



## Rowan County Planning and Development Department

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### MEMORANDUM

To: Chairman Edds and County Commission members  
From: Ed Muire, Rowan County Planning Director  
RE: **ZTA 03-22**  
Date: August 25, 2022

#### REQUEST

**ZTA 03-22** is a text amendment application (attached) submitted by Rowan County, NC government to “Create (an) airport operations and aviation specific district applicable to MidCarolina Regional Airport when Salisbury relinquishes its ETJ over the area.”

#### BACKGROUND

In 2013 the NC legislature approved a local bill requesting the Rowan County Airport be de-annexed from Salisbury City Limits, but the action did not remove the land area from Salisbury’s extraterritorial zoning jurisdiction (ETJ). A recent conflict between the City’s land development ordinance and an airport-related building project prompted the County to request the City consider relinquishing its ETJ applicable to the airport. The City was receptive and has scheduled a public hearing on the ETJ recension for September 20, 2022.

Anticipating this action, Staff has been preparing text for an airport specific district with cooperation from the Airport Services Director, Valerie Steele, and aviation consultant Talbert Bright & Ellington.

#### CONTENT

The proposed **ZTA 03-22** amendment updates airport-related definitions with Federal Aviation Administration (FAA) standards, creates an Airport Industrial (AI) district, amends the current Airport Zoning Overlay (AZO) and establishes a set of special requirements (SR) for uses permitted within the AI district.

The ***bold italicized text*** and ~~strikethrough text~~ within the excerpted sections below represents the proposed **ZTA 03-22**.

#### Section 21-4. Definitions Excerpt

*Approach surface* means the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. ~~The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of sixteen thousand (16,000) feet as provided for precision instrument runways. The approach surface~~

~~extends from the primary surface along the extended runway centerline for a horizontal distance of ten thousand (10,000) feet at a slope of 50:1 with an additional forty thousand (40,000) feet at a slope of 40:1.~~

*Horizontal surface* means a horizontal plane one hundred fifty (150) feet above the established airport elevation of seven hundred seventy-two **and three tenths (772.3)** feet mean sea level, the perimeter of which is constructed by swinging arcs with a radius of ten thousand (10,000) feet from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.

***Non-Precision Approach Zone means the inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface at a slope of 34:1. Its centerline is the continuation of the centerline of the runway.***

***Non-precision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.***

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

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

## **Sec. 21-31. Zoning districts established.**

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

(1) *General zoning districts:*

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

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

***(j) Airport Industrial, AI. This district is established for airport-specific or related businesses that will be located, designed, constructed and maintained in a manner compatible with aviation operations. Uses in the AI district tend to focus on manufacturing, transportation, services and public administration with standards designed to promote safety and compatibility with the MidCarolina Regional Airport Layout Plan (ALP) adopted by the Rowan County Board of Commissioners. Any use(s) or proposed structure(s) located on Rowan County property is subject to approval by the Rowan County Board of Commissioners and shall comply with MidCarolina Regional's minimum standards and applicable Federal Aviation Administration (FAA) rules and regulations including FAA 7460-1 Notice of Proposed Construction or Alteration.***

***Properties owned by Rowan County, NC that encompass and adjoin the MidCarolina Regional Airport will comprise the district. District boundaries may be amended by addition of contiguous parcels via the map amendment process prescribed in Section 21-362.***

## **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, planning staff, or the property owner or their designated representative.

(1) *Airport Zone Overlay, AZO.* The zones and restrictions established in this subsection are designed to limit the height of structures surrounding the county airport's established elevation of seven hundred seventy-two (772.3) feet above mean sea level (msl) in order to prevent hazards to the lives and property of the users of the airport and the occupants of land in the vicinity.

- Uses allowed.* The use requirements of the underlying district apply to the AZO district. However, all uses must be in conformance with the provisions of this section.
- Establishment of zones.* To carry out the provisions of this section, there are hereby created and established certain civil airport imaginary surfaces which ~~include all~~ **consist**

of the land lying beneath the approach surface, **including the non-precision and precision approach zones**; transitional surface; horizontal surface; conical surface; and primary surface. These civil airport imaginary surfaces are established with relation to the Rowan County Airport runway and proposed extensions of thereof. Such imaginary surfaces are **defined in Section 21-4 and** shown on the Official County Airport Zoning Map prepared by the Rowan County Planning Department and dated **September 19, 2022** ~~October 4, 2004~~, which is adopted and incorporated herein by reference. The size of each such imaginary surface is based on the ~~categorization~~ **category** of this **each** runway as ~~having both a precision instrument~~ **according to the type of approach available or planned for that** runway. The slope and dimensions of the imaginary **approach** surfaces, applied to each end of a runway, are determined by the most precise approach **procedure** existing or planned for the runway end. ~~The surfaces are hereby established and defined as follows:~~

- ~~1. **Horizontal surface.** A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs with a radius of ten thousand (10,000) feet from the center of each end of the primary surface of each end of the runway, including any planned extensions, and connecting the adjacent arcs by lines tangent to those arcs.~~
- ~~2. **Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.~~
- ~~3. **Primary surface.** A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1,000) feet as required for precision runway landings.~~
- ~~4. **Approach surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
  - ~~i. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of sixteen thousand (16,000) feet as provided for precision instrument runways.~~
  - ~~ii. The approach surface extends for a horizontal distance of ten thousand (10,000) feet at a slope of 50:1 with an additional forty thousand (40,000) feet at a slope of 40:1.~~~~
- ~~5. **Transitional surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.~~

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

(a) *Purpose.* There are instances where certain uses may have significant impacts on the surrounding area and the county which cannot be predetermined and controlled by general district standards. As a result, a general zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted as a conditional district subject to development requirements to address the anticipated impacts would be consistent with the spirit and intent of

this chapter. This voluntary procedure must be petitioned by the property owner or their authorized agent as a firm development proposal and not for securing early zoning for tentative uses which may not be undertaken for a long period of time.

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

**Sec. 21-66. General criteria for uses listed SR in the AI District in section 21-113.**

*Uses listed as SR in the AI District in section 21-113, the table of uses, shall comply with the following criteria, as applicable:*

- (1) Site plan.** *A site plan shall be provided showing the existing lot, existing and proposed buildings, and criteria required herein.*
- (2) Lighting.** *Any outdoor or building mounted lighting shall be shielded or directed downward to prevent upward illumination that may create interference with airport operations.*
- (3) Building material.** *No glare-producing material shall be used as exterior siding or as roofing on any building.*
- (4) Building height.** *The maximum height for any building or structure not associated with administration or operation(s) of the MidCarolina Regional Airport shall be limited to the lesser of the Airport Zoning Overlay (AZO) or thirty-five (35') feet*
- (5) Parking.** *Parking shall be as prescribed in Article VII, Parking, for that use.*
- (6) Signage.** *Signage is preferred to be building mounted, otherwise free-standing signage in the AI district shall be limited to one (1) location per site at a maximum height subject to the lesser of the Airport Zoning Overlay or twenty-five (25) feet*
- (7) Outdoor storage.** *All outside storage areas, including dumpsters, shall be:*
  - a.** *Sited to the rear of the building;*
  - b.** *Not within the required setbacks.*

- c. Completely screened from adjacent residentially zoned property by means of an opaque fence no less than six (6) feet in height.
- d. Aviation fuel storage locations are subject to compliance with National Fire Protection Association (NFPA) standard 407 and safety standards established by North Carolina Department of Insurance and the Federal Aviation Administration.

(8) Setbacks. Front yard setbacks shall be measured at fifty (50) feet from the edge of the road right-of-way with side and rear yard setbacks measured at ten (10) feet from the property line or lease area. When multiple buildings or structures occupy a parcel(s), a twenty-five (25) foot separation between structures shall be provided in lieu of a side and rear yard setback.

### Sec. 21-84 Table of dimensional requirements

DISTRICTS	RA	RR	RS	MHP	MFR	AI	CBI	NB	INST	IND
<b>Minimum zone lot size<sup>(1)(3)</sup></b>										
Septic tank and individual or multi-connection well	20,000 sq ft	20,000 sq ft	20,000 sq ft	6 acres	2 acre with 3 du/acre <sup>(2)</sup>	N/A	N/A <sup>(2)</sup>	20,000 sq ft	N/A	N/A
<b>Minimum zone lot size<sup>(1)(3)</sup></b>										
Public water or community water or Public sewer or approved package treatment plant	15,000 sq ft	15,000 sq ft	15,000 sq ft	6 acres	2 acre with 8 du/acre <sup>(2)</sup>	N/A	N/A <sup>(2)</sup>	15,000 sq ft	N/A	N/A
<b>Minimum zone lot size<sup>(1)(3)</sup></b>										
Public water and sewer	10,000 sq ft	10,000 sq ft	10,000 sq ft	6 acres	2 acre with 12 du/acre <sup>(2)</sup>	N/A	N/A <sup>(2)</sup>	10,000 sq ft	N/A	N/A
Minimum lot width at right-of-way	35 ft	35 ft	35 ft	35 ft	35 ft <sup>(6)</sup>	<b>35 ft</b>	35 ft	35 ft	35 ft	35 ft
Minimum lot width at Building setback line	70 ft	70 ft	70 ft	70 ft	70 ft <sup>(6)</sup>	<b>70 ft</b>	70 ft	50 ft	70 ft	70 ft
<b>Minimum lot depth</b>										
Without public water & sewer	150 ft	150 ft	150 ft	150 ft	150 ft <sup>(6)</sup>	<b>100 ft</b>	100 ft <sup>(2)</sup>	100 ft <sup>(2)</sup>	150 ft	150 ft
Public water and sewer	125 ft	125 ft	125 ft	125 ft	125 ft <sup>(6)</sup>	<b>100 ft</b>	100 ft	100 ft	125 ft	150 ft
<b>Principal structure setback</b>										
Front Yard <sup>(4)</sup>	30 ft	30 ft	50 ft	50 ft	50 ft <sup>(6)</sup>	<b>50 ft</b>	50 ft <sup>(2)</sup>	30 ft	30 ft	50 ft
Side street	20 ft	20 ft	25 ft	50 ft	50 ft <sup>(6)</sup>	<b>30 ft</b>	30 ft <sup>(2)</sup>	20 ft	20 ft	30 ft
Side yard <sup>(4)</sup>	10 ft	10 ft	10 ft	50 ft	50 ft <sup>(6)</sup>	<b>10 ft</b>	10 ft or 0 ft <sup>(2)</sup>	10 ft or 0 ft <sup>(7)</sup>	10 ft	10 ft or 0 ft
Rear yard <sup>(4)</sup>	10 ft	10 ft	20 ft	50 ft	50 ft <sup>(6)</sup>	<b>10 ft</b>	10 ft or 0 ft <sup>(2)</sup>	10 ft or 0 ft <sup>(2)(7)</sup>	10 ft	10 ft or 0 ft
<b>Accessory structure setback<sup>(8)</sup></b>										
Front	30 ft	30 ft	50 ft	50 ft <sup>(5)</sup>	50 ft <sup>(6)</sup>	<b>50 ft</b>	10 ft	10 ft	10 ft	10 ft
Any right-of-way	10 ft	10 ft	10 ft	30 ft <sup>(5)</sup>	50 ft <sup>(6)</sup>	<b>10 ft</b>	10 ft	10 ft	10 ft	10 ft
Side and rear yard	10 ft	10 ft	10 ft	10 ft <sup>(5)</sup>	10 ft <sup>(6)</sup>	<b>10 ft</b>	10 ft	10 ft	10 ft	10 ft

**Sec. 21-113. Table of uses.**

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements S - Special Use CD - Conditional District		Zoning Districts									
		Residential					Nonresidential				
		RA	RR	RS	MHP	MFR	AI	CBI	NB	INST	IND
Use		RA	RR	RS	MHP	MFR	AI	CBI	NB	INST	IND
<b>Construction</b>											
SIC											
16	Heavy construction other than building construction – contractors	SR	SR				SR	P	SR		P
17	Construction – special trade	SR	SR				SR	P	SR		P
<b>Manufacturing</b>											
34	Fabricated metal products, except machinery and transportation equipment, <i>all except</i>	SR	SR				SR	P	SR		P
35	Industrial and commercial machinery and computer equipment	SR	SR				SR	P	SR		P
36	Electronic and other electrical equipment and components, except computer equipment, <i>all except</i>	SR	SR				SR	P	SR		P
37	Transportation equipment	SR	SR				SR	P	SR		P
38	Measuring, analyzing and controlling instruments	SR	SR				SR	P	SR		P
39	Miscellaneous manufacturing industries	SR	SR				SR	P	SR		P
<b>Transportation, communications, electric, gas and sanitary services</b>											
41	Local & suburban transit, interurban highway passenger transportation	SR	SR				SR	P	SR		P
42	Motor freight transportation and warehousing, <i>all except</i>	SR	SR				SR	P	SR		P
4226 (pt)	Oil and gasoline storage caverns for hire and petroleum and chemical bulk stations and terminals for hire						SR(A)	P			P
45	Transportation by air						SR	P			P
47	Transportation services, <i>all except</i>						SR	P			P
472	Arrangement of passenger transportation	SR	SR				SR	P	SR		P
<b>Services</b>											
73	Business services	SR	SR				SR	P	SR		P
76	Misc repair services	SR	SR				SR	P	SR		P
7999	Amusement and recreation services, NEC, <i>all except</i>						SR	P	SR		P
82	Educational services, <i>all except</i>	P	P	P			SR	P	P	P	P
<b>Public administration</b>											
91	Executive, legislative and general government, except finance						SR	P		P	P
92	Justice, public order, safety, <i>all except</i>							P		P	P
9221	Police protection	P	P	P	P	P	SR	P	P	P	P
9224	Fire protection	P	P	P	P	P	SR	P	P	P	P
	Ambulance stations	P	P	P	P	P	SR	P	P	P	P
	Rescue squads	P	P	P	P	P	SR	P	P	P	P
97	National security and international affairs						P	P		P	P
<b>Unclassified</b>											
	Multi-tenant developments						SR	SR	SR	SR	SR
<b>SEE ARTICLE III. FOR SPECIAL REQUIREMENTS AND SPECIAL USE CRITERIA FOR SPECIFIC USES.</b>											

## **PROCEDURAL REQUIREMENTS**

As provided in Section 21-361(b) of the Zoning Ordinance, the Planning Board provides a favorable recommendation and adopted this Statement of Consistency for consideration of **ZTA 03-22**.

***ZTA 03-22 is reasonable, appropriate and necessary to meet the development and aviation needs of Rowan County not previously envisioned by the Western Area Land Use Plan based on the fact MidCarolina Regional Airport was within the City of Salisbury's zoning jurisdiction at the time of plan adoption. The ZTA 03-22 amendments utilize Federal Aviation Administration (FAA) terms and guidelines to establish surface and height limitations appropriate for a general aviation airport and creates standards for land uses in an airport specific zoning district intended to promote aviation related businesses and continued airport operations.***

***Furthermore, this adoption is deemed an amendment to the Western Area Land Use Plan.***