



Rowan County Planning and Development Department

402 North Main Street, Suite 204 • Salisbury, N.C. 28144-4341

Main: 704-216-8588

MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners
FROM: Aaron Poplin, Planner
DATE: July 08, 2022
RE: **PE 03-22**

SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report ☐ Receive public comments
☐ Discuss request ☐ Approve / Deny / Table **PE 03-22**

REQUEST

Cynthia Anderson is requesting a Permit to Exceed for a concert on July 23rd, 2022 at 261 Lakeshore drive in Fisherman's Cove. The applicant expects the concert to attract around 50 people. The applicant indicates that it is a common occurrence to have events at the Fisherman's cove picnic shelter. No other activities are proposed to go along with music. The concert is free and open to the public but the applicant expects most of the attendees will be from Fisherman's cove. The applicant has informed staff they the home owners' association has already approved using the picnic shelter for this event.

According to Section 14-10 of the Noise Ordinance, *"It shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment (to include radio, tape player, stereos, etc.) emitting sound that is unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision is applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet."*

However, Section 14-12 provides an opportunity to exceed the amplified sound standards in the form of a "permit to exceed" when the event is open to the public.

APPLICATION REVIEW

As provided in Section 14-12 (c) of the Rowan County Noise Ordinance, the following criteria shall be considered in issuing or denying an application for a permit to exceed:

1. The timeliness of the application
Finding: Planning Staff received this application on June 15th well in advance for consideration on July 18th.
2. The nature of the requested activity
Finding: This event is live music located at the shelter owned by the fisherman's cove home owners' association.
3. Previous experience with the applicant.
Finding: Staff has no prior experience with the applicant.
4. The time of the event.
Finding: The event will begin on Saturday July 23rd at 6:00pm, and end at 9:00pm the same day.
5. Other activities in the vicinity of the proposed event.
Finding: This is the same day as the Dragon Boat festival, but the events are not close to each other.
6. Frequency of the event.
Finding: once.
7. Cultural or social benefits of the proposed event.
Finding: The applicant expects to attract an estimated 50 and part of the proceeds will go to charity.
8. The effect of the activity on any adjacent residential area.
Finding: see attached map of area properties.
9. Previous violations, if any, by the applicant.
Finding: None.
10. Adjoining property owners surrounding the location are notified by the Planning Department or applicant at least seventy-two (72) hours prior to consideration by the Board of Commissioners.

Finding: The Planning Department provided mailed notice to property owners within 100 feet of the event and posted a sign on July 8th regarding this application (10 days notice before the BOC meeting and two weeks before the event).

STAFF COMMENTS

The only questionable thing about the application is how open to the public the event truly is. This seems like more of a neighborhood event than a public event; however, the applicant has indicated the event is open to people from outside the neighborhood and staff was not given any reason to believe that this would not be the case.