafe conditions brought on by age of the structure. These families will have improved living conditions and lower energy costs to help them remain in their homes for the long term.

II (d) Project Description. Please provide a **detailed narrative description** of the project below (or on an attached page), addressing all of the following questions. Please check each box below to show that you have addressed the question, and insert information directly in blank space below question. Where the question is not applicable or no information is available, insert N/A.

The 2021-22 HOME program allocation will be used to provide housing rehabilitation assistance to five (5) households within Rowan County limits, excluding the Salisbury and Kannapolis entitlement areas (*see attached program service area map*). Individuals or families whose incomes are 80% or less of the area median income are eligible for assistance. The program will be administered by Salisbury Community Development Corporation (SCDC), a 501(c)3 non-profit HUD-certified housing agency, under contract with Rowan County.

All Rowan County homeowners in the non-entitlement areas of Rowan County will be encouraged to apply for assistance. Applications will be accepted on a first-come-first-served basis. Applicants must meet program and HUD income guidelines to be eligible. Qualified owner-occupied homes will be inspected to determine feasibility for the program and to assess needed improvements related to livability, health and safety, and energy efficiency. Priorities include repairs that address immediate needs, such as leaking roofs or inadequate systems, to ensure a safe living environment, in addition to improvements that will reduce ongoing utility costs and keep the home affordable over the longer term.

For all eligible projects, a work write-up will be prepared by a qualified rehabilitation specialist and the work will be competitively bid. Section 8 contractors and women/minority-owned firms will be encouraged to bid on projects. Homes built prior to 1978 will be assessed for lead-based hazards, and where indicated by positive test results, lead abatement or removal will be completed only by certified lead abatement contractors.

The funding is provided by Rowan County at zero percent (0%) interest which will be forgiven at a rate of 12.5% per year, or eight (8) years from the loan closing date. No payments will be due as long as the owner continues to own and occupy the home as their primary residence. The homeowner may not sell, refinance, rent or change the ownership status of the home until the grant is forgiven unless repayment of the remaining balance is made.

Attach a general location map showing the development site. Be sure to include waterways and railroads.

Property Acquisition

☐ Has agency acquired real property in order to carry out the project, or is property acquisition planned? N/A

☐ Has property owner been informed of your intention to use federal funds for this project? If so, attach letter. N/A

☐ Is the property currently occupied? If so, state the number of tenants and describe in detail how you will determine relocation needs and help occupants to relocate in accordance with Uniform Relocation Act. Include the cost of this in your budget. If you have issued a General Information Notice to tenants informing them of their rights to relocation assistance, attach a copy.

N/A

☐ Is the property historically designated or in an historic district? N/A

Construction Information

☐ How many units will be

Newly constructed		Rehabilitated	5	Provided DPA	
Acquired		Demolished/Cleared			

☐ Will the project participate in an externally monitored energy efficiency program (e.g. Energy Star, Advanced Energy)?

Yes: _____ (provide details). No: X

☐ Will any of the units have full ADA accessibility? If so, how many?

ADA accessibility will be provided as needed based on the needs of the family being assisted.

Lead-Based Paint (REHAB PROJECTS ONLY)

Describe in detail how you plan to address lead-based testing and abatement or hazard control on any property built before 1978.

All houses built before 1978, where rehabilitation involves disturbance of painted surfaces, will be tested for lead-based paint hazards. If such hazards exist, an assessment on how to effectively treat the hazards will be performed by the rehabilitation specialist and a certified lead-based paint Risk Assessor. If lead-based paint abatement is necessary, a state-certified lead abatement contractor will perform the abatement activity. In all cases where the unit was built before 1978 and the existence of lead-based paint is determined present, the unit will be "cleared" (inspected and tested for lead-based paint hazards) following lead hazard remediation.

II (e) Affordability, Marketing, & Supportive Services

☐ What are the proposed rents or sales prices for completed housing units? For rental units, also estimate utility costs. N/A

☐ What is your process for marketing to ensure an adequate pool of income-eligible renters or buyers? N/A

☐ What steps are planned to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, buy-back options, long-term lease, etc.? N/A

☐ Do you require beneficiaries to attend homebuyer education classes? N/A

II (f) Fair Housing Activities

Please describe the Fair Housing activities you plan to undertake in the upcoming program year.

ACTIVITIES	DATES
Rowan County began development of its Section 504 Plan	July – September 2020
Rowan County created a webpage specifically highlighting its 2020-2024 Analysis of Impediments to Fair Housing Choice, including links to its 2011-15 and 2016-20 plans	October – December 2020
Rowan County will publish notice in the *Salisbury Post* regarding its Fair Housing complaint procedures	January – March 2021
Staff will attend the 15th Annual Virtual Fair and Affordable Housing Summit (April 22, 2021)	April – June 2021
Rowan County will advertise its intent to adopt its Self-Evaluation and Transition Plan for Section 504 compliance	July - September 2021
Rowan County will post Fair Housing posters in both English and Spanish in its Administration Bldgs at 402 N. Main Street and 130 W. Innes Street and the Health and Social Services Departments	October – December 2021

II (g) Project Team

Identify the project team by name, job title, and employment status (employee, independent contractor, or volunteer), and their specific responsibilities in this project. If the team is not yet assembled, then describe how you will select them. (*Attach additional pages if necessary.*)

The SCDC project team will include:

- Chanaka Yatawara, Executive Director, leads the organization and provides oversight on all project activities;
- Nickysha Brown, Intake Specialist (employee), coordinates SHPO reviews, interviews applicants, verifies income eligibility and compiles the necessary income documentation for the project file;
- Robbie Stevens, Housing Counselor & Project Manager (employee), is responsible for overseeing all steps of the rehabilitation process, prepares contracts and loan documents, and monitors the progress of work to ensure the timely completion of the project;
- Michael Kepley, Rehabilitation Specialist (contractor), will complete work write-ups, manage the bid process, and inspect the contractor's work;
- Janet Gapen, Planning & Community Development Administrator, will complete environmental reviews, annual HOME funding plans and CAPERs, and coordinate with Rowan County financial staff on IDIS payment requests, setup/closeout of projects;
- Ed Muire, Rowan County Planning Director, will monitor project activities to ensure compliance with County and Action Plan goals.

For Rehab Projects Only: List all project staff who have completed training in Lead Safe Work Practices (with date) or have any more extensive training in Lead Based Paint hazard control.

Michael Kepley, Certified Rehabilitation Specialist

Training specific to lead-based paint hazards includes:

- Lead-Based Paint Hazards During Renovation, Remodeling, and Rehabilitation, sponsored by U. S. Department of Housing & Urban Development, August 2001
- Healthy Homes Specialist, National Center for Healthy Housing, December 2010
- Community Development Academy, N. C. Department of Commerce, April 2008
- Lead Safety for Renovation, Repair, and Painting, sponsored by Craven County Health Department, March 2010

II (h) Timetable.

Please complete a detailed and realistic timetable showing when each work task will be completed (e.g. planning, obtaining financing commitments, design, environmental review, bidding, loan closing, construction, final inspection, occupancy, etc.). The larger the project, the more detail we expect to see. You may add work tasks; where existing task does not apply, insert **N/A.**

Work Tasks	Date to be Completed
Planning	12/1/2021
Acquisition	N/A
Obtaining Financial Commitments	N/A
Design	N/A
Environmental Review	As needed per home
Construction	N/A
Rehabilitation	6/1/2022
Loan Closing	N/A
Occupancy	N/A

II (i) Client/Area Demographics. Please complete the following tables to the best of your ability. Show actual or estimated numbers of beneficiaries, **not percentages**, in each category. In general you should count **households** as the beneficiaries for housing programs and **persons** for non-housing programs.

Income Group	Number
<30% of area median income (AMI)	1
31-50% of AMI	2
51-80% of AMI	2
>80% of AMI*	
TOTAL	*5*

Special Needs Beneficiaries (if applicable)

Category	Number
Elderly (over 60)	Unknown at the present time
Disabled (not elderly)	Unknown at the present time
Homeless	N/A
People with HIV/AIDS	N/A

SECTION III

PROJECT BUDGET AND FUNDING

III (a) Budget

Show <u>all</u> funding sources for the project or projects you plan to undertake. Be sure to include program income.

<u>Project Revenue</u>

	Source	Amount
HOME funds being requested		**$209,960.00**
HOME funds from prior year(s)		
HOME Program Income		
Other Federal Funds		
State/Local Funds (list)		
Bank Loans		
Other Cash Contributions		
Private Grants		
Total Funds Available*		**$209,960.00**

* This total should be the same as your *"Total Development Costs"* total in the ***Estimated Costs*** table on page 7.

Provide the details of all loans and/or grants, other than HOME, listed above for the project.

III (b) HOME Match (HOME funded projects only)

List the project revenues that will count as matching funds (non-federal funds that are permanently contributed to the project). Include any in-kind contributions of materials and labor, including sweat equity, at $10 p.h. If in doubt whether funds will count as match, please call Pepper Bego at (704) 920-5133.

Revenue Source	Amount
Urgent Repair Program URP18 ($100,000) and URP20 ($100,000); Essential Family Rehabilitation Loan Pool ESFRLP20 ($190,000)	$97,917 (current balance as of 2/28/2021)

III (c) Estimated Costs

Be as detailed as possible. Add or amend categories as needed. The second column should cover total project costs (including those met from HOME). The third column shows how much of each line item is to be met from HOME. Totals must be consistent with the revenues shown in section IIIA.

Category (add/amend as needed)	Total Costs	This grant only
Down Payment Assistance	$	$
Acquisition	$	$
Relocation	$	$
Demolition/Clearance	$	$
Site improvements	$	$
Rehabilitation	$209,960.00	$209,960.00
New construction	$	$
Professional Fees (appraisal, architect, etc.)	$	$
Agency project delivery costs (10% maximum of total project cost)	$	$
Other	$	$
	$	$
***Total Development Costs**	**$209,960.00**	**$209,960.00**

* The total in the "*Total Cost*" column should be the same as your "*Total Funds Available*" total in the ***Project Revenue*** table on page 6.

SECTION IV

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Are any of the Board Members or employees of the agency which will be carrying out this project, or members of their immediate families, or their business associates:

a) Employees of or closely related to employees of your agency or the member government through which this application is made: YES ___ NO _X__

b) Members of or closely related to members of City Council or Commission of the member government through which this application is made: YES ___ NO _X___

c) Current beneficiaries of the program for which funds are requested: YES ___ NO _X___

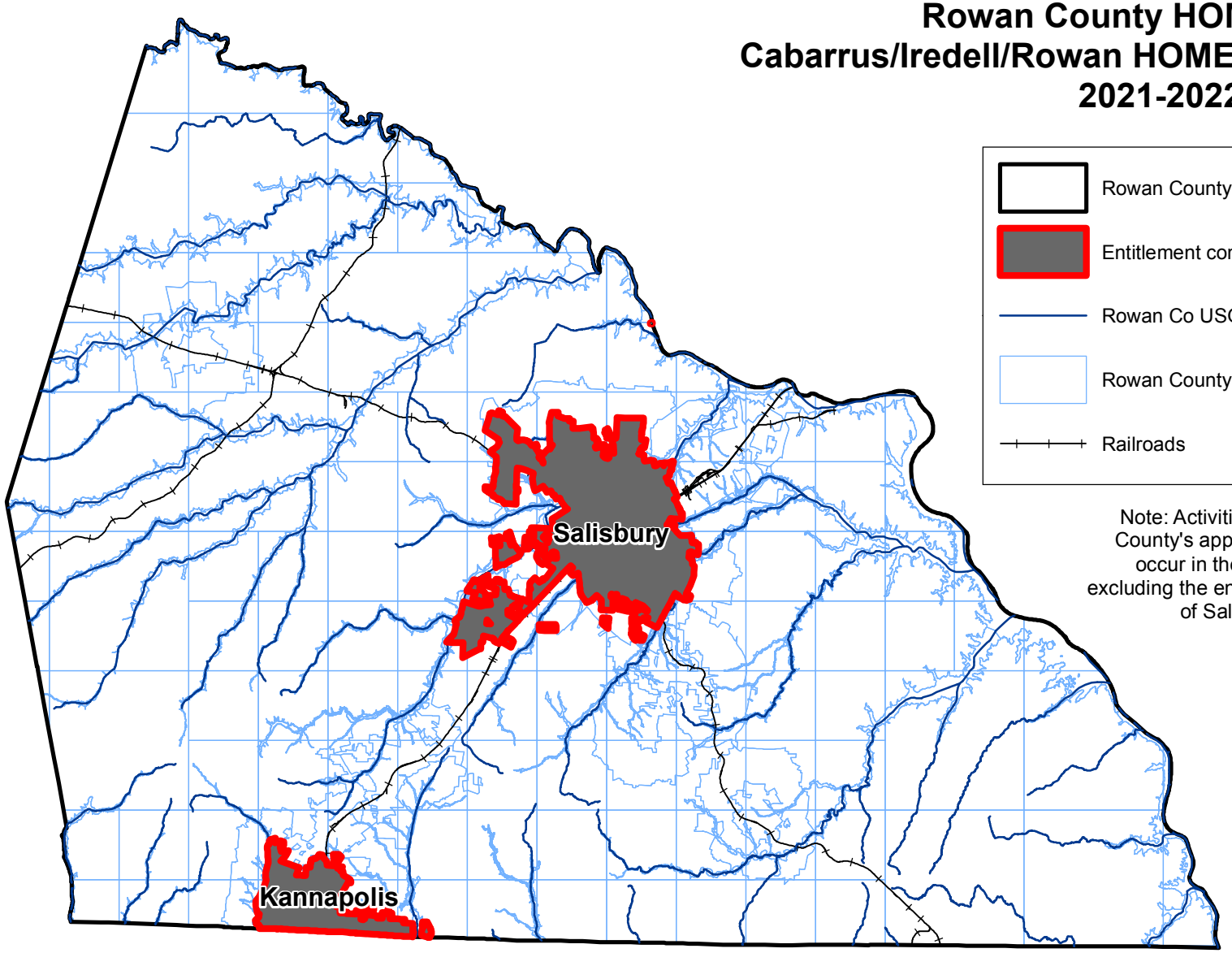
d) Paid providers of goods or services to the program or having other financial interest in the program: YES ___ NO _X__

If you have answered ***YES*** to any question, **please attach a full explanation**. The existence of a potential conflict of interest does not necessarily make the project ineligible for funding, but the existence of an **undisclosed** conflict may result in the termination of any grant awarded.

_____

Signature of Certifying Official *Date*

Rowan County HOME Program
Cabarrus/Iredell/Rowan HOME Consortium
2021-2022 Application



Rowan County (Service Area)

Entitlement communities

Rowan Co USGS streams

Rowan County Flood Hazard Areas

Railroads

Note: Activities associated with the County's application for funding will occur in the County's jurisdiction, excluding the entitlement communities of Salisbury and Kannapolis.

N

Data Source: Rowan County GIS

0 2.5 5 10 Miles

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Randy J. Cress, Assistant County Manager / CIO
DATE:	April 12, 2021
SUBJECT:	Update from Charter on RDOF Award Impact in Rowan County

---

We have requested that Mr. Mike Tanck, Director of Government Affairs for Charter Communications to provide an update for the Board of Commissioners and general public regarding Charter's recent award of Federal Rural Digital Opportunity Funds (RDOF) for unserved/underserved areas for broadband in Rowan County.

No board action is required.

ATTACHMENTS:

Description	Upload Date	Type
Charter RDOF Presentation	4/12/2021	Presentation



Rural Digital Opportunity Fund

RDOF

Rural Digital Opportunity Fund -RDOF

- Purpose to expand broadband service into unserved areas
- Economics to expand broadband in rural low density areas
- Eligible Census Blocks - No Broadband Service (25/3 Mbps)
- Revers Auction
- Awards announced December 7, 2020
- Quite Period ended January 29, 2021

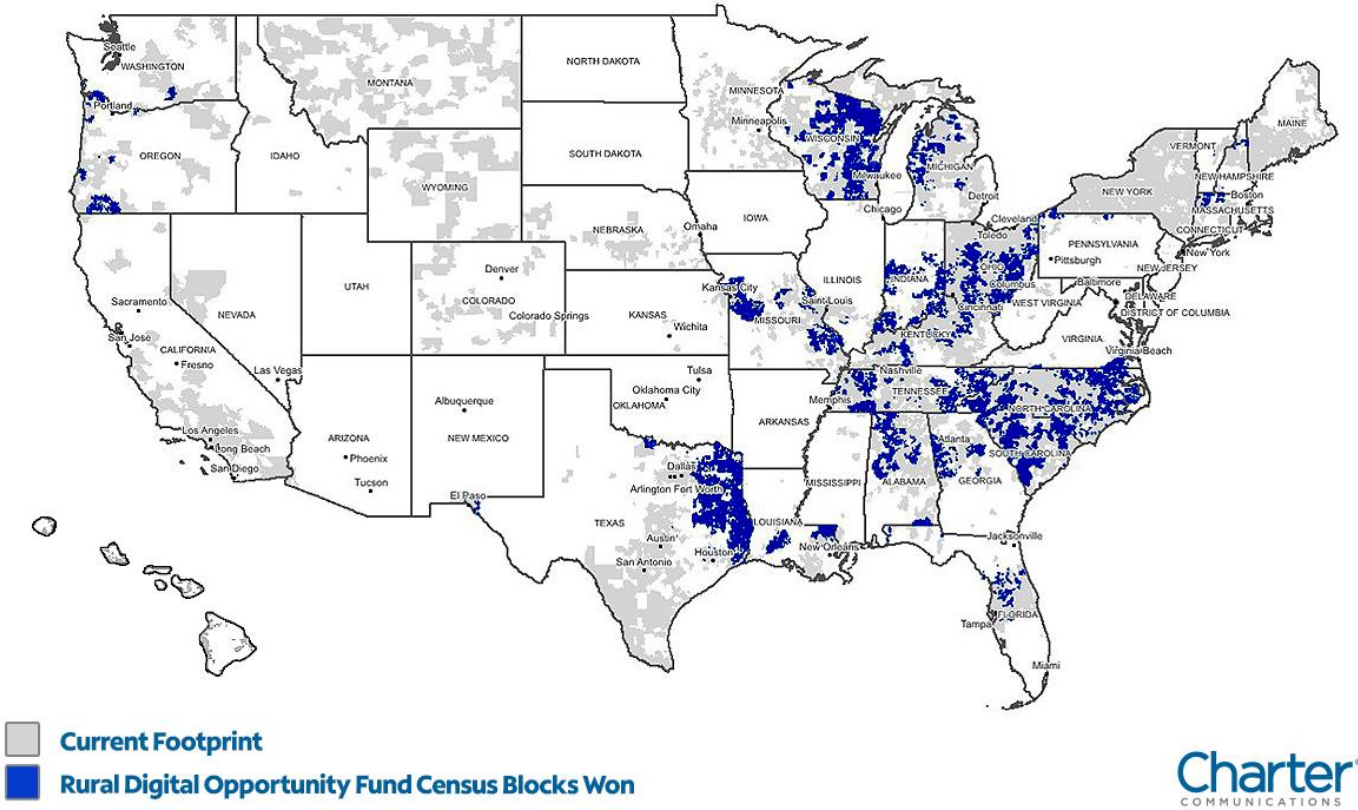
Charter
COMMUNICATIONS

NATIONALLY

$5 Billion Investment

$1.2 Billion RDOF Off Set

1 + Million Locations



Charter
COMMUNICATIONS

Charter COMMUNICATIONS | Spectrum

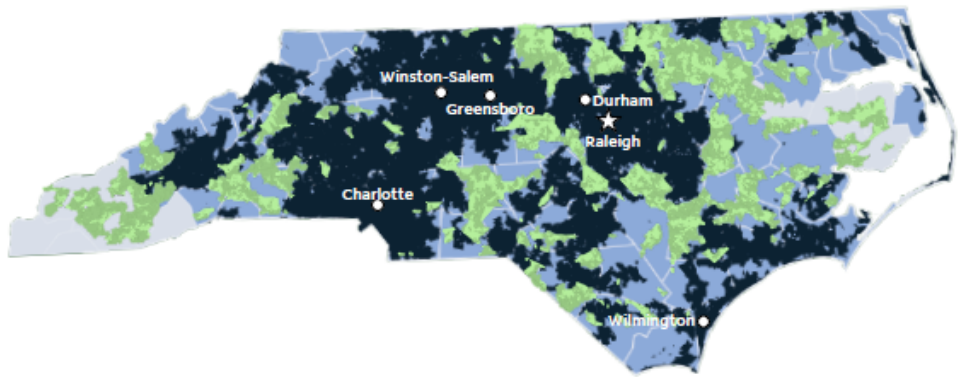
NORTH CAROLINA

- **2.6 million** customers served
- **$187 million** total tax contribution*
- **10,883** employees
- **$746 million** capital investment*

RURAL DIGITAL OPPORTUNITY FUND NETWORK EXPANSION

NC RDOF Total Support	$166,580,442
Charter RDOF Total Support	$142,076,655 (85%)
NC RDOF Support Locations	155,137
Charter NC RDOF Support Locations	128,509 (83%)

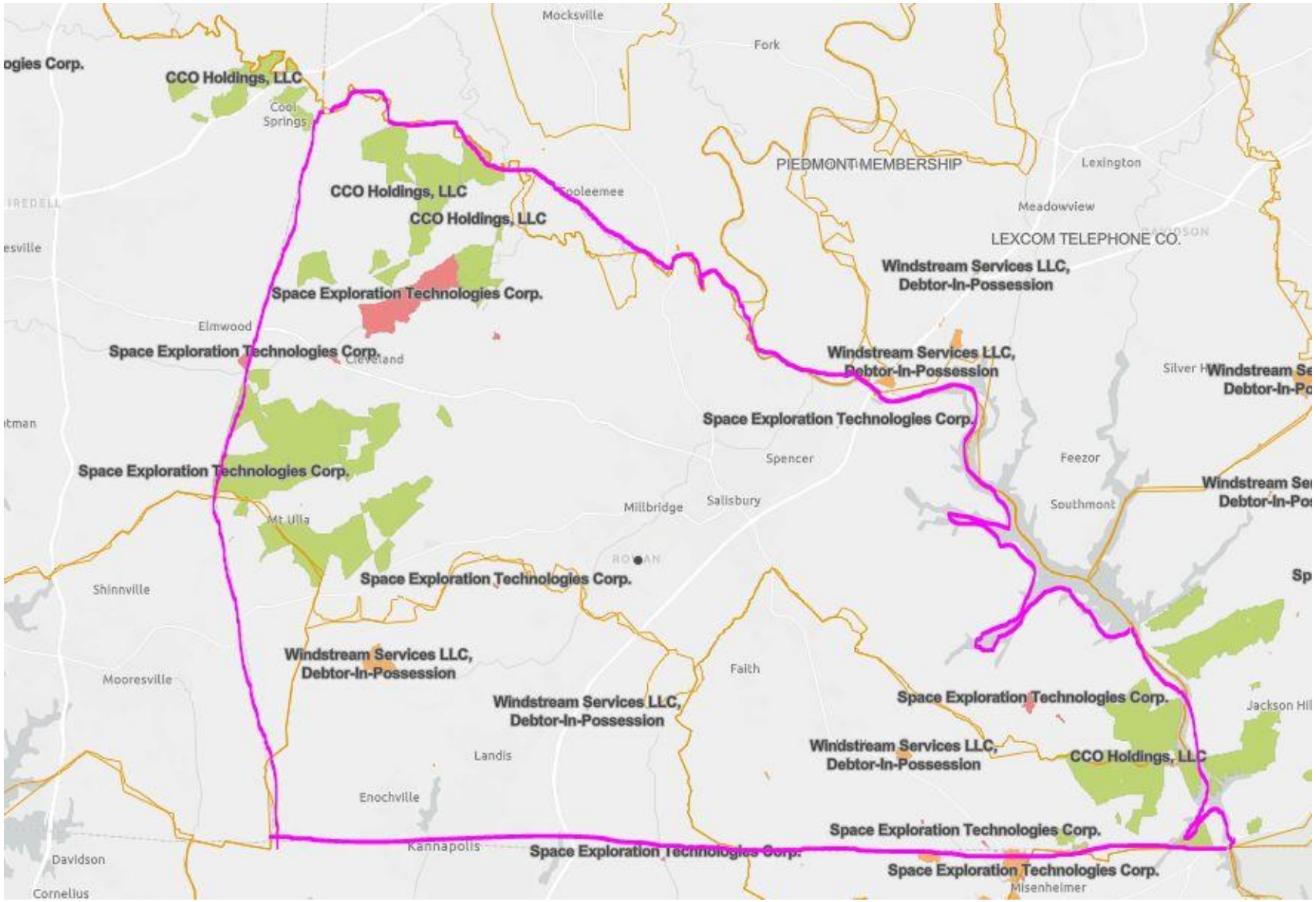
*1/1/2019 – 12/31/2019



Charter Footprint
Charter Footprint County
Charter RDOF Winnings

Please Note: RDOF Areas and City Locations are Approximated – Visit Cooperative Network Services RDOF Winners Map or FCC.gov for Actual Data | Charter footprint data as of FY 2019

Rowan County – RDOF Awards



Rural Digital Opportunity Fund -RDOF

- RDOF Large Effort For Charter
- Establishing New Department
- Initial Steps
- Construction
- Poles / Make Ready
- Type of Service & Speeds
- Timing – 6 Year Construction Program
- Realistic Expectations

RDOF Web Links

General RDOF

- FCC Main Site: https://www.fcc.gov/auction/904
- FCC Awards: https://www.fcc.gov/auction/904/round-results
- FCC Map: www.fcc.gov/reports-research/maps/rdof-phase-i-dec-2020/
- CNS Map: https://experience.arcgis.com/experience/0b324cabf7b94d9ca34caa9361122d94/

Charter / Spectrum

- Charter Press Release: https://corporate.charter.com/newsroom/charter-communications-launches-new-multiyear-multibilliondollar-initiative-to-expand-broadband-availability-to-over-1-million-new-customer-locations
- Charter Blog Article: https://policy.charter.com/blog/charter-announces-5-billion-initiative-to-connect-unserved-americans
- Spectrum Rural Expansion Website: www.SpectrumRuralExpansion.com

Mike Tanck

Director of Government Affairs
3140 West Arrowood Road
Charlotte, NC 28273

(O) 704.378.2739
(C) 704.719.7604

michael.tanck@charter.com

ROWAN COUNTY
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130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Justan Mounts, Director of Veteran Services
DATE: April 13, 2021
SUBJECT: Community Access Point for VA's Vet Center Program

ATTACHMENTS:

Description	Upload Date	Type
Memorandum	4/13/2021	Cover Memo
Community Access Point for Charlotte and Greensboro Vet Centers	4/13/2021	Cover Memo

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:
FROM: Justan Mounts, Director Veterans Services
DATE: 04/12/2021
SUBJECT: Community Access Point for VA's Vet Center Program

Please see attached

Request space allocation for hosting of Vet Center - Community Access Point in Rowan County at the request of Veterans Affairs.

Attachments:

1.) Email from Lance Nelson, representative of Veterans Health Administration, Vet Center Program outlining their mission and brief description of their requirements.
2.) Brief description of mission, services of Vet Centers and brief history.

Mounts, Justan E

From: Nelson, Lance S. SBYVAMC <Lance.Nelson@va.gov>
Sent: Tuesday, April 6, 2021 3:49 PM
To: Mounts, Justan E
Subject: Community Access Point for the Charlotte and Greensboro Vet Center's

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails by clicking the "**Report Phish**" button.

Justan,

If you have a second I wanted to talk to you about the VA's Vet Center program. The Vet Center program falls under the Department of Veteran Affairs (VHA) but we don't answer to Salisbury VAMC. We have our own Under Secretary in the VA, and are supposed to be located away from the VA Hospital so when a veteran comes in to our office they don't feel like they are walking into a hospital for treatment. Vet Center's work with Combat Veterans dealing with PTSD, and Veterans whom have been subjected to Military Sexual Trauma (MST), we provide Marriage and Family Therapy as well, to those members. We also provide therapy to Family members whom have lost a loved one while serving on Active Duty. We work with Veterans, Active Duty, and National Guard / Reserve members regardless of discharge type as well, by providing Readjustment Counseling at no cost to the Veteran or Family. Also due to the fact that we see Active Duty / Guard/ and Reserve we are mandated by Congress to be a confidential service. That being said if a veteran wants to use our records for service connection, they can, they just need to sign one of our release forms and we will provide them with their records.

I wanted to talk to you about the possibility setting up a Community Access Point in Rowan County for the Vet Center Program. As of right now the closest Vet Centers are located in Charlotte, and Greensboro NC at this moment we don't have a Community Access Point in Rowan County. We are looking to establish a CAP there and I wanted to see if your office might have the space to start one. What is needed is a place to conduct Groups and a private office to conduct individual counseling.

This would only happen after the COVID virus has subsided and we are back to normal operations.

If you go to VA.gov or click on the link below and look for the Vet Center program you'll find more information about us.

Thank you

V/r

Lance S. Nelson, **U.S. Air Force (Retired)**
Veterans Outreach Specialist
Charlotte Vet Center
2114 Ben Craig Drive
Suite #300
Charlotte, NC 28262
704-423-4800 ext 34806
http://www.vetcenter.va.gov/

Vet Centers (Readjustment Counseling)

Who We Are

Vet Centers are community-based counseling centers that provide a wide range of social and psychological services, including professional readjustment counseling to eligible Veterans, active duty service members, including National Guard and Reserve components, and their families. Readjustment counseling is offered to make a successful transition from military to civilian life or after a traumatic event experienced in the military. Individual, group, marriage and family counseling is offered in addition to referral and connection to other VA or community benefits and services. Vet Center counselors and outreach staff, many of whom are Veterans themselves, are experienced and prepared to discuss the tragedies of war, loss, grief and transition after trauma.

VET CENTER HISTORY

Vet Centers (Readjustment Counseling) were established by Congress in 1979 out of the recognition that a significant number of Vietnam era Vets were still experiencing readjustment problems. Vet Centers are community based and part of the U.S. Department of Veterans Affairs. In April 1991, in response to the Persian Gulf War, Congress extended the eligibility to Veterans who served during other periods of armed hostilities after the Vietnam era. Those other periods are identified as Lebanon, Grenada, Panama, the Persian Gulf, Somalia, and Kosovo/Bosnia.

In October 1996, Congress extended the eligibility to include WWII and Korean Combat Veterans. The goal of Vet Centers is to provide a broad range of counseling, outreach, and referral services to eligible Veterans in order to help them make a satisfying post-war readjustment to civilian life. On April 1, 2003, the Secretary of Veterans Affairs extended eligibility for Vet Center services to Veterans of Operation Enduring Freedom (OEF) and on June 25, 2003, Vet Center eligibility was extended to Veterans of Operation Iraqi Freedom (OIF) and subsequent operations within the Global War on Terrorism (GWOT).

The family members of all Veterans listed above are eligible for Vet Center services as well. On August 5, 2003, then-VA Secretary Anthony J. Principi authorized Vet Centers to furnish bereavement counseling services to surviving parents, spouses, children and siblings of service members who die of any cause while on active duty, to include federally activated Reserve and National Guard personnel.

ROWAN COUNTY
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TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	County Manager Aaron Church
DATE:	April 13, 2021
SUBJECT:	Discussion Regarding Date for Budget Work Session

The Board is asked to consider scheduling a date in early May to hold a budget work session.

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		

ROWAN COUNTY
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130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Finance Department
DATE:	April 9, 2021
SUBJECT:	Budget Amendment

Please review attached budget amendment.

Please approve attached budget amendment.

ATTACHMENTS:

Description	Upload Date	Type
Budget Amendment	4/9/2021	Budget Amendment

ROWAN COUNTY

DEPARTMENTAL REQUEST FOR BUDGET ACTION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Social Services

EXPLANATION IN DETAIL:
Rowan County DSS has signed an agreement with Cardinal Innovations Healthcare (CIH) whereby we agree to reinvest funds for the children in foster care to provide permanency outcomes. Funds have been received; therefore, requesting to budget the expenditure and revenue line items.

Prepared by: Kelly Johnson
Date: 3/29/2021

BUDGET INFORMATION:

ACCOUNT TITLE	R/E	ACCOUNT #	INCREASE	DECREASE
Foster Child Reinvestment Fund	E	33018-000-583000-000	$795,900	
Foster Child Reinvestment Fund	R	33018-5312-431200-000	$795,900	

DEPARTMENT HEAD		COUNTY MANAGER	ACCOUNTING USE ONLY
Approved: X		Approved:	Budget Revision # 09-844
Disapproved:		Disapproved:	Date Posted:
Amended:		Amended:	Group Number:
Date: 3/29/2021		Date:	Posted by:
Signature: Digitally signed by Micah Ennis Date: 2021.03.29 11:28:39 -04'00'		Signature:	Approved by:



FOSTER CHILD REINVESTMENT AGREEMENT

This Child Welfare Reinvestment Agreement ("Agreement") is entered into between Cardinal Innovations Healthcare Solutions ("Cardinal"), with a principle place of business at 10150 Mallard Creek Rd., Suite 400, Charlotte, NC 28262, and Rowan County (the "County"), with a principle place of business at 130 W Innes Street, Salisbury, NC 28144. Collectively, Cardinal and the County may be referred to as the "Parties". This Agreement is effective as of the Effective Date.

RECITALS

WHEREAS, Cardinal is a Local Management Entity-Managed Care Organization ("LME/MCO") providing oversight, coordination, and management of mental health, intellectual/developmental disability, and substance use disorder services for twenty counties in North Carolina. Cardinal is responsible for identifying, locating, and authorizing treatment services that it determines to be medically necessary for its members.

WHEREAS, Rowan County (the "County") is one of the counties in Cardinal's catchment area, and through its Department of Social Services, provides protective services for vulnerable children exposed to abuse, neglect, or abandonment. The County is responsible for the care and support of children in its custody, and developing permanency plans and permanency resources (inclusive of family, foster care, kinship, adoption, or otherwise) for such children.

WHEREAS, Both Cardinal and the County serve an overlapping population of children, and both are committed to setting these children up for long-term success.

WHEREAS, Both Cardinal and the County recognize there are systemic challenges in supporting children that enter the custody of the County.

WHEREAS, there is presumptive Medicaid eligibility as of the day foster children enter custody of County departments of social services; however, these children are often not enrolled in Medicaid and the LME/MCOs notified for 30 days or more;

WHEREAS, the Parties recognize there is a gap in the system of supports available for these children, both prior to them entering custody and after they enter custody of departments of social services;

WHEREAS, as of July 1, 2022, as part of Medicaid transformation in North Carolina, the North Carolina Department of Health and Human Services ("NCDHHS") intends to roll out a comprehensive health plan for children in the foster care system;

WHEREAS, other states have developed models, approved by the federal Centers for Medicare and Medicaid Services ("CMS"), to expand Medicaid supports available for such children, and Cardinal intends to advocate with NCDHHS for development and implementation of such supports in advance of July 1, 2022;

WHEREAS, to help bridge the gap between now and July 1, 2022, and in furtherance of its efforts to improve the system of supports available for children in or at risk of entering custody of departments of social services between now and then, Cardinal intends to invest in the counties in its catchment area to support children in custody of the County.

WHEREAS, for good consideration and in accordance with the terms and conditions herein, Cardinal will provide funding to the County for a broad set of services designed to support children in custody of the County who are presumptively Medicaid eligible and therefore also members of Cardinal:

I. **Sub-capitated Payment Arrangement**. Beginning the month following the Effective Date of this Agreement, Cardinal will pay the County a per-member, per-month ("PMPM") rate for each child in the custody of the County for whom Cardinal received Foster Children capitation payments from NCDHHS during the previous month (the "Foster Child Population"). Such total PMPM will be based on the rates identified in Section I(a) of this Agreement below and the total number of children for whom Cardinal received Foster Children capitation payments in a given month as based on the Global Eligibility File ("GEF") that Cardinal regularly receives from NCDHHS.

a. **Rates**. While Cardinal is receiving a capitation rate increase due to the COVID-19 pandemic, the PMPM that Cardinal will pay to the County is $300 PMPM. Once the rate increase due to the COVID-19 ends, Cardinal will pay the County $200 PMPM. Such rate decrease will begin the same month that Cardinal receives notification of its rate decrease, and may be applied retroactively to such month.

b. **Medicaid Category of Aid**. The County is responsible for ensuring the appropriate Medicaid category of aid for individuals in the County's custody. If Cardinal did not receive a Foster Children capitation payment for an individual in the custody of the County, Cardinal will not pay the County a PMPM; provided, however, that retroactive changes to Medicaid categories of aid will be addressed through the reconciliation process identified in Section I(d) below.

c. **Timing of Payments**. Cardinal will make the payments contemplated in this section on a monthly basis, no later than ten (10) days after Cardinal receives its capitation payments from NCDHHS for a given month.

i. **First Payment**. The first payment under this section, which will take place in the month following the Effective Date of this Agreement, will include PMPM payments for the population described in Section I above for the month of the Effective Date, as well as retroactively for all months going back to July 2020.

d. **Reconciliation**. Cardinal shall make regular retroactive PMPM sub-capitated payments to the County reflecting the period for which a Cardinal member obtains Foster Children Medicaid retroactively during the month Cardinal receives capitation payments for such child. Payments shall be made prospectively thereafter. Similarly, if a payment was made for a child

that was retroactively determined to be ineligible, Cardinal will offset such ineligible amount from subsequent payments.

e. **Voluntary Coverage of Services**. To the extent any of the services covered through payments issued pursuant to this Agreement would not otherwise be coverable by Medicaid in North Carolina, such services are voluntarily covered by Cardinal, subject to all terms and conditions of this Agreement, and the costs associated with these services are not included when determining the capitation rates payable by NCDHHS to Cardinal.

f. **Dispute Resolution**. To the extent a dispute develops between Cardinal and the County regarding the amount owed or payable under this Agreement, the Parties agree to follow the dispute resolution procedures identified in Section VII of this Agreement below.

II. **Usage of Funds**. All funds paid under this Agreement may only be used to support the Foster Child Population, in such a manner consistent with the terms of this Agreement.

a. **Intent of Payments**. The funds payable under this Agreement are intended to provide assistance to children entering the custody of the County, and in particular their emergency needs within approximately the first thirty (30) days of being in custody of the County. Categories of assistance provided to the Foster Child Population by the County under this Agreement may include and are not limited to using the funds paid under this Agreement to address the following emergency needs:

i. Emergency Placement Needs
ii. Assessments and/or evaluations
iii. Supplies needed by children, inclusive of clothing, toiletries, and hygiene products.
iv. Foster/kinship parent training
v. Additional supports for foster/kinship parents
vi. Unmet Health-Related Resource Needs (defined in Attachment H of Cardinal's PIHP Contract with NC DHHS as "Also referred to as Social Determinants of Health. Conditions in the places where people live, learn, work, and play that affect a wide range of health risks and outcomes including non-medical needs of individuals that foundationally influence health, including but not limited to housing instability, food insecurity, transportation insecurity, and interpersonal violence/toxic stress.").

b. **Additional Uses of Funds**. Once emergency needs for the Foster Child Population have been addressed, to the extent all funds paid under this Agreement have not been used, the County may use such funds to develop and support permanency plans for the Foster Child Population, inclusive of developing and recruiting foster families; supporting kinship and adoption placements; trainings for permanency resources; and other expenditures designed to support a child in the home environment permanently.

i. **Permanency**. The terms "permanency", "permanency plan", "permanent placement", or other similar terms as used in this Agreement do not include Residential Treatment Services. "Residential Treatment Services" include Level I Residential Treatment, Level II Residential Treatment (Family Type or Program Type),

Level III Residential Treatment, Level IV Residential Treatment, Psychiatric Residential Treatment Facility, or any other service funded through the 1915(b) Medicaid waiver where a child resides outside of its home in a non-hospital setting. The term "permanency", "permanency plan", "permanent placement", or other similar terms as used in this Agreement can include, but are not limited to, foster homes funded through the County, kinship placements, and adoptive placements.

III. **Responsibilities of the County.** Contingent upon receipt of funding under this Agreement, the County agrees to do the following:

a. **Support of Permanency Placements.** Once a child in the Foster Child Population is placed in a setting intended to be a permanency placement, the County will connect such placement to resources designed to support the child's permanent placement there within thirty (30) days of such placement.

b. **Transition Partnership.** To the extent a child is placed in an emergency placement, or is receiving Residential Treatment Services, Cardinal and the County will partner with the other members of the child's treatment team to support transition back into the community as is clinically indicated, and the County will be the lead in developing a permanency plan for the child.

i. **Exceptions.** This timeframe does not apply for services funded under the 1915(c) "Innovations" waiver, nor does it apply to acute inpatient services. For such service requests, Cardinal will comply with the timeframes required by its contract(s) with NCDHHS.

c. **Reporting.** Beginning no more than ninety (90) days following the first month of PMPM payments under this Agreement, and no later than every ninety (90) days thereafter, the County will submit to Cardinal a report accounting for the utilization of the PMPM payments. Such report shall include a breakdown of expenditures including a listing of those children in the Foster Child Population for which these funds have been specifically utilized listing the following:

i. The child's name, date of birth, Medicaid ID number, and date the child entered custody.
ii. Social worker assigned to the child and contact information.
iii. Amount of money spent and categories of items to which the money was spent, based on the categories identified in Section II(a) and (b) above.

IV. **Responsibilities of Cardinal.** As part of this Agreement, Cardinal agrees to do the following:

a. **Assessment Capacity.** In collaboration with the County, Cardinal will work to identify barriers in children in the Foster Child Population receiving needed assessments, including specialized assessments, and develop a plan to address such barriers.

b. **High-Fidelity Wraparound.** High-Fidelity Wraparound is a team-based process that uses an evidence-based, nationally recognized model that partners with families to use their voice and strengths to develop a family-driven plan that promotes self-advocacy. It is a Medicaid-

funded service that strives to put families at the center of their own care, and whenever possible, ensure that children are cared for and treated within their communities. Cardinal intends to expand access of the High-Fidelity Wraparound service across its catchment to better accommodate the needs of children entering the custody of the County.

V. **Better Outcomes for Children**. The intent of this Agreement is to strengthen a partnership between Cardinal and the County to better support the Foster Child Population, ultimately with a goal of reunifying the child with their family, or if that is not possible, ensuring an appropriate long-term permanency plan for the child.

VI. **Program Review**. The Parties' mutual goal is to best serve the needs of the Foster Child Population and to most efficiently use limited public funds. As such, no later than July 31, 2021, the Parties will collaborate and complete a review of collective performance under this Agreement. Such review may take the form of a conference call and is intended to be a discussion of how the funds were used; successes; challenges; and opportunities. Following the review, the Parties may mutually agree to increase or decrease the PMPM payable under this Agreement, mutually adjust other aspects of this Agreement, or either party may terminate the Agreement in accordance with Section VIII(b) of the Agreement below. As part of this review, the Parties will consider and discuss at least the following:

a. How the funds paid under this Agreement are being used;
b. Collaboration of the Parties to address the needs of the Foster Child Population;
c. Planning and transition of North Carolina to the expected state-wide Medicaid foster care health plan;
d. Impact of the Families First Prevention Services Act on the Foster Child Population;
e. Clinical outcomes obtained for the children served under this Agreement; and
f. Any other factors that relate to the purpose of this Agreement.

VII. **Dispute Resolution**. This Agreement is reflective of an intent of the Parties to mutually support an overlapping population of children. As such, to the extent a dispute arises between Cardinal and the County as it relates to the subject matter of this Agreement, the Parties agree to take the following steps.

a. **Informal Escalation**. All disputes between Cardinal and the County reflective of systemic challenges relating to the subject matter of this Agreement that cannot be resolved with the individuals directly involved shall be escalated, as appropriate, through internal leaders at each party, who shall engage in good faith conversations in an attempt to resolve the underlying dispute. Such informal escalations should occur and endeavor to be resolved within thirty (30) days.

b. **Material Breach and Remedies**. To the extent either party believes the other party has materially breached a term of this Agreement, following such informal escalation described in Section VII(a) above, prior to seeking to terminate the Agreement or enforce the Agreement in a court of law or otherwise, the non-breaching party shall provide written notice to the alleged breaching party and afford the alleged breaching party an opportunity to cure the alleged breach within seven (7) calendar days of such notice. If the alleged breach is not cured to the satisfaction of the non-breaching party, the non-breaching party may terminate this Agreement upon fourteen (14) days written notice. Notwithstanding the foregoing, if the alleged material breach is by the County, including but not limited to failure of the County to submit the

reporting identified in Section III(c) of this Agreement, and/or the reporting provided does not support the utilization of funds, If the County does not timely cure the breach to Cardinal's satisfaction, Cardinal may impose the suspension, recoupment, or withholding of monthly sub-capitation payments, and may do so while efforts to resolve the dispute is ongoing, in lieu of or in addition to terminating this Agreement.

c. **Mutual Modification of Timeframes**. Any of the timeframes in Section VII of this Agreement related to dispute resolution may be modified by mutual consent of the Parties.

VIII. **Term**. This Agreement shall remain in effect through June 30, 2022, unless otherwise terminated in accordance with the terms of this Agreement.

a. **Failure of Dispute Resolution**. If dispute resolution pursuant to Section VIII above fails and either party provides notice of intent to terminate this Agreement, this Agreement shall terminate on the last calendar day of the month during which such notice was sent, and all obligations of both Cardinal and the County identified herein shall cease of that date except for those identified in Section VIII(d) below.

b. **Automatic Termination.** If Cardinal's Medicaid contract with NCDHHS terminates, this Agreement shall automatically terminate as of the same date that the Medicaid contract terminates, and all obligations of both Cardinal and the County identified herein shall cease of that date except for those identified in Section VIII(d) below. Similarly, if the County is no longer part of Cardinal's Medicaid contract with NCDHHS, this Agreement shall automatically terminate as of the same date that the County is no longer part of Cardinal's Medicaid contract with NCDHHS, and all obligations of both Cardinal and the County identified herein shall cease as of that date except for those identified in Section VIII(d) below.

c. **Voluntary Termination.** Notwithstanding the dispute resolution procedures in Section VIII of this Agreement, following completion of the program review in Section VI of this Agreement, either party may decide to terminate this Agreement with thirty (30) days' written notice, and all obligations of both Cardinal and the County identified herein shall cease as of such date except for those identified in Section VIII(d) below.

d. **Effect of Termination**. Notwithstanding the terms of Section IX(a) – (c) of this Agreement above, the following terms and conditions of this Agreement shall survive termination:

i. **Final Payment**. Cardinal will make one final payment as contemplated in and in accordance with the terms of Section I of this Agreement in the month following the termination of this Agreement. To the extent there are additional children who retroactively become part of the Foster Child Population during the term of this Agreement, Cardinal will make additional post-termination reconciliation payments as appropriate.

ii. **Reporting.** The County will ensure that the reporting contemplated in Section III(d) of this Agreement is made for all payments received, including the final

payment identified in Section VIII(d)(i) above, no later than the last day of the month following receipt of such final payment.

IX. **No Third-Party Beneficiaries**. No other entity, including any child in the Foster Child Population, is an intended third-party beneficiary of this Agreement. Nothing in this Agreement is intended to create any cause of action by any non-party to this Agreement related to utilization of funds paid under this Agreement or the performance by any part of any of their respective obligations under this Agreement.

X. **County's Non-Exclusion**. By executing this Agreement, the County represents and warrants that it, nor any individual associated with County leadership or the County department of social services leadership, has not been debarred, suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulation or from participating in non-procurement activities under regulations issued under Executive Order No. 12549, or under guidelines implementing Executive Order No. 12549. The County further represents and warrants that it is not excluded from participation in any Federal Health Care Programs under either Section 1128 or Section 1128A of the Social Security Act, nor been subject to any criminal charges, plea agreements, settlements, or convictions related to the same. The County shall report in writing to Cardinal, within five (5) business days of becoming aware, if the County becomes excluded from participation in the Federal Health Care Programs under either section 1128 or section 1128A of the Social Security Act or becomes subject to any criminal charges, plea agreements, settlements, or convictions related to the same. The County represents and warrants that it has not been excluded from participation in any North Carolina State health care program, such as Health Choice.

XI. **Required Disclosures.** The County shall comply with all federal, state, and local notification requirements, including by not limited to 42 C.F.R. §455.104, 42 C.F.R. §455.105, and 42 C.F.R. §455.106. Any disclosures required under such regulations must be disclosed to Cardinal at the time the Agreement is executed by the County, and such disclosure obligations shall be ongoing for the duration of the Agreement.

XII. **Notice**. Prior to the Effective date, each party shall identify a point person for operationalization of this Agreement and to whom any correspondence contemplated under this Agreement should be directed. Each party may identify multiple point people, depending on the nature of the correspondence. Any notice contemplated or required under this Agreement may be performed through electronic mail.

XIII. **Choice of Law and Forum.** The Agreement shall be interpreted in accordance with the laws of the State of North Carolina. Any dispute or claim arising out of or referring or relating in any way to the Agreement, following completion of the dispute resolution procedures contained in Section VIII herein, shall be brought in a state court in any county where Cardinal operates, Wake County state courts, or the U.S. District Court for the Western District of North Carolina, Charlotte Division, if applicable.

XIV. **Force Majeure.** If the parties are delayed in performance of any obligations hereunder, or prevented entirely from performing any such obligation due to causes or events beyond their control, including but not limited to, any act of God, fire, strike or other labor problem, present or future law, government order, rule or regulation (federal, state and local, including any agency subdivision or instrumentality thereof), epidemic or pandemic, such delay or nonperformance shall be excused and the time for performance shall be extended to include the period of such delay or nonperformance.

XV. **Scope of Agreement.** This Agreement's focus is the payment of a sub-capitation payment to the Counties and other identified activities to be performed by Cardinal and the County identified in Sections I – IV herein, and as further described and supported by the other sections of this Agreement. This Agreement does not apply to and is not intended to govern other activities that occur routinely between Cardinal and the County, including but not limited to the routine linkage to care and/or support of Cardinal members who are involved with the County, whether in custody of the County or not.

XVI. **Entire Agreement.** The Agreement constitutes the entire agreement between Cardinal and the County for the provision of services delineated herein. Any alterations, revisions, amendments, changes, or modifications (collectively "modifications" or "modify") to the Agreement shall not be implemented unless agreed upon by Cardinal and the County in writing, unless otherwise set forth herein.

XVII. **Effective Date**. The Effective Date of this Agreement is the first day of the month following the execution of this Agreement by all Parties, except that solely for purposes of calculating the PMPM for the Initial Payment described in Section I(c)(i) of this Agreement, this agreement is effective as of July 1, 2020.

WHEREAS, this Agreement is entered into as of the Effective Date by the representatives of the Parties identified below:

For Cardinal Innovations Healthcare:

Charles G. Sutten III

Name: Charles G. Sutten, III

Title: CEO

Date: March 15, 2021

For Rowan County:

Name: Micah Ennis

Title: Director/Rowan County DSS

Date: 3/14/2021

This Agreement has been pre-audited in the manner required by N.C. Gen. Stat. Chapter 159, the Local Government Budget and Fiscal Control Act.

Mary Hamilton

Name: Mary Hamilton

Title: CFO

Date: March 15, 2021

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Finance Department
DATE: April 9, 2021
SUBJECT: Financial Reports

Please see attached financial graphs.

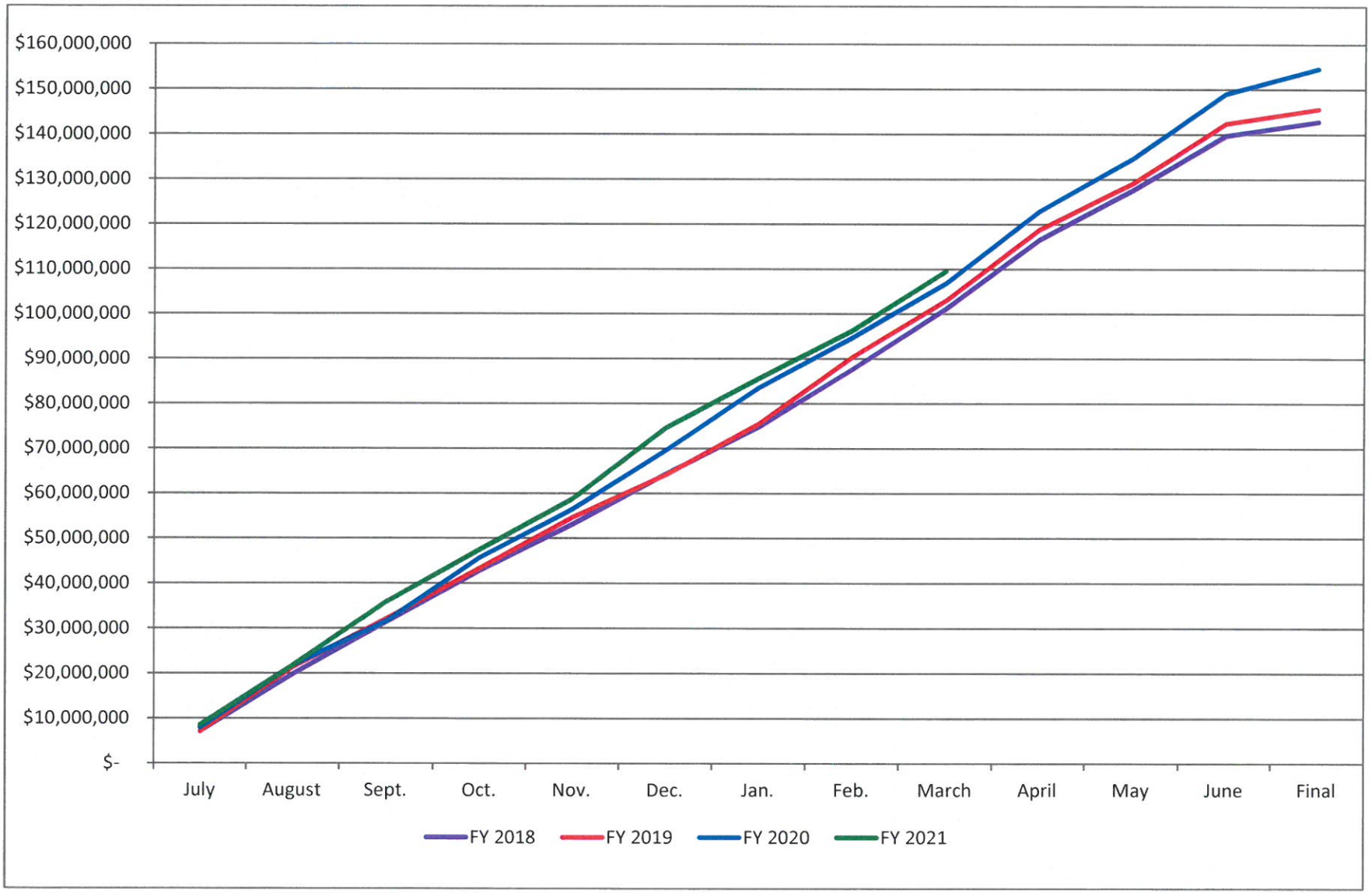
ATTACHMENTS:

Description	Upload Date	Type
Financial Graphs	4/9/2021	Presentation

ROWAN COUNTY
GENERAL FUND
FISCAL YEARS 2018 - 2021

ANNUAL CUMULATIVE EXPENDITURE COMPARISONS

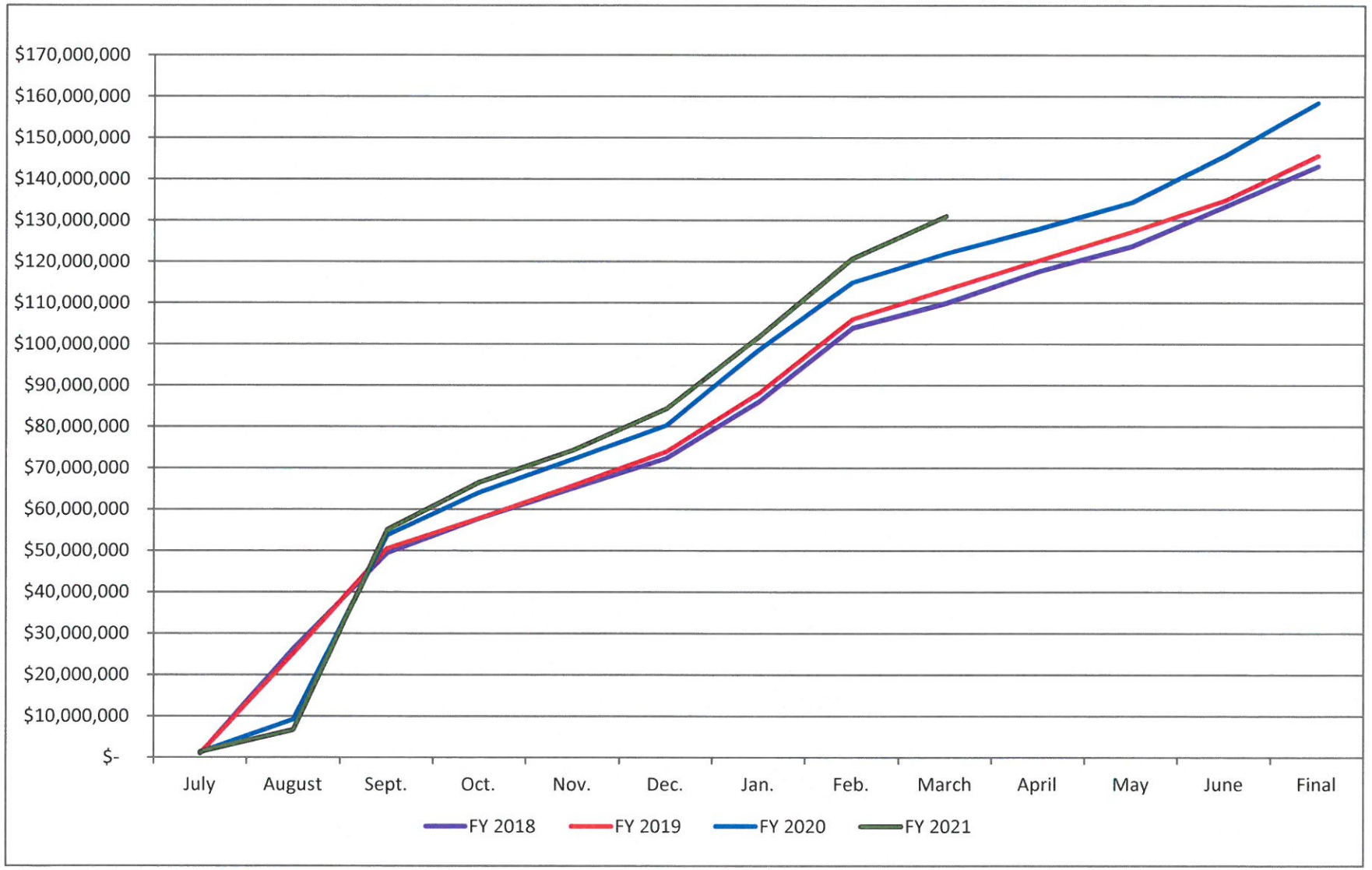
	March
2021	$ 109,426,754
2020	$ 106,721,006
2019	$ 102,893,757
2018	$ 101,080,230



ROWAN COUNTY
GENERAL FUND
FISCAL YEARS 2018 - 2021

ANNUAL CUMULATIVE REVENUE COMPARISONS

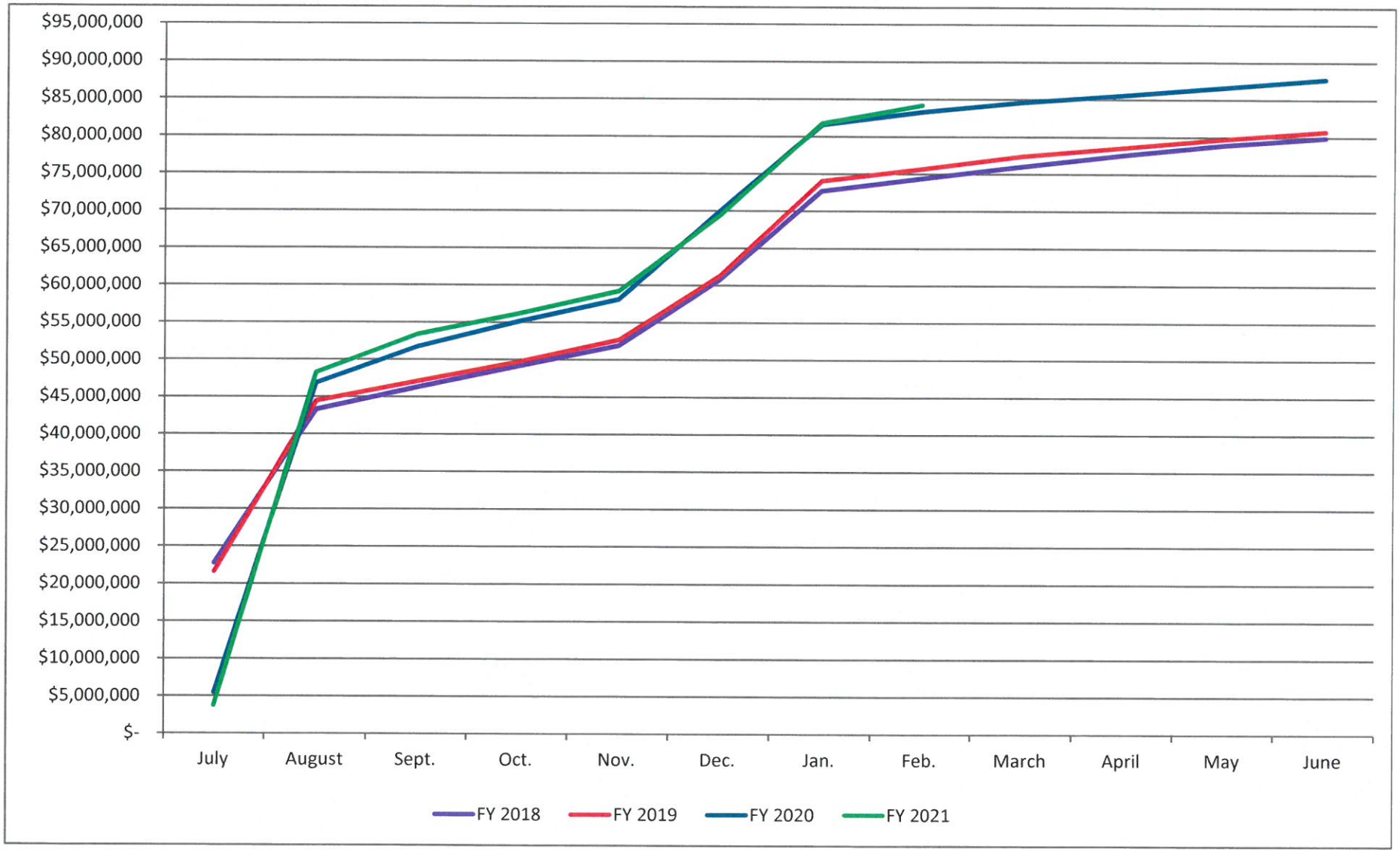
	March
2021	$ 131,005,904
2020	$ 121,878,760
2019	$ 113,166,173
2018	$ 109,858,642



ROWAN COUNTY
GENERAL FUND
Fiscal Years 2018 - 2021

ANNUAL CUMULATIVE CURRENT YEAR PROPERTY TAX COMPARISONS

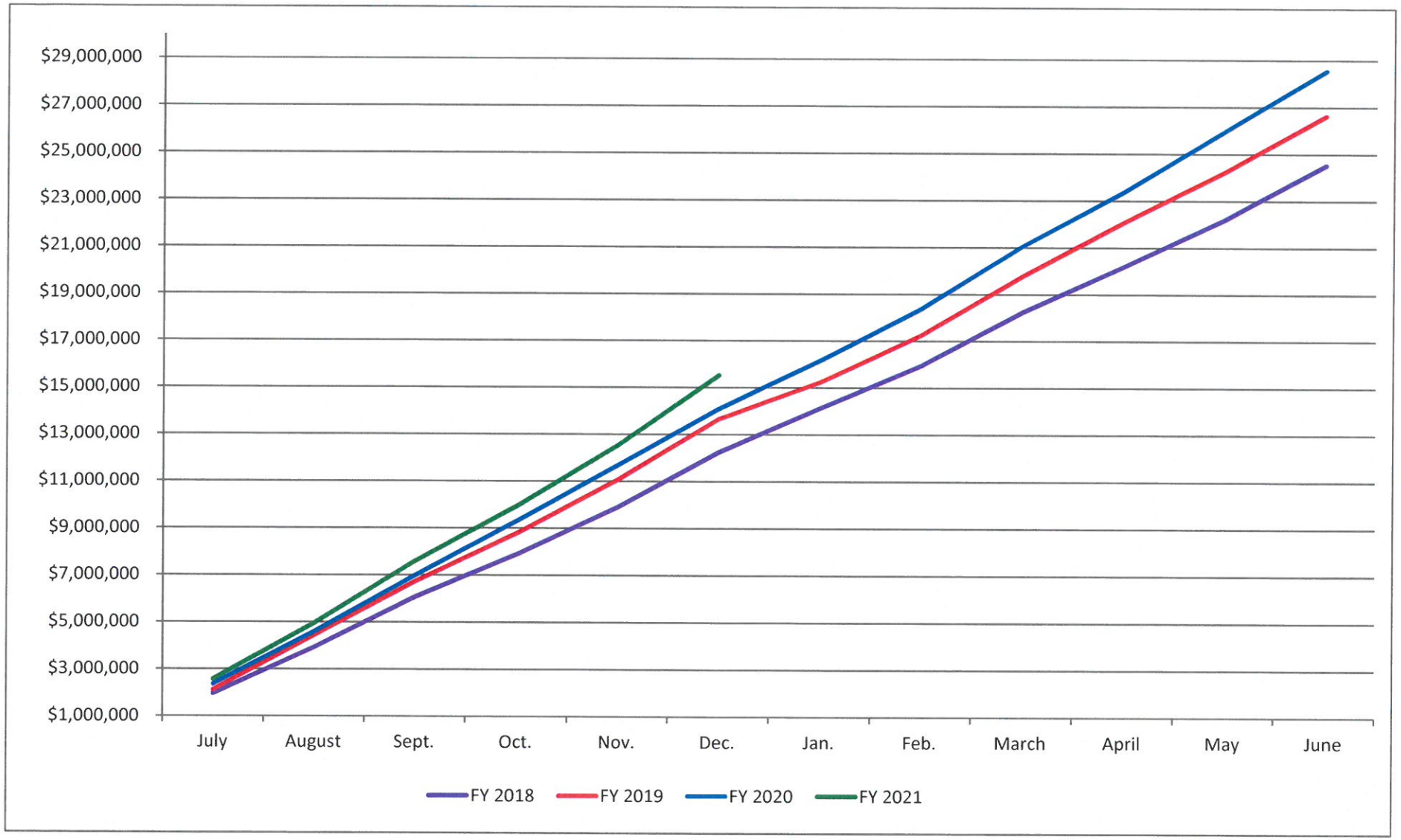
	February	
2021	$	84,160,195
2020	$	83,265,803
2019	$	75,652,057
2018	$	74,347,337



ROWAN COUNTY
GENERAL FUND
FISCAL YEARS 2018 - 2021

ANNUAL CUMULATIVE SALES TAX COMPARISONS

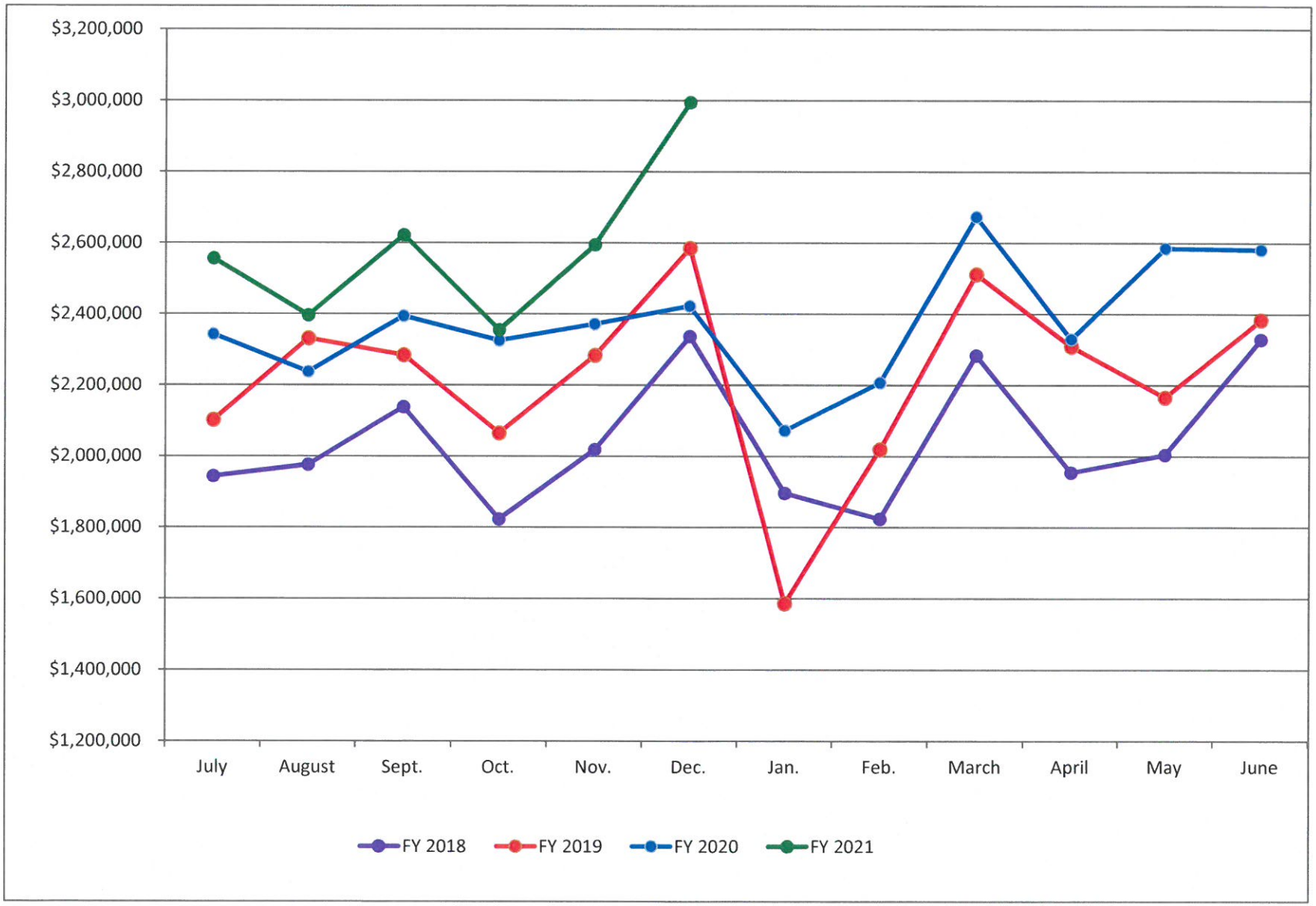
December		
2021	$	15,512,757
2020	$	14,088,022
2019	$	13,645,515
2018	$	12,229,240



ROWAN COUNTY
GENERAL FUND
FISCAL YEARS 2018 - 2021

MONTHLY SALES TAX COMPARISONS

December		
2021	$	2,993,691
2020	$	2,421,355
2019	$	2,584,579
2018	$	2,335,684



ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Caleb Sinclair, Director, Environmental Management
DATE: April 12, 2021
SUBJECT: Litter Report

ATTACHMENTS:

Description	Upload Date	Type
Litter Report	4/12/2021	Cover Memo

ROWAN COUNTY
NORTH CAROLINA
Be an original.

Rowan County Department of Environmental Management
1102 N. Long St. Extension, East Spencer NC 28039
[p] 704-216-8589 | **[f]** 704-216-8969
www.rowancountync.gov

To: Aaron Church

From: **Rowan County Department of Environmental Management**
P.O. Box 430
East Spencer, NC 28039

Office: 704-216-8589

Re: **1st Quarter Litter Mitigation Report for 2021 Calendar Year**

The Rowan County Department of Environmental Management works diligently to promote clean and green roadsides throughout our county.
We work closely with Rowan County Law Enforcement to help alleviate the growing problem of roadside litter and illegal dumping within our borders. Through our roadside litter removal, educational programs, and by working closely with our partners, we have achieved some success in mitigating roadside litter. Rowan County staff monitors 2,498.58 shoulder miles of roadway.

During the first quarter of 2021 the Department of Environmental Management removed: 37.77 tons of litter and debris from along Rowan County roadsides, 330 improperly discarded tires and 131 syringes.

2021	Litter Removed
1st Quarter	75,545 lbs. (37.77 Tons)
2nd Quarter	
3rd Quarter	
4th Quarter	

We would like to thank all who have volunteered for the 2021 NCDOT *Litter Sweep* campaign. Your efforts have made a difference in Rowan!



Respectfully submitted,

Caleb Sinclair, Director
Department of Environmental Management
Rowan County Government

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	Carolyn Barger, Clerk to the Board
DATE:	April 13, 2021
SUBJECT:	To Consider Approval of Closed Session Minutes

The Board is asked to enter into Closed Session in accordance with North Carolina General Statute 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on April 5, 2021.

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE

130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM:	County Manager Aaron Church
DATE:	April 13, 2021
SUBJECT:	To Discuss a Potential Economic Development Matter

The Board is asked to enter into Closed Session in accordance with North Carolina General Statute 143-318.11(a)(4) to discuss a potential economic development matter.

ATTACHMENTS:

Description	Upload Date	Type
No Attachments Available		