

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

DRAFT

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8180 • FAX 704-216-8195

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

September 6, 2016 – 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
Craig Pierce, Member

County Manager Aaron Church, Clerk to the Board/Assistant to the County Manager Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were present.

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

Chairman Edds added the following items to the agenda as indicated:

- Proclamation for Constitution Week to the Consent Agenda as item L
- Updates for agenda item #8 from Rowan County Grant Writer
- Request from Economic Development Commission to set a public hearing for October 3, 2016 as agenda item #10a
- Request from Healthy Rowan as agenda item #15a

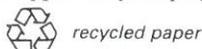
CONSIDER DELETIONS FROM THE AGENDA

Commissioner Pierce pulled Consent Agenda item J for discussion. Chairman Edds placed the issue on the agenda as item #15b.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve the agenda (as amended) passed unanimously.

Equal Opportunity Employer



CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the August 15, 2016 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Klusman moved approval of the Consent Agenda. The motion was seconded by Commissioner Greene and passed unanimously.

The Consent Agenda consisted of the following:

- A. Proclamation for National Preparedness Month
- B. Proclamation for Patriot Day
- C. Records Retention and Disposition Schedule for Sheriff's Office
- D. One Church One Child Grant Request
- E. Set Quasi-judicial Hearing for CUP 07-16 for September 19, 2016
- F. Set Quasi-judicial Hearing for PCUR 04-16 for September 19, 2016
- G. Purchase Vehicles for Sheriff's Office
- H. Purchase Six Vans for Rowan Transit System
- I. Talbert, Bright and Ellington Work Authorization for Rehabilitation of the North Ramp and Proposed Ramp Expansion in Front of the New Hangar
- J. Revised Event Center Rental Contract and Policy (pulled for discussion on the regular agenda as item #15b)
- K. Allow County Employees Time Off With Pay To Participate in United Way Day of Caring

2. 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:

- Terri Day Burnham discussed what she felt was a lack of transparency pertaining to various advisory boards.
- Vicki Troutman Eddleman discussed suicide prevention awareness, which she stated was the 10th leading cause of death nationwide. Ms. Eddleman asked the Board to be among the first to research the topic.

With no one else wishing to address the Board, Chairman Edds closed the Public Comment Period.

3. PUBLIC HEARING FOR Z 09-16

Assistant Planning Director Shane Stewart presented the staff report for Z 09-16 and explained that Mark Butler was requesting the rezoning of a 3.3 acre parcel owned by Hugh Hallman referenced as Tax Parcel 240-008 located at 3320 Deal Road from Rural Agricultural (RA) to Neighborhood Business (NB).

Mr. Stewart said the parcel was located within Area 3 as identified by the Western Area Land Use Plan (LUP), which indicates the NB district is generally appropriate along minor and major thoroughfares.

Mr. Stewart highlighted the Zoning Criteria contained in the staff report and also provided a power point indicating the site in question, as well as the surrounding areas.

Mr. Stewart reported no one spoke at the Planning Board's courtesy hearing held on July 25, 2016. The Planning Board voted unanimously to recommend approval based on the recommended statements of consistency and reasonableness in the agenda packet.

The applicant, Mr. Mark Butler, came forward to address the Board. Mr. Butler said he had purchased the property so the convenience store would be able to continue to serve the area. Mr. Butler went on to state that the zoning did not match the business. Mr. Butler said he wanted to ensure that he would not need to go through any special procedures, should the tenant leave. Mr. Butler said he was an investor and wanted to keep the property as is.

Chairman Edds opened the public hearing to receive citizen input regarding Z 09-16. With no one coming forward to address the Board, Chairman Edds closed the public hearing.

STATEMENT OF CONSISTENCY

Commissioner Caskey moved that Z-09-16 is consistent with the Western Area Land Use Plan based on Neighborhood Business being appropriate along major and minor thoroughfares and that the current use fits under the Neighborhood Business district. The motion was seconded by Commissioner Greene and passed unanimously.

STATEMENT OF REASONABLENESS

Commissioner Caskey moved that Z-09-16 is reasonable based on the properties being located on minor thoroughfares and because Neighborhood Business suits the land use that has been on the site for many years. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve Z 09-16 passed unanimously.

4. PUBLIC HEARING FOR ZTA 01-16 & STA 02-16

Assistant Planning Director Shane Stewart presented multiple amendments proposed by Planning Staff to the Subdivision and Zoning Ordinances. The changes were partly in response to recent changes to North Carolina General Statutes (NCGS) but also included other amendments where Staff was of the opinion changes were needed.

The proposed amendments were submitted as follows:

AMENDMENTS TO CHAPTER 21: ZONING ORDINANCE

- 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, Conditional Use Permits and ~~Parallel Conditional Use~~ **Zoning Districts**
- 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. ~~Parallel conditional use~~ **Conditional zoning** districts.
- Sec. 21-62. Effect of approval for conditional **zoning** districts ~~and parallel conditional use districts.~~
- Sec. 21-63. Application re-submittal for conditional use permits and ~~parallel~~ **conditional use zoning** districts.

Sec. 21-4. Definitions.

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, paths), recreation facilities (e.g. tennis courts), etc. ~~This does not include (Note: Wooded slatted decks, and the water area of a swimming pool, are considered pervious).~~ **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).**

Community water system means a public water supply approved by the state department of ~~environmental, health, and natural resources,~~ **Environmental Quality Division of Water Resources,** public water supply ~~branch~~ 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.

Drinking Place means an establishment whose principal purpose is to derive income from the 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 ~~Codes Enforcement~~ **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 wine tasting rooms defined by G.S. 18B-1000 or this ordinance.

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 Codes Enforcement Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission.

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.

- 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.

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.

Sec. 21-11. Zoning vested rights.

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

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

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.

- (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.

(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 ~~is a conditional district. The intent of the~~ has prescribed conditions contained in this subsection is 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 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. ~~Conditional district review~~ *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)

ARTICLE III. SITE PLANS, SPECIAL REQUIREMENTS, CONDITIONAL USE PERMITS AND ~~PARALLEL~~ CONDITIONAL USE ZONING DISTRICTS

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

- (6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*
- d. Co-location of Wireless and Eligible Facilities Requests (SIC 48 part). Co-location of wireless and eligible facilities requests are recognized as an efficient method for providing wireless facilities and are encouraged due to their minimization of adverse visual impacts and the opportunity for an expedited and effective administrative review.
 - 1. Applications for co-location of wireless facilities shall include two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in Section 21-52 including items in Section 21-56 (6)(e)5 and Section 21-60(3)a.1.i.,
 - 2. Consideration of eligible facilities requests pursuant to this subsection shall comply with all standards prescribed below, otherwise the request may be deemed a substantial modification and subject to the provisions of Section 21-60 (3)(a):
 - i. Not increase the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20') regardless of height limitations prescribed in Section 21-60(3)b.
 - ii. Not add an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance. A statutory exception (ref. NCGS 153A-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)

Sec. 21-58. Review procedures.

- (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 / or conditions of approval~~ 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:
 - (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;
 - (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 the superior court. ~~Should a Parallel Conditional Use Rezoning 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 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)

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 DENR~~ NC Department of Environmental Quality authorized mining permit has expired.

- b. *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 ~~Environment and Natural Resources~~ Environmental Quality. Said facilities seeking conforming use status or expansions to their operational areas are subject to these standards.

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

- b. Ground mounted 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.

- 2. *AZO.* Systems proposed within the portion of the approach surface contained by the horizontal ~~ten thousand (10,000) feet of the extended runway approach~~ surface of the AZO shall provide an approved FAA form 7460-1.

Sec. 21-61. ~~Parallel conditional use~~ Conditional districts.

~~(a) Purpose. Conditional use districts allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project. The uses in these districts are such that There are instances where certain uses may have significant impact impacts on the surrounding area and the county which cannot be predetermined and controlled by general district standards. Conditional district zoning allows specific standards for a particular use after review and comment from the public. A petition to rezone a property to a conditional district shall be accompanied by a site plan as provided in section 21-52. The purpose of this section is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the conventional district. However, there are instances where As a result, a general zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted under this as a conditional district and subject to development requirements to address the anticipated impacts would be consistent with the spirit and intent of this chapter. Parallel conditional use districts, herein established, are intended to accommodate such situations. 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.

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

(b) *Applications.* Applications for ~~parallel~~ conditional use 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 use district (amended 6-19-00). ~~Emphasis will be given to an evaluation of the proposed use district in relationship to surrounding property.~~ In addition to the general information required in section 21-52 and other applicable sections of this chapter for a conditional use, 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 may be considered within a conditional district.

(b) *Permitted uses and development requirements.* Upon approval of a conditional use district, only the use or uses identified in the conditional district are allowed subject to any associated conditions or limitations therein. ~~all uses allowed in the underlying general district are allowed as are conditional uses.~~ 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 use district reduce required standards of this ordinance unless otherwise provided herein. ~~Application for a conditional use district shall be accompanied by an application for a conditional use permit for the specific use requested. Approval of the conditional use permit shall occur only after approval of the parallel conditional use district. However, review and recommendation of the application as provided in this ordinance may occur prior to approval of the conditional use district. The owner may propose conditions to ensure compatibility between development and the surrounding area (amended 6-19-00).~~

(c) *Review Procedures.* ~~Parallel conditional use~~ Conditional district requests shall follow review procedures referenced in Sec. 21-58 and 21-362.

(d) *Issuance of a parallel conditional use permit Conditional District Approval.* The board of commissioners may approve a reclassification of a property to a conditional use district only upon determining that the proposed use or uses will meet all standards and regulations in this chapter that are applicable to the proposed use. 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 or permit requirements. Conditions and site-specific standards imposed in a conditional use district shall be limited to those that address the conformance of the development and use of the site to applicable ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be

generated by 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)

Sec. 21-62. Effect of approval for ~~parallel~~ conditional use districts.

- (a) *Conditions attached to approval.* Approval of a ~~parallel~~ conditional use 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 use district, the approved rezoning request, and all conditions attached to the approval. In accordance with Sec. 21-11, an approved ~~parallel~~ conditional use 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 ~~parallel~~ conditional use 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 ~~parallel~~ conditional use 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 ~~parallel~~ conditional use district shall be as provided in this subsection.
 - (1) Except as provided in subsection (2) below, changes to the approved ~~parallel~~ conditional use district and maps shall be treated as amendments to this chapter and the zoning maps.
 - (2) Minor changes ~~may be considered in accordance with Sec. 21-58 f.~~
 - 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 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.

~~(e) Revocation. The Board of Commissioners may consider revocation of an approved parallel conditional use district as per Sec. 21-58(j).~~

(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)

Sec. 21-63. Application re-submittal for conditional use permits and ~~parallel~~ conditional use 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:
(Ord. of 1-19-98, § IV)

Sec. 21-113. Table of uses.

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use Use	Zoning Districts									
	Residential					Nonresidential				
	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND	
<i>Residential</i>										
SIC										
	Temporary family health care structure	P (A)	P (A)	P (A)						
	Duplexes, triplexes, quadruplexes, other multi-family developments					C				
	Major Subdivisions for residential use	P	P	P	P	P	€	€	P	P
<i>Agriculture, forestry and fishing</i>										
07	Agricultural services, all except	P	P	P	P	P	P	P		P
074	Veterinary services	SR	SR	SR	SR	SR	SR P	SR P		P
0751 (pt)	Slaughtering, custom						P	SR		P
0752 (pt)	Animal Shelters, Boarding Kennels, Dog Pounds, Dog grooming, showing pets, training pets, vaccinating pets	SR					P	P		P
0782	Lawn and garden services	SR					P	P		P
0783	Ornamental Shrub and Tree Services	SR					P	P		P
<i>Unclassified</i>										
	Major subdivisions for commercial use						P	P	P	P

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 ~~codes enforcement supervisor~~ **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 ~~codes enforcement supervisor~~ **director of Building Inspections**, reconstruction of a nonconforming structure shall be permitted 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.

(Ord. of 11-19-01(2); Amend. of 9-6-11; Amend. of 4-21-14)

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 than 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.

Sec. 21-184. Prohibited signs.

~~No sign visible to the general public may contain the following terms: "Erotic", "Nude", "Topless", or "XXX".~~ Reserved.

(Amend. of 8-20-07)

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 or ~~parallel conditional use district~~, shall be governed by article XIV.

(Ord. of 1-19-98, § XII)

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 ~~eodes enforcement division, Building Code Enforcement department~~ **Building Inspections Department**. The ~~eodes enforcement supervisor~~ **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)

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 ~~parallel conditional use zoning~~ 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 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 3-5-12; Amend. of 4-21-14)

Sec. 21-277. Exceptions and modifications.

(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 devices 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.

- (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.

Sec. 21-281. Temporary uses.

Temporary uses are allowed subject to the following requirements:

- (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;**
 - 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)

Sec. 21-362. Map amendments (rezoning).

- (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 ~~parallel conditional use zoning district districts rezonings~~ shall be accompanied by a site plan as specified in section 21-52.
- (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 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 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 ~~use zoning~~ 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. After the public hearing is closed, the board of commissioners shall take one (1) of 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.

Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. Rezoning requests for conditional ~~use zoning~~ districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.

AMENDMENTS TO CHAPTER 22: SUBDIVISION REGULATIONS

Section 22-9. "Family Subdivision" Defined.

- (a) *Purpose.* Minimum access standards for new lots are one of several primary objectives of this ordinance. To achieve this, all lots subdivided after the effective date of this ordinance are required to have frontage on either an existing or proposed road meeting the right of way and construction standards established by NCDOT. However, Rowan County recognizes a residential lot created for conveyance to an immediate family member, where access is provided by a private road, is a reasonable alternative to requiring the construction

of a new public road.

- (b) *Intent.* Family subdivision lots are typically conveyed as gift deeds or for nominal consideration in circumstances where the existing parcel does not contain the required road frontage to qualify as a minor subdivision and would otherwise be required to construct a new public road for access. The standards set forth in this ordinance for family subdivisions are designed to promote:
- a. The transfer of ownership of the newly subdivided lots to immediate family members;
 - b. Compliance with all other applicable ordinance standards related to dimensional and design criteria; and
 - c. Recognition that necessary maintenance associated with private roads is coordinated among family members.
- (c) *Definition.* A family subdivision is defined as 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. A family member may only receive one (1) lot under this provision. ~~The creation of more than three (3) lots as provided in this section may be considered by the board of commissioners in accordance with section 22-54.~~

(Ord. of 2-1-99(2); Amend. of 11-2-09)

Section 22-10. Other Definitions.

Subdivision Review Committee. An advisory committee to the Rowan County Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator for the Board of Commissioners to approve, approve with conditions or disapprove. The committee shall consist of one (1) or more representatives from the following agencies or officials:

1. Rowan County Health Department.
2. Rowan County ~~Planning and Development~~ Environmental Management, Soil Sedimentation Control Staff.
3. Rowan County Planning Department.
4. N.C. Department of Transportation, Division 9, District 1, office.
5. Rowan County Emergency Services, Fire Division.

Section 22-54. Waivers; Family Subdivisions.

The Board of Commissioners may authorize a waiver from the family subdivision requirements to allow the creation of more than three (3) lots or conveyance to a family member that does not meet the definition of immediate family when, in its opinion, undue hardship may result from strict compliance. All other requests to deviate from the requirements herein are subject to a variance in accordance with section 21-332 of the Zoning Ordinance. In granting any waiver, the Board of Commissioners shall consider the nature of the proposed subdivision, the existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The waiver shall be granted only when it has been determined that such waiver shall not be detrimental to the county and the area surrounding the subdivision.

(Ord. of 2-1-99(2))

Section 22-55. Optional Sketch Plan.

Prior to the submission of a preliminary or final plat, the subdivider may submit to the Subdivision Administrator three (3) copies of the proposed subdivision. The sketch plan will be reviewed by appropriate county staff and NCDOT representatives to insure compliance with all applicable regulations.

If the proposed subdivision is not in compliance the subdivider shall be notified of specific areas of noncompliance by the subdivision administrator. The sketch plan should contain the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivision, roads, and waterways;
- (2) North arrow, scale of plat, graphic scale bar and name of person who prepared the plat;
- (3) The boundaries of the tract and the portion of the tract to be subdivided;
- (4) The total acreage to be subdivided;
- (5) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (6) The proposed street layout with approximate pavement and right-of-way width, lot layout including dimensions and area of each lot;
- (7) The name, mailing address, and telephone number of the owner;
- (8) The name of the proposed subdivision;
- (9) Streets and lots of adjacent developed or platted properties;
- (10) The zoning classification of the tract and of adjacent properties, ~~if applicable~~;
- (11) Tax map and parcel number, recorded deed book and page number of subdivided tract.
- (12) As applicable, location of water point source or description of method used for providing a water point source.

(Amend. of 7-16-07(2))

Section 22-56. Major Subdivision; Preliminary Plat Submission and Review.

(a) Submission Procedure

The subdivider shall submit a preliminary plat application for all major subdivisions which shall be reviewed by the Subdivision Review Committee (hereinafter referred to as the "Committee"). Upon receipt of said application the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. The Committee shall have authority to approve the plat before any construction or installation of improvements may begin. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval by the Committee shall be issued. A preliminary plat application shall include:

1. Eight (8) copies of the preliminary plat containing all items outlined in section 22-61(a) submitted to the Subdivision Administrator.
2. Two (2) copies of a sedimentation and erosion control plan (or waiver).
3. ~~Either an application~~ **Application** for a driveway permit ~~or stopping site distance verification request~~ submitted to the Division 9 District 1 North Carolina Department of Transportation office.
4. Road plans and profiles submitted to the Division 9 District 1 North Carolina Department of Transportation office **if applicable**.
5. Subdivision review application and fee.
6. Two (2) copies of the proposed restrictive covenants for maintenance of any proposed open space in compliance with the provisions of section 22-58(f) of this article.
7. Certification from both the Fire Marshal and Chief of the fire department with responding jurisdiction that the major subdivision proposal is proximate to an adequate and reliable water

point source. For projects lacking proximity to a sufficient water point source, a proposed method for complying with the requirements of section 22-111 of this ordinance must be provided.

8. For projects required to construct or provide a water point source, two (2) copies of the proposed restrictive covenants for maintenance of the water point source in compliance with the provisions of section 22-58 (g) of this article and 2 copies of the water usage agreement contract contained in Appendix A.
9. If applicable, location of the all weather access road to a water point source in compliance with the standards of section 22-80(g).

Section 22-57. Final Subdivision Requirements.

- (a) *Requirements for Final Plat.* The final plat shall be prepared by a professional land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plat, subdivisions, and mapping requirements set forth in G.S. 47-30 and the "Standard of Practice for Land Surveying in North Carolina," where applicable, and the requirement of the Rowan County Register of Deeds.

~~At least Two (2) five (5)~~ completed copies of the final plat shall be submitted for minor or family subdivisions or six (6) copies for major subdivisions to the Subdivision Administrator and with one (1) ~~of these copies copy being~~ on reproducible material suitable for recordation at the Register of Deeds office. ~~The remaining copies shall be black or blue line paper prints.~~ Said copies shall be considered complete if they contain all of the information as required by section 22-59 of this ordinance. Material and drawing medium for the original shall be in accordance with the "Standards of Practice for Land Surveying in North Carolina" where applicable, and the requirements of the Rowan County Register of Deeds.

The final plat shall be 18" x 24", 21" x 30", or 24" x 36" in size and shall be at a scale of not less than one (1) inch equals one hundred (100) feet, unless each lot in the proposed subdivision is more than three (3) acres. In such case, the scale shall not be less than one (1) inch equals two hundred (200) feet. Map may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a nonrefundable filing fee according to the fee schedule approved by the Board of Commissioners. The fee and the required number of final plats must be submitted to the Subdivision Administrator.

- (c) *Major Subdivisions; ~~Improvements~~ Performance Guarantees.*

- (1) Agreement and Security Required.

Instead of requiring the completion, installation and dedication of all improvements before final plat approval, Rowan County may enter an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements within twelve (12) months, with the exception of a water point source. The county may accept ~~an improvement~~ a performance guarantee for a water point source for the period prior to plat recordation and terminating with issuance of the first certificate of occupancy for a structure. Consideration of an extension(s) beyond the initial 12-month period for all improvements except the water point source, may be granted by the ~~Subdivision Review Committee~~ Board of Commissioners in accordance with subsection (2) below based upon a written request from the subdivider indicating the need for an extension and an anticipated completion date for the improvements.

Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Subdivision Administrator or Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide to the Rowan County Board of Commissioners either one (1), or a combination of the guarantees listed below. All such guarantees shall be subject to the approval of the Board of Commissioners and shall be made payable to Rowan County.

The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements. The cost ~~estimates~~ estimate shall be prepared by a North Carolina registered professional engineer and include his/her original seal and signature and accompany the subdivider's request for consideration under this subsection. The cost of preparing ~~these~~ the cost ~~estimates~~ estimate shall be borne by the developer.

(a). Surety Performance Bond(s).

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina.

(b). Letter of credit issued by any financial institution licensed to do business in North Carolina.

(c). ~~(b). Cash or Equivalent Security.~~ Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

~~The subdivider shall deposit cash, an irrevocable letter of credit from an institution with a physical presence in the State of North Carolina, or other instruments readily convertible into cash at face value, Cash and similar instruments must be deposited in escrow either with the county, or in escrow with a financial institution designated as an official depository of Rowan County.~~

~~If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider shall then file with the Board of Commissioners an agreement between the financial institution and him guaranteeing the following:~~

~~a. That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow, and~~

~~b. That in case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification and submission by the Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements. The financial institution shall immediately either pay to the county the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the county any other instruments fully endorsed or otherwise made payable in full to the county.~~

(2) Extensions and Default.

If the required improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended or a new guarantee issued for an additional period until such required improvements are complete. A developer shall demonstrate good faith progress toward completion of the required improvements that are the subject of the performance guarantee or extension. The form of any extension shall remain at the election of the developer.

~~Failure on the part of~~ Should the subdivider fail to complete the required improvements in a timely manner as spelled out in the performance ~~bond or escrow agreement~~ guarantee, then the surety, or the financial institution holding the ~~escrow account~~ guarantee, shall, if requested by the Board of Commissioners, pay all or any portion of the ~~bond or escrow fund~~ funds to Rowan County up to the amount needed to complete the improvements based on the engineer's estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it considers necessary to complete all or any portion of the required improvements. The county shall return to the ~~bonding firm~~ appropriate institution any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover such cost. The subdivider shall always bear the financial burden for the installation of all required improvements.

(3) Release of Guarantee Security.

The performance guarantee shall be returned or released, as appropriate, in a timely manner upon acknowledgement by the Planning and Development Department that the subject improvements are complete. As an alternative, the County Manager may authorize the release of a portion of the security that coincides with improvements documented as complete. The developer must provide a revised performance guarantee and engineer's estimate of 1.25 times the cost of installing all remaining improvements required. ~~The Board of Commissioners may authorize the County Manager to release a portion of the security posted as the improvements are completed and approved by the county. Such funds shall then be released in accordance with the guarantee of improvements agreement after the corresponding improvements have been so approved.~~

(d) *Major Subdivision; Final Plat Submission and Approval.*

Upon receipt of a final plat application, the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval by the Committee shall be issued. Review and approval for all major subdivision final plats shall be as described for preliminary plats in section 22-56(b).

Final plat applications shall be submitted to the Subdivision Administrator and contain:

1. ~~Six (6) copies~~ **Six (6) copies** ~~Five (5) copies~~ of the final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b);
2. **For private roads, certification** ~~Verification~~ from a North Carolina registered professional engineer that all applicable aspects of road construction or other improvements have been completed; ~~or~~
3. **For public roads, certification** ~~Certification~~ from the Division 9 District 1 North Carolina Department of Transportation office that applicable road construction improvements have been completed to their minimum construction standards;
4. An approved ~~residential~~ driveway permit ~~or an approved stopping site distance certification~~ from the Division 9 District 1 North Carolina Department of Transportation office;
5. Any other documentation required by the Committee as a condition of preliminary plat approval;
6. Completed review application ~~and fee~~;
7. Two (2) copies of the finalized restrictive covenants for maintenance of any proposed open space in compliance with the provisions of section 22-58(f) of this article;
8. As applicable, certification from both the Fire Marshal and the Chief of the fire department having responding jurisdiction that a water point source has been constructed in compliance with section 22-111 of this ordinance, including two (2) copies of the finalized restrictive covenants for maintenance of the water point source as contained in the provisions of section 22-58 (g) of this article and a signed and notarized version of the water usage agreement contract contained in Appendix A;
9. As applicable, certification from the Chief of the fire department with responding jurisdiction that the all-weather access road has been constructed in compliance with the standards of section 22-80(g).

(e) *Minor and Family Subdivision Final Plat Submission and Approval.*

The subdivider shall submit the final plat application for the proposed minor or family subdivision containing:

1. Two (2) copies of the final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b);

- 2. Completed review application and review fee;
- 3. ~~Application for a Approved residential driveway permit submitted to~~ from the Division 9 District 1 North Carolina Department of Transportation office when creation of ~~an~~ a new easement for a family subdivision accesses a state or publicly maintained road; ~~or~~
- 4. ~~Stopping site distance verification request submitted to the Division 9 District 1 North Carolina Department of Transportation office;~~

~~(g) Conveyance Plat Allowed.~~

~~If the proposed subdivision meets the requirements of a minor subdivision as defined by this ordinance and no more than two (2) lots are created the subdivider may proceed with the preparation of a conveyance plat to be submitted and reviewed in accordance with section 22-57(e). The conveyance plat, consisting of no more than one sheet, shall be no larger than 8 ½ by 14 inches and include the original seal and signature of the surveyor on each copy. An approved copy of the plat shall be attached to the deed recorded for the parcel.~~

~~The conveyance plat shall contain the information required for a final plat as described in section 22-61(b) and comply with the scale requirements specified in section 22-57(a).~~

~~(Ord. of 2-1-99(2); Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 10-4-10)~~

Section 22-58. Planned Development Subdivision (PDS).

(e) Supplementary Requirements of Planned Unit Development (PUD).

Any proposed PDS that is proposed as a Planned Unit Development (PUD) as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) The allowable number of dwelling units per acre shall conform to the density standards prescribed in chapter 21 section 84 of the Zoning Ordinance.
- (2) When Land Application Treatment Systems are used for sewage treatment and disposal system, the land area required for the treatment and disposal shall not be included in determining the maximum gross density.
- (3) The maximum land area associated with any nonresidential structures, excluding surface parking, shall not exceed thirty (30) percent of the total land area associated with the nonresidential uses **unless otherwise approved by the Board of Commissioners.**
- (4) Land area associated or required with one type of land use may not be used to compute acreage available for another type of land use. Land area shall not be counted twice in computing acreage available to each land use.
- (5) Any proposed common open space in a PUD shall provide for the upkeep and maintenance under provisions of section 22-58(f).

Section 22-59. Certifications and Notations Required on Plats.

- (2) The following notation shall appear and be signed, as appropriate, on all final plats.

Certificate of Road Maintenance

~~I (We) hereby certify that I (We) will maintain the roads to the standards set forth by the North Carolina Department of Transportation until the (respective governmental agency) (homeowners association) takes over this responsibility. (This does not include removal of snow/ice)~~

Date _____ Owner/Developer

NCDOT Certificate

**Department of Transportation Division of Highways
Proposed Subdivision Roads Construction Standards Certificate**

Approved by: _____
District Engineer

Date: _____

The following notation shall appear on all final plats of family subdivisions:

FAMILY SUBDIVISION DISCLOSURE STATEMENT

This subdivision plat was approved under the provisions of a "family subdivision" under Chapter 22, Subdivision Ordinance, of the Rowan County Code of Ordinances. Any further subdivision of any parcel shown on this plat ~~may require~~ requires compliance with the current provisions of the Subdivision Ordinance. This compliance may require additional road right-of-way, or road improvements, or compliance with other provisions of the ordinance for approval. All private roads or streets shown were not subject to any improvement standards, nor guarantee of installation, nor intended to be accepted by any governmental agency for public maintenance.

The following notation shall appear on all final plats of major subdivisions with new private streets:

ROAD MAINTENANCE DISCLOSURE STATEMENT

This subdivision contains private streets and storm drainage that were designed and (constructed or financially guaranteed in accordance with section 22-57 (c) of the Subdivision Ordinance to be constructed) to NCDOT standards. Maintenance of these improvements shall be the responsibility of (the developer(s) or the property owners) until these responsibilities are assumed by a (Homeowners or Property Owners Association) established by the collective lot owners. ~~but will be maintained by the developer until the collective lot owners assume this responsibility. Enforcement of the maintenance certificate is the responsibility of the collective lot owners, not Rowan County. Additionally, Neither NCDOT and nor Rowan County are not~~ responsible for any maintenance associated with these improvements or enforcement of the responsibilities noted within this statement. (Note: This statement shall not serve as a substitute for any other statutory disclosure requirement.)

The following notation shall appear on all final plats of major subdivisions with new public streets:

ROAD MAINTENANCE DISCLOSURE STATEMENT

The street and storm drainage system in this subdivision were designed and (constructed or financially guaranteed in accordance with section 22-57 (c) of the Subdivision Ordinance to be constructed) to NCDOT standards. ~~, but will be maintained by the developer pending acceptance by NCDOT. Enforcement of the maintenance certificate is the responsibility of the collective lot owners, not Rowan County.~~ Property owners should be aware NCDOT is not responsible for any maintenance associated with these improvements until the streets have been petitioned for inclusion into the secondary road maintenance system and accepted therein. Maintenance of these improvements shall be the responsibility of (the developer(s) or the property owners) until NCDOT has accepted maintenance responsibilities. Rowan County is not responsible for any maintenance associated with these improvements or enforcement of the responsibilities noted within this statement. ~~Additionally, NCDOT is not responsible for any maintenance associated with these improvements unless formally accepted.~~

(Note: This statement shall not serve as a substitute for any other statutory disclosure requirement.)

(Ord. of 2-1-99(2); Amend. of 6-16-08; Amend. of 11-2-09)

Section 22-79. Subdivision Design.

(a) *Lot Dimensions.*

All new ~~residential~~ lots in subdivision shall conform to the following requirements:

(1) Lot Area.

(a). All lots in a new subdivision shall conform to the zoning requirements of the zoning district in which the subdivision is located. Conformance to zoning requirements means, among other things that the smallest lot in the subdivision must meet all dimensional requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.

(b).a. Lot sizes may be increased on the recommendation of the Rowan County Health Department based on the assessment of soil application rates and subsoil conditions.

~~b. Lots served by a septic tank system and located on a watershed of a Class I or II reservoir or on the watershed of a portion of a Class A II stream extended from a Class I reservoir to a downstream intake to a water purification plant shall contain at least forty thousand (40,000) square feet of area suitable for a septic tank location and operation. The location and extent of these watersheds shall be determined by the State Board of Health and N.C. Department of Environment, Health and Natural Resources.~~

b. e. Any lot served by a septic tank system shall be large enough to accommodate both a septic tank, its drainage field, plus a reserve drainage area.

(c). In determining the lot area requirements, the following shall not be included:

- a. Any deeded road or easement right-of-way
- b. Any dedicated road right-of-way
- c. Any road right-of-way to be dedicated
- d. Any road right-of-way claimed by the N.C. Department of Transportation
- e. Any railroad right-of-way
- f. Any area within a floodway or non-encroachment zone according to the Rowan County FIRM and / or FIS.

(2) Lot Specifications: Minimum specifications for all uses shall comply with the applicable zoning requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.

(3) Orientation of ~~Residential~~ Lot Lines: Side lot lines shall be substantially at right angles or radial to street lines. Substantially shall be known as a tolerance of plus or minus fifteen (15) degrees of a right angle or a radial line. Double-frontage lots shall be avoided wherever possible. Where side lot lines intersect at the rear of the lot the angle of intersection shall not be less than thirty (30) degrees.

(4) ~~Residential~~ Lot Depth: Minimum lot depth ~~for residential dwellings~~ shall comply with the applicable zoning requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.

Section 22-80. Road Standards.

Every lot shall have access to it that is sufficient to provide a means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. In situations where an original lot is provided access via a non-state standard right-of-way or easement (public or private) and is proposed to be subdivided, the subdivider shall be responsible for obtaining the necessary right-of-way and for all aspects of road construction for upgrading said access

to the proposed subdivision. Road construction and right-of-way standards shall meet the requirements of Section 22-80(a) or (b) of this ordinance.

(a) *Public Roads.*

All subdivision lots shall abut on a public road except as provided in section 22-80(b) and (d) of this ordinance. All public roads shall be paved and built to all applicable standards of this ordinance and all other applicable standards of the North Carolina Department of Transportation (NCDOT). Roads which are not eligible to be put on the NCDOT system because there are too few residences shall nevertheless be dedicated for public use and shall be built in accordance with the standard necessary to be put on the NCDOT System. A written agreement with provision for maintenance of the street until it is put on the State System shall be included with the final plat and recorded with Rowan County Register of Deeds office. The maintenance agreement shall provide that **either the subdivider or property owners** shall be responsible for the maintenance of all proposed public streets until the responsibility has been transferred to either a homeowner's association established for the owners of properties in the subdivision or has been accepted for public road maintenance by NCDOT.

(b) *Private Roads.*

Private roads shall be permitted only when the roads proposed within a subdivision will not be eligible for inclusion into the NCDOT state maintained system or by a municipality in Rowan County because of their standards for acceptance. Such roads shall meet all right-of-ways and construction standards of NCDOT unless specifically provided otherwise. The subdivider shall provide certification from a registered professional engineer that the subject roads were built to these standards. All private roads shall be marked as such on the preliminary and final plat and a maintenance agreement shall be provided and recorded with the plat at the Rowan County Register of Deeds office once the final plat has been approved.

Said maintenance agreement shall include, but not be limited to, the following items:

- (1) That a homeowner's association shall be established as a legal entity for the property owners within the entire subdivision.
- (2) That all property owners within the subdivision shall be members of the homeowner's association.
- (3) That the subdivider shall convey all private streets in fee simple ownerships within the subdivision to the homeowner's association.
- (4) That the responsibility for maintenance of private streets from the developer to the homeowners association shall be noted in the deed of each purchaser of property within the subdivision.

At the time of the preparation of the sales agreement the developer shall include a disclosure statement to the prospective buyer as herein outlined. The developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility about the maintenance of a private street, and shall fully and accurately disclose to the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest.

Private roads for a family subdivision, as defined in section 22-9, shall not be required to meet construction standards of NCDOT, instead the lot(s) created shall be provided ingress and egress via a twenty-foot easement or right-of-way (new or existing) **in continuity to a publically maintained road**, which shall be shown on the final plat. Furthermore, family subdivisions may also occur in situations where prior minor subdivision approval was granted but not within a major subdivision. In addition, the street frontage requirements of section 22-79(a) "Lot Dimensions" shall not apply to these lots. For the purposes of determining other required setbacks, "street" and "street right-of-way" shall be interpreted to mean the twenty-foot exclusive easement. The establishment or extension of a new easement or right-of-way shall not be prevented by the required setback of an existing structure if the Subdivision Administrator determines no other feasible options are available.

Any family subdivision that cannot comply with the provisions of this subsection shall not be approved as a family subdivision and shall be approved and comply with the provisions of a minor or major subdivision.

Section 22-103. Sewage Disposal Facilities Required.

- (a) Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- (b) Notwithstanding any other provisions of this ordinance, no privately owned or operated sewage treatment system that discharges into surface waters shall be allowed within a public water supply watershed according to watershed classification by the North Carolina ~~Division of Environmental Management~~ **Department of Environmental Quality**.

Section 22-104. Determining Compliance With section 22-103.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed sewage disposal system complies with the standard set forth in section 22-103(a).

IF	THEN
1) Lots within the subdivision are to be served by simple connection to existing municipal or county lines or lines of a previously approved private treatment system:	No further certification is necessary.
2) Lots within the subdivision are to be served by a county or municipal system but the developer will be responsible for installing the necessary additions to the public system:	The appropriate utilities director (municipal or county) must certify that the proposed extension meets the local government’s specifications and will (if connection to the local governments system is proposed) be accepted by the local government. (A “Permit to Construct” must be obtained from the Division of Environmental Management appropriate governmental agency).
3) Lots within the subdivision that are not served by a county or municipal system and are to be served by a sewage treatment system, that has not previously been approved, that does discharge into surface waters or on ground surfaces:	A permit must be obtained from the Division of Environmental Management prior to final plat submittal.
4) Lots within the subdivision that are not served by a county or municipal system and are to be served by a privately operated sewage treatment system, that has not previously been approved, that does discharge below the ground surface:	A permit must be obtained by the Rowan County Health department prior the final plat submittal.
5) Lots served by individual septic tank systems:	No further certification is necessary.

Section 22-106. Determining Compliance with section 22-105.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed water supply system complies with the standard set forth in section 22-105.

IF	THEN
1) Lots within the subdivision are to be served by a simple connection to existing municipal or county lines or lines of a previously approved public water supply system:	No further certification is necessary
2) Lots within the subdivision are to be served by a municipal or county system but the developer will be responsible for installing the necessary additions to such system:	The appropriate utility director (municipal or county) must certify to the county that the proposed system meets the local government’s specifications and will be accepted by the local government. (A “Permit to Construct” must be obtained from Division of Health Services appropriate governmental agency).
3) Lots within the subdivisions are not to be served by a municipal or county system and are to be served by a privately owned public water supply system that has not previously been approved:	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A “Permit to Construct” must be obtained from Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of one hundred thousand (100,000) gallons per day or is located within certain areas designated by Division of Environmental Management.
4) Lots within the subdivision are to be served by individual wells:	No further certification is necessary.

Chairman Edds opened the public hearing to receive citizen input regarding the proposed text amendments for ZTA 01-16 and STA 02-16. The following citizen came forward to address the Board:

- Terri Burnham spoke regarding what she felt was a lack of transparency and said she was unaware of the ability to have advanced notice of the proposed changes.

Chairman Edds stated the proposed changes were on the website via the agenda packet, which was posted the Wednesday prior to the meeting.

Mr. Stewart highlighted the procedure for the proposed text amendments. Mr. Stewart explained the information was first reviewed by a subcommittee with any

recommendations being submitted to the Planning Board. Changes are then posted on the website and in accordance with North Carolina General Statutes, the public hearing was posted in the Salisbury Post on August 25th and again on September 1st.

In response to further questions from Ms. Burnham, Mr. Stewart said there was a link for the Planning Board and all case files were identified on the link. Mr. Stewart commented that minutes of Boards could be searched on the County's website, as well.

Commissioner Pierce added that meeting schedules vary for each advisory boards, such as quarterly, bi-monthly, etc. Therefore, the minutes for the advisory board meetings cannot be posted until they are approved.

With no one else wishing to address the Board, Chairman Edds closed the public hearing.

Statement of Consistency: Chairman Edds moved that ZTA 01-1 and STA 02-1 are consistent based on the changes to state regulations. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Pierce moved, Commissioner Caskey seconded and the vote to approve ZTA 01-16 and STA 02-16 passed unanimously.

5. PUBLIC HEARING FOR Z 07-16

Planner Franklin Gover presented the staff report for Z 07-16. The report stated that Jerry Murph was requesting Tax Parcel 244 023 and a portion of Tax Parcel 244 199 located in the 900 block of N. Enochville Avenue be rezoned from Rural Agricultural (RA) to Neighborhood Business (NB). Parcel 244 199 is 1.79 acres with 287 feet of frontage along N. Enochville Ave. Parcel 023 is .3 acres. The Planning Board recommends against rezoning the entirety of parcel 244 199 to NB.

Planning staff recommended including Parcel 244 231 in this request. Parcel 231 is .15 acres. Planning Staff reached out to the owner twice via first class mail explaining the request and offering the chance to join at no charge. The total area for the rezoning is approximately 1.6 acres.

Mr. Gover highlighted the zoning criteria in the staff report, including two (2) existing structures that are identified as retail. Mr. Gover said there were storage sheds located on one of the parcels for sale. Mr. Gover said the back portion of the large parcel was wooded and Planning Board recommended only rezoning the front portion of the parcel.

Mr. Gover said he did receive two (2) calls with concerns about the rezoning. Mr. Gover said there were no specific concerns but the callers stated they were against the rezoning.

Mr. Gover pointed out that NB has special requirements that help limit the impact on residential neighbors, specifically the twenty-five hundred foot limited display area. Mr. Gover said the retail aspect of Parcel 244 199 would be limited to 2500 square feet of display for the storage sheds.

Chairman Edds asked if the rezoning of Parcel 244 231 should take place since there was no response from the owners. Mr. Gover pointed out the adjoining Parcel 244 199, was owned by a sibling, Rebecca Wright. Mr. Gover said he was comfortable with the rezoning.

The applicant, Jerry Murph, came forward and said he was in the process of buying the buildings located beside his parcel.

Chairman Edds opened the public hearing to receive comments from any citizens wishing to speak for or against Z 07-16. With no one wishing to address the Board, Chairman Edds closed the public hearing.

The Planning Board considered the request on July 25, 2016 and voted unanimously to recommend approval.

Statement of Consistency

Commissioner Pierce moved Z-07-16 is consistent with the Western Area Land Use Plan based on the West Rowan Area 2 recommending Neighborhood Business zoning along major thoroughfares; and Z-07-16 is also consistent because Neighborhood Business zoning helps reduce impervious coverage and mitigates the impact on the neighboring parcels. The motion was seconded by Commissioner Greene and passed unanimously

Statement of Reasonableness

Commissioner Pierce moved Z-07-16 is reasonable based on the property being located on a minor thoroughfare close to other commercial users along Enochville Avenue. Commissioner Klusman seconded and the motion carried unanimously

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve Z 07-16 carried unanimously.

6. PUBLIC HEARING FOR Z 08-16

Before discussing Z 08-16, Planning and Development Director Ed Muire responded to Terri Burnham's concerns in the previous hearing. Mr. Muire said there was an error with not posting the minutes for a previous Planning Board meeting; however, it was not intentional. Mr. Muire said the minutes have now been updated and said he was thankful the issue had been brought to Planning Staff's attention.

Mr. Muire presented the staff report for Z 08-16. Mr. Muire explained that David Wood, President of AH, Inc. requested the zoning designation of Tax Parcel 409-047 and approximately three (3) acres of Tax Parcel 409-058 be changed from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI). The site is located on Auction Drive, which is an I-85 service road off Webb Road.

Mr. Muire reviewed the background and explained that as noted in previous staff reports for requests located in the portion of Rowan County centered along I-85, the north-south area between China Grove and Salisbury and bounded on the east by Old Concord Road and west by Grants Creek was zoned CBI during initial the countywide zoning effort in 1998. A 2002 Commission initiated study reviewed the economic development potential of tracts within this area, resulting in the creation of economic development zoning designations for some tracts, overlay designations or CBI for others.

Using a power point, Mr. Muire showed the site in question and highlighted the surrounding areas. Mr. Muire showed a map that depicted a portion of the old Litaker Township Zoning Atlas Map 409 indicated the parcel in question was owned by the North Carolina Department of Transportation (NCDOT), therefore development potential was deemed nil and remained RA. In fact, AH, Inc. acquired the property from NCDOT in 1997 but the text on the tax map was never updated to reflect such.

Mr. Muire discussed the zoning criteria contained in the staff report. With regards to the Planning Board Meeting held on July 25, 2016, Mr. Muire said the Planning Board voted unanimously to forward a favorable recommendation to the Commissioners for Z 08-16 according to its consistency "with the Eastern Area Land Use Plan based on it being located in the I-85 corridor and because the request will be joining adjacent CBI parcels." Chairman Edds opened the public hearing to receive comments from any citizens wishing to speak for or against Z 08-16. With no one wishing to address the Commissioners, Chairman Edds closed the public hearing.

Chairman Edds moved to approve the recommended Statement of Consistency for Z 08-16 for its consistency with the Eastern Area Land Use Plan based on it being located in the I-85 corridor and because the request will be joining adjacent CBI parcels. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Klusman moved approval of Z 08-16 followed by a second from Commissioner Pierce. The motion passed unanimously.

7. SUBDIVISION CONSIDERATIONS FOR ERVIN WOODS

Planning and Development Director Ed Muire reported that in August of this year the Board approved a Conditional Use Permit (CUP) for subdivision in a CBI district. Mr. Muire said things moved rather quickly and the applicant is ready to

record the plat and sell some lots. Mr. Muire said the request in the agenda packet was initially for two (2) items; the first being a private road and the second for acceptance of letter of credit. Mr. Muire continued by explaining the request no longer need to include the private road consideration as the NCDOT and the applicant had worked out some issues and the road would be recorded as public. The request however, would include a Letter of Credit posted by F&M in the amount of 125% of the amount of the engineer's estimates or \$126,863. The funds would cover the list of all remaining improvements, including, storm drains, paving, right of way, and related items.

Mr. Muire went on to state the request was a formality and staff was not able to accept the approvals.

Commissioner Pierce moved to accept the Letter of Credit for 125% of the engineer's estimate for subdivision improvements for a period of one (1) year following the date of plat recordation. The motion was seconded by Commissioner Klusman and passed unanimously.

8. REQUEST TO APPLY FOR STATE CLEAN AND DRINKING WATER STATE REVOLVING FUND LOAN

Kellie Cartwright, Grant Writer, explained that after the agenda packets had been published there were several updates to the information for the Board's consideration. Ms. Cartwright provided the Commissioners with hard copies of the updates, as well as two (2) updated Resolutions.

Ms. Cartwright requested Board approval to apply for state drinking water reserve fund loan and state drinking water revolving loan. Ms. Cartwright stated that instead of having a water and sewer request, there were two (2) drinking water requests. Ms. Cartwright said there must be approval to apply for the fund and approval of a different resolution for each one.

According to Ms. Cartwright, the first motion would be to apply for the state drinking water revolving fund loan, and then and the state drinking water reserve fund.

Commissioner Pierce move to approve for the Resolution For The Application For The Drinking Water State Revolving Fund. Commissioner Klusman seconded and the motion passed unanimously.

Commissioner Pierce moved to approve the Resolution For The Application Of The Drinking Water State Reserve Fund. Commissioner Klusman seconded and the motion carried unanimously.

9. PRESENTATION OF PARKS MASTER PLAN

David Malcolm and Nick Lowe from McAdams presented the Rowan County Parks and Recreation Master Plan (Plan) via a power point presentation. Mr. Malcolm said the Parks Board had also submitted their endorsement of the Plan

in the Commissioners agenda packet. Mr. Malcolm said by approving the Plan the Board would be positioning the County for future improvements, as well as future funding opportunities.

Using the power point, Mr. Lowe noted most of the County's population was along I-85. The Plan contents included an executive summary, introduction, process, inventory and analysis of existing programs, public opinion, needs and demands, recommendations, action plan and the appendix.

The Master Plan process considered the following:

- Countywide facilities inventory
- Review of previous master plans and maps
- Inventory and analysis of existing facilities
- Inventory and analysis of existing programs
- Demographics study
- Trends and analysis study
- Benchmarking and level of service study
- Public opinion (from staff, government officials and Parks and Recreation Board, county survey and data analysis and public meetings)

Needs and demands –

- 142 acres of additional park land
- A district park in the southern region of the county east of I-85, possibly near the proposed exit.
- A district park to serve the northwest region possibly near Woodleaf
- A regional park near High Rock Lake
- Hiking Trails

Facilities:

- Regional amphitheater on High Rock Lake
- A centralized gymnasium
- Existing Park Facility upgrades and additions
- Other park specific items

Programs

- Development of core programming
- Implementation of customer feedback strategies
- Calendar enhancement
- Identification of customer requirements
- Create partnership policies
- Development of new partnerships
- Develop a volunteer program
- Create a standard of financial performance measures
- Staffing to administer program needs
- Devise a system wide approach for handling customer dissatisfaction

Marketing

- Cross Program
- Internet
- Sponsorship Recognition

Mr. Lowe stated that the recommendations were broken up into four different categories:

- General Strategies
- Programs
- Facilities
- Funding

Marketing

- Cross Program
- Internet
- Sponsorship Recognition

Mr. Lowe then highlighted the action plan, which was broken down into one to five years, five to ten years, and ten years plus.

Commissioner Greene asked for elaboration on the proposed park in the Woodleaf area, asking if the area was chosen as a particular need. Mr. Lowe said the area picked was a need, based on population growth and holes for recreation in that area.

Commissioner Greene stated there would be a consolidation of Cleveland and Woodleaf elementary schools, and eventually, the Woodleaf School would be torn down. Commissioner Greene asked if that site could be considered for a future park. Mr. Malcolm said knowing the consolidation was a potential, the site was recognized as a good location.

Chairman Edds referenced table #7 in the Plan showing operating costs and comparing those to some of the local communities. Chairman Edds noted the table compared the total existing revenue the County's parks generate compared to the total expense of the parks. Rowan County brings in \$1.85 million in revenue and budgets out \$2.37 million as operation cost recovery. Chairman Edds said the County recovers about 78% of the costs through revenues for those parks. According to Chairman Edds, Rowan County was ahead of other counties in what is recovered, and he felt the information was worth pointing out.

Mr. Malcolm said the previous Plan was done in 1995 and ultimately had not been approved by the Board. Mr. Malcolm said the current Plan could be used to help in scoring with the Parks and Recreation Trust Fund (PARTF) and the ability to receive matching grants with large sums of money.

Commissioner Caskey inquired about shooting sport needs that some of the citizens had asked for. Mr. Malcolm responded one of highest ranking activities from the survey was outdoor sportsman activities. Mr. Malcolm stated this should be embraced as a recreation opportunity and land should be identified through the Parks Board to offer citizens a place to go.

Commissioner Caskey asked if other government entities owned shooting ranges for the public. Mr. Lowe said there were state parks that provided lands for skeet shooting. Mr. Malcolm added there were very few municipal operated ranges. The recommendation would be for the County to look for a partner to provide that type of activity.

Chairman Edds questioned the number of responses to the survey. Mr. Malcolm said the number of completed, returned surveys to guarantee the results was 400 and that number was reached.

Chairman Edds thanked Mr. Malcolm and Mr. Lowe for the presentation. Chairman Edds said he was glad McAdams had someone on staff (Mr. Lowe) from Rowan County as he had a vested interest in the community.

Chairman Edds pointed out if the Plan was adopted, it did not mean the County would go out and do all these things, but said the Plan would be used as a road map for future planning.

Chairman Edds moved to adopt the Parks Master Plan provided. Commissioner Greene seconded and the motion passed unanimously.

10. ACTIVITIES UPDATE – ROWANWORKS

Rowan County Economic Development Director Robert Van Geons presented the Board with an activities update.

Mr. Van Geons highlighted FY 2015-16 Project Activity:

- Total new projects 84
- Total projects worked – 98
- Total visits -21
- Grants and incentives – 30 active agreements under management
- Value of pipeline - \$916 million
- Jobs in pipeline – 6,674

Mr. Van Geons also reviewed seventeen (17) recent projects from 2015-16 and then went on to talk about marketing through advertising, events, social media, promotion, and press for existing industry.

Mr. Van Geons highlighted existing industry effects and workforce development

- Direct Visitation
- Employee Recruitment

- MI Network
- Media Assistance

Mr. Van Geons said the County had to pass on twenty-nine (29) requests because there was no building inventory available. Fourteen (14) sites are currently under development, according to Mr. Van Geons.

Mr. Van Geons highlighted the following goals and pro-business recommended target clusters:

- Revamping of website and materials
- Adding business development director's position
- Comprehensive marketing, social media and PR program
- Relevant participation in trade shows and recruitment missions
- Hosted events – bring decision makers to us
- Private sector lead industry cluster focus groups
- Proactive engagement of existing industry
- Organization 360
- Direct partnerships with state and regional groups
- Data driven research and target identification

Mr. Van Geons shared the fact that since 2013, of the announced projects, five (5) were existing building expansions, eighteen (18) occupied an existing vacant building, and nine (9) were new construction.

Also, since 2013, Mr. Van Geons stated thirty-six (36) projects were announced with 3,500 currently employed at these companies, with \$2.6 million in revenue being generated from land sales and \$360 million in new investments.

Mr. Van Geons expressed his thanks to the County for its support of the efforts of the EDC and for providing the tools and business environment to be successful.

ADDITION

10a. REQUEST TO SET PUBLIC HEARING FOR TREVEY SITE

Robert Van Geons, Executive Director of the Rowan County Economic Development Commission provided the Board with a request to schedule a public hearing for October 3, 2016 to consider a rezoning application from the owners of the Trevey Site (Parcel 052 096).

Commissioner Klusman moved to set a public hearing for October 3, 2016 to consider rezoning for the Trevey site. Commissioner Pierce seconded and the motion passed unanimously.

11. REQUEST FOR PUBLIC HEARING – PROJECT F2

Commissioner Pierce moved to set a public hearing for September 19th to consider an investment grant request for Project F2. Commissioner Klusman seconded and the motion carried unanimously.

12. PROPOSED TEXT AMENDMENTS TO ANIMAL ORDINANCE

Chairman Edds said a vote was needed to set a public hearing for the proposed Animal Ordinance text amendments.

Commissioner Pierce moved to set a public hearing for September 19, 2016 for the text amendments from staff, as well as the Commissioner's recommended text amendments. Commissioner Klusman seconded and the motion carried unanimously.

Chairman Edds said the rules for the public hearing should be established as follows:

- Limit each speaker to three minutes
- Comments will be restricted to the subject of the public hearing
- Maintain order and decorum
- No signs or clapping will be allowed
- No comments from the audience while hearing is in process
- Anyone who wishes to speak will be allowed with no limit to the number

Commissioner Klusman moved approval of the rules. Commissioner Pierce seconded and the motion passed unanimously.

13. CONSIDER REQUEST TO LOWER ADOPTION FEES FOR SHELTER ANIMALS FOR SPECIFIC ANIMALS FOR SPECIFIC PUBLIC EVENTS

Animal Services Director Bob Pendergrass said staff was requesting the authority to lower adoption fees for one full day for a maximum of twelve days per budget year in order to promote adoptions in times of crowding and to promote public involvement and awareness through these special fee reduction events.

Mr. Pendergrass said some rescue groups help subsidize fees by 50% from time to time. Mr. Pendergrass felt the County should go beyond that to show commitment to providing short term solutions to find animals forever homes.

Chairman Edds asked if the reduced fees were started and twelve (12) days was not enough would staff come back and ask the Board to adjust the days. Mr. Pendergrass responded that he would be happy to do so.

Commissioner Caskey inquired about the frequency with Mr. Pendergrass responding they would like to have flexibility in moving slow dates to the busier months.

Commissioner Greene asked how this would effect the credit provided for the spay and neuter program. Mr. Pendergrass responded that the goal would be to give the credit but it would be at some cost to the County.

Commissioner Pierce asked if this would enhance the ability to keep the shelter clean. Mr. Pendergrass said he felt it would help keep the euthanized count lower.

Commissioner Pierce moved to give Bob Pendergrass the ability to lower adoption fees at the Animal Shelter up to twelve (12) days per year as he sees the necessary time frame to limit the amount of intake at the shelter. The fees would be lowered a maximum of 80%.

Commissioner Caskey seconded and the motion carried 4-0 (Commissioner Klusman had left the room).

14. CONSIDER OFFER TO PURCHASE COUNTY-OWNED PROPERTY LOCATED AT 1236 WEST INNES STREET

Mr. Church said an offer in the amount of \$20,000 had been received, as well as a \$1,000 deposit for the purchase of county-owned property located at 1236 West Innes Street. Mr. Church said the Board could decide if it wished to provide a counter offer. Mr. Church pointed out a clause in the contract to purchase regarding the tax value and said if the purchaser felt the tax value should be lower, they should appeal to Board of Equalization and Review.

In response to Mr. Church's comments, County Attorney Jay Dees said the language regarding the taxes could be stricken if the Board wished to approve the sale.

The Board discussed the asbestos and lead assessment of the building. According to Mr. Church a report was received indicating asbestos was present but not airborne and a small amount of lead was present. Based on the cost to demolish the building, the Board members felt selling the property as is would be a savings to the tax payers.

Mr. Dees said the sale would not include the triangle parcel with the rose garden. Mr. Dees said he had asked the Tax Office to separate the parcels.

Commissioner Pierce inquired as to whether the triangular parcel should be conveyed to the Rose Garden Society (Society). Mr. Dees responded the County had not approached the Society but could follow up to see if they wished to accept the parcel.

Commissioner Pierce moved to accept the offer with the understanding that the County could not discount the tax base on the property. Chairman Edds seconded and the motion passed unanimously.

15. CONSIDER APPROVAL OF BOARD APPOINTMENTS
JUVENILE CRIME PREVENTION COUNCIL

There were seven (7) vacancies and the following applications were received:

- Cassidy Leigh Allen representing a Youth Under the Age of 18
- Brian Stallings for reappointment as the Chief of Police designee
- Robert L. Lippard for reappointment as the representative of the United Way. Mr. Lippard has served three (3) terms and in order to reappoint Mr. Lippard the Board would need to waive the term limits set forth in the September 2012 Resolution..

These terms were for two (2) years expiring June 30, 2018.

Commissioner Pierce moved to approve Cassidy Allen and Brian Stallings. Commissioner Greene seconded and the motion passed unanimously.

Commissioner Pierce moved, Commissioner Caskey seconded and the motion to waive the term limits for Robert Lippard passed unanimously.

Commissioner Pierce moved to appoint Mr. Lippard. Commissioner Caskey seconded and the motion carried unanimously.

- Sharon Gardner as the designee for the Superintendent of Schools

Commissioner Pierce moved approval of Sharon Gardner, Commissioner Greene seconded and the motion carried unanimously.

- King Parker Jones as the designee for the director of the area mental health authority (Cardinal Innovations).

Chairman Edds said there had been a request for a change in applicants from Cardinal Innovations for the area mental health authority designee. An application was received from Tressy Suzanne McLean-Hickey for consideration to replace the application from King Parker Jones.

Commissioner Pierce moved to appoint Tressy Suzanne McLean-Hickey. Commissioner Klusman seconded and the motion passed unanimously.

These appointments have no term ending date by virtue of their positions.

HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

There was one (1) vacancy and an application was received from Jennifer Davis Hammond. The term was for two (2) years expiring on December 31, 2018.

Commissioner Pierce moved, Commissioner Greene seconded and the motion to appoint Ms. Hammond carried unanimously.

NURSING HOME ADVISORY COMMITTEE

There were four (4) vacancies and one application was received from Delores Elliott. The term was for one (1) year beginning September 1, 2016 and expiring August 31, 2017.

Commissioner Pierce moved, Commissioner Caskey seconded and the motion to appoint Ms. Elliott passed unanimously.

CLEVELAND COMMUNITY VFD FIRE COMMISSIONERS

There were three (3) vacancies and the following submitted applications:

- Patrick Trent Phifer for reappointment
- Craig Cline Myers
- Pleasant Arthur Browne – Please note this application was received after the agenda deadline.

The terms were for two (2) years beginning October 1, 2016 and expiring September 30, 2018.

Commissioner Pierce moved approval of the applicants, Phifer, Myers and Browne. Commissioner Caskey seconded and the motion carried unanimously.

TOWN OF ROCKWELL ZONING ETJ

There were two (2) vacancies. Arnold Michael Cauble applied for reappointment. The term was for three (3) years, expiring February 28, 2019.

Commissioner Pierce moved, Commissioner Caskey seconded and the motion to appoint Mr. Cauble passed unanimously.

ADDITION

15a. HEALTHY ROWAN

A handout was provided at the beginning of the meeting with a request for the County and the City of Salisbury to partner together to fund a part-time position for Healthy Rowan for three (3) months (October 1 – December 31, 2016) at a cost of \$3,000 (\$1,500 each).

Commissioner Pierce moved, Commissioner Klusman seconded and the motion to approve the request passed unanimously.

Commissioner Klusman noted there was a very good chance of receiving a \$150,000 health grant from the Duke Endowment.

15b. REVISED EVENTS CENTER RENTAL CONTRACT AND POLICY

(This item was pulled from the Consent Agenda for discussion).

County Manager Aaron Church provided a revised Events Center Rental Contract and Policy in the agenda packet. In summary, the proposed changes were as follows:

1. Allow the Board of Education (BOE) to use the facility at no charge 1 time every 90 days if the Board of Education provides a resolution to the County.
2. Increases the cost by 40% if there is alcohol. This covers bathroom attendants and additional staff.
3. Increases the down deposit from \$500 to \$1,000 for non alcohol events and to \$2,000 for alcohol events.
4. Requires that children under 12 be with an adult.
5. Prohibits drinking in the parking lot.
6. Increases the number of police officers from 3 to 4 and as high as 10 pending the number of attendees if alcohol is served.

Commissioner Pierce said he had no problem with the changes in the contract; however, he expressed concern with allowing the BOE to use the facility at no charge four (4) times per year. Commissioner Pierce said the Events Center was to generate revenue for the County and he would rather for the policy to include language for reviewing the school system's applications on an individual basis. Commissioner Pierce continued by saying he felt Rowan Salisbury School System (RSSS) should submit a request for each use of the facility and the Commissioners would consider the requests on an individual basis. Commissioner Pierce said the other issue was the Master Plan had not been approved and the County did not know if space would remain available at the Events Center.

Commissioner Caskey said he would agree but for a different reason. Commissioner Caskey said he did not want to limit RSSS to four (4) times per year; however, he felt if RSSS wanted to use the building they would have to have two (2) weeks notice for approval by the Commissioners.

In response to Commissioner Klusman's question as to who else would qualify for free use, Chairman Edds responded it would be only RSSS.

Commissioner Pierce asked about the City of Kannapolis being able to use the facility since they were also in the school district. Commissioner Piece stated he did not have a problem waiving the fee if it was justifiable.

Chairman Edds said the last thing RSSS wanted to do was to use the facility for as few as 100 people since RSSS had a facility that would hold 250 people. Chairman Edds stated this would be for an event for 500 to 800 people.

Commissioner Pierce said he would still like to have the ability to approve the use based on each individual need. Commissioner Pierce said he also did not like binding future Boards to an action where there was no guarantee the facility

would still be available. Commissioner Pierce reiterated he felt it was not appropriate to set policy until the Master Plan was approved.

Chairman Edds asked if this needed to be added to the next agenda. Commissioner Pierce was agreeable to approve the changes to the rental policy; however, he felt the solution would be to ask RSSS to provide a request for Board approval via the Consent Agenda on a case by case basis.

Commissioner Pierce moved to approve the rental agreement as presented with a caveat the Board would entertain any request from the school system to use the facility as they needed and waiving the fee on a case by case basis. Commissioner Caskey seconded for discussion.

Commissioner Caskey asked Mr. Church if there was an existing request from RSSS with Mr. Church responding in the affirmative. Mr. Church said the request was received while the policy was being edited, which was the reason for adding the language to the proposed revisions. Mr. Church said the current request from RSSS was for an executive from Apple to speak to all the teachers.

Chairman Edds stated the issue was if the Board was going to approve the new rules to allow RSSS to use the facility up to four (4) times per year free of charge.

Upon being put to a vote, the motion on the floor failed 2-3 with Commissioners Klusman, Greene, and Edds opposed.

Chairman Edds moved to approve the policy as it stands (recommended). Commissioner Caskey seconded and the motion passed 4-1 with Commissioner Pierce dissenting.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Caskey moved to adjourn at 5:19 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board/
Assistant to the County Manager