



ROWAN COUNTY COMMISSION AGENDA
September 3, 2019 - 3:00 PM
J. Newton Cohen, Sr. Room
J. Newton Cohen, Sr. Rowan County Administration Building
130 West Innes Street, Salisbury, NC 28144

Call to Order

Invocation

Provided By: Chaplain Michael Taylor

Pledge of Allegiance

Consider Additions to the Agenda

Consider Deletions From the Agenda

Consider Approval of the Agenda

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

- Consider Approval of the Minutes: August 5, 2019 and August 19, 2019

1 Consider Approval of Consent Agenda

- A. Permission To Apply To Walmart Foundation For Grant For Shop With A Cop
- B. Environmental Health Tort Claim
- C. Request for Public Hearing to Consider Revisions to Personnel Ordinance and Approval of Resolution
- D. 2019 Salisbury-Rowan Community Foundation Grant Request
- E. Schedule Quasi-judicial hearing for CUP 03-19 & Five Year Vested Rights Request for September 16, 2019
- F. Permission to Apply for The Foundation For The Carolinas Grant for Night Vision Goggles
- G. Permission to Apply for The Foundation For The Carolinas Grant for Shop With A Cop

- H. Mt. Mitchell FD Approval and Written Contract
 - I. Rowan-Salisbury School System - School Nursing Services Contract
 - J. Nazareth Child and Family Connections - Foster Care Contract
 - K. Schedule Public Hearing Regarding Intent to Enact a Six Month Moratorium for Establishing or Expanding Ground Mounted Solar Energy Systems for October 7, 2019
 - L. Proclamation for Patriot Day - A Day of Remembrance - September 11, 2001
 - M. Custodial Worker Positions
 - N. Purchase of Vehicles for Sheriff's Office
- 2 Public Comment Period
- 3 Public Hearing for ZTA & STA 01-19
- 4 Request for Approval of Grant Documents - Chewy Sewer Project
- 5 2019 Needs-Based Public School Capital Fund Grant Application
- 6 Landscape Design Airport Task Order
- 7 West End Plaza Renovations - Next Steps
- 8 Budget Amendment
- 9 Consider Approval of Board Appointments
- 10 Closed Session
- To Consider Approval of Closed Session Minutes: March 18, 2019, July 1, 2019 and August 19, 2019
 - For Attorney-Client Privileged Communication Regarding Pending Litigation
- 11 Adjournment

Citizens with disabilities requiring special needs to access the services or public meetings of Rowan County Government should contact the County Manager's Office three days prior to the meeting by calling (704) 216-8180.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Carolyn Barger, Clerk to the Board
DATE: August 26, 2019
SUBJECT: Consider Approval of the Minutes: August 5, 2019 and August 19, 2019

ATTACHMENTS:

Description	Upload Date	Type
August 5, 2019 Minutes	8/26/2019	Cover Memo
August 19, 2019 Minutes	8/27/2019	Cover Memo

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



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

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

August 5, 2019 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Judy Klusman, Member
Craig Pierce, Member

Absent: Mike Caskey, Member

County Manager Aaron Church, Clerk to the Board 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 pulled Consent Agenda item AB (Proclamation Honoring The Woodleaf Tomato Festival) and placed it on the regular agenda as Item #2b.
- Chairman Edds added a request to Grant \$5,000 For Rowan Regional Little League Softball World Series to the Consent Agenda as Item AD.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved approval of the minutes of the Commission Meetings held on July 1, 2019 and July 29, 2015. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

A. Proclamation for Rowan Creek Week

WHEREAS, the Chairman and Board Commissioners of the County of Rowan, as a representative, public entity, acknowledges the importance of water quality and water supply as an essential resource for achieving and maintaining community health, economic stability, and long-term community prosperity; and

WHEREAS, access to clean waterways, creeks, streams, rivers and lakes for recreational, scenic, agricultural and economic development purposes is a fundamental component of community life; and

WHEREAS, the County of Rowan aspires to the continued health and economic welfare of its citizens who value clean water for domestic consumption, agricultural use and as an industrial resource; and

WHEREAS, the County of Rowan acknowledges the importance of good stewardship and proper management of water resources through thoughtful land development, deliberate and on-going efforts to reduce sources of pollution, and responsible consumption; and

WHEREAS, a variety of public agencies, advocacy groups, environmental educators and citizens have organized and intend to implement a week-long celebration to promote water quality, conservation and general awareness of the indispensable nature of clean water through education and proactive community engagement.

NOW, THEREFORE, the Chairman and Board of Commissioners of the County of Rowan, firmly and unanimously adopt this proclamation recognizing "CREEK WEEK" In Rowan County, North Carolina for the week of August 17 – 24, 2019 and encourages all citizens to participate in activities and programs to address the important issues confronting water quality and water supply.

B. Grant Application for First United Methodist Church of Christ Foundation

C. DHHS Memorandum of Understanding

D. Tax Settlement Statement Fiscal Year 2019

BE IT RESOLVED by the Board of County Commissioners of Rowan County that the following documents attached hereto are received and approved, consisting of the following:

- (1) Tax Collections Manager's Cumulative Collections Tax Report
- (2) Tax Collections Manager's Collections Summary
- (3) Tax Collections Manager's Real and Personal Property Tax Report
- (4) Tax Collections Manager's Utility Tax Report
- (5) Tax Collections Manager's Vehicle Tax Report
- (6) Tax Collections Manager's Table of Insolvents (2008)

E. Tax Refunds for Approval

F. Grants Acceptance (Emergency Management)

G. Matrix Consulting Group Contract

- H. Centers for Prevention Services Contract
- I. NCDOT Grant Agreement for Enhanced Mobility Services
- J. Carolina Family Connections Contract
- K. Baptist Children's Homes of NC Contract
- L. Abundant Living Adult Day Services Contract
- M. Mid-Carolina Aviation, Inc. Contract
- N. Schedule Public Hearing for Z 06-19 for August 19, 2019
- O. Grant Application To Host United States Holocaust Memorial
- P. School Financing Documents
- Q. Schedule Public Hearing: STA 01-18 and ZTA 04-18
- R. Summit Corporate Center – Amended Declaration for New Convenience Center Site
- S. Schedule Quasi-judicial Hearing for CUP 01-19 for August 19, 2019
- T. Request for Public Hearing – Revised Incentives for 'Project Special'
- U. Public Hearing to Consider Revisions to the Personnel Ordinance
- V. Remodel of Ellis Park Kitchen and Banquet Area
- W. Request for Public Hearing – Incentives for Empire Hotel Project
- X. Proclamation Honoring Dari Caldwell

WHEREAS, Dari Caldwell has served as the distinguished and respected President and Chief Operating Officer of Novant Health Rowan Medical Center (Center) for the past nine (9) years; and

WHEREAS, during Dari's tenure, the Center has achieved significant growth and brought many needed services to the community, earning some of the nation's top honors in quality care, baby-friendly designation, and more; and

WHEREAS, under Dari's tireless and stellar leadership, the Center has built and opened the Glenn A. Kiser Hospice House; achieved accreditation and won many awards for newly added programs in Bariatric Surgery, and Wound Care, as well as achieved designation as a comprehensive community Cancer Center; Chest Pain accreditation with the Center's STEMI Program; Primary Stroke Center accreditation and a Kid-Friendly ED; and

WHEREAS, Dari has selflessly devoted her time to ensure that community needs were not only heard but addressed and resolved; and

WHEREAS, Dari's significant contributions to the Center, the medical community, her volunteerism on advisory boards and her dedication to those in need of medical services will continue to shape and touch lives for many years to come.

NOW THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners expresses its heartfelt gratitude in recognition of Dari Caldwell's dedication to Novant Health Rowan Medical Center and the citizens of Rowan County and wishes her continued success in her new role as a Novant Health Foundation Vice President.

- Y. Governor's Crime Commission Grant for Opioid Addiction Program
- Z. Donation of Surplus Equipment to Town of East Spencer

WHEREAS, G.S. 160A-280 allows the Board of Commissioners to donate surplus equipment to another governmental unit upon adoption of a resolution approving the donation;

WHEREAS, a used refrigerator in the Rowan County Planning Department was declared surplus on August 5, 2019 by the Rowan County Board of Commissioners and the Town of East Spencer has requested the refrigerator be donated to the Town of East Spencer;

NOW, THEREFORE, BE IT RESOLVED by the Rowan County Board of Commissioners that a used refrigerator in the Rowan County Planning Department be donated to the Town of East Spencer in accordance with G.S. 160A-280. A public notice was posted at least five days prior to the adoption of this Resolution as required by G.S. 160A-280.

- AA. Prepayment Option for RSS and RCCC \$7.1 Million Financing
- AB. Proclamation Honoring The Woodleaf Tomato Festival (this item was placed on the regular agenda as item #2b)

WHEREAS, North Carolina's agricultural industry is of great importance to the State. Including food, fiber and forestry, it contributes more than \$87 billion annually to the State's economy, accounts for 17% of the State's income, and employs 17% of the work force; and

WHEREAS, there is a rich agricultural history in Rowan County, which results in approximately \$76 million in total cash receipts annually; and

WHEREAS, Rowan County ranks third in the State for tomato production with an estimated \$34 million annually from the harvest of 240 acres of tomatoes; and

WHEREAS, Unity Presbyterian Church in the Woodleaf Community started the tradition of the Woodleaf Tomato Festival thirteen years ago to pay homage to the fruit; and

WHEREAS, the Woodleaf Tomato Festival is a time where the community and visitors alike come together with a shared love and appreciation for farmers, farming, and to pay homage to all things tomato.

NOW, THEREFORE THE ROWAN COUNTY BOARD OF COMMISSIONERS DOES HEREBY PROCLAIM the month of August as Tomato Month in honor of the Woodleaf Tomato Festival and encourages citizens to attend the Festival on August 17, 2019 and celebrate Rowan County farming at its best.

- AC. Building Reuse Authorizing Resolution for Project Special and Application

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the renovation of a vacant building in a project described as "Project Special"; and

WHEREAS, the County intends to request funding assistance from the North Carolina Department of Commerce from its Building Reuse Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE ROWAN COUNTY BOARD OF COMMISSIONERS:
That the County is in full support of the application and the project, if funding is received, and

That the County will arrange for a local match that will meet or exceed the required 5% of the grant amount, currently anticipated to be \$15,000, in the form of a property tax incentive grant to the company, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and that Aaron Church, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

- AD. Grant \$5,000 For Rowan Regional Little League Softball World Series
(Addition to the Consent Agenda)

2. SPECIAL RECOGNITION – RETIRING BOARD OF ELECTIONS DIRECTOR NANCY EVANS

Chairman Edds recognized Nancy Evans, Board of Elections Director, who retired on July 31, 2019. Chairman Edds said Ms. Evans had served as the Elections Director for over 27 years and the Board was proud of Ms. Evans and the great job she had done.

Chairman Edds asked Ms. Evans to join the Board in front of the dais where she was presented with a plaque.

Each Commissioner took the opportunity to express appreciation for Ms. Evans, as well as the advice and guidance she had provided to them while they were running for office.

A round of applause followed the presentation.

2b. PROCLAMATION FOR TOMATO FESTIVAL

(This item was pulled from the Consent Agenda).

Chairman Edds said the Woodleaf Community held a Tomato Festival (Festival) each year and that Our State Magazine had recently published a story about the Festival. Chairman Edds asked those in attendance who were representing the Festival to please join the Board in front of the dais.

Chairman Edds read the Proclamation Honoring the Woodleaf Tomato Festival as follows:

WHEREAS, North Carolina's agricultural industry is of great importance to the State. Including food, fiber and forestry, it contributes more than \$87 billion annually to the State's economy, accounts for 17% of the State's income, and employs 17% of the work force; and

WHEREAS, there is a rich agricultural history in Rowan County, which results in approximately \$76 million in total cash receipts annually; and

WHEREAS, Rowan County ranks third in the State for tomato production with an estimated \$34 million annually from the harvest of 240 acres of tomatoes; and

WHEREAS, Unity Presbyterian Church in the Woodleaf Community started the tradition of the Woodleaf Tomato Festival thirteen years ago to pay homage to the fruit; and

WHEREAS, the Woodleaf Tomato Festival is a time where the community and visitors alike come together with a shared love and appreciation for farmers, farming, and to pay homage to all things tomato.

NOW, THEREFORE THE ROWAN COUNTY BOARD OF COMMISSIONERS DOES HEREBY PROCLAIM the month of August as Tomato Month in honor of the Woodleaf Tomato Festival and encourages citizens to attend the Festival on August 17, 2019 and celebrate Rowan County farming at its best.

Following the reading and presentation of the Proclamation, the Board was presented with a basket of tomatoes, which the Chairman announced would be donated to Rowan Helping Ministries. A round of applause followed the presentation.

Chairman Edds moved to approve the Proclamation as read. The motion was seconded by Commissioner Klusman and passed unanimously (4-0).

- Chairman Edds took a moment to mention the Rowan Little League girls were on their way to Oregon for the fourth time in five (5) years to compete for the World Series Championship. Chairman Edds displayed a photo of the team wearing *Rowan Original* tee-shirts and asked everyone to pray for their safety – and he expressed hope they would bring home another championship.
- Chairman Edds welcomed new Salisbury Post reporter, Terrence Jeffries, to the meeting. Chairman Edds wished Mr. Jeffries success as he reported on politics and government for the newspaper.

3. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to receive comments from any citizens wishing to address the Board. With no one coming forward, Chairman Edds closed the Public Comment Period.

4. PRESENTATION BY ROWAN COUNTY UNITED WAY REGARDING COMMUNITY IMPACT MODEL

Jenny Lee, United Way Executive Director, reported the Rowan County 2018 Community Health and Human Service Needs Assessment had been completed. Ms. Lee updated the Commissioners regarding business changes that had occurred with United Way, as a result. The complete executive summary and proposed action plans were included in the Board of Commissioners agenda packet.

Ms. Lee briefly highlighted the data collection and findings, as well as the priorities and action plans. The priorities were noted as follows:

1. Substance Abuse
2. Mental Health
3. Healthy Lifestyle Behaviors.

A brief question and answer period followed the presentation and at the conclusion, Chairman Edds thanked Ms. Lee for the update.

5. WEST ROWAN LIBRARY FLOOR PLANS AND DESIGN

Library Director Jeff Hall and Architect Bill Burgin presented the floor plans and design for the West Rowan Library in the Town of Cleveland.

Mr. Burgin discussed the three (3) components to the plan (library, auditorium and educational rooms with bathroom area). The bid opening was scheduled for August 15, 2019 at 3:00 p.m.

Commissioner Greene inquired as to whether County staff had been to any Town Hall Meetings in Cleveland to receive input from the community. Mr. Hall explained that

Staff had been to Cleveland a couple of times to discuss the plans and as a result, the Town had made a \$100,000 contribution. Mr. Hall said an event was also held in the Town last fall in where community input was sought.

Commissioner Greene pointed out the facility would not only fulfill a library need but the meeting hall was needed for civic activities. Commissioner Greene was of the opinion the facility would be a terrific asset to the Cleveland Community.

Commissioner Greene moved approval of the plans and design as presented. The motion was seconded by Commissioner Klusman and passed unanimously (4-0).

6. CONSIDER APPROVAL OF SNIA 03-19: TERAMORE CONSTRUCTION

Assistant Planning Director Shane Stewart reported that Planning Staff received a Special Non-Residential Intensity Allocation (SNIA) request from Teramore Construction LLC (Teramore) to build a 9,182 square foot retail store at the southeast corner of Woodleaf Road and NC 801 Highway in Woodleaf. Approval of the request would allow the project to exceed the administrative allowance of 24% built-upon area limitation requirement of the Yadkin River watershed and allow up to seventy (70) percent built-upon for the project.

Mr. Stewart provided a power point to depict the elevation plans for the Dollar General planned for the location.

Joe Strickland with Teramore came forward to address questions from the Board regarding the exterior façade of the proposed Dollar General. Mr. Strickland explained that Dollar General would take the Commissioners concerns regarding the metal siding under consideration. Mr. Strickland explained that the area was mostly fields, which was the reason the Teramore did not look at upgrading the siding materials.

Commissioner Klusman said there was a tremendous amount of traffic for the area under discussion and her desire was to see Teramore keep with the design of the recently approved Rockwell location, including the interior and landscaping.

Chairman Edds asked for the sides to match, include a monument sign and for Teramore to work with Planning Staff on a landscape design.

Commissioner Klusman requested that Teramore should use the Rockwell store as a model and standard for stores built in the County.

Chairman Edds moved to approve SNIA 03-19 with upgrades to three (3) sides, a monument sign and for Teramore to work with the Planning Department on a landscape plan. The motion was seconded by Commissioner Greene and passed 3-1 with Commissioner Klusman dissenting.

7. NEW CLEVELAND EMS STATION SITE PLAN APPROVAL

Architect Pete Bogle with Bogle Architecture provided a power point presentation as he discussed the site plan for the new Cleveland EMS Station.

In response to an inquiry from County Manager Aaron Church, Mr. Bogle discussed bid alternates. Mr. Bogle described where existing casement windows in poor condition were being removed and where the roof needed to be redone. Mr. Bogle said the only alternate left would possibly be lighting and some paint, which he added would “not move the needle much”. Mr. Bogle stated one other bid alternate was for a drive isle for which there would be an alternate price.

Mr. Church asked if the asbestos windows had already been removed and Mr. Bogle said yes. Mr. Church then asked if that particular half of the building could be demolished without remediation. Mr. Bogle said yes, but he felt the County would spend almost as much for the demolition. Mr. Church said the decision would be up to the Board.

Mr. Bogle continued with the power point.

Commissioner Pierce called Chris Soliz, Chief of Emergency Services, and Lennie Cooper, EMS Division Chief, forward and asked if they were happy with the plans. Mr. Soliz responded yes. Mr. Soliz said one item he would add for consideration pertained to the parking area. Mr. Soliz said he preferred one-way traffic flow to avoid the potential of someone backing in/out of a parking space while an ambulance was departing.

Mr. Cooper confirmed to Commissioner Pierce that he was in agreement with Mr. Soliz.

Commissioner Pierce moved approval of the site plan as presented. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

8. REQUEST TO APPROVE SIGNING BONUS FOR ENVIRONMENTAL HEALTH POSITIONS

Human Resources Director Kelly Natoli and Health Department Director Nina Oliver reviewed the request for the County to offer one-time signing bonuses of up to \$5,000 per vacancy to assist in filling critical need positions in the Environmental Health Department (Department). It was noted in the agenda packet that Environmental Health Specialist positions play important roles in public health, as well as the County and building community.

Ms. Natoli said the issue was not unique to Rowan County and the Department was experiencing a shortage of individuals qualified to serve as Environmental Health Specialists and Environmental Health Program Specialists. Ms. Natoli reported that Rowan County struggled to fill these critical need vacancies.

Ms. Natoli said Human Resources had studied the salaries of surrounding counties and concluded the pay range assigned was competitive.

County Manager Aaron Church said the issue had been largely consumer driven. Mr. Church said the County was receiving a lot of complaints due to the backlog. Mr. Church said the effort proposed was a way to respond to the need of finding qualified employees to fill such a technical job.

Ms. Oliver said the Environmental Health Department was broken up into two (2) divisions and she highlighted the responsibilities of each. Ms. Oliver said the Department was currently struggling to keep up with the demand. Ms. Oliver continued by explaining the Department had three (3) fulltime positions; however, two (2) employees with over 30+ years of experience retired last year, leaving the Department with one (1) fulltime employee. Ms. Oliver said the one (1) employee was covering the entire county performing on-site evaluations and was 3.5 weeks behind. Ms. Oliver said the County would pay the signing bonus up front and require the new employees to remain with the County for at least one (1) year.

Mr. Church added that the bonus would not apply to employees who had been employed with the County in the past year.

Ms. Oliver said the County was currently contracting with other counties for people to come in on weekends and during the evening to help until the other positions could be filled.

Chairman Edds expressed appreciation to Mr. Church and to Ms. Oliver for their leadership.

Chairman Edds moved approval of the one-time signing bonuses for Environmental Health positions up to \$5,000; the employees would be required to work for the County at least one (1) year, and the applicants would not be eligible if they had worked for Rowan County in the past year. The motion was seconded Commissioner Klusman and passed unanimously (4-0).

9. BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Health Department – Distribution of new funds from Community Health Grant - \$66,000
- Library – Appropriate funds for the Library Services and Technology Act – 2019-20 EZ Grant Award - \$20,188
- Finance – Budget the NC Tier II Grant, MOA #1952, awarded to Emergency Services by the NC Department of Public Safety for supporting hazardous material preparedness activities - \$1,000

- Finance – Budget the NC Tier II Grant, MOA #1982 awarded to Emergency Services by the NC Department of Public Safety for supporting hazardous material preparedness activities - \$10,000
- Rowan Transit – Increase to budget for newly awarded 5310 – Rural Elderly and Disabled Transportation Program Grant - \$77,672
- Health – LCME Cash Balance in excess of three (3) months operating reserves – CC4C - \$134,130
- Finance – To appropriate additional reserves for the Cooperative Extension 4-H Program - \$10,000

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

10. CONSIDER APPROVAL OF BOARD APPOINTMENTS

- **EAST GOLD HILL VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER**
William Shannon Chesney applied for a two (2) year term that will expire on June 30, 2021.
- **ENOCHVILLE VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER**
Kevin Joines applied for reappointment for a two (2) year term that will expire on August 31, 2021.

Commissioner Pierce moved the appointments for William Chesney and Kevin Joines as request. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

- **TOWN OF GRANITE QUARRY PLANNING BOARD**
The Town of Granite Quarry requested the reappointment of Reverend David Trexler as an ETJ member of its Planning Board. The term would be for two (2) years and expire July 31, 2021.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to reappoint Reverend Trexler carried unanimously (4-0).

- **MILLER FERRY VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS**
Ricky Dale Fesperman applied for a two (2) year term that will expire on June 30, 2021.
- Commissioner Klusman moved, Commissioner Pierce seconded and the vote to appoint Ricky Fesperman passed unanimously (4-0).
- **NURSING HOME ADVISORY COMMITTEE**
Barbara Mallet applied for reappointment for a three (3) year term. Ms. Mallet's term expired June 30, 2018; however, she has continued to be an active member

of the Committee. The Board is asked to consider making the appointment retroactive to avoid a lapse in her service. The term would be effective from July 1, 2018 through June 30, 2021.

Commissioner Klusman moved the reappointment of Barbara Mallet with a retroactive term effective from July 1, 2018 through June 30, 2021. The motion was seconded by Commissioner Greene and carried unanimously (4-0).

- **ROWAN TRANSIT ADVISORY BOARD**

Edward Hailey (Therapeutic Recreation Supervisor) applied to fill the Therapeutic Recreation Division seat.

Mr. Hailey is not a resident of Rowan County; however he will be serving by virtue of his position as Therapeutic Recreation Supervisor. There is no term ending date for this seat.

Commissioner Klusman moved the appointment of Edward Hailey. The motion was seconded by Commissioner Greene and carried unanimously (4-0).

Amy Smith applied to fill a vacancy for a member of the Rowan County Health Department. There is no term ending date for this seat since Ms. Smith will also serve by virtue of her position with the Health Department.

Commissioner Klusman moved, Commissioner Greene seconded and the vote to appoint Amy Smith passed unanimously (4-0).

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 4:27 p.m. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board

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



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

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

August 19, 2019 – 6:00 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 Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were present.

Chairman Edds convened the meeting at 6:00 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Edds added a Closed Session added as item #12a pertaining to a filed lawsuit regarding Topaz Development LLC versus Cabarrus County and Rowan County
- Chairman Edds added a memorandum to reschedule the public hearing related to the personnel ordinance revisions (added to the Consent Agenda as Item O)

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Greene moved, Commissioner Klusman seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

A. Library Card Sign Up Month Proclamation

WHEREAS, a library card is the most important tool an individual can have;

WHEREAS, signing up for a library card is the first step towards academic achievement and lifelong learning;

WHEREAS, libraries play an important role in the education and development of children;

WHEREAS, library programs serve Rowan County residents of all ages, from newborns to senior citizens;

WHEREAS, librarians lead the way in creating inclusive spaces and developing diverse collections for children and people of all backgrounds to connect and learn together;

WHEREAS, libraries bridge the digital divide by providing a full range of information and services to children and adult learners;

WHEREAS, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve;

WHEREAS, libraries open a world of infinite possibilities through resources and services to help people pursue their passions and give students the tools to succeed in school and beyond; and

WHEREAS, libraries have served the citizens of Rowan County for over a century;

NOW THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners does hereby proclaim September 2019 as Library Card Sign-up Month in Rowan County, North Carolina and encourages everyone to sign up for their own library card today.

B. Task Order 14 Julian Road Convenience Center Additional Building Improvements

C. Airport Conference Room Fee Schedule

D. FY 2021 Transportation Grant Applications Public Hearing Request

E. 4-H NRA Grant for Shooting Sports Program

F. Tax Refunds for Approval

G. FY 2019 Local Justice Assistance Grant Application Request

H. Waive Term Limits for Fire Commissioner for Enochville VFD

I. Omni Visions Contract

J. American Children's Home Contract

K. NCDOT CTP 5311 Grant Agreement

L. Set Public Hearing for ZTA & STA 01-19 for September 3, 2019

M. Purchase Requisition for Northwoods Software Support

N. Purchase of Landfill Compactor for Environmental Management

O. (added to the Consent Agenda as Item O)

2. SPECIAL RECOGNITION – STORM READY DESIGNATION

Chris Soliz, Chief of Emergency Services and TJ Brown, Battalion Chief, were present for the special recognition. Mr. Brown said one of the goals of Emergency Services had been to increase the community's ability to bounce back from a disaster.

Mr. Brown continued by saying staff was present to celebrate a significant achievement that would increase the community's resilience for weather events. Mr. Brown then introduced Trisha Palmer, Warning Coordination Meteorologist, with the National Weather Service in Greenville/Spartanburg, South Carolina.

Ms. Palmer announced that Rowan County was one of 46 counties covered by her forecasting and warning area. Ms. Palmer explained that Storm Ready was a national program run by the Weather Service, which recognized communities, universities, etc. for efforts to improve their emergency and first responder and community preparedness for natural disasters and high impact weather events.

Ms. Palmer said it was an honor to inform the Board of Commissioners that as of today, August 19, 2019, Rowan County was a Storm Ready County. Ms. Palmer presented the Board with a certificate for the achievement.

The Board joined Ms. Palmer, Mr. Brown and Mr. Soliz in front of the dais to accept the certificate and for a photograph to honor the recognition.

A round of applause followed the presentation.

Mr. Soliz thanked the Commissioners for their continued support and also Mr. Brown for his work over the past year to achieve the Storm Ready designation.

Chairman Edds praised the Emergency Services Staff and said the County was in good hands with them.

3. 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:

- Rod Crider, President and CEO of the Economic Development Commission (EDC) discussed a new program instituted by the EDC called “Rowan Rock Star Awards for Economic Development.” Mr. Crider said the Board was the first recipient of the public sector award. Mr. Crider thanked the Board for its economic development efforts and for investments in infrastructure, workforce, and for increasing the EDC’s ability to reach out to businesses. As a result of the Commissioners’ efforts, Mr. Crider said the County had seen some very high profile businesses locate in Rowan County and that there were other investments in the pipeline. Mr. Crider concluded by presenting the Commissioners with the award.

Chairman Edds thanked EDC Staff for their hard work and for the positive growth occurring in the County.

- Brad Jenkins said he was running for House District 83, which encompassed a portion of Rowan County. Mr. Jenkins felt it vital for the citizens to have someone in Raleigh working for them. Mr. Jenkins praised the work of the Commissioners and said his desire was to be effective and take the County’s voice to the State level.

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

4. PUBLIC HEARING & REQUEST FOR REVISED INCENTIVE AGREEMENT – PROJECT SPECIAL

Scott Shelton, Vice-President of the Economic Development Commission (EDC), said the Commissioners approved a Level 1 incentive grant for Project Special on April 15, 2019. Mr. Shelton said the company behind Project Special was an existing employer that was considering Rowan County for a potential expansion, which would lead to the creation of many well-paying new jobs, as well as a substantial increase to the County's tax base.

Mr. Shelton stated since the grant approval, the project parameters had changed. Originally, the Project would see the creation of 35 new jobs and an \$18 million dollar capital investment. The revised project now proposed the creation of 30 new jobs with an \$11.75 million dollar capital investment.

Mr. Shelton was optimistic the State would select the Project and felt if so, Rowan County would be selected.

Mr. Shelton said the EDC was requesting the Board consider approval of the revised incentive agreement that reflected the changes.

Chairman Edds opened the public hearing to consider the request for the revised incentive agreement for Project Special. With no one coming forward to address the Board, Chairman Edds closed the public hearing.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve the revised incentive agreement for Project Special passed unanimously.

5. PUBLIC HEARING & INCENTIVE REQUEST – EMPIRE HOTEL PROJECT

Scott Shelton, Vice President of Operations for the Economic Development Commission (EDC), asked the Board to consider an incentive request for the Empire Hotel (Hotel) redevelopment project. One of the Black Point Investments (BPI) partners, Britt Weaver, was in attendance, as well.

Mr. Shelton provided a brief history of the Hotel and reported that BPI had entered into a purchase and sale agreement with plans to develop the Empire Hotel into market-rate apartments. Mr. Shelton said BPI also planned to provide for the development of retail storefronts along South Main Street as part of the project.

The Empire Hotel property had not generated any tax revenue for the County or the City of Salisbury (Salisbury) since it was acquired by Downtown Salisbury, Inc. (DSI) in 2007. The current assessed value of the property was \$984,414.

Mr. Shelton said it was estimated that once the Hotel property was fully redeveloped by BPI, its value would increase to \$13 million. It would also become a tax revenue generating property for the County, as well as a potential catalyst for further growth in the community. The net tax revenue was estimated at \$277,793 over the next ten (10) years.

Under BPI's current proposal, there would be 62 market rate apartments and 6 small retail spaces fronting South Main Street. Mr. Shelton said another 22,000 feet of retail space would be created in main floor and basement areas. The City was also being asked to consider incentives.

Mr. Shelton said both the County and City previously approved historic landmark status for the Hotel.

The EDC requested approval of a 5-year tax incentive equal to 25% of the taxes paid as a result of the redevelopment project. During the five (5) incentivized years, Rowan County would collect \$427,375. Over a 10-year horizon, the County would stand to collect an estimated \$769,275 in revenue.

The project was unique compared to other projects brought to the Board.

Commissioner Caskey asked if there were examples of other projects approved by the Board that were not specifically tied to jobs and Mr. Shelton said no.

Commissioner Greene asked if the Board was being asked provide tax credits for a building in a 501c (3) or other tax shielded group. Mr. Shelton responded yes and that it was owned by a non-profit organization. Mr. Shelton said no tax revenue was being generated; however, once it was changed to private ownership, it would receive a permanent 50% tax reduction through historic landmark status.

Commissioner Klusman questioned the number of new jobs to be created and Mr. Shelton said 75 retail jobs were estimated in a study done by the City. Mr. Shelton reported the EDC was also running revised numbers through the Charlotte Business Alliance but more time was needed to obtain the information.

In response to an inquiry from Commissioner Caskey, Mr. Shelton discussed the clawback provision for the grant, which was not tied to jobs due to its retail nature.

County Attorney Jay Dees added that the 25% discount only came into effect once the improvements were made to the baseline value.

Mr. Shelton confirmed to Chairman Edds the incentive would be on the improvements. The estimated value of the property would rise to \$13 million once completed and a tax grant would be received on the \$13 million.

Mr. Weaver came forward to discuss the historic project and the ongoing challenges. Mr. Weaver said BPI had been working since 2016 to make the project happen. Mr. Weaver said he did not rely on government grants in his estimates until the support was received.

Chairman Edds opened the public hearing to receive citizen input regarding the incentive request and the following individuals came forward:

- Evelyn Medina, DSI board member spoke in favor of the project.
- Diane Young, Vice Chair of DSI spoke in favor of the project.

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

Commissioner Klusman moved to approve the incentive grant followed by a second from Commissioner Greene.

Commissioner Pierce said he had no problem helping downtown Salisbury; however, he did not wish to set a precedent of not being able to offer the same incentives for other projects that would bring jobs and increase the County's tax.

Commissioner Caskey asked if the Board was creating a new incentive not offered before and if it would apply to other projects. Mr. Shelton said there was a potential for someone to ask for the incentive in the future. Mr. Shelton reiterated the uniqueness of the project and that the EDC would consider projects on a case-by-case basis.

Commissioner Caskey agreed with Commissioner Pierce pertaining to the impact to the County. Commissioner Caskey said he did not like the perception of creating something new for a specific group.

Mr. Shelton confirmed to Commissioner Caskey that if another project of \$12-\$13 million came forth, the EDC would strongly consider bringing the project to the Commissioners.

Chairman Edds asked if jobs were the issue.

Mr. Dees said the statutes redefined the economic benefit and lessened the burden on the minimum number of jobs. Mr. Dees said the County did not have a minimum number of jobs listed in the current program. Mr. Dees said \$5 million was the minimum threshold for the investment amount regardless of the number of jobs. Mr. Dees said legislature redefined the economic benefit a few years ago to include general economic benefits to the community. Mr. Dees said the baseline answer was that over \$5 million of investment automatically qualified the project for consideration in the program. Mr. Dees said he understood the EDC would review the project and determine if the EDC supported bringing the project to the Board with a recommendation.

Commissioner Caskey said he would like for the EDC to work on a more formalized policy that would better fit similar projects in the future.

Mr. Shelton said the EDC recognized the uniqueness of the project and the overall impact to the County. The main focus was the tax incentives and growth to the County's tax base.

Upon being put to a vote, the motion on the floor to approve the request passed unanimously.

6. PUBLIC HEARING FOR Z 06-19

Planner Aaron Poplin provided a power point as he presented the staff report for Z 06-19. Mr. Poplin stated Francisco Ortiz was requesting a rezoning of his 8.35 acre parcel further identified as Tax Parcel (408 086) from 85-ED-2 to Commercial Business Industrial (CBI). Mr. Poplin. The property was located at the 1000 block of Chuck Taylor Lane.

Parcel 408 086 was located in the I-85 and US 29 industrial corridor of the Eastern Area Land Use Plan. The plan recommended infill commercial development in the area. The site was one (1) of three (3) parcels on Chuck Taylor Ln that had not been developed; however, the other two (2) sites were owned by companies that had developed sites adjoining the properties.

Mr. Poplin said the Planning Board met on June 24, 2019 and adopted the following Statements of Reasonableness and Consistency:

Reasonableness:

Z-06-19 is reasonable because it is adjacent to a CBI district the parcel is too small to be developed as a Planed Unit Development, and CBI is a better transitional district to the adjacent RR district.

Consistency:

Z 06-19 is consistent and CBI is appropriate zoning due to the adjacency of the existing CBI district and due to CBI being a better transitional district from RR.

The Planning Board recommended adding the adjoining 3.2 acre 85-ED-2 zoned parcel (408 409) to the request.

Chairman Edds opened the public hearing to receive citizen input regarding Z 06-19. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Chairman Edds moved to approve the Statement of Reasonableness as follows: Z-06-19 is reasonable because it is adjacent to a CBI district the parcel is too small to be developed as a Planed Unit Development, and CBI is a better transitional district to the

adjacent RR district. The motion was seconded by Commissioner Pierce and passed unanimously.

Edds moved to approve the Statement of Consistency as follows: Z-06-19 is consistent and CBI is appropriate zoning due to the adjacency of the existing CBI district and due to CBI being a better transitional district from RR. The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved to approve Z 06-19, which included the 3.2 acres on Parcel 408 409. Commissioner Klusman seconded and the vote passed unanimously.

7. PUBLIC HEARING FOR STA 01-14 AND ZTA 04-18

Planning Director Ed Muire explained that based on anticipated development of properties adjacent to a completed I-85/Old Beatty Ford Road Interchange, the Planning Board studied options for maintaining development densities in the Coldwater Creek/Lake Fisher (WS-IV) watershed through use of stormwater control structures. Although a significant majority of the project area was scheduled for municipal annexation, the remainder of the watershed and other WS-IV areas may well benefit from the increase densities afforded through the use of stormwater control measures (SCM).

Updates to allow use of SCMs involve changes to the Subdivision Ordinance for administration of the installation and maintenance of SCMs, while the proposed Zoning Ordinance amendments dictate when the use of SCMs will be applicable. Deletions of sections or text appear as strikethrough text and additions appear as bold underlined text. Only the pages of the ordinances affected by the amendments were included in the agenda packet.

Using a power point, Mr. Muire highlighted the proposed changes for the WS-IV areas that were approved and recommended by the Planning Board. Mr. Muire also reviewed an additional recommendation (item b.)

Commissioner Pierce felt the text was a good standard for municipalities to consider adopting and Mr. Muire said the Town of China Gove had adopted something similar last year.

Chairman Edds opened the public hearing for STA 01-18 and ZTA 04-18. With no one wishing to address the Board regarding the proposed text amendments, Chairman Edds closed the public hearing.

Mr. Muire asked the Board to consider including the one amendment he had discussed, which was found on page 124 of the Rowan County Zoning Ordinance (but was not included in the agenda packet).

Chairman Edds moved approval of the Statement of Consistency as follows: STA 01-19 and ZTA 04-18 are consistent with each of the adopted Rowan County Land Use Plans through utilization of property and retention measures. Furthermore, the amendments meet North Carolina guidelines. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved approval of STA 01-18 and ZTA 04-18 and to include text changes (as presented by Mr. Muire from page 124 of the Rowan County Zoning Ordinance) to state, "If approved by the Board, a High Density Development Permit shall be forwarded to the Subdivision Review Committee (SRC) for review pursuant to Section 22-56 of the Rowan County Subdivision Ordinance. The motion was seconded by Commissioner Pierce and passed unanimously.

The Subdivision text amendments were approved as follows:

Amendments to Chapter 22: SUBDIVISION REGULATIONS

Article I. In General

- Sec. 22-1. Title.
- Sec. 22-2. Purpose.
- Sec. 22-3. Authority.
- Sec. 22-4. Jurisdiction.
- Sec. 22-5. Compliance with ordinances, plans and maps.
- Sec. 22-6. "Subdivision" Defined.
- Sec. 22-7. "Minor subdivision" defined.
- Sec. 22-8. "Major subdivision" defined.
- Sec. 22-9. "Family subdivision" defined.
- Sec. 22-10. Other definitions.
- Sec. 22-11. Word interpretation.
- Secs 22-12--22-25. Reserved.

Article II. Administration

- Sec. 22-26. General procedures for plat approval.
- Sec. 22-27. Statement of owner.
- Sec. 22-28. Issuance of building permits on subdivision lots.
- Sec. 22-29. Administration and enforcement.
- Sec. 22-30. Exceptions to the subdivision ordinance certification.
- Sec. 22-31. Vested Rights.

Sec. 22-32 Retention of Consultant.

- Secs. 22-323--22-50. Reserved.

Article III. Procedure For Review And Approval Of Subdivision Plats

- Sec. 22-51. Plat shall be required on any subdivision of land.
- Sec. 22-52. Approval prerequisite to plat recordation.
- Sec. 22-53. Appeals and variances.
- Sec. 22-54. Waivers; family subdivisions.
- Sec. 22-55. Optional sketch plan.
- Sec. 22-56. Major subdivision; preliminary **Preliminary Plat and Stormwater Control Measure (SCM)** submission and review.
- Sec. 22-57. Final **Plat** subdivision requirements.
- Sec. 22-58. Planned development subdivision (PDS).
- Sec. 22-59. Certifications and notations required on plats.
- Sec. 22-60. Phased development for major subdivisions.
- Sec. 22-61. Required information for preliminary and final plats.
- Sec. 22-62. Recombination of land.
- Sec. 22-63. Resubdivision procedure.
- Secs. 22-64--22-75. Reserved.

Article IV. Required Improvements, Dedications, Reservations, Minimum Standards Of Design

- Sec. 22-76. General.

Sec. 22-77. Suitability of land.
Sec. 22-78. Name and street duplication.
Sec. 22-79. Subdivision design.
Sec. 22-80. Road standards.
Secs. 22-81--22-100. Reserved.
Article V. Utilities
Sec. 22-101. Utility ownership and easement rights.
Sec. 22-102. Subdivisions serviced by or having the potential to be serviced by public water or sewer systems.
Sec. 22-103. Sewage disposal facilities required.
Sec. 22-104. Determining compliance with section 22-103.
Sec. 22-105. Water supply system required.
Sec. 22-106. Determining compliance with section 22-105.
Sec. 22-107. Electrical, telephone, cable television and other utilities.
Sec. 22-108. Utilities to be consistent with internal and external development.
Sec. 22-109. ~~Stormwater drainage system.~~ **Stormwater: Drainage Systems, Control Measures and Maintenance Plans**
Sec. 22-110. Other requirements.
Sec. 22-111. Water point sources.
Secs. 22-112. **Stormwater Control Measures: Operation, Maintenance and Inspections**
Secs. 22-113--22-125. Reserved.
Article VI. Schedule Of Fees
Sec. 22-126. Fee schedule.
Secs. 22-127--22-150. Reserved.
Article VII. Legal Provisions
Sec. 22-151. Penalties for violation.
Sec. 22-152. Civil penalties.
Sec. 22-153. Separability.
Sec. 22-154. Amendments.
Sec. 22-155. Abrogation.

ARTICLE I. IN GENERAL

Section 22-1. Title.

This ordinance shall be known and may be cited as the "Subdivision Ordinance of Rowan County, North Carolina", and may be referred to as the "Subdivision Regulations".

Section 22-2. Purpose.

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the County of Rowan, North Carolina. It is further designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivision with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provisions of water, sewerage, parks, open space, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 22-3. Authority.

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section 22-4. Jurisdiction.

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern every subdivision within Rowan County outside of the jurisdiction of any incorporated municipality and any municipal extraterritorial planning jurisdiction established under G.S. 160A-360.

Section 22-5. Compliance With Ordinances, Plans and Maps.

All proposed subdivisions shall comply with the standards and requirements of any officially adopted ordinances, plans or maps of the Rowan County Board of Commissioners. School sites may be reserved as provided in G.S. 153A-331.

Section 22-6. "Subdivision" Defined.

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

- (a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Rowan County as shown in this ordinance.
- (b) The division of land into parcels greater than ten (10) acres where no street or private or public street right-of-way dedication is involved.
- (c) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (d) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Rowan County as shown in this ordinance.
- (e) The division of a tract into plots or lots used as a cemetery.
- (f) Land divided by a will or the courts for the purpose of dividing up a deceased persons property.

(Amend. of 2-20-06(2))

Section 22-7. "Minor Subdivision" Defined.

A minor subdivision is defined as a subdivision where:

- (a) No new roads are proposed, or road rights-of-way dedicated, and
- (b) Where eight (8) or fewer lots will result after the subdivision is completed.

Section 22-8. "Major Subdivision" Defined.

A major subdivision is defined as a subdivision where:

- (a) New roads are proposed or rights-of-way are dedicated, or
- (b) More than eight (8) lots are created after the subdivision is completed.
- (c) For purposes of compliance with section 22-111, Water Point Sources, a major subdivision shall be considered as a proposal creating fourteen (14) or more lots.

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

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.

(Ord. of 2-1-99(2); Amend. of 11-2-09; Amend. of 9.06.16)

Section 22-10. Other Definitions.

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

Block. A piece of land bounded on one or more sides by streets or roads.

Board of Commissioners. County Board of Commissioners of Rowan County, North Carolina.

Building Setback Line--Front. A line establishing minimum allowable distance between the wall of the principal building and the street or road right-of-way line when measured perpendicularly from the right-of-way. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard.

Building Setback Line--Side or Rear. A line establishing minimum allowable distance between the wall of the principal building and the side or rear property lines. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard.

Cluster Subdivision. A subdivision of land that the subdivider requests and is approved to subdivide an original tract into lots smaller than those specified in this ordinance, provided that the land saved is reserved for permanent common use, usually in the form of open space.

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

County Manager. County Manager of Rowan County, North Carolina.

Crosswalk. A specially paved or marked path for pedestrians crossing a road.

Dedication. A gift, by the owner or a right to the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be by written instrument.

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

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

Dry Hydrant. An arrangement of pipe permanently connected to a water point source other than a piped, pressurized water supply system, that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

Easements. A grant by the property owner to the public, a corporation, or persons, of the right to use a specified portion of a tract or tracts of land for a specified purpose.

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

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

Family, Immediate means an individual's grandparents, step-grandparents, parents, step-parents, sibling (full, half,

or step), children, step-children, grandchildren, and step-grandchildren, whether natural or legal.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Fire Marshal. Fire Division Manager of the Rowan County Department of Emergency Services or his designee.

Improvements. Refers to all infrastructure or amenities required by this ordinance including, but not limited to, all aspects of road construction, sidewalks, water lines, sewer lines, drainage **and stormwater** facilities, utility lines, water point sources and other related matters associated with the development of undeveloped land into building sites.

Insurance Services Office (ISO). ISO is an independent organization that serves insurance companies, fire departments, insurance regulators and others by providing information about property and liability risk. ISO's statistical, actuarial, and underwriting information is a resource used by insurers, government regulators, other companies and organizations and the use of their standardized policy language is the foundation on which many insurers build their coverage programs.

Lot. A portion of a tract of land to be subdivided for the purposes of transfer of ownership or development or both.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in office of the Register of Deeds of Rowan County, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot Types:

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

Double Frontage Lot. (i.e., through lot) Any lot having access by water and street right-of-way or by having access on two (2) street right-of-ways. This does not include corner lots.

Interior Lot. A lot other than a corner lot with only one (1) frontage on a street.

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

Reverse Frontage Lot. A through lot which is not accessible from one (1) of the parallel or nonintersecting street upon which it fronts.

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

Through Lot. See Double Frontage Lot.

Utility lot. A lot that serves unmanned utility facilities such as pump / lift stations, wireless facilities and support structure and septic tank drain fields. A utility lot is not to be used as parking, vehicle storage or accommodation for residential or commercial structures.

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

Mobile Water Supply Apparatus. A vehicle designed primarily for transporting (pickup, transporting, and delivering) water to fire emergency scenes to be applied by other vehicles or pumping equipment.

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

Municipal Type Water System. A system having water pumps serving hydrants and designed to furnish, over and above domestic consumption, a minimum flow of 250 gpm (946L/min) at 20psi (139 kPa) residual pressure for a 2-hour duration

National Fire Protection Association (NFPA). Established in 1896, the NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. NFPA has developed three hundred (300) codes and standards that influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries.

NFPA 22 Standards for Water Tanks for Private Fire Protection. This standard provides the minimum requirements for the design, construction, installation, and maintenance of tanks and accessory equipment that supply water for private fire protection, including the following: (1) Gravity tanks, suction tanks, pressure tanks, and embankment-supported coated fabric suction tanks; (2) Towers; (3) Foundations; (4) Pipe connections and fittings; (5) Valve enclosures; (6) Tank filling; (7) Protection against freezing; version 2007 or latest amendment thereof.

NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. This standard identifies a method of determining the minimum requirements for alternative water supplies for structural firefighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for firefighting purposes do not otherwise exist; version 2007 or latest amendment thereof.

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

Official Maps or Plans. Any maps or plans officially adopted by the Board of Commissioners of Rowan County.

Open Space. An area of land and/or water generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

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

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

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

Owning Entity. Any person, firm, trust, partnership, association or corporation, having ownership or controlling interest in development or improvements regulated by this Chapter or Chapter 21 of the Rowan County Code of Ordinances (Rowan County Zoning Ordinance).

Package Treatment Plant. A self-contained sewage treatment facility built to serve the subdivision.

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

Planning Board. County Planning Board of Rowan County, North Carolina.

Planning Department. The Planning Division of the Rowan County Planning and Development Department.

Planned Unit Developments (PUD). An area planned as a single entity containing one (1) or more residential, commercial or mixed use clusters that is subdivided into lots that do not meet the requirements of this ordinance. In a PUD the subdivider request an increase in density of property development for additional project amenities and relaxed public improvement standards in return for better subdivision design or for more affordable housing

opportunities.

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

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

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

Private Individual Sewage Disposal System. A sewage disposal system serving one (1) connection which is usually owned and controlled by a private single entity.

Private Individual Water Supply System. A water supply system having one (1) service connection whose water supply comes from a single source, usually limited to a well or spring.

Public Road. A dedicated road right-of-way meeting all minimum construction standards of NCDOT or is maintained by the NCDOT Road Maintenance Program and available for use by the general public.

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

Public or Private Water System. The provision to the public of piped water by a system with fifteen (15) or more connections or twenty-five (25) or more year round residents owned and operated by a municipality, county or other public entity or a privately owned licensed water supply, for profit or non-profit firm or corporation. This includes the term "community water supply system."

Public Protection Classification (PPC) Program. Developed and implemented by ISO, this program helps insurance companies measure and evaluate the effectiveness of fire-mitigation services throughout the country. The program rates a fire department on a scale of 1--10, with one (1) being the best and ten (10) not meeting the minimum criteria for rating. To determine the fire department's class rating ISO evaluators utilize the manual called the Fire Suppression Rating Schedule.

Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodates such activities.

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

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

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

Classifications of Roads:

Local road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distance.

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

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

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

Minor collector. A road which serves small local communities and links locally important traffic generators with their rural hinterland.

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

Principal arterial. A rural link in a highway system serving travel, and having characteristics indicative of, substantial statewide or interstate travel and existing solely to serve traffic. This highway system would consist of interstate routes and other routes designed as principal arterials.

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

Specific Type Roads:

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

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

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

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

Local Residential Road. Cul-de-sacs, loop streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic for more than one hundred (100) dwellings units.

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

Road mile. Linear distance of vehicular travel as measured along a road from any given location to another location

Rowan County Zoning Ordinance or "RCZO" means the ordinance and maps adopted by the Rowan County Board of Commissioners on January 19, 1998; effective February 16, 1998 and any amendments thereto that have established planning and zoning requirements and procedures for zoning in the unincorporated areas of Rowan County outside the zoning jurisdiction of municipalities.

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

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

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

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

Sewage. The waste water and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

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

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9-7 of the Flood Damage Prevention Ordinance.

Subdivider. Any person, firm or corporation who subdivides or develops any land judged to be a subdivision as herein defined.

Subdivision. See section 22-6 of this ordinance.

Subdivision, Major. See section 22-8 of this ordinance.

Subdivision, Minor. See section 22-7 of this ordinance.

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 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.

Suction Points. Any given point or location on a water point source at which fire department pumping apparatus is able to acquire, through drafting operations, water from that source for use in suppressing a fire. This term may also include generic terms such as dry hydrant, float dock, etc.

Tract. A piece of property upon which a subdivision is proposed.

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

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

Water Point Source (WPS). An adequate and reliable water delivery system used for fire protection that is available three hundred sixty-five (365) days a year and has the ability to provide two hundred fifty (250) gallons per minute (gpm) for a two-hour duration. For purposes of this definition, a wps may include but not be limited to facilities such as a pond, cistern, underground or aboveground storage tanks, etc.

(Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 2-6-17)

Section 22-11. Word Interpretation.

For the purpose of this chapter, certain words shall be interpreted as follows:

The word "used for" shall include the meaning "designed for."

The word "structure" shall include the word "building."

The word "lot" shall include the words "plot," "parcel," or "tract."

All words not specifically defined in this ordinance shall be assigned their customary dictionary definitions.

Secs 22-12—22-25. Reserved.

ARTICLE II. ADMINISTRATION

Section 22-26. General Procedures For Plat Approval.

After the effective date of this ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded unless it meets the requirements of sections 22-51 and 22-52.

Section 22-27. Statement of Owner.

The owner of land shown on a subdivision plat submitted for recording, or his authorized power of attorney, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of Rowan County or any municipality's jurisdiction within Rowan County.

Section 22-28. Issuance of Building Permits on Subdivision Lots.

No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision is recorded at the Rowan County Register of Deeds office.

Section 22-29. Administration and Enforcement.

This ordinance shall be administered and enforced by the Subdivision Administrator who shall be assigned by the County Manager of Rowan County. Duties may be assigned by the administrator to other county personnel to conduct inspections and other duties of administration.

Section 22-30. Exceptions to the Subdivision Ordinance Certification.

When requested by the Rowan County Register of Deeds, the Subdivision Administrator may certify that a subdivision intended to be recorded is an exception to the Subdivision Ordinance as described in section 22-6, "Subdivision" Defined. Certification of a subdivision exception shall appear on all copies of the subdivision plat for recordation as follows:

I hereby certify that this subdivision plat for recordation is an exception to the Subdivision Ordinance of Rowan County, North Carolina as defined in section 22-6.

Date

Subdivision Administrator
Rowan County, North Carolina

Section 22-31. Vested Rights.

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 plan(s) may be established subject to chapter 21 section 11 of the Zoning Ordinance.

(Amend. 4-21-14)

Secs 22-32. Retention of Consultant.

Rowan County may elect to retain a consultant or professional services to review and provide a determination(s) or recommendation(s) as to whether any proposed subdivision improvement(s) complies with the standards of this ordinance and applicable state and federal rules and regulations. The subdivider, developer or applicant shall pay any expense for consulting or professional services in excess of the application fee. Rowan County shall require any consultant(s) to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant.

Secs 22-33—22-50. Reserved

ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 22-51. Plat Shall Be Required On Any Subdivision of Land.

Pursuant to G.S. 153A-332, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place, except as herein provided.

Section 22-52. Approval Prerequisite to Plat Recordation.

Pursuant to G.S. 153A-332, no final plat of a subdivision within the jurisdiction of the County of Rowan as established in section 22-4 of this ordinance shall be recorded by the Register of Deeds of Rowan County until it has been approved by the Subdivision Administrator or Board of Commissioners as provided herein. This approval shall be certified by the Subdivision Administrator on the final plat before recordation. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section 22-53. Appeals and Variances.

Any decision of the Subdivision Administrator or Subdivision Review Committee made in regard to this ordinance may be appealed to the Zoning Board of Adjustment (ZBA) in accordance with the provisions of Article XIII Section 21-331 of the Rowan County Zoning Ordinance. Requests for variances from the requirements of this ordinance shall be heard by the Zoning Board of Adjustment (ZBA) in accordance with the provisions of Article XIII Section 21-332 of the Rowan County Zoning Ordinance.

(Ord. of 2-1-99(2); Amend. of 2-20-06(2); Amend. of 7-16-07(2))

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); Amend. of 9-6-16)

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;
- (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); Amend. of 9-6-16)

Section 22-56. ~~Major Subdivision~~; Preliminary Plat and Stormwater Control Measure (SCM) Submission and

Review.

(a) Submission Procedure

The subdivider or developer shall submit a preliminary plat application for all major subdivisions or SCM plan application for all high density watershed projects which shall be reviewed by the Subdivision Review Committee (hereinafter referred to as the "Committee"). Upon receipt of ~~said~~ a complete application the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. The Committee shall have authority to approve the plat or plan 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. Application for a ~~residential~~ driveway permit 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).

A Stormwater Control Measure (SCM) plan application shall include:

1. **Three (3) copies of the Operation and Maintenance Agreement or Manual for the SCM**
2. **Five (5) copies of an overall site plan where the SCM(s) will be utilized that depicts all applicable items outlined in Section 22-61(a) of this Chapter. The site plan shall be prepared and sealed by a North Carolina registered design professional working in their area of competence as prescribed by North Carolina General Statutes.**
3. **Compliance with Minimum Design Criteria established in Section 22-109(b) of this Chapter.**

(b) Review Procedure.

The committee shall make a one of the following decisions noted below on the preliminary plat or SCM plan application ("plan") within thirty (30) days of the committee meeting at which the plat or plan was discussed. If ~~no recommendation is made~~ disapproved by the committee within this time, the subdivider or developer may refer the plat or plan to the Board of Commissioners ~~or, at the subdivider option arrange with the Administrator additional time for committee review.~~ The Board of Commissioners shall have forty-five (45) days after referral of the plat or plan to make a decision.

Decisions made regarding plats and plans shall be to:

- (1) Approve ~~the plat~~ as submitted; or
- (2) Approve ~~the plat~~ with conditions; or
- (3) Disapprove ~~the plat~~ with the reasons for disapproval given.

If not approved, the subdivider or developer may resubmit a revised plat or plan within ninety (90) days with no additional filing fees required. The resubmitted plat or plan shall be reviewed in the same manner as a new application.

If the preliminary plat or plan is approved by the Subdivision Administrator Review Committee or Board of Commissioners, the approval shall be indicated ~~in~~ on two (2) copies of the Plat / Plan. Any conditions shall be noted on or attached to the two (2) copies required. One (1) copy shall be retained by the Subdivision Administrator as part of the official record. One (1) copy with any conditions noted shall be returned to the subdivider. Unless otherwise specified, conditions shall be complied with by the subdivider or developer within twelve (12) months of the date of conditional approval or the approval shall be voided.

(Ord. of 2-1-99(2); Amend. of 7-16-07(2); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-16)

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.

The final plat shall be submitted to the Subdivision Administrator on either reproducible material suitable for recordation at the Register of Deeds office or as an electronic document in accordance with G.S. 47-30. A final plat application shall be considered complete if it contains all of the information required by sections 22-57 and 22-59 and is accompanied by a nonrefundable filing fee according to the fee schedule approved by the Board of Commissioners.

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. The plat may be placed on more than one (1) sheet with appropriate match lines.

- (b) *Major Subdivisions; Installation and Improvements.* Upon approval of the preliminary plat, the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Before approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this ordinance and shall depict the subdivision, or portion thereof, in substantially the same form and layout as that approved in the preliminary plat. Only that portion of the subdivision proposed for final plat approval and recordation in the Rowan County Register of Deeds office shall be shown on the final plat.

The subdivider shall submit the final plat to the Subdivision Administrator no later than twenty-four (24) months after the approval of the preliminary plat, unless a greater time period was stipulated originally in said approval. The subdivider may submit a request to the Subdivision Administrator for a time extension for up to twelve (12) additional months for said approved preliminary plat. Said request must be submitted to the Subdivision Administrator before the original plat expiration date. No more than one (1) such extension may be granted by the Subdivision Administrator. Otherwise, approval of said preliminary plat shall expire and become voided.

The subdivider may submit a final plat for only a portion of the subdivision given preliminary plat approval. Any such submission shall be accompanied by a nonrefundable fee according to the fee schedule approved by the Board of Commissioners. Said submission shall extend the expiration date for the remaining portion(s) or phases of the approved preliminary plat for an additional twenty-four (24) months past the date of said final plat approval.

- (c) *Major Subdivisions; 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 or stormwater control measure. The county may accept 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 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 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 the cost 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). Other form of guarantee that provides equivalent security to a surety bond or letter of credit. Cash and similar instruments must be deposited in escrow with 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.

Should the subdivider fail to complete the required improvements in a timely manner as spelled out in the performance guarantee, then the surety, or the financial institution holding the guarantee, shall, if requested by the Board of Commissioners, pay all or any portion of the 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 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.

(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. A final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b) and either one (1) paper or electronic copy;
2. For private roads, certification from a North Carolina registered professional engineer that all applicable aspects of road construction or other improvements have been completed;

3. For public roads, 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 driveway permit 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. A final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b) and either one (1) paper or electronic copy;
2. Completed review application and review fee;
3. Approved driveway permit from the Division 9 District 1 North Carolina Department of Transportation office when creation of a new easement for a family subdivision accesses a state or publicly maintained road.

Upon receipt of the final plat application, the subdivision administrator shall have ten (10) days to review the plat and to grant approval, approval with conditions or disapproval. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval shall be issued by the Subdivision Administrator. If more than ten (10) days is required for approval, the Subdivision Administrator must notify the subdivider in writing advising him of the delay, the nature of the delay and an approximate date as to when a decision can be forwarded. If a decision is not made within thirty (30) days of submittal of the completed application, the subdivider may request referral to the Board of Commissioners for a decision.

If the Subdivision Administrator does not approve the final plat, he shall instruct the subdivider concerning resubmission of a revised plat. The subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal to the Board of Commissioners if the subdivider is not satisfied with the decision of the Subdivision Administrator. The Subdivider shall have sixty (60) days to resubmit the final plat to the Subdivision Administrator without having to pay an additional filing fee.

(f) *Reserved.*

(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; Amend. of 3-7-16; Amend. of 9-6-16; Amend. of 1-16-18)

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

A Planned Development Subdivision may be composed of residential, commercial, industrial public and semi-public uses. A PDS may be a Planned Unit Development (PUD) or a Cluster Subdivision. To encourage innovative development, the normal subdivision regulations pertaining to dimensional criteria from Article IV of the Zoning Ordinance and road standards from section 22-80 may be modified or exempted entirely, subject to approval of the total development plan by the Board of Commissioners. Sound design of the plan for development, in keeping with good planning and engineering practices and with the general safety and welfare of the public, shall be considered in the approval of any PDS.

(a) *PDS Concept Site Plan Submittal and Approval.*

- (1) A site plan shall be submitted to the Subdivision Administrator for Board of Commissioners approval of the general concept to be achieved by the proposed PDS. The information and data to be submitted on the site plan shall be as required for a preliminary plat in addition to the following information:
 - a. General development plan for the property showing the boundaries of areas to be developed for each proposed land use type and design standards for the type of land use in the PDS. Each land use type shall be identified distinctively from other land use types by color, patterns, numbers or letter, or a combination of means for easy identifications.
 - b. Proposed right-of-ways drawn on the plan to show location of public and private streets and roads within the PDS.
 - c. Location of land to be made available for community facilities such as schools, parks, churches, fire stations and similar uses.
 - d. General location of land to be dedicated as buffering, recreation and open space.
 - e. General location of major utilities such as water lines, or sewer lines, stormwater control measures, water point source and natural gas if provided, electrical, telephone and cable television.
 - f. Data shall be supplied for the following:
 1. Total site acreage.
 2. Acreage set aside for each land use type.
 3. Proposed densities for each residential land use type. Where a residential land use type will be planned in separate locations with different densities, the proposed density of each shall be given.
 4. Total number of dwelling units proposed.
 5. The ratio of open space proposed for each residential land use type.
 6. Proposed method of water supply and sewerage treatment and disposal.

(b) *Submission Procedure For PDS Concept Site Plan.*

The subdivider shall submit a PDS concept site plan, which shall be reviewed by the Subdivision Review Committee. The committee shall send their recommendations to the Subdivision Administrator to forward to the Planning Board for review and a recommendation to the Board of Commissioners.

At least nine (9) copies of the PDS concept site plan shall be submitted to the Subdivision Administrator.

The fee for submitting a PDS site plan shall be paid at the time of submittal according to the fee schedule approved by the Board of Commissioners.

(c) *Review and Approval Procedures.*

The Subdivision Administrator shall schedule a meeting of the Subdivision Review Committee within fourteen (14) days of submittal of a complete application. The committee shall recommend to the Subdivision Administrator, on a majority vote of the members present, to approve the plan, conditionally approve the plan with the recommended change with reason for the change(s) or disapprove the plan with reason within fifteen (15) days of the committee meeting at which the plan was discussed. If no recommendation is made by the committee within this time, the plan shall then be placed on the next Planning Board agenda subject to the courtesy hearing notification requirements from chapter 21 section 315 (1) of the Zoning Ordinance.

After receiving a recommendation from the Planning Board or after failure of the Planning Board to transmit a recommendation within thirty (30) days of first consideration, the Board of Commissioners shall hold a public hearing on the proposed PDS application, subject to notification requirements from chapter 21 section 315 (1), to render one of the following decisions:

- (1) Approve the concept of the plan as submitted;
- (2) Approve the concept of the plan with modifications; or

- (3) Disapprove the concept of the plan with the reasons for disapproval given.

If not approved the applicant may resubmit a revised site plan within ninety (90) days with no additional filing fees required. The resubmitted site plan shall be reviewed in the same manner as a new application. At least one (1) copy of any disapproved plan along with the reason for disapproval shall be retained by the Subdivision Administrator as part of the County's official records. A copy of such reasons and any remaining copies of the plan shall also be transmitted to the subdivider.

If the PDS concept site plan is approved, it shall be indicated on the plan and two (2) copies shall be retained by the Subdivision Administrator as part of the County's official records. Any remaining copies of the approval plan shall be transmitted to the subdivider. If the plan is approved with modification, these modifications shall be noted in the minutes of the Board of Commissioners and a written copy of the modifications shall be provided to the subdivider. An approved PDS concept site plan shall be valid for twenty-four (24) months after the approval date.

(d) *Supplementary Requirements for Cluster Subdivisions.*

Any PDS that is proposed as a cluster subdivision as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) The subdivision is two (2) or more acres in total area including public and private right-of-ways, platted lots and permanent open space as provided in section 22-58(d)(3) and contain at least four (4) dwelling units as indicated in chapter 21 section 60 (15) of the Zoning Ordinance.
- (2) The total number of lots does not exceed the number that would result if the total area of the subdivision were divided by the minimum lot size for lots in subdivisions not subject to this section.
- (3) Land set aside within the subdivision and its maintenance as permanent open space is assured by restrictive covenants shall be placed on open space tracts to satisfaction of the Board of Commissioners. The area of such open space shall not be less than the difference between the total area platted in the subdivision and the total area that would have been so plated if all lots were of the minimum lot size for lots in normal subdivisions not subject to this section.
- (4) The land so set aside is shown on the approved subdivision plan and provides in such a manner that it may be used for recreational or other purposes or remain in a vegetated or natural state for those areas not suitable for recreational purposes. The open space tract shall be accessible to all residents of the subdivision or where the land is proposed to be deeded to a municipality or county, accessible to the public.

(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).

(f) *Maintenance Requirements For Common Open Space.*

If the open space tract is not intended to be deeded and accepted by a county or municipality, then a homeowners association or similar legal entity shall be established and shall be responsible for the

maintenance, payment of taxes, and control of open space areas subject to the restrictive covenants.

An association or similar legal entity shall be established by recorded covenants before any lots of the development have obtained a zoning or building permit, although their maintenance authority for purposes of this article shall not be in effect until at least twenty-five (25) percent of the lots are built-upon and occupied by tenants other than the subdivider. The association or similar legal entity shall have clear legal authority to maintain and exercise control over such open space areas.

Further, the association or similar legal entity has the power to compel contributions by levying assessments against each lot in the subdivision development whether improved or not, for the purpose of paying their proportionate share of the cost associated with the maintenance, upkeep, and taxes of such common open space areas.

Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance of the common open space. The instruments incorporating such provisions shall be submitted at the time of final plat submittal and shall be approved by the county attorney as to form and legal sufficiency, before submission to the Board of Commissioners and shall be recorded at the office of Register of Deeds of Rowan County at the time of recordation of the final plat.

~~(g) Maintenance Requirements For Water Point Source~~

~~In the event a water point source will not be deeded to or accepted by the county or the fire department having responding jurisdiction, maintenance of the grounds (lot or easement area) surrounding the water point source shall be the responsibility of the property owner or the subdivider until such time a homeowners association or similar legal entity has assumed authority for enforcing the recorded covenants. All powers and duties for enforcing the maintenance of the grounds as allowed by this subsection shall be the same as those specified in section 22-58(f) of this ordinance. Maintenance of the mechanical and nonmechanical components of the water point source shall be the responsibility of the fire department having jurisdiction.~~

(Amend. of 7-16-07(2); Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16)

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

- (1) The following certificate shall be required on all approved preliminary plats:

Certificate of Approval of Preliminary Plat

This preliminary plat has been approved in accordance with the provisions of the Rowan County Subdivision Ordinance on (date).

Subdivision Administrator

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

Certificate of Approval of Final Plat

This final plat has been approved in accordance with the provisions of the Rowan County Subdivision Ordinance on (date).

Subdivision Administrator

Certificate of Survey and Accuracy

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement as provided in G.S. Chapter 89C and Section 47-30. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the general form as provided by law.

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is

located in the subdivision jurisdiction of Rowan County and that I hereby adopt this plan of subdivision with my (our) free consent and establish minimum lot size and building setback lines as noted.

Date Owner

Date Owner

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 requires compliance with the current provisions of the Subdivision Ordinance. This compliance may require additional road right-of-way, 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. Neither NCDOT nor Rowan County are 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. 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. (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; Amend. of 9-6-16)

Section 22-60. Phased Development for Major Subdivisions.

If the subdivider proposes that a major subdivision will be constructed in phases, the following procedure shall apply:

- (1) A master plan showing the general layout of the proposed subdivision and phases of development, proposed density, proposed type and location of utilities, type of road construction, and proposed development timetable shall be submitted to the Subdivision Administrator;
- (2) Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in section 22-55. The master plan may be submitted prior to, or simultaneously, to the submission of the preliminary plat for the first phase of development;
- (3) A final plat must be submitted and approved for each phase or portion thereof phase as outlined in section 22-56;
- (4) Approval of the master plan need not be renewed unless density increases are proposed.

Section 22-61. Required Information for Preliminary and Final Plats.

(a) *Required Information for Preliminary Plats.*

The required preliminary plats shall depict, contain or be accompanied by the information indicated below:

- Title Block Containing Subdivision Name.
- Location (including township, county and state).
- A bar graph scale and North arrow.
- Name, address, registration number and seal as applicable of the Professional Land Surveyor, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- The name of the subdivider or developer.
- The sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area.
- Estimated corporate limits, township boundaries, and county lines if on the subdivision tract.
- Date of plat preparation.
- The boundaries of the tract to be subdivided, distinctly and accurately represented with all bearings and distances shown and the location of existing boundary lines of adjoining lands, property lines and fifty (50) feet away from the property line into adjoining property land.
- The names of owners of adjoining properties and deed book and page number.
- The names of any adjoining subdivision of record or proposed and under review.
- Front building setback line.
- The zoning classification of the tract to be subdivided and adjoining properties.
- Existing buildings or other structures, water courses, utility and street rights-of-way or easements, railroads, bridges, both on the land to be subdivided and land immediately adjoining.
- All certifications required by this ordinance.
- The lots numbered throughout the subdivision in a manner using only numeric symbols. A continuous numbering system shall be used throughout the subdivision. Multiple phases shall maintain continuous numbering system for all phases.
- Ponds or lakes, streams or stream beds and any other natural features affecting the site.
- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.

- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.
- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Right-of-way location and dimensions, pavement widths drawn to scale, approximate grade, design engineering data for all corners and curves, typical road cross sections.
- The plans for utility layouts, if applicable, including sanitary system, stormwater drainage system control measures and drainage facilities, water distribution lines, natural gas lines, telephone lines, electric lines and other proposed utilities.
- Plans for community water supply and community sewage disposal systems (e.g. package treatment plants), if any.
- Site data including acreage in total tract to be subdivided, acreage in parks, open space, and recreation acres and other nonresidential uses excluding any street right-of-ways, total number of parcels created, total combined acreage of all lots, acreage shown for each lot in the subdivision, linear feet in streets, the name and location of any property or building within the proposed subdivision that is located on the U.S. Department of Interior's National Register of Historic Places.
- A topographic map with contour interval of no greater than ten (10) feet at a scale of no less that one (1) inch equals two hundred (200). Available USGS Quadrangle maps may be enlarged or otherwise used to produce this information.
- Location of water point source and all-weather access road, as applicable.
- A statement indicating Rowan County does not guarantee the suitability of any lot for the placement of a sewage disposal and/or water supply system.

(b) *Required Information for Final Plats.*

The final plats shall depict, contain or be accompanied by the information indicated in the following table:

- Title Block containing Subdivision Name.
- Location (including township, county and state)
- A bar graph scale and North arrow.
- Name, address, registration number and seal as applicable of the Professional Land Surveyor, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- The name of the subdivider or developer.
- The sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area.
- Estimated corporate limits, township boundaries, and county lines if on the subdivision tract.
- Date of plat preparation.
- The boundaries of the tract to be subdivided, distinctly and accurately represented with all bearings and

distances shown and the location of existing boundary lines of adjoining lands, property lines of adjoining properties.

- The names of owners of adjoining properties and deed book and page number.
- The names of any adjoining subdivision of record or proposed and under review.
- Front building setback line.
- The zoning classification of the tract to be subdivided and adjoining properties.
- Existing buildings or other structures, water courses, utility and street rights-of-way or easements railroads, bridges, both on the land to be subdivided and land immediately adjoining.
- All certifications required by this ordinance.
- The lots numbered throughout the subdivision in a manner using only numeric symbols. A continuous numbering system shall be used throughout the subdivision. Multiple phases shall maintain continuous numbering system for all phases.
- Ponds or lakes, streams or stream beds and any other natural features affecting the site.
- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.
- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.
- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, **stormwater drainage system and control measures**, riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Deed book and page number of any deed restrictions, road maintenance or similar covenants.
- Location of water point source and all-weather access road, as applicable.
- A statement indicating Rowan County does not guarantee the suitability of any lot for the placement of a sewage disposal and/or water supply system.

(Amend. of 2-20-06(2); Ord. No. 7-16-07(2); Amend. of 11-2-09)

Section 22-62. Recombination of Land.

Recombination of Plated Subdivision may be done as follows:

- (a) Any plat or any part of any plat may be vacated by owner at any time before the sale of any lot in the subdivision by filing an approved plat inconsistent with the originally approved plat or by filing a plat showing the tract without the lots as if no lots have been sold.
- (b) The replatting of any previously platted property shall not abridge or destroy any public rights.
- (c) The filing and recording of an amended plat as described in section 22-62(a) of this ordinance shall serve to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

- (d) When lots have been sold, the plat may be vacated or amended by all owners of the lots in such plat joining in the execution of such writing, provided such vacated or amended plat comply with requirements of this ordinance.
- (e) Streets which have not been used within fifteen (15) years of dedication may be deemed abandoned. The withdrawal of dedication shall be consistent with G.S. 136-96.

(Amend. of 11-2-09)

Section 22-63. Resubdivision Procedure.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

Secs 22-64—22-75. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS, MINIMUM STANDARDS OF DESIGN

Section 22-76. General.

Before final plat approval, each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

Section 22-77. Suitability of Land.

- (a) Land which has been determined by the Subdivision Administrator on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (b) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Rowan County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purpose proposed. Areas that have been used for storage or disposal of industrial waste, low-level radioactive waste or hazardous waste shall not be subdivided unless tests have been conducted and determine by the appropriate State or Federal agencies that the area is safe for use and development as a subdivision.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities, sites and facilities such as sewer, gas, electrical, water system, and roads located and constructed to minimize flood damage.

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

Section 22-78. Name and Street Duplication.

The name of the subdivision and the name of the streets within the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, nor any existing street within Rowan County.

Section 22-79. Subdivision Design.

- (a) *Lot Dimensions.*

All new lots in a 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).
 - 1. 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.
 - 2. Lots regulated by this chapter that are neither intended nor considered to be utilized for building sites or development may serve the purpose of a utility lot for nonresidential purposes only. Said lots may have access as provided in Section 22-79(d).
 - 3. 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 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) Lot Depth: Minimum lot depth shall comply with the applicable zoning requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.
- (5) Panhandle Lots: Panhandle lots shall not be allowed in subdivisions except when such lots would serve to provide lot access to a body of water, golf course or similar recreation facility. Never shall an entire subdivision or the majority of lots within a subdivision consist of panhandle lots. All panhandle lots shall have a minimum road frontage of thirty-five (35) feet. The length of the panhandle strip in the lot shall not exceed two hundred (200) feet. Said strip shall not be used to determine lot area, lot width or required building setback line.
- (6) Minimum Lot Depth: All minimum lot dimensions may be increased to meet any applicable requirements of the Rowan County Health Department.
- (7) Waterfront Access Lot: As recommended policy, where any portion of a subdivision adjoins the Yadkin River or the South Yadkin River and its impounded waters, a waterfront access lot is encouraged to be reserved for use of the residents of the subdivision for all interior lots located within said subdivision which do not front on the water.
- (8) Right-of-Way Observation: All new lots having frontage on a state or publicly maintained road where no right-of-way is recorded by deed or plat, shall be required to observe a sixty-foot right-of-way, i.e. thirty (30) feet from roadway centerline, unless otherwise suggested in Appendix A.
- (b) *Utility Easements.*

A utility easement of not less than ten (10) feet in width shall be provided along each side of all side and rear lot lines on either side. These easements may be noted by a statement on the final plat.
- (c) *Drainage Easements.*

Where a subdivision is traversed by a stream or a drainage way, an easement shall be provided conforming with the line of such stream and of sufficient width as will be adequate for the purpose.
- (d) *Access Easements for Utilities.*

An access easement of at least twenty (20) feet in width may be provided to service nonresidential lots

whenever no other reasonable alternative exists. Said easement may only be used to serve unmanned utility facilities such as pump/lift stations, telecommunications towers, septic tank drain fields, common areas, etc.

(Ord. of 2-1-99(2); Ord. of 10-18-99(3); Amend. of 2-20-06(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 9-6-16; Amend. of 2-6-17)

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.

(c) *Access to Adjacent Properties.*

For the purposes of providing improved traffic flow, limiting the number of subdivision street intersections on collector and arterial streets and providing access between adjoining subdivisions, the Subdivision Administrator or Board of Commissioners may require that a proposed street be extended by dedication and road improvements to the boundary of such property and a temporary cul-de-sac be provided.

(d) *Nonresidential Streets.*

The subdivider of a nonresidential subdivision shall provide streets in accordance with current NCDOT standards and the standards in this ordinance, whichever are stricter in regard to each particular item.

(e) *Street Design Standards.*

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies and standards of the North Carolina Department of Transportation, Division of Highways. The most recent edition of the North Carolina Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this ordinance or where stricter than this ordinance.

The following design standards shall apply to all streets proposed in subdivisions:

- (1) Street jogs with centerline offsets of less than one hundred fifty (150) feet are not permitted.
- (2) Street intersections shall not include more than four (4) street approaches.
- (3) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at less than sixty (60) degrees, other arrangements for smooth merging of traffic shall be permitted where the total effect on the intersection is to reduce traffic hazards and provide for smooth traffic flow at the intersection as a whole. As an example, where a one-way street leaves or enters a street divided by a median strip or otherwise controlled to prevent left turns, the angle of departure or entry might be less than sixty (60) degrees. All angles of street intersections shall meet current NCDOT standards.

(f) *Other Requirements.*

(1) *Sidewalks.*

Sidewalks may be required by the Board of Commissioners on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. Sidewalks shall be constructed of concrete with a minimum compressive strength of two thousand five hundred (2,500) pounds per square inch or greater.

(2) *Street Names.*

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and never shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Planning Department and shall be in accordance with section 22-78.

(3) *Street Name Signs.*

The subdivider shall be required to reimburse Rowan County for providing and placing street name signs to county standards at all intersections within the subdivision. This fee shall be paid before final plat approval.

(4) *Permits for Connection to State Roads.*

An approved permit is required for connection with any existing state system road. This permit is required before any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

(5) Wheelchair Ramps.

In accordance with G.S. 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramp for the physically handicapped at all intersections where both curb and gutter and sidewalk are provided and at other major points of pedestrian flow.

(g) *All-Weather Access Road for Water Point Sources*

In situations where the water point source cannot be directly accessed by a mobile water supply apparatus via the proposed subdivision street; or, an existing state maintained road; or a linkage of hoses not to exceed twenty (20) feet, then the subdivider shall be responsible for construction of an access road in fire districts with a PPC rating of 8 or lower. In districts with a PPC rating of 9 or 9S, the fire department having jurisdiction shall participate equally with the subdivider in sharing the costs for access road construction.

This access road shall be maintained in accordance with the following NFPA 1142 Chapter 7 guidelines to which it was built. These standards are intended to serve as the maximum requirements that may be imposed, subject to (11) below.

- (1) Roadways shall have a minimum clear width of twelve (12) feet (3.7 m) for each lane of travel.
- (2) Turns shall be constructed with a minimum radius of one hundred (100) feet (30.5 m) to the centerline.
- (3) The maximum sustained grade shall not exceed eight (8) percent.
- (4) All cut-and-fill slopes shall be stable for the soil involved.
- (5) Bridges, culverts, or grade dips shall be provided at all drainageway crossings; roadside ditches shall be deep enough to provide drainage with special drainage facilities (tile, etc.) at all seep areas and high water table areas.
- (6) The surface shall be treated as required for year-round travel.
- (7) Erosion control measures shall be used as needed to protect road ditches, cross drains, and cut-and-fill slopes.
- (8) Where turnarounds are utilized during firefighting operations, they shall be designed with a diameter of one hundred twenty (120) feet (36.5 m) or larger, as required, to accommodate the equipment of the responding fire department.
- (9) Load-carrying capacity shall be adequate to carry the maximum vehicle load expected.
- (10) The road shall be suitable for all-weather use.
- (11) Upon determination from the SRC that lesser standards are adequate and comply with the intent of this article, deviations may be permitted on an individual basis.

(Ord. of 2-1-99(2); Ord. of 10-18-99(3); Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 4-21-14; Amend. of 9-6-16)

Secs. 22-81—22-100. Reserved.

ARTICLE V. UTILITIES

Section 22-101. Utility Ownership and Easement Rights.

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 22-102. Subdivisions Serviced By or Having The Potential To Be Serviced By Public Water or Sewer Systems.

- (a) Any original lot which is proposed to be subdivided, including any potential future subdivisions, shall be connected to public water and sewer systems according to the following schedule, if it is legally possible and practical in terms of topography or cost. If the subdivider proposes subdividing only a portion of the original lot, then using the design standards of this chapter, a determination of the potential number of lots that could be developed on the residual portion of the original tract shall be made by the Subdivision Administrator. The sum of the number of lots contained in the area proposed for subdivision, plus the determined number of lots for the unsubdivided area of an original lot, shall be used for the purposes of this section. The decision of the Subdivision Administrator may be appealed to the Zoning Board of Adjustment as provided for in section 22-53.

The number of potential lots or a nonresidential use that places a comparable demand on the water and sewer system shall determine the minimum distance whereby a subdivision must be connected. The distance is to be taken from the nearest point on the original lot line to the water and sewer line.

Number of Lots	Distance
9-20	400'
21-50	800'
51-100	1,500'
More than 100	2,000'

- (b) Connection to such water or sewer line is not legally possible if, to make connection with such line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the proposed subdivision to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- (c) For this article, a lot is "served" by a publicly owned water or sewer line if connection is required by this section.

(Amend. of 11-2-09)

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 Department of Environmental Quality.

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

- (a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection 22-103(a) often lies with an agency other than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection 22-104(b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing an approval under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with section 22-103. However, construction of such system may not commence until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (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 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: (Amend. of 09-6-16).	No further certification is necessary.

Section 22-105. Water Supply System Required.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of the use on a subdivided lot and complies with all applicable health regulations.

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

- (a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in section 22-105 often lies with an agency other than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing approval under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with section 22-105. However, construction of such system may not commence until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (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:
- 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:
- 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:

No further certification is necessary

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 appropriate governmental agency).

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.

(Amend. of 09-6-16).

Section 22-107. Electrical, Telephone, Cable Television And Other Utilities.

Electrical distribution systems (defined for these regulations as facilities for delivering electrical energy from a substation to a customer's meter and generally associated with voltage in the 14.4 to 24.9 kv range and below), telephone lines, cable television lines and any other wire installation shall be underground unless the unfeasibility of such installation has been documented and is submitted to the Subdivision Administrator or Board of Commissioners.

Section 22-108. Utilities to Be Consistent With Internal and External Development.

Whenever it can reasonably be anticipated that utility facilities construction in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

Section 22-109. Stormwater; Drainage System, Control Measures and Maintenance Plans.

(a) Stormwater Drainage System.

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in "Handbook for the Design of Highway Surface Drainage Structures," 1975, as amended or revised, subject to review by the County and NCDOT where applicable.

- ~~(a)~~ **(1)** No surface water shall be channeled or directed into a sanitary sewer.
- ~~(b)~~ **(2)** Where feasible, the subdivider shall connect to an existing storm drainage system.
- ~~(c)~~ **(3)** Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- ~~(d)~~ **(4)** Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each

one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4, and the Rowan County Sedimentation Control Ordinance. Other side slope standards can be accepted by the Subdivision Administrator, if approved by North Carolina Department of Transportation or Rowan County Planning and Development.

- ~~(e)~~ **(5)** The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- ~~(f)~~ **(6)** Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from land disturbing activity in accordance with the Rowan County Sedimentation Pollution Control Ordinance and North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4.
- ~~(g)~~ **(7)** Anyone constructing a dam or impoundment within the subdivision shall comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K, if applicable.
- ~~(h)~~ **(8)** In areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall comply with all requirements of the Rowan County Flood Damage Prevention Ordinance, if applicable for the subdivision.

(b) Stormwater Control Measures (SCM).

All SCMs and plans shall be prepared by a qualified registered North Carolina professional engineer, land surveyor, soil scientist or landscape architect performing design services only in their area of competence as prescribed by North Carolina General Statutes.

The developer shall submit all proposed stormwater control measure(s) plans, including the operation and maintenance plan(s) or manual(s), to the Planning Department for scheduling a Subdivision Review Committee (SRC) meeting subject to the submission and review procedures in Section 22-56 of this Chapter.

Minimum design requirements for all stormwater control measures shall include the following:

(1) Designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Quality found in the Stormwater Design Manual at <https://deg.nc.gov/sw-bmp-manual> and relevant minimum design criteria set forth in 15A NCAC 02H .1050 through .1062.

(2) Consist of one treatment option or a combination of treatment options, with design criteria achieving an 85 percent average annual removal of Total Suspended Solids. The discharge rate shall meet one of the following criteria;

(a) The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or

(b) The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

(3) Designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match";

(a) For projects designed to achieve runoff treatment, the required storm depth shall be one inch.

(b) Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment.

(4) Stormwater runoff from off-site areas and "existing" impervious development shall not be required to be treated in the stormwater control measure. Runoff from off-site areas or "existing" impervious development that is not bypassed shall be included in sizing of on-site stormwater control structures

(5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

(c) **Stormwater Maintenance Plans.**

Operation and maintenance agreements and plans are required for stormwater control measures in accordance with 15A NCAC 02H .1050. As such, the developer shall submit an operation and maintenance plan or manual for each stormwater control measure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement specifications outlined in Section 22-112 of this Chapter, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control measure to design specifications if a failure occurs. The plan shall also include a plat of the area containing the stormwater control measure and any easements necessary for general access to the stormwater control measure along with vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

Plan Amendments. At the request of the owning entity, amendments to the plans and specifications of the stormwater control measure and/or the operation and maintenance plan or manual may be considered by the Subdivision Review Committee (SRC). Proposed amendment(s) shall be prepared by a North Carolina registered design professional (engineer, land surveyor, soil scientist or landscape architect) working in their area of competence as prescribed by North Carolina General Statutes and submitted for review by the Planning Department prior to the Subdivision Review Committee.

(Amend. of 11-2-09)

Section 22-110. Other Requirements.

(a) *Placement of Monuments.*

Unless otherwise specified by this ordinance, the "Manual of Practice for Land Surveying" as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corners ties; to determine the location, design and material of monuments, markers, control corners, and property corners ties; and to determine other standards and procedures governing the practice of land surveying for subdivision.

(b) *Construction Procedures.*

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record as of the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, before commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work before release of the sureties.

(c) *Oversized Improvements.*

The County may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements more than of the standards required in this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvements required and the standards in this ordinance. The County may recoup this cost through acreage fees as set forth in the adopted policy of acreage fee charges for connections to the County utility system or be reimbursed by a municipality or by a municipality's utility system.

Section 22-111. Water Point Sources.

(a) *Generally.*

As a basis for evaluating the quality of public fire protection services throughout the United States, Insurance Services Office (ISO) analyzes the relevant data in a community and assigns a Public Protection Classification (PPC) number ranging from 1 to 10. Class 1 represents exemplary fire protection and Class 10 indicates that the area's fire protection program does not meet ISO's minimum standards. In turn, this PPC number is used by insurance providers to assist in developing premiums that reflect the risk of loss in a particular location.

(b) *Purpose and Intent.*

Rowan County recognizes the importance of adequate fire protection for its citizens and further acknowledges there is a correlation between the development of major subdivisions and their potential impact on a fire department's ability to maintain and provide adequate fire protection for the existing and proposed structures in their respective jurisdiction. Rowan County has fire districts with PPC ratings ranging from 6 to 9S. The objectives contained in this article are designed to accomplish a goal established by the Board of Commissioners for the fire districts to achieve and maintain a PPC rating of 6.

Based on ISO standards, a district's PPC rating is based upon the department's fire alarm and communication system; its equipment, staffing and training; and water supply system. Furthermore, without a water supply system that is able to deliver two hundred fifty (250) gallons per minute for a two-hour period, a district may not attain a rating of Class 8 or better.

(c) *Provision for Requirement and Standards.*

Major subdivision proposals equal to or greater than fourteen (14) lots are subject to the requirements of this ordinance, in which all lots must be located within one (1) road mile of a water point source as certified by the Rowan County Fire Marshal and the chief of the fire department having jurisdiction, otherwise the subdivider shall be responsible for providing or participating with the fire department with responding jurisdiction in installation of a water point source. Provision of a water point source shall be by one of the following methods:

1. Municipal water supply system. Connections to a municipal water supply system shall be in accordance with sections 22-102 and 22-106 of this ordinance. Hydrant type(s) and placement(s) shall be as specified by Appendix C of the N.C. State Building Code: Fire Code.
2. In-ground cistern or aboveground water tank. Installation of a cistern or aboveground tank must be provided at a location in, adjacent to or within one (1) road mile of all lots in a proposed major subdivision. The cistern or tank should hold a minimum of thirty thousand (30,000) usable gallons and be designed, constructed, installed and maintained in accordance with NFPA 22.
3. Pond. Construction of a pond must be provided at a location in, adjacent to or within one (1) road mile of all lots in the proposed subdivision. Construction of the pond and installation/use of a float dock or dry hydrant for drafting of water shall be in accordance with standards and practices of NFPA 1142. The pond must have the capacity to maintain in excess of thirty thousand (30,000) gallons as certified by a certified hydrologist, professional engineer, or a staff member of the Rowan County Soil and Water Conservation District to account for seasonal variations and water availability/sediment below the strainer and/or be able to withstand a 50-year drought as certified by a certified hydrologist, professional engineer or a staff member of the Rowan County Soil and Water Conservation District. Ponds created through use of existing streams or by continuous fill from a ground water well, must also obtain the drought tolerance certification from any of the aforementioned sources.

(d) *Responsibility for Installation.*

Responsibility for installation of a water point source for projects subject to the provisions of section 22-111(c) of this article are based on the following principles:

1. Without provision of a water point source, major subdivision proposals located in fire districts with a PPC rating of 8 or less will adversely affect the PPC rating of said district. As such, a water point source shall be provided at the expense of the subdivider. Installation, inspections and certifications required to comply with NFPA 22 and 1142 (as applicable) will be the responsibility of the subdivider.
2. Without provision of a water point source, major subdivision proposals located in fire districts with a PPC rating of 9 or 9S will not necessarily affect the PPC rating of said district. However, the County recognizes the importance of adequate fire protection for its citizens and providing water point sources

is an accepted method for limiting property damage and saving lives in the event of fires. To this end, the subdivider and fire department having jurisdiction shall equally share in the costs for installation, inspections and certifications for the minimum standards as may be required to comply with NFPA 22 and 1142 (as applicable) of providing the water point source, unless the subdivider waives the fire department's participation requirement. For purposes of this section, cost participation of the fire department shall not include land or easement purchase costs nor shall equal participation of the subdivider be diminished by a value (assumed or established) of the lot or easement containing the water point source.

(e) Maintenance Requirements For Water Point Source

In the event a water point source will not be deeded to or accepted by the county or the fire department having responding jurisdiction, maintenance of the grounds (lot or easement area) surrounding the water point source shall be the responsibility of the property owner or the subdivider until such time a homeowners association or similar legal entity has assumed authority for enforcing the recorded covenants. All powers and duties for enforcing the maintenance of the grounds as allowed by this subsection shall be the same as those specified in section 22-58(f) of this ordinance. Maintenance of the mechanical and nonmechanical components of the water point source shall be the responsibility of the fire department having jurisdiction.

(Amend. of 7-16-07(2); Amend. of 6-16-08)

Section 22-112. Stormwater Control Measures: Operation, Maintenance and Inspections

(a) Operation.

Prior to receiving any related final subdivision plat or zoning approvals authorizing the sale or conveyance of lots and, or occupancy of buildings, the stormwater control measure(s) shall be inspected by the Planning Department after it is notified by the developer that all work has been completed. Prior to this inspection, the developer shall provide:

1. A copy of the operation and maintenance agreement or manual, the deed, related easements and survey plat (as applicable) for the stormwater control measure ready for Planning Department review prior to filing with the Rowan County Register of Deeds; and,
2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control measure is complete and consistent with the approved plans and specifications for said structure.

If inspection by the Planning Department finds the measure completed in accordance with the plans approved pursuant to Section 22-109(b) of this Chapter and the items in (a)(1) and (2) of this Section are in compliance, the owning entity shall file the items in (a)(1) of this Section with the Rowan County Register of Deeds.

(b) Maintenance.

Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control measure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control measure.

(c) Repair or Reconstruction.

Except for general landscaping and grounds management, the developer or owning entity shall notify Rowan County Planning Department prior to any repair or reconstruction of the stormwater control measure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control measure and the operation and maintenance plan or manual. After notification and documentation provided by the developer or owning entity that repairs or reconstruction have been certified as completed by an NC Registered Professional Engineer, Rowan County Planning Department shall have the opportunity to inspect the completed improvements and inform the developer or owning entity of any required additions, changes, or modifications and of the time period to complete said improvements.

(d) Inspections.

1. Annual Inspections. All stormwater control measures shall be inspected by a North Carolina registered professional engineer at least once on an annual basis to determine whether the measures are performing as designed and intended. Records of inspection shall be maintained on forms available from the Rowan County Planning Department. Annual inspections shall begin within

one year following the date for recordation of the operation and maintenance agreement or plan with the Rowan County Register of Deeds office for the stormwater control measure.

2. Corrective Actions. In the event the Planning Department discovers the need for corrective action or improvements, the owning entity shall be notified of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control measure and the operation maintenance plan or manual. After notification by the owning entity, the Planning Department or its designee shall inspect and approve the completed improvements.

3. Responsibility for Inspections. Rowan County shall exercise ultimate authority for operation and maintenance of stormwater control measures approved pursuant to the high density development standards for water supply watersheds contained in Section 21-33 (2)(f) of the Rowan County Zoning Ordinance. In doing so, the County shall require the owners of stormwater control measures to be inspected by a North Carolina registered professional engineer at least once during successive twelve (12) month periods following the date of recordation for the operation and maintenance agreement or plan with the Rowan County Register of Deeds office. These required annual inspections shall insure the stormwater control measures are performing as designed and intended. Completed inspection reports shall be submitted to the Rowan County Planning Department on forms available from the same.

4. Enforcement. If at any time, an inspection reveals that a stormwater control measure is not performing as designed and intended, Rowan County shall inform the owning entity of the need for corrective action. Failure to take corrective action(s) on the part of the owning entity may subject them to enforcement provisions of Section 22-152 of this Chapter or any other equitable remedy in accordance with applicable North Carolina law.

Secs 22-442113—22-125. Reserved.

ARTICLE VI. SCHEDULE OF FEES

Section 22-126. Fee Schedule.

The Rowan County Board of Commissioners shall approve a fee schedule for the administration of this ordinance. These fees shall be nonrefundable except in cases of administrative error. The fee schedule approved by the Board of Commissioners shall be kept on file with the Clerk to the Board of Commissioners.

Secs 22-127—22-150. Reserved.

ARTICLE VII. LEGAL PROVISIONS

Section 22-151. Penalties for Violation.

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Rowan County Register of Deeds, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Board of Commissioners may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

In addition to the penalty as established above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy provided in G.S. 153A-123, including, but not limited to, all appropriate equitable remedies issued from a court of competent jurisdiction as provided in G.S. 153A-123(d) and the remedy of injunction and order of abatement as allowed by G.S. 153A-123(e).

Section 22-152. Civil Penalties.

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

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

Warning Citation

No Penalties

First Citation	\$25.00
Second Citation for the same offense	\$50.00
Third and Subsequent violations for the same offense	\$100.00

Section 22-153. Separability.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 22-154. Amendments.

The standards of this ordinance may be amended in accordance with Article XIV, Section 21-361 of the Zoning Ordinance.

(Amend. of 2-20-06(2))

Section 22-155. Abrogation.

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants deed restriction, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Amendments to Chapter 21: ZONING ORDINANCE

Article I. In General

Sec. 21-1. Title.

Sec. 21-2. Purpose.

Sec. 21-3. Authority.

Sec. 21-4. Definitions.

Sec. 21-5. Jurisdiction.

Sec. 21-6. Bona fide farms exempt.

Sec. 21-7. Severability.

Sec. 21-8. Abrogation.

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

Sec. 21-10. Relationship to other ordinances.

Sec. 21-11. Zoning vested rights.

Sec. 21-12. Fees.

Sec. 21-13. Enforcement.

Sec. 21-14. Violations and penalties.

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ARTICLE I. IN GENERAL

Sec. 21-1. Title.

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

(Ord. of 1-19-98, § I)

Sec. 21-2. Purpose.

The purpose of this chapter is to establish planning and zoning requirements and procedures for zoning in the unincorporated areas of the county outside the zoning jurisdiction of municipalities. This chapter is adopted to promote the health, safety and general welfare of the public. In accomplishing this, guidelines for the development and land use are presented. These guidelines will provide for economic, social, and aesthetic advantages resulting from the orderly planned use of land resources. This chapter recognizes that much of the county has developed with smaller businesses and industries located in rural areas along with residential uses and that such businesses, developed appropriately, are not detrimental to the health, safety and general welfare of these areas. This chapter also recognizes that other residential areas in the county desire more separation of residential uses from business and industrial uses. Certain areas in the county are appropriate for concentrations of commercial, business and institutional uses and are provided. Economic development is a recognized goal of the county and provisions are made to allow timely location of industries that will advance the general welfare of the county's citizens, while insuring that residential areas are protected from adverse impacts of this type of development.

(Ord. of 1-19-98, § I)

Sec. 21-3. Authority.

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

(Ord. of 1-19-98, § I)

Sec. 21-4. Definitions.

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

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

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

Abandoned motor vehicle means one that is left:

- (1) On public grounds or county owned property in violation of a law or ordinance prohibiting parking; or
- (2) For longer than twenty-four (24) hours on property owned or operated by the county; or
- (3) For longer than seven (7) days on public grounds.

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

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-

producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed are characterized as depicting or describing "specified sexual activities" or "specified anatomical areas", as herein defined.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cabin means a habitable structure used for overnight or temporary lodging of a recreational rental purpose regardless of whether said structure is subject to the NC Building Code. For purposes of this definition, the term does not include a dwelling unit, but is intended to include cottages, huts, treehouses, yurts and other similar structures.

Caliper means the diameter of a tree trunk.

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

under G.S. Ch. 122C, Art. 2; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

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

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

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

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

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

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

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

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

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

County manager means the County Manager of Rowan County.

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

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

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

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

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

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

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

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

Deed restrictions. See term "covenant, restrictive."

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

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

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

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

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

District. See term "zoning district."

Drinking Place means an establishment whose principal purpose is to derive income from the sale of alcoholic beverages that are served and consumed on premise. These establishments, commonly known as bars, pubs, saloons, and taverns, hold themselves out to the public through advertising, signage, or other activities as purveyors of alcoholic beverages served on premise. Drinking places may also provide limited food services but do not meet the definition of an eating place as defined herein. In determining whether a use meets this definition, the Zoning Administrator may also consider the percentage of income from alcoholic beverage sales, floor plans, and plans / permits from the Rowan County Building Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission. Unless otherwise indicated, this definition does not include congressionally chartered veteran organizations or wine tasting rooms defined by G.S. 18B-1000 or this ordinance.

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

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

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

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

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

Eating Place means an establishment principally engaged in preparing and serving food and beverages, which may or may not be consumed on premise, and in which the service of alcoholic beverages are accessory to the service of food and non-alcoholic beverages in terms of sales and square footage. In determining whether a use meets this

definition, the Zoning Administrator may also consider the percentage of income from alcoholic beverage sales, floor plans, and plans / permits from the Rowan County Building Inspections Department, Rowan County Environmental Health Division, and the North Carolina ABC Commission.

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

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

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

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

- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (2) Having an outstanding valid building permit as authorized by G.S. 153A-344.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Garage. See term "automobile repair facility."

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

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

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

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

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

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

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

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

- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;
- (2) A point of heavy growth of weeds or other non-toxic vegetation over eight (8) inches in height;
- (3) A point of concentration of gasoline, oil, or other flammable or explosive materials;
- (4) So located that there is a danger of the vehicles falling or turning over; or
- (5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.

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

Home occupation, rural means an accessory use subordinate to the primary residential use of the property operated by persons residing in the principal building on the same parcel of land upon which the home occupation is located. The use would not generate conspicuous traffic or nonresidential levels of odor, glare or dust. The use shall not exceed two thousand (2,000) square feet. Outside storage is sited to the rear of the building and is within the required setbacks. All parking must be provided off-street.

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

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

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

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

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

- (1) Is partially dismantled or wrecked; and
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

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

Junkyard Control Act means G.S. Ch. 136, Art. 12, 136-141--136-155 which delegate to the state department of transportation the responsibility to regulate "junkyard" and "automobile graveyards" located on interstate and federal-aid primary system highways.

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

Land division. See term "subdivision."

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

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

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

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

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

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

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

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

Lot, flag means a lot which has less than the required amount of frontage on a street and relies on a panhandle-shaped corridor for access to the bulk of the lot.

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

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

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

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

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

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

Lot of record. See term "existing lot".

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

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

Manufactured home park means a single lot used or intended to be used, leased, or rented, for occupancy by two (2) or more manufactured homes as defined in this section, which are anchored in place by a foundation or other

stationary support, to be used for living or commercial purposes of any kind, together with automobile parking space and incidental utility structure and facilities required and provided in connection therewith. This definition shall not include manufactured home sale lots on which unoccupied manufactured homes are parked for purpose of inspection and sales. This definition shall also not include the rental of manufactured home lots and/or spaces located outside the manufactured home park (MHP) district. Rental manufactured home lots and/or spaces shall be subject to all applicable development standards for the district they are located in, including but not limited to skirting requirements of this chapter.

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

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

Manufactured home, type I means a manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) The home has a length not exceeding four (4) times its width;
- (2) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle or other roofing material that is commonly used in standard residential construction;
- (3) The exterior siding consists of wood, hardboard, aluminum (vinyl covered or painted) or vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (4) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before a certificate of occupancy is issued.

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

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

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

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

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

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

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

Model automobile means a small-scale vehicle replica (not including aircraft) having a maximum height of 9.85 inches, a maximum length of thirty-one (31) inches, a maximum wheel base of thirteen (13) inches, and a maximum engine displacement of 3.5 cc. These automobiles are typically powered by battery pack, gasoline, or similar means of movement and may be operated by a hand-held device. This definition does not intend to regulate personal use of these vehicles.

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

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

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

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

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

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

NCDOT means the North Carolina Department of Transportation.

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

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

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

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

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

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

- (a) The appearance of a human anus, male genitals, female genitals, or the female breast below a point immediately above the top of the areola.
- (b) State of dress, which fails to opaquely cover the human anus, male genitals, female genitals, or the female breast below a point immediately above the top of the areola.

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

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

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

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

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

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

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

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

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

Parcel. See term "tract."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Classifications of rural roads and urban streets:

a. Principal arterial. A rural link in a highway system serving travel, and having characteristics indicative of, substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

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

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

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

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

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

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

(2) Specific types of roads:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Service station. See term "automobile repair facility."

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

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

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

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

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

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

Shooting range facility means a public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional "sighting-in" of firearms.

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

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

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

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

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

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

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

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

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

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

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

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

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

Solar Energy System means any solar collector device or structural design feature of a building, except solar shingles, along with its ancillary equipment whose primary purpose is to provide for the collection, inversion, storage, and distribution of solar energy for space heating or cooling, water heating, or generation of electricity. This definition

is not intended to include incidental systems that generate a minimal level of electricity typically used to power signs, wells, gates, fences, or similar ancillary uses.

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

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

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

Specified sexual activities means any of the following:

- (a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (d) Masturbation, actual or simulated; or
- (e) Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
- (f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
- (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the resultant lots are equal to or exceed the standards of this chapter.
- (2) The division of land into parcels greater than ten (10) acres where no street rights-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) The division of a lot in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street rights-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter.
- (5) The division of a lot into plots or lots used as a cemetery.
- (6) Land divided by a will or the courts for the purpose of dividing up a deceased person's property.

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

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

- (1) New roads are proposed or rights-of-way are dedicated; or
- (2) More than eight (8) lots are created after the subdivision is completed.

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

- (1) No new roads are proposed, or road rights-of-way dedicated; and
- (2) Where eight (8) or fewer lots will result after the subdivision is completed.

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

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

- 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.

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

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

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

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

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

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

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

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

Use, accessory means a use that is incidental to the primary use which is conducted on the zone lot.

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

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

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

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

Vacate means to leave unoccupied.

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

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

- a. The complete waiver of a management requirement; or
- b. The relaxation, by a factor of more than ten (10) percent, of any management requirement that takes the form of a numerical standard; or
- c. The relaxation of any management requirement that applies a development proposal intended to qualify under the high density option.

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

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

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

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

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

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

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

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

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

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

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

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

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

Winery refers to a manufacturing facility or establishment engaged in the processing and bottling of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes. The facility or establishment must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.

Wine Tasting Room refers to a facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include small-scale associated gift/retail sales, dining and catering facilities and a restaurant facility. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. of 1-19-98, § II; Ord. of 2-1-99(1); Ord. of 10-18-99(1); Ord. of 1-15-01; Ord. of 5-21-01(1); Ord. of 5-21-01(2); Ord. of 11-19-01(1); Ord. of 11-19-01(2); Ord. of 12-3-01; Ord. of 3-18-02(2); Ord. of 5-19-03; Ord. of 8-16-04; Ord. of 10-4-04; Ord. of 10-18-04; Ord. of 11-15-04; Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 2-20-06(1); Amend. of 8-20-07; Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 3-4-13; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 10-17-16)

Sec. 21-5. Jurisdiction.

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

(Ord. of 1-19-98, § I)

Sec. 21-6. Bona fide farms exempt.

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

(Ord. of 1-19-98, § I)

Sec. 21-7. Severability.

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

(Ord. of 1-19-98, § I)

Sec. 21-8. Abrogation.

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

yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of this chapter shall govern.

(Ord. of 1-19-98, § I)

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

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

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

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

Sec. 21-10. Relationship to other ordinances.

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

(Ord. of 1-19-98, § I)

Sec. 21-11. Zoning vested rights.

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

- (1) Site plan approval by the board of commissioners;
- (2) Conditional or special use permits;
- (3) Conditional zoning district;
- (4) Multi-family or multi-unit development plans.

(b) The approved plans and associated conditions for these districts constitute, for purposes of G.S. 153A-344.1 (site specific development plans). A right which has been vested as provided in this section shall remain vested for a period of two (2) to five (5) years as determined by the board of commissioners. Approval of a vested right pursuant to this section shall require a public hearing as provided in G.S. 153A-344.1 subject to public notice requirements from section 21-315 (1) a - c. The approving authority in its sound discretion may establish a vesting period exceeding the two-year minimum, where the petitioner shows that extending the period is warranted by relevant circumstances, including but not limited to the size and phasing of the development or the level of investment. The need for the development modifications or amendments to a plan do not extend the vesting period unless expressly provided by the appropriate board when making the amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. The vested right shall terminate at the end of the

applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

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

Sec. 21-12. Fees.

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

(Ord. of 1-19-98, § I)

Sec. 21-13. Enforcement.

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

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

Sec. 21-14. Violations and penalties.

- (a) Civil penalties.
 - (1) In addition to other remedies cited in this chapter for the enforcement of these provisions, this chapter may be enforced through the issuance of citations by the county. These citations shall be in the form of a civil penalty. The county may recover this penalty within seventy-two (72) hours after issuing a citation for a violation. In addition, failure to pay the civil penalty may subject the owner to civil action in the nature of debt if the penalty is not paid in the prescribed period of time.
 - (2) The following civil penalties are established for violations under this chapter:
 - a. Warning citation . . . No penalties
 - b. First citation . . . \$ 25.00
 - c. Second citation for the same offense . . . 50.00
 - d. Third and subsequent violations for the same offense . . . 100.00

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

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

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

(Ord. of 1-19-98, § I)

Sec. 21-15. Effective date.

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

(Amend. of 3-7-05)

Sec. 21-16. Adoption.

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

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

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

ARTICLE II. GENERAL AND OVERLAY DISTRICTS

Sec. 21-31. Zoning districts established.

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

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

(1) General zoning districts:

- | | |
|---|-------------------------|
| a. Rural Agricultural (RA) | 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) | |

(2) Overlay districts:

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

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

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

(a) Rural Agricultural, RA. This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for agriculture or in fields and forest land, with some nonresidential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of less intensive land uses. It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed nonresidential uses. The most intensive land uses would not be allowed in this district.

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

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

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

(e) Manufactured Home Park, MHP.

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

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

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

(f) Commercial, Business, Industrial, CBI. This zone allows for a wide range of commercial, business and light industrial activities which provide goods and services. This district is typically for more densely developed suburban areas, major transportation corridors, and major cross-roads communities. However this district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

(g) Industrial, IND. This district is intended to provide for industrial activities involving extraction, manufacturing, processing, assembling, storage, and distribution of products. The district is also designed to accommodate other, more intense nonresidential uses which generate adverse side effects such as noise, odor or dust. The district is typically applied in areas with maximum accessibility to major highways, rail lines, and other significant transportation systems. However this district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

(h) Neighborhood Business, NB. This district is designed for retail, limited small manufacturing facilities and service oriented business centers which serve small trading areas. As a result the list of allowed uses is more limited than those in the CBI district. The development standards for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development. This district is also designed to provide opportunities for potential development within the NB district.

Areas zoned NB shall be so located as to conveniently serve the community population. The establishment and subsequent development of this district shall not create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood oriented business areas limitations on gross floor area is established. Limitations on total impervious surface are established to minimize the adverse impacts of this type of development on adjacent residential areas. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.

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

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

Sec. 21-33. Overlay districts.

Overlay districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use of development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of the lot. Overlay districts are applicable on an area wide basis to support specific public policy objectives and as such should be consistent with

adopted land use plans. Overlay districts may be applied to conventional and conditional zoning districts. An overlay district may be initiated as an amendment by the board of commissioners, planning board or property owner.

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

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

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

1. Horizontal surface. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging 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.

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

(2) Water Supply Watershed Overlays, WSO. The purpose of the watershed overlay is to provide for the protection of public water supplies as required by the Water Supply Watershed Classification and Protection Act (G.S.

143-214.5) and regulations promulgated therein. The watershed overlays may be an overlay in any conventional or conditional zoning district established in this chapter. The overlay districts supplement the uses or development requirements of the underlying zoning districts.

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

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

1. Landfills;

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

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

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

1. Density and Built-Upon Limits

Watershed Single family

Residential

Multi-family and

Nonresidential

Development

Watershed-II-Critical Area, WS-II-CA	80,000 sq. ft. minimum lot size or 6 percent built-upon area on a project by project basis	Development shall not exceed 6 percent on a project-by-project basis, unless otherwise provided in this section.
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Watershed-II-Balance of Watershed, WS-II-BW	40,000 sq. ft. minimum lot size	Maximum 12 percent built-upon on a project by project basis
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Watershed-III-Critical Area, WS-III-CA	40,000 sq. ft. minimum lot size	Maximum 12 percent built-upon on a project by project basis
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Watershed-III-Balance of Watershed, WS-III-BW	20,000 sq. ft. minimum lot size	Maximum 24 percent built-upon on a project by project basis
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Watershed-IV-Critical Area, WS-IV-CA*	20,000 sq. ft. minimum lot size	Maximum 24 percent built-upon on a project by project basis
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Watershed-IV-Protected Area, WS-IV-PA*	20,000 sq. ft. minimum lot size	Maximum of 24 percent built-upon area with curb and gutter or 36 percent built-upon area without curb and gutter
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* Development activities which require an erosion/sedimentation control plan must meet these requirements.

2. Nonpoint Source and Stormwater Pollution Control.

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

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

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

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

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

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

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

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

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

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

e. Special nonresidential intensity allocation (SNIA) permit.

1. Purpose. The purpose is to provide a method for the board of commissioners to allow ten (10) percent of the county's portion of the balance of watershed area (excluding a critical area) to be granted an SNIA permit to be developed at up to seventy (70) percent built-upon surface area.

2. Application and review procedures. Applications shall include a site plan as prescribed in section 21-52.

3. Review and approval. The site plan shall be reviewed by the board of commissioners. Approval of the plan may include the addition of reasonable and appropriate conditions.

4. Applicable areas. Areas in which SNIA permits may be approved are as follows:

i. WS-II-BW.

ii. WS-III-BW.

iii. WS-IV-PA.

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

f. High Density standard and built-upon limits.

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

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

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

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

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

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

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

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

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

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

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

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

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

Code 1987 U.S. SIC Description

01 Agricultural production--crops

02 Agricultural production--livestock

515 Wholesale farm products and raw material part of a bona fide farm operation

5261 Retail nurseries, lawn and garden supply stores part of a bona fide farm operation

Other similar agricultural uses such as feed and seeds part of a bona fide farm operation

Family subdivisions of up to three (3) lots plus the remainder

Family manufactured home parks of up to three (3) manufactured homes occupied by members of the immediate family of the property owner

Rural home occupations

07 Agricultural services

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

(4) Manufactured Home Overlay, MHO.

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

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

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

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

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

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

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

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

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

i. RA district: Type II and type III.

ii. RR district: Type II.

iii. CBI district: Type II and type III.

iv. MFR district: Type II and type III.

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

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

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

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

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

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

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

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

Manufacturing group:

Printing and publishing (SIC 27).

Rubber and miscellaneous plastics products (SIC 30).

Fabricated metal products (SIC 34), except:

Ammunition, except for small arms (SIC 3483).

Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:

Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt).

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

Construction group:

General Building Contractors (SIC 15)

Special Trade Contractors (SIC 17)

Manufacturing group:

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

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

Drugs (SIC 283).

Paper and allied products (SIC 26).

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

Primary metal industries (SIC 33).

Transportation, communication, and utilities group:

Communications and telecommunication towers (SIC 48 pt).

Services group:

Racing, including track operation (SIC 7948).

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

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

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

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

Manufacturing group:

Printing and publishing (SIC 27).

Rubber and miscellaneous plastics products (SIC 30).

Fabricated metal products (SIC 34), except:

Ammunition, except for small arms (SIC 3483).

Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:

Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt).

Service industries group:

Engineering and management services (SIC 87).

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

Construction group:

General Building Contractors (SIC 15)

Special Trade Contractors (SIC 17)

Manufacturing group:

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

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

Drugs (SIC 283).

Paper and allied products (SIC 26).

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

Primary metal industries (SIC 33).

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

Communications and telecommunication towers (SIC 48 pt).

Wholesale trade group:

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

Services group:

Racing, including track operation (SIC 7948).

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

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

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

a. Allowed primary uses are:

Manufacturing group:

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

Paper and allied products (SIC 26).

Printing and publishing (SIC 27).

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

Drugs (SIC 283).

Rubber and miscellaneous plastics products (SIC 30).

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

Primary metal industries (SIC 33).

Fabricated metal products (SIC 34), except:

Ammunition, except for small arms (SIC 3483).

Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:

Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Health services (SIC 80).

Legal services (SIC 81).

Educational services (SIC 82).

Membership organizations (SIC 86).

Engineering and management services (SIC 87).

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

Transportation, communication, and utilities group:

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

Wholesale trade group:

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

Retail trade group:

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Transportation, communication, and utilities group:

Communications and telecommunication towers (SIC 48 pt).

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

a. Allowed primary and accessory uses are:

Transportation, communication, and utilities group:

Ground Mounted Solar Energy Systems 6,000 sq.ft. or less (SIC 491 pt).

Retail trade group:

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

General merchandise stores (SIC 53).

Food stores (SIC 54).

Automotive dealers and gasoline service stations (SIC 55).

Apparel and accessory stores (SIC 56).

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

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

Finance, insurance, and real estate group:

Depository institutions (SIC 60).

Nondepository credit institutions (SIC 61).

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

Insurance carriers (SIC 63).

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

Real estate (SIC 65).

Holding and other investment offices (SIC 67).

Service industries group:

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

Personal services (SIC 72).

Business services (SIC 73).

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

Miscellaneous repair services (SIC 76).

Motion pictures (SIC 78).

Amusement and recreational services (SIC 79).

Health services (SIC 80).

Legal services (SIC 81).

Educational services (SIC 82).

Social services (SIC 83).

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

Membership organizations (SIC 86).

Engineering and management services (SIC 87).

Miscellaneous services (SIC 89).

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

Transportation, communication, and utilities group:

Communications and telecommunication towers (SIC 48 pt).

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

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

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

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

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

- d. Maximum lot coverage. Eighty (80) percent of lot area.
- e. Development size. Development sizes are as permitted below. Permitted and conditional uses on lots five (5) acres or more but less than twenty (20) acres in size are only allowed on lots of record existing at the effective date of the ordinance from which this chapter derives, or on aggregations of lots existing at the effective date of the ordinance, creating a lot five (5) acres or larger in size.
1. 85-ED-1.
- Permitted used 5 acres
- Conditional uses 5 acres
- PUDs 20 acres
2. 85-ED-2.
- Permitted used 5 acres
- Conditional uses 5 acres
- PUDs 20 acres
3. 85-ED-3.
- PUDs 20 acres
4. 85-ED-4.
- PUDs 20 acres
- f. Subdivision requirements. All subdivisions of property must be approved as a PUD.
- g. Maximum building height. No maximum height.
- h. Parking. As required in zoning ordinance.
- i. Signs. As provided in zoning ordinance.
- j. Circulation system. Requires access to major or minor thoroughfare or interstate service road. No access to local streets is allowed. Interior streets are designed to connect to other adjoining property within a 85-ED district. This requirement may be waived if it is found that connection to adjoining property is not appropriate due to incompatibility of adjacent development.
- k. Nuisance conditions. The project shall no cause detrimental levels of noise, dust, odor etc. to nearby areas.
- l. Loading, maintenance and outdoor storage areas. All loading, maintenance and outdoor storage areas shall be located to the rear or side of the building, but shall not face a side street unless approved as such during the PUD process.
- m. Open space. Open space shall be suitably landscaped with grass and/or trees and shrubs. Within a PUD the open space shall be pedestrian oriented. Parking or vehicular access is not allowed.
- n. Lighting. Lighting shall be provided at intersections, along walkways and in parking lots. The maximum height of lighting is twenty-five (25) feet. Spacing of lighting shall be four (4) times the height.

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

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

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

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

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

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

Secs. 21-35--21-50. Reserved.

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

Sec. 21-51. Purpose.

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

(Ord. of 1-19-98, § IV)

Sec. 21-52. Site plan required.

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

(1) Zone lot with dimensions and development setbacks;

(2) Tax parcel number;

(3) Property address;

(4) Adjoining deeded properties and their uses;

(5) Existing structures;

(6) Proposed structure with size;

(7) Proposed use;

(8) Number of employees, if applicable;

- (9) Hours of operation, if applicable;
- (10) Off-street parking, loading and unloading, access to existing streets;
- (11) Easements and rights-of-way;
- (12) All pertinent development requirements of this chapter;
- (13) Any additional information required by the zoning administrator to assess the merits of the application, including but not limited to traffic impact analysis, environmental impact statements;
- (14) Floodplains;
- (15) Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable;
- (16) Screening & Buffering, if applicable;
- (17) Zoning District;
- (18) Proposed phasing, if applicable;
- (19) This required site plan shall be in sufficient detail to allow the zoning administrator to reasonably understand the proposed development. The scale shall be one (1) inch equals one hundred (100) feet or greater for zone lots three (3) acres or less in size, or one (1) inch equals two hundred (200) feet for zone lots more than three (3) acres in size.

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

Sec. 21-53. Permitted uses with special requirements.

All uses listed as SR (Special Requirements) in article III shall comply with the pertinent regulations listed in the following subsections. Site plan approval by the zoning administrator shall be required unless expressly provided otherwise prior to issuance of a zoning permit and such approval shall be given if all requirements herein are met. The plan shall become part of the building permit. The regulations for specific uses listed as SR in article III are located in sections 21-54--21-56.

The SR location standards required in Section 21-55(2) a. - c. do not apply to Family care home; Family manufactured home park; Common Sand Mining (SIC 1442); Co-location of wireless facilities, eligible facilities requests, alternative tower structures, and public safety tower (SIC 48 pt); and Ground mounted solar energy systems 6,000 sq ft or less (SIC 491 pt).

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

Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District.

Building size and maximum size for certain uses listed as "SR" in article III shall be as provided in this section.

- (1) Applicable uses. The requirements of this section apply to the following:
 - a. All construction uses listed as SR;
 - b. All manufacturing uses listed as SR except sawmills (SIC 242);
 - c. All wholesale trade uses listed as SR except farm supplies (SIC 5191);

- d. All retail trade uses listed as SR;
 - e. All finance, insurance and real estate uses listed as SR; and
 - f. All services uses listed as SR except recreation facilities, membership and non-membership.
- (2) Building size. The maximum allowable building size for uses listed in subsection (1), above, shall not exceed ten (10) percent of the gross acreage of the lot, excluding right-of-way.
- (3) Maximum size and buffering. Maximum square footage and buffering requirements for the following uses shall be determined below.

Building Square Footage Setback, Front

(in feet) Setback, Side

and Rear Yards

(in feet)

0--2,000	30	
2,001--4,000	30	20
4,001--8,000	30	40
8,001--12,000	30	60
12,001--20,000	40	80
20,001 and over	50	100

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

Sec. 21-55. General criteria for uses listed as SR in article III.

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

- (1) Site plan. A site plan shall be provided showing the existing lot and all existing and proposed buildings.
- (2) Location. The facility must be located on property which meets the following criteria:
 - a. The property must be a lot with thirty-five (35) feet of state road frontage.
 - b. The property must be owned by the business owner.
 - c. The business must be on or adjacent to the residence of the business owner.
- (3) Lighting. The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (4) Square footage. The maximum square footage allowed for a use shall include all buildings used for retail sales of any type on that property.
- (5) Parking. Parking shall be as prescribed in article VII for that use.
- (6) Signage. Signage shall be as prescribed in article VIII for the underlying district.

- (7) Noise. Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.
- (8) Outdoor storage. All outside storage areas including dumpsters shall be:
 - a. Sited to the rear of the building;
 - b. Not within the required setbacks.
 - c. Outdoor storage shall be screened as provided in article IX for that use. However the requirements of article IX shall not apply to the business structure or outdoor display.
- (9) Smoke, odors and dust. The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.
- (10) Required licenses and permits. The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
- (11) Handling waste and other by-products. A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this chapter.
- (12) Activities. Manufacturing activities are confined to the building.
- (13) Outdoor display. Outdoor display shall be limited to two thousand five hundred (2,500) square feet unless otherwise provided.

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

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

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

- (1) Additional standards applicable to specific uses listed as SR in the residential group.
 - a. Duplex, individual located in the RR district; minimum lot size. The minimum lot size shall be one hundred fifty (150) percent of the lot size required for a single-family dwelling.
 - b. Family care home.
 - 1. Occupancy. No more than six (6) handicapped persons may reside in a family care home.
 - 2. Separation. No family care home shall be located within a four-hundred-foot radius of another family care home.
 - c. Family manufactured home park.
 - 1. Application. The proposed park must be located on a lot of record existing prior to June 8, 1999. An application and site plan shall be completed by the applicant. Applications that do not meet the standards of this subsection may be considered under the family subdivision provisions of the Subdivision Ordinance.
 - 2. Setbacks within park. Setbacks for spaces within parks, measured from edge of applicable street or property line:

Front 20 feet

Side 15 feet

Rear 20 feet

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

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

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

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

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

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

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

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

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

a. Veterinary services (SIC 074) and Animal Shelters, Boarding Kennels, Dog Pounds (SIC 0752 pt).

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

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

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

b. Reserved.

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

a. Common sand mining special requirements.

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

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

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

4. Operation. Hours of operation shall be limited to sunrise to sunset.
5. Minimum lot size. The minimum lot size is five (5) acres.
6. Smoke, odors, dust. Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the zone lot line.
- b. Reserved.
- (4) Additional standards applicable to specific uses listed as SR in the construction group.
 - a. Heavy construction and other building construction (SIC 16).
 1. Minimum lot size. The minimum lot size is one (1) acre.
 2. Storage. All storage shall be a minimum of fifty (50) feet from adjoining residentially developed property lines.
 - b. Reserved.
- (5) Additional standards applicable to specific uses listed as SR in the manufacturing group.
 - a. Meat packing plants (SIC 201).
 1. Location. No building, structure, storage or animal holding area shall be located within three hundred (300) feet of any lot line.
 2. Minimum lot size. The minimum lot size is five (5) acres.
 - b. Saw mills (SIC 242).
 1. Location. All mechanized sawing equipment must be located a minimum of five hundred (500) feet from lot boundary lines. Residential lots owned by the sawmill operator are exempt from this requirement.
 2. Reserved.
- (6) Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.
 - a. Trucking (SIC 421).
 1. Minimum lot size. The minimum lot size is three (3) acres.
 2. Buffer. All operations shall be a minimum of fifty (50) feet from adjacent residentially developed property lines.
 3. Applicability. The provisions of this subsection shall apply to trucking businesses with three (3) or more trucks.
 - b. Dead storage of manufactured homes.
 1. Compliance with applicable standards of Chapter 14.5, Nuisance Ordinance.
 2. Dead storage of more than one (1) manufactured home by an individual is not allowed in the RA, RR, and MFR district.

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

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

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

c. Ground mounted solar energy systems 6,000 sq.ft. or less (SIC 491 pt.). For the purposes of this subsection, the requirements of Sec. 21-54, 55, & 65 do not apply for RA or NB zoned properties.

1. Size and Setbacks. Solar collectors shall conform to the lesser of 6,000 sq.ft. or 10% of the lot size and maintain a ten (10) foot setback from all property lines.

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)

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

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

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

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

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

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

6. Failure to comply with any of the criteria in items 1. through 5. shall require the application to be reviewed as a new wireless support structure.

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

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

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

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

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

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

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

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

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

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

2. Reserved.

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

a. Educational services (SIC 82, except SIC 8211, elementary and secondary schools).

1. Lodging. Services provided shall not include overnight boarding or lodging.

2. Reserved.

b. Recreation facilities, membership and nonmembership.

1. Required licenses and permits. The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

2. Recreational facilities located within a major subdivision used exclusively by resident members and their guests in the RA, RR, and RS districts are exempt from the locational requirements of Section 21-55 (2).

c. Automotive repair and services (SIC 75).

1. Screening required. Junked motor vehicles and motor vehicle parts shall be screened from adjacent property by a six-foot high opaque screening. Vegetative screening, if used, shall be opaque during all seasons of the year and planted and maintained in accordance with article IX.
 2. Storage of junked motor vehicles. The junked motor vehicles shall not be stored in the front yard of the property or in the required front yard setback.
 3. Setbacks for stored junked motor vehicles. The junked motor vehicles shall be a minimum of fifteen (15) feet off the side and rear property line or side street right-of-way and twenty (20) feet off the right-of-way existing at the effective date of this chapter or fifty (50) feet off the centerline of the road if the right-of-way is not established.
 4. Stacking of junked motor vehicles. The junked motor vehicles shall not be stacked higher than the screening.
- (9) Additional standards applicable to specific uses listed as SR in the unclassified uses group.
- a. Multitenant developments.
 1. Application. An application shall be provided with:
 - i. Site plan as provided in section 21-52; and
 - ii. Development name, name(s) and address(es) of owners and park designers.
 2. Board of commissioners review of the development proposal. The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected.
 3. Uses allowed. Uses are limited to those provided in the district the multitenant development is located. Uses requiring conditional use permits shall obtain the required approval prior to issuance of a building permit.
 - b. Winery, Wine Tasting Room
 1. Setbacks. The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
 2. Screening. The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
 3. Licenses and permits. All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.
- (10) Additional standards applicable to specific uses listed as SR in the INST zoning district.
- a. Proof of accreditation by a recognized board, or provide a proposed articles of incorporation and by-laws that provide specific criteria for a board of directors including membership makeup and general responsibilities for oversight of the facility.
 - b. Projected school enrollment and number of boarders.
 - c. Description of curriculum.
 - d. Traffic study.
 - e. Overnight staffing.

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

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

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

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

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

Sec. 21-58. Review procedures.

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

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

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

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

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

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

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

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

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

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

- (a) Relocation of operational area improvements that do not project into the required setback;
- (b) One time expansions that do not exceed the lesser of ten (10) percent of the approved structure or one thousand (1,000) square feet for nonresidential uses;
- (c) One time expansions that do not exceed the lesser of ten (10) percent of the development or five (5) units;
- (d) Structural alterations that do not significantly effect the basic style, ornamentation, and / or character of the building; or
- (e) Change in detail which does not affect the basic relationship of the use to the required standards of the applicable ordinances or condition(s) of approval.

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

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

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

- (1) Approve the issuance of the permit as requested;
- (2) Approve the issuance of the permit, with additional conditions;
- (3) Continue the request; or
- (4) Deny the request for the permit.

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

- (h) Notification of decision. Notifications shall be delivered in accordance with section 21-315.
- (i) Notice and public hearing. Notice and public hearings shall be as provided in section 21-315.

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

- (1) The vested rights time period from Sec. 21-11 lapsed;
- (2) The permit was obtained by fraud;
- (3) Non-compliance with the approved site plan and / or conditions of approval;
- (4) Repeated zoning code violations or criminal activity; or
- (5) Eminent threat to public health or safety.

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

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

Sec. 21-59. Evaluation criteria.

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

- (1) Adequate transportation access to the site exists;
- (2) The use will not significantly detract from the character of the surrounding area;
- (3) Hazardous safety conditions will not result;
- (4) The use will not generate significant noise, odor, glare, or dust;
- (5) Excessive traffic or parking problems will not result; and
- (6) Use will not create significant visual impacts for adjoining properties or passersby.

(Ord. of 1-19-98, § IV)

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

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

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

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

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

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

3. Setbacks. All land disturbing activities shall be located at least three hundred (300) feet from any zone lot line, except uses listed as SIC 1459 "Clay, Ceramic and Refractory Minerals, Not Elsewhere Classified" may reduce the setback to one hundred (100) feet as provided below:

- i. There is no residence within five hundred (500) feet of the property line.
- ii. A fifty-foot wide solid vegetative buffer separates the properties which contains, at a minimum, a row of trees, forty (40) percent of which are large maturing trees and which are not less than ten (10) feet high at the time of planting and are spaced not more than six (6) feet apart.
- iii. The buffer may be used for drainage, erosion control or similar uses but shall not contain areas from which material extraction occurs.

4. Noise. Noise shall not exceed levels prescribed in Section 21-241 of this Chapter.

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 Environmental Quality. Said facilities seeking conforming use status or expansions to their operational areas are subject to these standards.

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

2. Access. Current and proposed roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust free manner.

3. Setbacks. All operational areas not in common ownership of the facility entity shall be setback a minimum of fifty feet (50') from adjoining property lines.

4. Noise. Noise shall not exceed the levels prescribed in Section 21-241 of this Chapter.

5. Blasting. All activities and operations involving blasting that are discernable beyond the external property line shall only be conducted during daylight hours.

(2) Manufacturing group: Pulp mills (SIC 261); paper mills (SIC 262); chemicals and allied products (SIC 28); petroleum refining and related products (SIC 29); leather and finishing (SIC 3111); hydraulic cement (SIC 324); structural clay products (SIC 325); concrete, gypsum and plaster products (SIC 327); abrasives, asbestos, non-metallic mineral products (SIC 329); primary metal industries (SIC 33); ammunition except for small arms (SIC 3483), ordinance and accessories (SIC 3489); power, distribution and specialty transformers (SIC 3612); and wholesale trade group: chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).

a. Minimum lot size.

1. Five (5) acres for manufacturing group uses regulated under this subsection.

2. Ten (10) acres for wholesale trade group uses regulated under this subsection.

b. Location of structures, storage of materials. The location of principal structures and storage of flammable or hazardous materials shall be two (2) times the required buffer area in article IX. However, parking, storage of nonflammable and nonhazardous materials, etc. may be placed up to the required additional buffer.

- c. Site location. Site shall have primary access to arterial or major collector street. This requirement is not applicable to expansions of facilities regulated under this subsection, which are contiguous to facilities existing prior to August 16, 2004.
- d. Security restrictions. Access shall be controlled through the use of gates, fences, etc. to prevent entrance to the operational area by unauthorized persons. Fencing standards shall be as specified in section 21-215(2)(b)2.
- e. Dust, odor, glare. Dust, odor, and glare shall not be noticeable at adjacent residential property lines.
- f. Removal and reclamation. Applications for new facilities classified in SIC 28, 29, 3612, 516 & 517 & temporary use permits for facilities classified as SIC 2951 & 3241 seeking approval pursuant to section 21-281(2) of this chapter may be required to provide written documentation substantiating that the applicant or operator has and will maintain a surety bond payable to Rowan County sufficient to disassemble and remove any outdoor equipment, stockpiles, etc. or reclaim any excavated areas once the facility ceases production for a period of three hundred sixty (360) days. The bond amount shall be based on an estimate provided by a registered professional engineer or architect having professional credentials, recognized expertise or specialization in construction and removal of similar facilities. Renewable bonds are expected to provide updated estimates and reflect increases due to labor costs, demolition practices, addition of equipment, etc. The requirements of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.
- g. Screening. Screening standards for new facilities and expansions to existing facilities regulated under this subsection shall be as follows:
1. New facilities. When a new facility shares a common property line(s) with a more restrictive zoning district, Type B screening requirements established in section 21-215(2)(b)1.--3. of this chapter are applicable to the portion of the facility's operational area bordering that property line(s). New facilities sharing a common property line with an identical zoning district are subject to the screening requirements based on the land use relationships established in section 21-216. However, Type B screening may be necessary in some instances to provide visual separation from the side and rear property lines when characteristics of the site such as topography, vegetation, line of sight with adjacent developed properties, etc. prevent effective screening when employing the standards of section 21-216. Type A screening requirements established in section 21-215(1)(b)1.--4. are applicable to the front yard of the operational area of the facility. Notwithstanding the screening requirements of this section, the preservation of existing vegetation as outlined in section 21-218 shall be depicted of the site plan as appropriate. Applicability of screening and buffering standards of this section are not preempted when adjacent tracts are in common ownership or a tract is subdivided in an attempt to circumvent these requirements.
 2. Expansions to existing facilities. Contiguous expansions of facilities regulated under this subsection, which existed prior to August 16, 2004, are subject to the land use relationships established in section 21-216.
- h. Separation. The facility shall be no closer than one-half (1/2) mile from a church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling. The distance shall be measured from any portion of the property dedicated or utilized for the function of the church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling including but not limited to buildings, recreation and parking areas, etc. and the nearest point of the operational area of the proposed facility. The standards of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.
- (3) Transportation, communications, electric, gas and sanitary services group: Communications and Wireless support structures (SIC 48(part)).
- a. New wireless support structures. For all new wireless support structures, the county encourages the applicant to investigate preferred sites and those locations that minimize the impact to the North Carolina Scenic Byway corridor. In the event the new wireless support structure cannot be located at a preferred site, evidence that

the applicant has investigated the possibilities for co-location on an existing wireless support structure shall be presented with its application. At a minimum the evidence should contain:

1. Copies and responses of certified letters sent to owners/operators of all existing towers and structures with telecommunications facilities within the search ring of the proposed site, requesting the following information:
 - i. Height above ground and sea level.
 - ii. Existing tenants, including any telecommunication service providers and planned tower use.
 - iii. Whether the existing site could accommodate the addition of their wireless facilities.
 - iv. If the addition of their wireless facilities cannot be accommodated, an assessment of whether the existing site could be upgraded and a general description of the means and projected costs of shared use of the tower.
2. Inventory of all preferred sites, and alternative tower structures considered within the search ring, including specific analysis of each preferred site and alternative tower structure outlining positive and negative aspects for utilizing.
3. A completed application for a new wireless support structure shall include:
 - i. Two copies of a site plan registered professional engineer or a professional land surveyor as provided in section 21-52.
 - ii. Topography information for the equipment compound and fall zone including base elevation of wireless support structure or alternative tower structure.
 - iii. Tower height and height of antenna location (if different).
 - iv. Setbacks including ingress and egress easements, fall zone, fencing and screening requirements found in section 21-215(1)b.1.--3.
 - v. Adjacent land uses and the separation distance from antenna facility to the nearest occupied residential dwelling.
4. Using the latitude and longitude of the proposed wireless support structure location as a fixed point, obtain actual photographs of the site that present a 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective toward the fixed point from the nearest North Carolina DOT maintained roads in relation to the site.
5. Utilizing each of the photographs from item 4. above, create a simulated photographic image of the proposed wireless support structure or antenna addition to an alternative tower structure from each of the perspectives referenced above depicting the tower at a scale relative to its surroundings with specific regard to height and width.
6. Engineering report certifying the tower is compatible for co-location with a minimum of five (5) compatible users including the primary user and copy of co-location policy.
 - b. Tower heights and types. To maintain the character of the rural areas of the county and allow for placement in the commercial and industrial areas of the county, new wireless support structures will be regulated in the following manner:
 1. Rural Agricultural (RA), Rural Residential and Neighborhood Business (NB) districts. Monopole not to exceed one hundred ninety-nine (199) feet based on five (5) co-located antenna arrays.
 2. Commercial, business, industrial (CBI), Industrial (IND), 85-ED-1, 85-ED-2, 85-ED-3, and 85-ED-4. Monopole or lattice tower not to exceed two hundred fifty (250) feet based on six (6) co-located antenna arrays.

3. Requirements 1. and 2. of this subsection may be modified by the board of commissioners based upon:

i. Evidence presented by the applicant that demonstrates a height increase is in the interest of public safety or is necessary to provide the applicant's designed service.

ii. An alternative design would better blend into the surrounding environment regardless of zoning district.

c. Provisions for tower safety. New towers must either be so designed as to land upon its own property or lease area in the event of a fall as certified by a North Carolina registered professional engineer or have a minimum lot size or lease area no less than ten thousand (10,000) square feet and have an accompanying fall zone easement equal to the tower height plus ten (10) feet. New composite tower shall, at a minimum, fully loaded, comply with TIA/EIA-222F.

d. Retention of consultant. The county may elect to retain a consultant or professional services to review the application and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives and compliance with state and federal rules and regulations. The applicant shall pay any expense for consulting or professional services in excess of the application fee. The county shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the zoning administrator shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application. All determination costs not excluded by NCGS 153A-349.52(f) are reimbursable by applicant.

e. Obstruction lighting and marking. Wireless support structures located within the county's airport zone overlay may exhibit obstruction lighting and marking in accordance with the Federal Aviation Administration standards. All other towers shall be of galvanized finish, or painted with a rust protective paint of an appropriate color to harmonize with the surroundings as approved by the board of commissioners. Requirements of this subsection may be modified by the board of commissioners based upon an increase in tower height or location in another jurisdiction's regulated air space or in the interest of public safety.

f. FCC license required. The applicant for a new wireless telecommunication facility must be currently licensed by the FCC to provide fixed or mobile wireless communication services, or if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one (1) or more FCC licensees to utilize the wireless telecommunication site once constructed.

(4) Electric, Gas, and Sanitary Services.

a. Electric, gas and water services (SIC 491, all except Solar Energy Systems, 492, 493, 494) sewerage systems (SIC 495), dumps, sanitary land fills, rubbish collection and disposals (SIC 4953 pt.).

1. Setbacks. All improved areas, including disposal areas, shall be at least two hundred (200) feet from a zone lot line.

2. Separation. Improved areas shall be at least three hundred (300) feet from any residence, church, or school.

3. Dust, odor, glare. All access roads and storage areas shall be at least twenty (20) feet from any property line constructed with a paved, gravel, or crushed stone surface; and maintained in a dust-free manner.

4. Operation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator, types of material accepted, and hours of operation.

5. Security restrictions. Access shall be controlled through the use of gates, fences, etc. to prevent unregulated dumping of materials.

6. Other special conditions. Proof of a permit issued by the state in accordance with applicable provisions of the General Statutes.

- 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 surface of the AZO shall provide an approved FAA form 7460-1.
- (5) Wholesale trade group.
 - a. Motor vehicle parts, used in the IND district.
 - 1. Setbacks. No material shall be stored closer than one hundred (100) feet to a public right-of-way.
 - 2. Security fencing. Security fencing, a minimum of six (6) feet in height, shall be provided and maintained to preclude unauthorized access.
 - b. Motor vehicle parts, used in the RA district.
 - 1. Front yard setback. The facility shall be one hundred (100) feet from the edge of the right-of-way.
 - 2. Separation from certain uses. The facility shall be a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.
 - 3. Side and rear yard buffering and screening. The facility shall be completely surrounded by type B buffer and screening, as provided in article IX.
 - 4. Operational area. No operations shall occur in the required buffer.
 - c. Livestock yard.
 - 1. Setbacks. One hundred (100) feet between improvements such as buildings, animal enclosures, and storage areas and any zone lot line.
 - 2. Dust, odor, glare. All access roads and storage areas shall be maintained in a dust-free manner.
 - d. Chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517). This item was repealed effective August 16, 2004. Refer to section 21-60(2) for requirements regulating these uses.
- (6) Retail trade group: Drinking Places (alcoholic beverages – SIC 5813).
 - a. Separation. No drinking place shall be located within one thousand (1,000) feet of a church, public or private school, licensed day care, public park, or another drinking place. This distance shall be measured between the nearest point of operational areas for both the above uses and the proposed drinking place. This separation standard does not apply to non-conforming drinking places seeking approval under this subsection to expand within the existing operational area but does apply to drinking places deemed abandoned or discontinued per Sec. 21-137.
- (7) Services group.
 - a. Shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots. The requirements for all facilities requiring a conditional use permit are as follows. Turkey shoots operated by churches, civic groups or similar nonprofit organizations are exempt from these requirements.

1. Shot containment. Shooting range facilities shall be designed to contain all the bullets, shot, or arrows or any other debris on the range facility.
2. Noise mitigation. Noise levels measured at the property line where the facility is maintained or, in the case of leased land at the property line of any leased parcel shall not exceed the limits as provided in the county noise ordinance.
3. Setbacks. Notwithstanding the performance standards above, all shooting stations on a range facility shall be located a minimum of three hundred (300) feet from any zone lot line.
4. Warning signs. Warning signs meeting NRA guidelines for shooting ranges shall be posted at one-hundred-foot intervals along the entire perimeter of the shooting range facility.
5. Hours of operation. Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended for other purposes as follows:
 - i. When a permit allowing such activity is issued in advance by the administrator;
 - ii. For operation of the shotgun shooting range; or
 - iii. For purposes of subdued-lighting certification of law enforcement officers; and
 - iv. On Sundays, shooting shall not commence before 12:30 p.m.
6. Additional site plan information. Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, projected noise contours, and existing and proposed structures, occupied dwellings within one-fourth mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility.
7. Additional requirements for pistol/rifle shooting ranges. Projectiles from pistol/rifle shooting areas shall be contained by an earthen berm a minimum of fifteen (15) feet in height.
8. Exceptions. Operational hours may be increased under the following conditions:
 - i. A permit allowing such activity is issued in advance by the administrator; or
 - ii. The hours of operation may be increased no more than six (6) times a year for an official shooting tournament involving thirty (30) or more participants, without requiring a permit from the administrator.
- b. Cabins (SIC 7011), Campgrounds and recreational vehicle parks (SIC 7033).
 1. Minimum lot size. The minimum lot size is two (2) acres.
 2. Setbacks.

Front	50 feet
Side street	30 feet
Side	20 feet
Rear	20 feet
 3. Density. The minimum size of spaces shall be determined by the county health department.
 4. Interior drives. Interior drives shall be a minimum of eighteen (18) feet compacted gravel six (6) inches thick.

5. Parking. No parking will be allowed on public streets. Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on-site. At a minimum, one (1) parking space per space or unit shall be provided.

6. Screening and buffering. Land uses in this category shall be considered a group 2 use and shall be screened accordingly.

c. Zoological garden.

1. Site plan. A site plan shall be provided showing all fencing, exhibit and storage areas, with types of animals specified.

2. Minimum lot size. The minimum lot size is twenty (20) acres.

3. Smoke, odors, dust. Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the property lines.

4. Setbacks. All animal waste storage areas shall be a minimum of two hundred (200) feet from any zone lot line.

5. Security restrictions. Access shall be controlled through the use of gates, fences, etc. to prevent entrance by unauthorized persons. Containment of animals shall be sufficient to ensure the safety of the surrounding area and the county.

d. Nonprofit athletic fields (SIC 7997 part).

1. Site plan. A site plan shall be required as provided in article III, section 21-52.

2. Buffering. All parking areas shall be screened by a type A buffer from residentially zoned area.

3. Nonprofit status. The organization shall be non profit.

4. Lighting. Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.

e. Archery ranges (SIC 7999 pt.).

1. Arrow containment. The range shall be so constructed as to contain all arrows on the site. This shall be accomplished via berms or natural topography.

2. Setbacks. All targets shall be a minimum of fifty (50) feet from zone lot line and all shooting stations shall be a minimum of two hundred (200) feet from the zone lot line.

3. Warning signs. Warning signs shall be posted at one hundred-foot intervals along the entire perimeter of the site. The signs shall be constructed of highly visible materials and colors.

4. Site plan. In addition to general site plan criteria the site plan shall include shooting stations and firing lines, target areas existing and proposed structures.

5. Trail marking. All trails shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.

6. Nonprofit status. The organization shall be nonprofit. For profit archery ranges shall meet the same standards as shooting ranges.

7. Lighting. Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
8. Licenses and permits. All required and permits shall be obtained prior to operation of the facility.
9. Insurance. The organization shall obtain minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.
10. Lot size. Minimum lot size shall be ten (10) acres.
11. Zoning district. The facility shall be located in the RA zoning district.
- f. Civic, service and social fraternities (SIC 8641).
 1. Location. The facility will be located on and be accessed via a collector minor or major thoroughfare.
 2. Buffers. All buildings off street parking and service areas will be separated by a type A buffer from an abutting property in a residential zoning district or abutting a residential use.
 3. Site plan. A site plan is required.
 4. Lot size. The minimum zone lot size shall be two (2) acres.
 5. Setbacks. Structures shall have fifty (50) feet side and rear yard setbacks.
 6. Provision of food and refreshments. Provision for food, refreshment and entertainment for club members and their guests may be allowed in conjunction with this use if the board of commissioners determines that said provisions will not constitute a nuisance.
- g. Model automobile racing. Use of these vehicles on a personal basis shall not be regulated in this section.
 1. Minimum lot size. The minimum lot size shall be three (3) acres.
 2. Setbacks. A fifty-foot separation from operational area to adjacent properties and road rights-of-way.
 3. Screening. Type A screen is required around operational area.
 4. Noise. The operation shall not exceed the maximum allowable noise levels as provided in section 21-241.
 5. Facility. Track operation must be outdoors. Indoor operations must be located in the NB, CBI, or IND zoning districts. The zoning administrator shall determine elements that constitute indoor.
- h. Rodeos, horse shows and similar uses (SIC 7999 (part)).
 1. Smoke, odors, dust. Operations shall not create any smoke odors or dust at a level which creates a nuisance to any person or normal sensitivities at the property line.
 2. Setbacks. All animals and animal storage areas shall be a minimum of one hundred (100) feet from any zone lot line.
 3. Parking. Adequate off-street parking shall be provided for participants and spectators.
 4. Noise. Noise shall not exceed the level allowed in the county noise ordinance for residential districts.
- (8) Unclassified uses: Adult uses.

- a. Spacing. No adult use shall be located within one thousand three hundred twenty (1,320) feet from any church, public or private school, day care, public park, single-family or multifamily residence, any hotel, motel, inn, tourist camp, or similar place designed for overnight accommodation, or another adult use. This distance shall be measured from any portion of the property dedicated or utilized for the function of the above uses and the nearest point of the operational area for the proposed adult use.
- b. Treatment of windows, doors, etc. All windows, doors, openings, etc. for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.
- c. No adult use shall include within the establishment any quarters designed for more than one person to view any adult materials while in the same immediate vicinity, other than the primary sales area of said adult establishment.
- d. No adult use shall include within the establishment any private viewing areas designed for use by more than one person at any given time, nor shall any adult use permit more than one person at a time to occupy any private viewing area.
- e. No adult use shall include within the establishment any means of adjoining connections between private viewing areas designed to allow more than one person any access to a single private viewing area at a time. "Adjoining connections" includes, but is not limited to, any doors, windows, access panels, opening of any size whatsoever, in walls that separate individual viewing areas.

An adult use operating as a conforming use shall not be made nonconforming by the subsequent location of a church, public or private school, day care, public park, single-family or multifamily residence, any hotel, motel, inn, tourist camp, or similar place designed for overnight accommodation, or another adult use within one thousand three hundred twenty (1,320) feet of the adult use.

f. If approved for a conditional use permit, an application and a nonrefundable fee must be presented to the zoning administrator to obtain an adult use license. At a minimum, the application shall include the following:

1. Sufficient evidence to determine compliance with applicable portions of subsection 21-60(8).
2. Sufficient evidence to determine compliance with any conditions of approval imposed by the board of commissioners.
3. Acknowledgement that a supervisor will be present during hours of operation to enforce all applicable standards of approval.
4. Acknowledgement that the business shall permit staff from appropriate county, state, or federal governments to inspect site for compliance with all applicable regulations any time during hours of operation.
5. License fee as required by the board of commissioners.
6. Acknowledgement that, if approved, license must be renewed annually to continue operation of business. Applicants must promptly reapply thirty (30) days before the expiration date to ensure a timely response.

The zoning administrator will approve or deny the license request within thirty (30) days of receiving the request. A license may not be issued if one of the following findings has been made:

1. License fee has not been received.
2. Application is not complete or contains false information.
3. Site is currently in violation of zoning ordinance or condition of approval.

No adult use business may operate until the zoning administrator has approved the license request. The license shall expire one year from the date of approval and may only be renewed by a subsequent application.

Inspections. The zoning administrator shall suspend an adult use license for thirty (30) days if one of the following determinations has been made:

1. Refuse inspection by officials permitted by this ordinance during hours of operation.
2. Provided false or misleading information during the conditional use or licensing process.
3. Site is not in compliance with zoning ordinance or conditions of approval.

The adult use license will be revoked if, after the suspension period, the zoning administrator has determined that one of the above findings is still accurate.

(9) Racetracks (SIC 7948 (part)).

- a. Lot size. The minimum lot size shall be twenty (20) acres for a go-kart track and shall be fifty (50) acres for drag strips and motor speedways.
- b. Location. The racetrack facility shall be located on a lot which has direct access to; or is contained in a commercial or industrial park which has direct access to a major thoroughfare, major collector, minor thoroughfare, minor collector, principle arterial, interstate, or service road.
- c. Lighting. No lights shine on abutting residential property.
- d. Setbacks. Go-kart tracks and stands shall be set back three hundred (300) feet from the property line. All other operations including parking shall be set back one hundred (100) feet from the property line. Drag strip and motor speedway operations, including parking, shall be set back three hundred (300) feet from side and rear property lines and one hundred (100) feet from all front and side street property lines.
- e. Security fencing. A secure fence shall be provided to restrict entry when the facility is not open.
- f. Buffer. Notwithstanding other provisions of this chapter, a type B buffer shall be provided along all side and rear property lines unless the facility abuts a similar operation.
- g. Hours of operation. Hours of operation shall not exceed 7:00 a.m. to 11:00 p.m.
- h. Muffled race vehicles. All vehicles shall be equipped with mufflers.
- i. Noise standards. The operation of the track will not exceed the maximum allowable noise levels as provided in this chapter or the county noise ordinance.

(10) Residential storage facilities.

- a. The parcel shall be in fee simple ownership.
- b. The structure shall be of compatible construction with surrounding area.
- c. The maximum size allowed is three thousand (3,000) square feet.
- d. No outdoor storage is allowed except as specifically provided otherwise.
- e. Minimum lot size shall be the same as for a single-family residence.
- f. Storage of vehicles shall not be in the front yard.

- g. Outside lighting shall be designed to prevent direct glare on adjoining residences.
- h. Setbacks shall be at a minimum the same as single family dwellings.
- (11) Manufactured home parks.
 - a. Application. An application shall be provided with:
 - 1. Site plan as provided in section 21-52; and
 - 2. Manufactured home park name, name(s) and address(es) of owners and park designers.
 - b. Board of commissioners review of the development proposal. The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected. In approving the plan, the following criteria must be met:
 - 1. Adequate transportation access to the site exists;
 - 2. The use will not significantly detract from the character of the surrounding area;
 - 3. Hazardous safety conditions will not result;
 - 4. The use will not generate significant noise, odor, glare, or dust;
 - 5. Excessive traffic or parking problems will not result; and
 - 6. The use will not create significant visual impacts for adjoining properties or passersby.
 - c. Setbacks from external property lines. Setbacks for manufactured homes from adjacent property lines and rights-of-ways are fifty (50) feet.
 - d. Setbacks within park. Setbacks for spaces within park, measured from edge of applicable street or property line:

Front	20 feet
Side	15 feet
Rear	20 feet
 - e. Proximity to a livestock facility. No manufactured homes within a manufactured home park shall be located within three hundred (300) feet of any livestock facility.
 - f. Parking. Each manufactured home space shall have four hundred (400) square feet of parking with four (4) inches of compacted stone on a well compacted subgrade.
 - g. Public road frontage. The park is required to have thirty-five (35) feet of frontage on a publicly maintained road.
 - h. Internal street standards.
 - 1. Generally. All lots shall be served by an internal street. No access directly to an existing state road is allowed for individual lots. Internal streets shall be paved a minimum of sixteen (16) feet wide. The base course shall be six-inch ABC or three-inch BCBC. The pavement surface shall consist of BST or one and one-half inch BST or I-2. All materials shall meet the standards set forth in the latest edition of the North Carolina Standard Specifications for Roads and Structures. The subgrade, base course, and pavement surface shall be inspected and approved by the

county planning and development department before a certificate of occupancy is issued. The owner of the park shall be responsible for coordinating inspection of each phase of street construction with county planning and development department. The owner of the manufactured home park shall be responsible for arranging required internal street inspections with the planning department a minimum of twenty-four (24) hours in advance. Drainage shall be reviewed prior to issuing a certificate of occupancy for the manufactured home park. All storm drainage shall be adequate so that the road may be maintained without excessive cost and will not cause flooding. In areas where ditch grades or qualities of flow deem it impractical to maintain and establish vegetation, an erosive resistant lining, such as paving or rock riprap may be required. Subsurface drainage shall be adequate to maintain a stable subgrade.

Note: Subgrade. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The zoning administrator may require a subgrade soil test, if needed, to determine the soils classification type.

2. Abbreviations.

ABC: Aggregate Base Course, No. 7 Stone.

BCBC: Bituminous Concrete Base Course, Type HB (Black Base).

BST: Bituminous Surface Treatment.

I-2: Bituminous Concrete Surface Course, Type I-2 (Note: I-1 may be used in lieu of I-2).

SA: Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt).

- i. Street names. Permanent street names shall be assigned to all internal streets.
- j. Signs. Signs shall be provided as follows:
 - 1. Street name signs shall be provided;
 - 2. One (1) identification sign is required at each entrance to the manufactured home park.
- k. Space numbering. Each space shall have a site number, a minimum of four (4) inches in height clearly visible from the internal street serving the space.
- l. Lighting. Street light at all intersections, internal and with public roads. Street lights at intervals no greater than five hundred (500) feet for parks with ten (10) or more spaces.
- m. Trash removal. The owner of the park shall provide one (1) of the following methods:
 - 1. Provision of centralized trash dumpsters; or
 - 2. Provision of individual covered trash containers, picked up at least once a week.
- n. Density shall be calculated per gross acre as follows:
 - 1. Individual well and septic tank: Twenty thousand (20,000) square feet per unit.
 - 2. Public water or public sewer: Fifteen thousand (15,000) square feet per unit.
 - 3. Public water and public sewer: Ten thousand (10,000) square feet per unit.
- (12) Broadcast towers: SIC 4832 radio and SIC 4833 television broadcasting.

a. Co-location. In order to limit visual impacts in the RA district, co-location of radio and broadcast antennas on existing broadcast towers should be the primary method for providing new or expanded radio and television coverage. Inasmuch as co-location is the preferred method for providing new or expanded radio and television coverage, co-locations may be approved administratively provided the following criteria accompanies the request:

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

2. Height above ground and sea level of broadcast tower and height of antenna for proposed co-location.

3. Existing tenants on the broadcast tower and their heights above ground and sea level.

b. Analysis of existing broadcast towers. In the event the broadcast antennas cannot be co-located on an existing broadcast tower, evidence that the applicant has explored co-location opportunities with all broadcast towers in Rowan County shall accompany an application for a new broadcast tower. At a minimum, evidence of their due diligence should include:

1. Inquires and responses to existing broadcast tower owners/operators within Rowan County requesting the following information:

i. Tower height and height available for co-location.

ii. Assessment of whether tower could be upgraded to accommodate their co-location, i.e. structural and/or increase in height.

2. Using each of the broadcast towers inventoried above, provide a station coverage map depicting the anticipated signal contours for city grade vs. market grade based on height available for co-location. Areas of signal overlap and interference with other broadcast stations (as applicable) should be distinguished as well or provided on a separate map. The map(s) should depict principal arterial roads, municipal and county boundaries.

c. New broadcast towers. All applications for new broadcast towers should contain the following:

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

2. Topography information for site; base elevations of tower site; tower height and antenna location.

3. Setbacks including access easements, fall zone, fencing and screening requirements found in section 21-215(1)b.1.--3.

4. Using the latitude and longitude of the proposed tower location as a fixed point, obtain actual photographs of the site that present a 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective toward the fixed point from the nearest North Carolina DOT maintained roads in relation to the site.

5. Create photo simulations from each of the perspectives referenced above depicting the tower at a scale relative to its surroundings with specific regard to height and width.

6. Certification from registered professional engineer that channel, frequency and power of transmitter are operating within FCC licensing limits.

7. Provide a station coverage map depicting the anticipated signal contours for city grade vs. market grade. The map should depict principal arterial roads, municipal and county boundaries.

8. Indicate the total population and number of persons located within the coverage area based on most recent decennial census; specifically indication the same for Rowan County.

9. If the broadcast tower application is a site move or city of licensure change, provide the total population based on most recent decennial census and population based on most recent decennial census that will no longer receive coverage.

d. Tower viewshed. New broadcast tower locations should limit visual impacts to the North Carolina Scenic Byway, National Register of Historical Properties and those on the statewide study list for inclusion in the National Register program. In an effort to portray the visual impacts the tower has on the surrounding area, the applicant shall provide terrain profile maps prepared in the following manner:

1. Using the latitude and longitude of the proposed tower location as a fixed point, prepare terrain profile maps portraying line-of-site from the highest point on tower to limits of its visibility.

2. Maps should be from the perspective that present 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective from the fixed point to its limit of visibility.

3. For reference each map should graphically portray the location of the North Carolina DOT maintained road nearest the limits of visibility.

e. Provisions for tower safety. New broadcast towers must either be so designed as to land upon its own property or lease area in the event of a failure as certified by a North Carolina registered professional engineer. In the event tower failure is expected to occur beyond the property boundaries or lease area, a fall zone easement equal to the tower height plus ten (10) feet must be obtained.

f. Retention of consultant. The county may elect to retain a consultant or professional services to review the application and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives and compliance with state and federal rules and regulations. The applicant shall pay any expense for consulting of professional services in excess of the application fee. The county shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the zoning administrator shall arrange an informal consultation with the applicant to review the consultant's report prior to any hearing on the application. All determination costs are reimbursable by applicant.

g. Removal. The applicant shall provide a surety bond substantiating that the applicant or tower owner has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation. Notice shall be provided to the zoning administrator when any broadcast tower is not operational for a continuous period of three hundred sixty (360) days. Upon receipt of notification, the owner shall remove the tower within one hundred twenty (120) days.

h. Obstruction lighting and marking. The broadcast tower shall be of a galvanized finish, or painted with a rust protective paint of an appropriate color to harmonize with the surroundings as approved by the board of commissioners. Lighting of the tower shall be as required by the FAA.

i. FCC license required. The applicant for a new broadcast tower must be currently licensed by the FCC to provide AM, FM or television broadcast services within an area of licensure that includes Rowan County.

(13) Specific conditional use criteria for off-premises signs.

a. Separation of off-premises signs shall be one thousand (1,000) feet per road side as measured parallel to the road travelway. The road side is considered to consist of one (1) side of the road. Only one (1) sign per one thousand (1,000) feet shall be allowed per roadside. This standard shall apply to all roads, except signs exempted in section 21-181.

b. Location of off-premises signs, excluding those exempted in sections 21-135(g) and 181, shall be limited to the CBI and IND zoning districts. In addition the property shall meet the following standards.

1. On property (tax parcel) which has one (1) or more permanent structures devoted to commercial or commercial activity or otherwise on which commercial or industrial activity is conducted extending outward five hundred (500) feet beyond the edge of the activity. The building shall be within six hundred sixty (660) feet of nearest edge of right-of-way.
2. Said activity shall have been on the site three (3) months or more.
3. Site shall have all required local state and federal privilege licenses as required by law.
4. The activity shall be serviced by approved utilities.
5. The activity shall have direct or indirect vehicular access and be a generation of traffic volume.
6. Employees shall be on site during usual normal and customary hours for that activity.
7. The activity shall be visible and recognizable as commercial or industrial.
- c. For the purpose of this section none of the following activities shall be commercial or industrial:
 1. Outdoor advertising structures or activity or any other business or industrial activity carried on in connection with an outdoor advertising activity.
 2. Agricultural uses.
 3. Transient or temporary activities including seasonal activities.
 4. Activities conducted in a building principally used as a residence.
 5. Railroad tracks or sidings.
 6. Sign face area per side shall not exceed four hundred fifty (450) square feet on I-85 or three hundred (300) feet on all other roads. "Double-decker" signs are prohibited as are tandem signs.
 7. Height shall not exceed fifty (50) feet over roadway.
 8. The signs shall have a one thousand-foot separation from residences to limit detrimental effects on the residential property.
- (14) Winery, Wine Tasting Room
 - a. Setbacks. The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
 - b. Screening. The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
 - c. Licenses and permits. All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.
- (15) Residential clustering.
 - a. Purpose. The purpose is to encourage innovative development by allowing variations from normal regulations pertaining to dimensional criteria provided in article IV. In addition to the requirements of this subsection, approval of cluster subdivisions shall require approval as required by the subdivision ordinance.
 - b. Development standards. Proposed residential clustering shall contain a minimum of four (4) dwelling units on a total area of two (2) or more acres.

c. Setbacks from exterior lot lines.

Front, from rights-of-way 75 feet

Side 40 feet

Side street, from rights-of-way 50 feet

Rear 40 feet

d. Internal setbacks.

Front, from edge of roadway 20 feet

Side 0 or 10 feet

Rear 0 or 10 feet

e. Buffers. As required for MFR districts.

f. Density. To determine the total number of dwellings allowed for gross acreage excluding rights of way on public roads shall be divided by the minimum lot size allowed in the zoning district the subject property is in.

g. Common areas. Maintenance of the common areas shall be the responsibility of a homeowner's association, unless a written agreement is made or the area has been deeded or accepted by the county or a local municipality. If required, the homeowners association shall be responsible for the maintenance, payment of taxes, and shall control the open space area subject to restrictive covenants.

(16) Multi-family developments.

a. Application. An application shall be provided with:

1. Site plan as provided in section 21-52; and
2. Development name and name(s) and address(es) of owners and designers.

b. Density. The maximum number of units allowed is as follows:

Public water and sewer: Twelve (12).

Public or community water or public sewer or approved package treatment plant: Eight (8).

Individual or multi connection well & individual septic tank: Three (3).

c. Modification of dimensional requirements. Notwithstanding other provisions of this chapter, the Board of Commissioners may approve a site plan as provided herein which modifies the dimensional criteria from Article IV. Additionally, the subdivision of lots may be allowed as provided by chapter 22 section 58 of the Subdivision Ordinance for a planned unit development (PUD).

(Ord. of 1-19-98, § IV; Ord. of 7-12-99; Ord. of 10-18-99(2), § 2; Ord. of 1-15-01; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 8-19-02(2); Ord. of 5-19-03; Ord. of 8-16-04; Ord. of 9-20-04; Ord. of 11-15-04; Amend. of 3-7-05; Amend. 7-1-05; Amend. of 8-20-07; Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 1-5-15; Amend. of 9-6-16; Amend. of 10-17-16)

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 is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

General Zoning Districts Conditional Districts

RS RS (CD)

RR RR (CD)

RA RA (CD)

MHP MHP (CD)

MFR MFR (CD)

CBI CBI (CD)

85-ED-1 85-ED-1 (CD)

85-ED-2 85-ED-2 (CD)

85-ED-3 85-ED-3 (CD)

85-ED-4 85-ED-4 (CD)

IND IND (CD)

NB NB (CD)

INST INST (CD)

(b) Applications. Applications for conditional districts shall be on forms provided by the county planning and development department. Only property owners or their authorized agents shall apply for rezoning to an appropriate conditional district (amended 6-19-00). In addition to the general information required in section 21-52 and other applicable sections of this chapter, the petitioner may propose additional limitations or restrictions to ensure compatibility between the development and the surrounding area. Only uses listed in section 21-113 as permitted by right may be considered within a conditional district.

(c) Permitted uses and development requirements. Upon approval of a conditional district, only the use or uses identified in the conditional district are allowed subject to any associated conditions or limitations therein. All use requirements of the underlying general use district shall apply as well as all other requirements of the ordinance. In no situation shall approval of a conditional district reduce required standards of this ordinance unless otherwise provided herein.

(d) Review Procedures. Conditional district requests shall follow review procedures referenced in Sec. 21-362.

(e) Conditional District Approval. The board of commissioners may approve a reclassification of a property to a conditional district only upon determining that the proposed use or uses will meet all standards and regulations in this chapter that are applicable. Specific conditions applicable to the districts may be proposed by the petitioner or the board of commissioners, but only those conditions mutually approved by the board and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to applicable ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be

generated by the development or use of the site. The approval of the district and any requested conditions shall be included on an approval form provided by the county. If the approval and any attached conditions are acceptable to the petitioner, then this acceptance shall be indicated by the petitioner signing the approval form.

(Ord. of 1-19-98, § IV; Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 2-20-06(1); Amend. of 6-16-08; Amend. of 6-19-10; Amend. of 3-5-12; Amend. of 9-6-16)

Sec. 21-62. Effect of approval for conditional districts.

(a) Conditions attached to approval. Approval of a conditional district and the attached conditions are binding on the property as an amendment to the zoning maps. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved rezoning request, and all conditions attached to the approval. In accordance with Sec. 21-11, an approved conditional district secures a vested right to undertake a project for two (2) years unless a longer duration is requested by the applicant and approved by the Board of Commissioners.

(b) Uses allowed. Only uses and structures indicated on the approved site plan shall be allowed on the subject property. All uses and structures in a conditional district shall also comply with all standards and requirements for development in the underlying zoning district.

(c) Effect on zoning maps. Following approval of the rezoning request for a conditional district, the subject property shall be identified on the zoning map by the appropriate district designation as listed in section 21-61 (a). All parallel conditional use districts approved prior to September 6, 2016 shall hereby be replaced by a comparable conditional district. For example, a pre-existing CBI-CUD designation will be changed to a CBI-CD designation. Associated applications, site plans, conditions, and limitations placed on the conditional use district are incorporated without change into the standards and conditions for the new conditional district. Changes to a pre-existing conditional use district are subject to the conditional district process identified in subsection (d). Nothing in the section shall be interpreted to invalidate a pre-existing conditional use district.

(d) Alterations to approval. Alterations to an approved plan for a conditional district shall be as provided in this subsection.

(1) Except as provided in subsection (2) below, changes to the approved conditional district and maps shall be treated as amendments to this chapter and the zoning maps.

(2) Minor changes.

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

1. Relocation of operational area improvements that do not project into the required setback;
2. One time expansions that do not exceed the lesser of ten (10) percent of the approved structure or one thousand (1,000) square feet for nonresidential uses;
3. One time expansions that do not exceed the lesser of ten (10) percent of the development or five (5) units;
4. Structural alterations that do not significantly effect the basic style, ornamentation, and / or character of the building; or

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

b. Regardless of Sec. 21-62(d)(2)(a)(1-5), the planning director may forward the requested change to the Board of Commissioners for consideration in the same procedure as required for the original issuance of the conditional district as per Sec. 21-61(b). All other changes shall be reviewed by the Board of Commissioners as per Sec. 21-61(b). Modifications requesting reduction of the minimum standards within the zoning ordinance shall be treated as a variance request and not considered herein.

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

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

1. The vested rights time period from Sec. 21-11 lapsed;
2. The permit was obtained by fraud;
3. Non-compliance with the approved site plan and / or conditions of approval;
4. Repeated zoning code violations or criminal activity; or
5. Eminent threat to public health or safety.

Failure to validate at least one of these instances shall allow the conditional district to remain valid. Petitioners may appeal this decision to superior court. Should a conditional district be revoked, the Board of Commissioners will rezone the property back to a general zoning district.

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

Sec. 21-63. Application re-submittal for conditional use permits and conditional districts.

(a) If conditionally approved, the applicant may submit a revised application within forty-five (45) days of having received the decision of the appropriate board. The revised application shall include provisions described in conditions placed on the application. If the conditionally approved application is not resubmitted within the prescribed time period the application shall be deemed to be disapproved.

(b) If a conditional use permit or conditional district application is denied, the administrator shall not accept another application similar to the denied application for the same property or a portion of the same property for a period of twelve (12) months from the date of the public hearing, unless the administrator determines that:

- (1) There has been a significant zoning district reclassification of an adjacent property;
- (2) A new or updated land use plan which changes public policy regarding the property is adopted by the county; or

(3) Public facilities such as roads, waterlines, sewer lines, or other infrastructure are constructed or expand to serve the property and enable the proposed development to be accommodated.

(Ord. of 1-19-98, § IV; Amend. of 9-6-16)

Sec. 21-64. Reserved.

Editor's note: An amendment of July 1, 2005 renumbered § 21-64 as § 21-60(12). Former § 21-64 pertained to specific conditional use criteria for off-premises signs and derived from Ord. of 11-19-01(1); Ord. of 12-3-01; and Ord. of 3-25-04.

Sec. 21-65. General criteria for uses listed SR in the NB District in section 21-113.

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

- (1) Site plan. A site plan shall be provided showing the existing lot and all existing and proposed buildings. As well as all criteria required herein.
- (2) Lighting. The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (3) Minimum zone lot size. The minimum zone lot size shall be two (2) acres. The Board of Commissioners may reduce this if the lot is a lot of record existing at the effective date of this ordinance and the property owner does not own contiguous property which may be included in the proposal.
- (4) Building size. The maximum building size per parcel shall not exceed ten (10) percent of the total zone lot area up to a ten thousand (10,000) square foot building size. Multiple buildings may be used in calculating the maximum allowable building size.
- (5) Impervious surface. The maximum impervious surface shall not exceed sixty-five (65) percent of the lot.
- (6) Hours of operation. Hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.
- (7) Parking. Parking shall be as prescribed in article VII, Parking, for that use.
- (8) Signage. Shall be as prescribed in article VIII, Signs, for the underlying district.
- (9) Noise. Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.
- (10) Outdoor storage. All outside storage areas including dumpsters shall be:
 - a. Sited to the rear of the building;
 - b. Not within the required setbacks.
 - c. Notwithstanding other requirements of this subsection, outdoor storage shall be completely screened from adjacent residentially zoned property
- (11) Smoke, odors and dust. The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.
- (12) Required licenses and permits. The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

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

(14) Screening and buffering. Screening as required by Sec. 21-216.

(15) Outdoor display. Outdoor display shall be limited to two thousand five hundred (2,500) square feet.

(Ord. of 6-17-02; Amend. of 5-7-07; Amend. of 9-6-11)

Secs. 21-66--21-80. Reserved.

ARTICLE IV. DIMENSIONAL CRITERIA

Sec. 21-81. Dimensional requirements; general.

Requirements for lot area, width, depth, and frontage, front, side and rear yard shall be provided in section 21-84, unless modified by the Board of Commissioners through residential clustering, multi-family developments subject to section 21-60 (16), Planned Development Subdivisions subject to chapter 22 section 58 of the Subdivision Ordinance, or as otherwise provided.

(Ord. of 1-19-98 § V; Amend. of 10-4-10; Amend. of 4-21-14)

Sec. 21-82. Measurement of setback or building line.

Setbacks or front or side street building lines and other applicable elements of this chapter shall be measured from the street or road rights-of-way. If no recorded rights-of-way exists, the assumed rights-of-way shall be thirty (30) feet from the centerline of the road.

(Ord. of 1-19-98, § V)

Sec. 21-83. Rear yard triangular lot.

A triangular shaped lot where the side lot lines intersect at the rear of the lot, shall provide a rear yard as required for that district. The rear yard shall be determined by locating a point on each side lot line measured from the intersection of the side yards toward the front of the lot, and connecting these two (2) lines.

(Ord. of 1-19-98, § V)

Sec. 21-84. Table of dimensional requirements.

DISTRICTS	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Minimum zone lot size(1)(3)									
Septic tank and individual or multi-connection well 2 acre					20,000 sq ft		20,000 sq ft	20,000 sq ft	6 acres
with 3									
du/acre(2)	N/A(2)	20,000 sq ft		N/A	N/A				
Minimum zone lot size(1)(3)									
Public water or community water or									

Public sewer or approved package treatment plant	15,000 sq ft	15,000 sq ft	15,000 sq ft	6 acres
2 acre				

with 8

du/acre(2)	N/A(2)	15,000 sq ft	N/A	N/A
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Minimum zone lot size(1)(3)

Public water and sewer	10,000 sq ft	10,000 sq ft	10,000 sq ft	6 acres	2 acre
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with 12

du/acre(2)	N/A(2)	10,000 sq ft	N/A	N/A
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Minimum lot width

at right-of-way	35 ft	35 ft	35 ft	35 ft	35 ft(6)	35 ft	35 ft	35 ft	35 ft
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Minimum lot width at

Building setback line	70 ft	70 ft	70 ft	70 ft	70 ft(6)	70 ft	50 ft	70 ft	70 ft
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Minimum lot depth

Without public water & sewer	150 ft	150 ft	150 ft	150 ft	150 ft(6)	100 ft(2)	100 ft(2)	150 ft	150 ft
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Public water and sewer	125 ft	125 ft	125 ft	125 ft	125 ft(6)	100 ft	100 ft	125 ft	150 ft
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Principal structure setback

Front Yard(4)	30 ft	30 ft	50 ft	50 ft	50 ft(6)	50 ft(2)	30 ft	30 ft	50 ft
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Side street	20 ft	20 ft	25 ft	50 ft	50 ft(6)	30 ft(2)	20 ft	20 ft	30 ft
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Side yard(4) ft	10 ft	10 ft	10 ft	50 ft	50 ft(6)	10 ft or 0 ft(2)	10 ft or 0 ft(7)	10 ft	10 ft or 0
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Rear yard(4) ft	10 ft	10 ft	20 ft	50 ft	50 ft(6)	10 ft or 0 ft(2)	10 ft or 0 ft(2)(7)	10 ft	10 ft or 0
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Accessory structure setback(8)

Front	30 ft	30 ft	50 ft	50 ft(5)	50 ft(6)	10 ft	10 ft	10 ft	10 ft
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Any right-of-way	10 ft	10 ft	10 ft	30 ft(5)	50 ft(6)	10 ft	10 ft	10 ft	10 ft
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Side and rear yard	10 ft	10 ft	10 ft	10 ft(5)	10 ft(6)	10 ft	10 ft	10 ft	10 ft
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(1) May be increased based on location in regulated watershed.

(2) For single family use standards for RA district.

(3) For individual lot size/space standards in an MHP district refer to section 21-60(11)n.

(4) For individual space setbacks in an MHP district refer to section 21-60(11)d.

(5) From exterior property lines.

(6) Requirements may be modified or exempted as provided by section 21-60(16). Dimensional criteria for subdivided lots shall be as provided for in the RA district, excluding external boundaries of the development.

(7) See "special requirements" for NB district for setbacks from residential zoning districts.

(8) Refer to section 21-285 for additional standards.

(Ord. of 1-19-98, § V; Ord. of 2-1-99(1), § 12; Ord. of 10-18-99(1); Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 11-2-09; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 4-21-14)

Secs. 21-85--21-110. Reserved.

ARTICLE V. PERMITTED AND CONDITIONAL USES

Sec. 21-111. Generally.

The range of uses permitted as of right and under prescribed conditions established in this article is summarized in section 21-113. In the event of a conflict between section 21-113 and the text of this chapter, the text shall control.

(Ord. of 1-19-98, § VI)

Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.

Section 21-113, Table of uses, and section 21-166, Parking requirements, are based on the SIC Manual. Specific uses listed under headings in that manual shall be subject to the guidelines prescribed for general use categories as listed in these tables. Where specific uses are not listed, the administrator may apply the standards set forth in this chapter for similar uses.

(Ord. of 1-19-98, § VI)

Sec. 21-113. Table of uses.

P- Permitted by Right

P(A) - Permitted as Accessory Use

SR - Permitted with Special Requirements

C- Conditional Use Zoning Districts

Residential Nonresidential

Use RA RR RS MHP MFR CBI NB INST IND

Residential

SIC Single family dwelling, site built P P P P P P P P

Single family dwelling, modular P P P P P P P

Manufactured home P

Type I

(1) P

Type I

(1) P

Type I, II, III P

Type I

(1) P

Type I

(1)

(1) Refer to section 21-284 for exception to this criteria, section 21-137 for replacement of nonconforming manufactured homes and section 21-281 for temporary uses

Temporary family health care structure		P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)
Duplex, individual P	SR		P	P					
Duplexes, triplexes, quadraplexes, other multi-family developments									
C									
Home occupations	P	P	P	P	P	P	P		
Home occupations, rural	P	P				P	P		
Residential clustering	C	C	C		C	C	C		
Family care homes	SR	SR	SR	SR	SR	SR	SR	SR	
Manufactured home park				C					
Manufactured home park, family	SR	SR			SR	SR			
Major Subdivisions for residential use			P	P	P	P	P		
Agriculture, forestry and fishing									
01	Agricultural Production - Crops	P	P	P	P	P	P	P	P
	P								
02	Agricultural production livestock and animal specialties, all except					P	P	P	P
	P P P P P								
0213	Hog lots								
07	Agricultural services, all except	P	P	P	P	P	P	P	
	P								
074	Veterinary services	SR				P	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														
08	Forestry	P	P	P	P	P	P	P	P	P				
09	Fishing, hunting and trapping				P	P	P	P	P	P	P	P		
P														
	Greenhouses	P	P					P	P					
P- Permitted by Right														
P(A) - Permitted as Accessory Use														
SR - Permitted with Special Requirements														
C- Conditional Use		Zoning Districts												
	Residential			Nonresidential										
Use	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND					
Mining														
10	Metal mining											C		
14	Mining and quarrying of non-metallic minerals except fuels, all except													
	C													
1442	Common sand mining			SR									P	
Construction														
15	Building construction- general contractors and operative builders										SR			
P		SR		P										
16	Heavy construction other than building construction – contractors										SR			
P				P										
17	Construction – special trade				SR						P	SR		
P														
Manufacturing														
20	Food and kindred products, all except					SR							P	
P														
201	Meat products		SR						P		P			

205	Bakery products					P	SR		P	
207	Fats and oils								P	
21	Tobacco products	SR				P			P	
22	Textile mill products, all except P							P		
226	Dying and finishing textile									P
23	Apparel & other finished products made from fabrics & similar material	SR								
	P SR P									
24	Lumber and wood products, except furniture, all except P					SR				
241	Logging	P	P	P	P	P		P		
242	Sawmills	SR						P		
25	Furniture and fixtures			SR			P	SR		P
26	Paper and allied products, all except P								P	
261	Pulp mills								C	
262	Paper mills								C	
27	Printing, publishing, allied industries	SR						P		
	P									
28	Chemicals and allied products									
	C									
29	Petroleum refining, related products									
	C									
30	Rubber and miscellaneous products	SR						P		
	P									
31	Leather & leather products, all except P				SR				P	SR
311	Leather and finishing									C
32	Stone, clay, glass and concrete products, all except							P	SR	P
		SR								
324	Hydraulic cement								C	
325	Structural clay products									C
327	Concrete, gypsum, plaster products									
	C									

	Mini-warehouse warehousing P		SR					P	SR	
	Dead storage of manufactured homes SR			SR	SR		SR	SR	SR	
43	U.S. Postal Service	P	P				P			P
44	Water transportation						P			P
45	Transportation by air						P			P
46	Pipelines, except natural gas C		C	C	C	C	C	C		
47	Transportation services						P			P
48	Communications, all except P							P		
	Transmission tower & Wireless support structures C				C	C				C
	Co-location of wireless facilities SR		SR	SR	SR	SR	SR	SR	SR	SR
	Eligible facilities request	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Alternative tower structures SR		SR	SR	SR	SR	SR	SR	SR	SR
	Public safety tower	SR	SR	SR	SR	SR	SR	SR	SR	SR
4832	Radio broadcast towers	C								
4833	Television broadcast towers		C							
49										
	Electric, gas, water services (SIC 491,492,493,494), all except C		C							
	Electric and water distribution lines, natural gas pipelines P	P	P	P	P		P	P	P	P
491 pt.	Ground Mounted Solar Energy Systems 6,000 sq.ft. or less SR	SR	SR	SR		SR	SR	SR	SR	SR
491 pt.	Ground Mounted Solar Energy Systems over 6,000 sq.ft. C	C		C		C	C			
	495 Sanitary services									
4952	Sewerage systems		C							C

4953 Refuse systems, all prohibited except									
	Dumps: operation of	C							C
	Garbage: collect, destroy & process								
	C								
	Landfills, sanitary: operation of	C							
	C								
	Refuse systems							C	
	Rubbish collection and disposal	C							
	C								
	Sludge disposal sites	C							C
4959	Sanitary services, not elsewhere classified	C						P	
	P								
496	Steam and air conditioning supply							P	
	P								
Wholesale trade									
50	Wholesale trade, durable goods, all except	SR						P	
	P								
5015	Motor vehicle parts, used	C							C
5032	Brick, stone & construction materials							P	SR
	P								
505	Metal & minerals, except petroleum							P	
	P								
5093	Scrap and waste materials								C
51	Wholesale trade, nondurable goods,								
	all except	SR			P			P	
5154	Livestock (wholesale)								P
516	Chemical and allied products								
	C								
517	Petroleum and petroleum products								
	C								
5191	Farm supplies	SR	SR		P	SR		P	

SIC 516 and 517 were removed as conditional uses in the CBI district as a result of Z-10-04 text amendments.

Retail trade

52 Building material, hardware,

garden supplies and mobile	SR		P	SR	P
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53	General merchandise stores P	SR		P	SR
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54	Food stores	SR	P	SR	P
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P- Permitted by Right

P(A) - Permitted as Accessory Use

SR - Permitted with Special Requirements

C- Conditional Use Zoning Districts

	Residential		Nonresidential							
Use	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND	

Retail trade cont.

55	Auto dealers, gas service stations	SR							P	SR
----	------------------------------------	----	--	--	--	--	--	--	---	----

56	Apparel and accessory stores	SR							P	SR
----	------------------------------	----	--	--	--	--	--	--	---	----

57	Home furniture, furnishings and equipment stores SR						SR			P
----	--	--	--	--	--	--	----	--	--	---

58	Eating and drinking places	SR						P	SR	P
----	----------------------------	----	--	--	--	--	--	---	----	---

5813	Drinking places (alcohol beverages) P								C	
------	--	--	--	--	--	--	--	--	---	--

59	Miscellaneous retail	SR						P	SR	P
----	----------------------	----	--	--	--	--	--	---	----	---

Finance, insurance and real estate

60	Depository institutions	SR						P	SR	P
----	-------------------------	----	--	--	--	--	--	---	----	---

61	Non-depository institutions	SR						P	SR	P
----	-----------------------------	----	--	--	--	--	--	---	----	---

62	Security and commodity brokers	SR							P	SR
----	--------------------------------	----	--	--	--	--	--	--	---	----

63	Insurance carriers	SR						P	SR	
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64	Insurance agents, brokers & service	SR							P	SR
----	-------------------------------------	----	--	--	--	--	--	--	---	----

65	Real estate	SR						P	SR	
----	-------------	----	--	--	--	--	--	---	----	--

67	Holding and other investment offices				SR					P	SR
----	--------------------------------------	--	--	--	----	--	--	--	--	---	----

Services

70	Hotels, rooming houses, camps and other lodging places, all except P	SR							SR	
----	---	----	--	--	--	--	--	--	----	--

7011	Cabins	C						P	C	
------	--------	---	--	--	--	--	--	---	---	--

7033	Campgrounds and RV parks	C							P	C
72	Personal services SR					P	SR		P	
73	Business services SR						P	SR		
75	Auto repair, services and parking P	SR						P	SR	
76	Misc repair services SR						P	SR		P
78	Motion pictures SR					P				
79	Amusement, recreational services, all except								P	
7948(pt)	Racetrack operations, including speedways, go-kart tracks and dragstrips		C						C	
7992	Public golf courses	C							P	
7997	Nonprofit athletic fields	C					P			
7999	Archery ranges	C				P				
	Shooting ranges	C				P				
	Skeet shooting facilities	C					P			
	Riding stables	C				P				
	Trapshooting facilities	C					P			
	Public parks	P	P	P	P	P		P		
	Recreational facilities, membership & non-membership P SR					SR	SR	SR		
80	Health services SR					P	SR	P	P	
8059(pt)	Convalescent homes for psychiatric patients					C		C	C	
8063	Psychiatric hospitals						C		C	C
	Alcohol and drug rehab facilities C							C		C
8063(pt)	Drug addition, Alcohol rehab hospitals C C								C	
81	Legal services SR					P	SR		P	
82	Educational services, all except P	P	P	P				P	P	P

	Facility providing overnight habitation											
	SR											
83	Social services, all except	SR							P	SR	P	P
	8322 Individual and family social services										P	
	C C											
8351 (pt)	Family child care home		P	P	P	P	P	P	P	P	P	
8351 (pt)	Child care center in residence			P	P						P	P
8351 (pt)	Child care center	SR							P	SR	P	
	8361 Residential care								C		C	C
84	Museums, art galleries and											
	botanical gardens, all except	SR							P	SR	P	
	Zoological parks	C						C		C		
86	Membership organizations, all except					SR						P
	P											
	Churches		P	P	P	P	P	P	P	P		
8641	Civic, service and social fraternities	C								P		
P- Permitted by Right												
P(A) - Permitted as Accessory Use												
SR - Permitted with Special Requirements												
C- Conditional Use												
		Zoning Districts										
	Residential	Nonresidential										
Use	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND			
Services cont.												
87	Engineering, accounting, res. management and related services									SR		
	P SR			P								
88	Private households			P	P	P	P	P	P	P	P	
89	Miscellaneous services	SR								P		
Public administration												
91	Executive, legislative and general government, except finance											
	P		P	P								

92	Justice, public order, safety, all except P P									P
9221	Police protection	P	P	P	P	P	P	P	P	P
9224	Fire protection	P	P	P	P	P	P	P	P	P
	Ambulance stations	P	P	P	P	P	P	P	P	P
	Rescue squads	P	P	P	P	P	P	P	P	
93	Public finances, taxation and monetary policy P P									P
94	Administration of human resource programs					P		P	P	
95	Administration of environmental quality and housing programs P P P									
96	Administration of economic programs P P									P
97	National security and international affairs					P		P	P	
Unclassified										
	Adult uses					C				
	Construction and demolition landfill C									
	Major subdivisions for commercial use P P								P	P
	Model automobile racing	C					P	SR		P
	Multi-tenant developments						SR	SR		
	Residential storage facility	C	C	C			C			
	Winery, Wine Tasting Room		SR,C	C						

SEE ARTICLE III. FOR SPECIAL REQUIREMENTS AND CONDITIOANL USE CRITERIA FOR SPECIFIC USES.

(Ord. of 1-19-98, § VI; Ord. of 4-20-98; Ord. of 2-1-99(1), § 13; Ord. of 10-18-99(2), § 3; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 3-18-02(3); Ord. of 6-17-02; Ord. of 8-19-02(2); Ord. of 4-21-03; Ord. of 5-19-03; Ord. of 8-16-04; Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 2-20-06(1); Amend. of 4-21-08; Amend. of 6-16-08; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-4-13; Amend. of 8-19-13; Amend. of 12-2-13; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 10-17-16; Amend. of 1-16-18)

Secs. 21-114--21-130. Reserved.

ARTICLE VI. NONCONFORMING SITUATIONS*

Sec. 21-131. Purpose and intent.

It is the intent of these provisions to regulate and limit nonconforming situations established prior to the effective date of this article, or subsequent amendments, to prescribe guidelines for their continuance which will strive to achieve the desired character of the county and preserve the integrity of this article. Any nonconforming situation may be continued, maintained, or expanded in accordance with the terms of this section. It is also the intent of this section to provide relief mechanisms which may allow the use of nonconforming lots under certain conditions.

(Ord. of 11-19-01(2))

*Editor's note: An ordinance adopted Nov. 19, 2001, amended art. VI in its entirety, in effect repealing and reenacting said article to read as herein set out. The former art. VI, §§ 21-131--21-139, pertained to similar subject matter and derived from § VII of an ordinance adopted Jan. 19, 1998.

Sec. 21-132. General provisions.

(a) A nonconforming situation occurs when, on the effective date of this article or subsequent amendment, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matter as density and setback requirement) is not in conformity with this article, because signs do not meet the requirements of this article, or because land or buildings are used for purposes made unlawful by this article.

(b) Unless otherwise specifically provided for in this article and subject to the restrictions and qualifications set forth in the remaining sections of this article, nonconforming situations that were otherwise lawful on the effective date of this article may be continued. Whenever this section refers to the effective date of this article, the reference shall be deemed to include as originally adopted, creates a nonconforming situation.

(1) Single lot of record with lot area and/or lot width nonconformity.

a. When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and lot of record at the time of adoption of this article or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with. Notwithstanding the above standards, setbacks for nonconforming lots of record may be reduced as provided by section 21-332 of this chapter.

b. In the RS, RR and RA residential zones, only a single-family dwelling or a manufactured home shall be permitted on the nonconforming lot, if allowed as a permitted use in that district.

(2) Lots with contiguous frontage in one (1) ownership. When two (2) or more adjoining and vacant lots of record are in one (1) ownership and said lots individually have a lot area or lot width which does not conform to the dimensional requirements of the district where located, such lots shall be combined to create one (1) or more lots that meet the standards of the district where located prior to issuance of a zoning permit.

(3) Other standards for lot sizes. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the county board of health regulations or other applicable state standards.

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

Sec. 21-133. Continuation of nonconforming use of land.

Any nonconforming situation legally existing at the time of adoption or amendment of this article may be continued so long as it remains otherwise lawful subject to conditions provided in this section.

(Ord. of 11-19-01(2))

Sec. 21-134. Conditions for continuance for a change in nonconforming situation.

Such nonconforming use of land shall be subject to the following conditions:

(1) No nonconforming situation shall be changed to another nonconforming situation unless such use is determined to be of equal or less intensity. In determining whether a proposed nonconforming situation is of equal or less intensity, the board of commissioners shall consider the following and determine findings of fact relevant to their determination:

- a. Probable traffic impacts of each use.
- b. Parking requirements of each use.
- c. Probable number of persons on the premises of each use at a time of peak demand.
- d. Off-site impacts of each use, such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties or the public health or safety.

(2) The number of dwelling units in a nonconforming residential use shall not be increased.

(Ord. of 11-19-01(2))

Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.

(a) Except as provided for in subsections (b) through (g), no nonconforming use shall be extended, enlarged, or replaced.

(b) Any single-family residential nonconforming use (which may be a manufactured home) or accessory structure associated with a residential use may be enlarged or replaced with a similar structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or project further into the required setback. Accessory structures permitted in accordance with Sec. 21-54 or as rural home occupations may only be extended, enlarged, or replaced subject to subsections (c) through (f).

(c) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special use permit if the county board of commissioners finds that, in completing the extension, enlargement, or replacement work:

- (1) There is no increase in the operational area existing on the effective date of this ordinance;
- (2) There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
- (3) There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare or other nuisances.

In issuing a special use permit, the board of commissioners may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas. The board may also establish a vesting period from two (2) to five (5) years subject to section 21-11.

(d) A nonconforming situation may be extended throughout any portion of a completed building that, when the use therein was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. However, a nonconforming situation may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection (c). In addition, the level of noise, dirt, odor, glare or other nuisance shall not increase.

(e) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if such permit was obtained in compliance with all applicable laws and ordinances in effect at the time of approval.

(f) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violations of other sections of this article occur.

(g) The replacement or repair of any off-premise sign for which there is in effect a valid permit issued by NCDOT shall not be subject to the standards of this ordinance so long as the square footage of its advertising surface area is not increased as specified in G.S. 136-131.2. As used in this section, reconstruction includes the changing of an existing multi-pole sign structure to a new monopole structure.

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

Sec. 21-136. Repairing damaged nonconforming structures.

(a) Conditions for repair of damaged nonconforming uses. Repair or rebuilding such nonconforming structures shall be subject to the following conditions:

(1) In the event of damage by fire or other causes to the extent less than seventy-five (75) percent of its tax value prior to such damage as determined by the county director of Building Inspections, reconstruction of a nonconforming structure shall be permitted for the same use subject to the following conditions:

a. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements.

b. In the same manner in which it originally existed.

(2) In the event of damage by fire or other causes to the extent exceeding seventy-five (75) percent of its tax value prior to such damage as established by the county director of Building Inspections, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

a. In the same manner in which it originally existed subject to compliance with the requirements of the state building code; or

b. Relocated in compliance with dimensional and use requirements of the district in which the unit is relocated.

(3) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the state building code.

(4) Off-premise signs may be repaired or replaced subject to section 21-135 (g) or this subsection.

(b) Preservation of safe or lawful conditions. Nothing in this article shall prevent the strengthening or restoration to a safe or lawful condition any building declared unsafe or unlawful by the county building inspector or other duly authorized official.

(Ord. of 11-19-01(2); Amend. of 9-6-11; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-137. Abandonment and discontinuance.

(a) Nonconforming use. A nonconforming manufactured home space, vacated for one hundred eighty (180) days, or left vacated for one hundred eighty (180) days after the effective date of this article shall only be used for a conforming use. A manufactured home space in a MHP zoning district meeting the applicable standards of section 21-283, which contain one or more non-conforming situations from section 21-60(11), left unoccupied for more than one hundred eighty (180) days shall not be considered abandoned, discontinued, or vacated unless all of the spaces within the MHP district are unoccupied for said time period. Other nonconforming uses left vacant, abandoned or discontinued for a period of three hundred sixty (360) days shall only be re-established as a conforming use.

(b) Determination of nonconformity. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on the zone lot are generally to be considered as a whole. If a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period as provided in subsection (a) shall terminate the right to maintain it thereafter.

(c) Existing nonconforming manufactured homes. Existing nonconforming manufactured homes may be replaced with a newer manufactured home; however, the new manufactured home shall meet current building codes for manufactured housing as set forth by the department of housing and urban development, unless expressly provided otherwise in this article. The new manufactured home shall be as large or larger 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.

(Ord. of 11-19-01(2); Amend. of 9-6-16)

Sec. 21-138. Miscellaneous nonconforming situations.

(a) Nonconforming situation resulting from governmental acquisition. Any lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this article.

(b) Nonconforming parking created by change of use. Whenever a change of use that does not involve the enlargement of an existing structure is proposed for a lot on which the parking requirements of this article for the proposed new use cannot be met due to insufficient lot area, the proposed change of use shall not be regarded as an impermissible extension or enlargement of a nonconforming situation. However, the permit-issuing authority shall require that the parking requirements be satisfied to the extent possible utilizing the lot area that is available.

(Ord. of 11-19-01(2))

Sec. 21-139. Nonconforming signs.

Nonconforming signs shall be treated as any other nonconforming use.

(Ord. of 11-19-01(2))

Sec. 21-140. Projections into required setbacks.

(a) Projection of porches into yards. Porches, terraces, steps and similar features with a floor level of not more than five (5) feet above the highest adjacent grade, may project eight (8) feet into the required setback but in no case shall be closer than five (5) feet to the adjacent side or rear property line or ten (10) feet to the right-of-way.

(b) Projection of cornices, eaves, chimneys, flues, etc. Cornices, eaves, chimneys, flues, heating and air conditioning units and other similar features may project four (4) feet into any required yard. However, in no case shall such units be closer than five (5) feet to the adjacent property lines or rights-of-way.

(Ord. of 11-19-01(2); Amend. of 10-4-10)

Sec. 21-141. Nonconforming family businesses in the RA District.

Businesses created required to comply with the provisions of section 21-55(2)c. shall be classified as a legal nonconforming use if a change in the owners family occurs resulting in noncompliance with the requirement of that subsection.

(Ord. of 6-29-99)

Secs. 21-142--21-160. Reserved.

ARTICLE VII. PARKING

Sec. 21-161. Purpose.

This section is intended to ensure an adequate amount of properly designed parking areas to prevent traffic congestion and to minimize any detrimental effects on adjacent properties.

(Ord. of 1-19-98, § VIII)

Sec. 21-162. General design requirements.

All off-street parking areas shall meet the requirements of this article and shall be properly maintained to ensure continued compliance with this article.

(Ord. of 1-19-98, § VIII)

Sec. 21-163. Parking areas.

Parking areas shall conform to the general criteria listed below unless expressly provided otherwise in this chapter.

- (1) Location. Off-street parking areas shall be provided on the same zone lot as the principal use or on a nearby lot a reasonable walking distance away. Such areas shall not be located within any rights-of-way and shall be set back five (5) feet from any zone lot line.
- (2) Safety. All parking areas shall be designed so that emergency vehicles may safely enter, maneuver in, and exit such areas without backing onto a street or road.
- (3) Surfacing. Notwithstanding the other requirements of this chapter, required parking areas shall be properly graded and improved with an all-weather surface, which may be gravel.
- (4) Lighting. Parking areas shall be adequately lighted during business hours. Such lighting shall be designed to minimize adverse effects upon adjoining properties and rights-of-way.

(Ord. of 1-19-98, § VIII; Amend. of 9-6-11)

Sec. 21-164. Parking space requirements.

- (a) Calculation of minimum spaces required. The number of standard off-street parking spaces required by this section shall be determined in accordance with section 21-166. Any fraction resulting from the calculation of required parking spaces shall be rounded up to the nearest whole number.
- (b) Minimum space dimensions.
 - (1) Standard spaces. Each standard parking space shall be twenty (20) feet long and nine (9) feet wide. Parallel parking spaces shall be at least twenty-two (22) feet long and nine (9) feet wide.

(2) Handicapped spaces. Handicapped spaces shall be as required by the North Carolina Building Code and the Americans With Disabilities Act.

(Ord. of 1-19-98, § VIII)

Sec. 21-165. Flexibility of administration.

The presumptive standards set forth in the parking requirements table cannot cover every possible use or situation, nor can the table be considered exact. Therefore, the administrator is given flexibility to administer this section as follows:

(1) Similar use. Parking space requirements for a use not identified in the table shall be based on a similar, listed use.

(2) Other use. In the case of unique land uses or those that have unusually high parking requirements, the landowner shall demonstrate to the administrator that sufficient off-street parking can be provided.

(3) Numerical standard. Deviations from the number of spaces are permitted when the administrator determines that the requirements for a particular situation are unreasonable. The reasons for allowing the deviation or requirement shall be noted in writing by the administrator.

(Ord. of 1-19-98, § VIII)

Sec. 21-166. Table of parking requirements.

SIC	MINIMUM PARKING SPACES	DU = Dwelling Unit	SF = Square Feet	ELS = Employee on Largest Shift
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Residential

Single family dwelling, site built	N/A
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Single family dwelling, modular	N/A
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Manufactured home, individual lot	N/A
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Manufactured home, MHP 2 spaces/MHP space	
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Duplex, individual 2 space/DU	
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Duplexes, triplexes, quadruplexes, other multi-family developments	2 spaces/DU
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Home occupations	N/A
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Home occupations, rural	N/A
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Agriculture, forestry and fishing

All uses	1 space/400 SF + 1 space/vehicle
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Mining

All uses	1 space/ELS + 1 space/vehicle
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Construction

All uses	1 space/ELS + 1 space/vehicle
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Manufacturing

All uses 1 space/ELS + 1 space/vehicle

Transportation, communications, electric, gas and sanitary services

40 Railroad transportation 1 space/ELS + 1 space/vehicle

41 Local and suburban transit and

interurban highway passenger transportation 1 space/ELS + 1 space for every 100 SF of Waiting Area

42 Motor freight transportation and warehousing 1 space/ELS + 1 space/vehicle

43 U.S. Postal Service 1 space/ELS + 1 space/400 SF

45 Transportation by air 1 space/ELS + 1 space/4 planes

46 Pipelines, except natural gas 1 space/ELS + 1 space/ELS

47 Transportation services 1 space/ELS + 1 space/ELS

48 Communications 1 space/ELS + 1 space/ELS

49 Electric, gas and sanitary services 1 space/ELS + 1 space/vehicle

Wholesale trade

All uses 1 space/ELS + 1 space/vehicle

Retail trade

All uses 1 space/ELS + 1 space/400 SF + 1 space/vehicle

Finance, insurance and real estate

All uses 1 space/ELS + 1 space/400 SF

Services

70 Hotels, rooming houses, camps & other lodging places, all except 1 space/room + 1 space/ELS +
1 space/200 SF of meeting area

7032 Sporting and recreational camps 1 space/campsite + 1 space/ ELS + 1 space/200 SF of meeting area

7011 & 7033 Cabins, Campgrounds, and RV Parks 1 space/campsite + 1 space/ ELS + 1 space/200 SF
of meeting area

72 Personal services 1 space/ELS + 1 space/400 SF

73 Business services 1 space/ELS + 1 space/400 SF

75 Auto repair, services, and parking 1 space/service bay + 1 space/ELS

76 Miscellaneous repair services 1 space/ELS + 1 space/400 SF

78	Motion pictures	1 space/ ELS + 1 space/4 seats	
79	Amusement and recreational services, all except	1 space/400 SF	
7948	Racing, including track operations	1 space/4 seats	
7992	Public golf courses	10 spaces/hole	
	Shooting ranges, skeet shooting & trapshooting facilities, similar		1 space/ELS + 1 space/station
	Riding stables	1 space/ELS + 1 space/4 stables	
80	Health services	1 space / 200 SF	
81	Legal services	1 space / 400 SF	
82	Educational services	1 space/ELS + 1 space/400 SF	
83	Social services	1 space / 400 SF	
84	Museums, art galleries, and botanical and zoological gardens		
86	Membership organizations, all except	1 space/400 SF	
	Churches	1 space/5 persons seating capacity	
87	Engineering, accounting, res. Management and related services		1 space/400 SF
88	Private households	N/A	
89	Miscellaneous services	1 space/400 SF	
Public administration			
	All uses	1 space/ELS + 1 space/400 SF	

Note: The term 'vehicle' includes any and all vehicles used in the normal operation of the business or facility. The term 'station' includes but is not limited to any and all uses as a seat in a barber/beauty shop, or a shooting station in a shooting facility.

(Ord. of 1-19-98, § VIII; Amend. of 3-5-12; Amend. of 4-21-14; Amend. of 10-17-16)

Secs. 21-167--21-180. Reserved.

ARTICLE VIII. SIGNS*

*Editor's note: An ordinance adopted Dec. 3, 2001, amended art. VIII in its entirety, in effect repealing and reenacting said article to read as herein set out. The former art. VIII, §§ 21-181--21-183, pertained to similar subject matter and derived from § IX of an ordinance adopted Jan. 19, 1998.

Sec. 21-181. Applicability.

All on premises signs of any size and off-premises signs one hundred (100) square feet and smaller, are exempt from the regulations in this article, unless expressly provided otherwise.

(Ord. of 12-3-01; Amend. of 10-4-10; Amend. of 4-21-14)

Sec. 21-182. Lighting of signs.

No signs may have lighting which:

- (1) Causes glare to shine on adjacent residentially developed property.
- (2) Obstruct views, imitate traffic lights or otherwise confuse or potentially endanger motorists.

(Ord. of 12-3-01)

Sec. 21-183. Off-premises signs.

Off-premises signs, larger than one hundred (100) square feet, are only allowed as conditional uses on the CBI and IND zoning districts. In addition to general evaluation criteria provided for all conditional uses specific criteria are provided in section 21-60(13).

(Ord. of 12-3-01; Amend. of 1-22-13)

Sec. 21-184. Prohibited signs.

Reserved.

(Amend. of 8-20-07; Amend. of 9-6-16)

Secs. 21-185--21-210. Reserved.

ARTICLE IX. SCREENING AND BUFFERING

Sec. 21-211. Purpose.

Certain land uses, because of their character and intensity, may create an adverse impact when developed adjacent to other less intensive land uses. The general purpose of this article is to establish guidelines to preserve the value and appearance of property in the county and to recognize that the transition between certain uses requires attention to protect less intensive land uses. The goal is to identify land use relationships that may be incompatible and to specify an appropriate buffer or screen in order to minimize adverse impacts.

(Ord. of 1-19-98, § X)

Sec. 21-212. Applicability.

Unless expressly stated in this chapter, the requirements of this article shall not apply to uses listed as "SR" in the RA (Rural Agricultural) district, but do apply to uses listed as SR in other districts. The buffering and screening shall be adequate to meet the intent of section 21-211, but shall not exceed one hundred twenty-five (125) percent of the length of the development activity required to install the buffer and screening, unless required on a site plan approved by the board of commissioners. The requirements of this article shall apply to the side and rear yard of the operational area except driveways, sediment ponds, and detention areas unless otherwise indicated herein.

(Ord. of 1-19-98, § X; Amend. of 9-6-11)

Sec. 21-213. Buffer requirements.

- (a) Generally. Buffers shall be required in accordance with the table in section 21-216 when any use is being developed abutting an existing developed lot, however less intensive uses locating next to more intensive uses shall not be required to comply with the screening portion of the requirements of this article. Where a conflict exists between the buffer requirements for a use and setback requirements for a zoning district, the use requirements shall

control. The required buffer may not be used for loading, storage, or similar operational area needs that are either part of or accessory to the proposed use unless otherwise indicated herein.

(b) Modification of buffer requirements. Buffer requirements may be modified in accordance with the provisions of section 21-217.

(c) Responsibility for requirements. One hundred (100) percent of the applicable buffer requirements shall be the responsibility of the developing land use, unless expressly provided otherwise.

(d) Standards for trees and shrubs. Required trees and shrubs shall meet the following standards:

(1) All required large maturing trees shall have a minimum caliper of one and one-half (1 1/2) inches measured six (6) inches above the proper planting level;

(2) Shrubs shall be one (1) foot tall or taller when planted; and

(3) All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the American Standards for Nursery Stock published by the American Association of Nurserymen, free of disease, and in otherwise sound and healthy condition.

(e) Modification of planting types. If it is demonstrated that existing vegetation meets the intent of this section, the zoning administrator may waive the requirements for the plant material.

(f) Maintenance of buffer. The owner of the property where the buffer or screening is shall be responsible for maintaining the buffer and all required plantings in good condition.

(g) Buffering of expanded uses. Expansion of a use existing prior to the effective date of this chapter shall require the expanded portion of the facility to come into conformance with these requirements.

(h) Watershed buffer areas required. A minimum 30-foot vegetative buffer for low density and 100-foot buffer for high density and SNIA development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.

(i) Development in required watershed overlay buffer areas. Development in the buffer area shall be limited to the following exceptions in conjunction with minimizing built-upon surface area, directing runoff away from surface waters and maximizing the utilization of stormwater best management practices:

(1) Artificial streambank or shoreline stabilization;

(2) Water dependent structures such as piers, docks, etc.;

(3) Other structures such as flag poles, signs, and security lights which result in only minimal increases in impervious area;

(4) Public projects such as road crossings and greenways where no practical alternative exists.

(Ord. of 1-19-98, § X; Ord. of 4-20-98; Amend. of 11-2-09; Amend. of 9-6-11; Amend. of 4-21-14)

Sec. 21-214. Letter of compliance.

When it is impractical to plant required screening during optimal planting seasons, the owner of the property upon which the required screening is to be located may submit a letter of compliance to the zoning administrator. The letter will acknowledge that the owner of the subject property is aware of the applicable screening and buffering requirements and will meet these requirements within a specific date, but in no case more than one (1) year. Failure to comply with the provisions of this article by the time stated in the letter of compliance shall constitute a violation of the zoning ordinance.

(Ord. of 1-19-98, § X)

Sec. 21-215. Required screening type.

Screening shall be required along the side and rear property boundaries of the zoning lot.

(1) Type A.

a. Buffer: Twenty (20) feet.

b. Screening shall be one (1) of the following:

1. A row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting; or

2. A masonry wall located within the required buffer; such wall shall be a minimum height of six (6) feet (above finished grade;) and, if a block wall, it shall be painted on all sides; or an opaque fence six (6) feet in height; or

3. A berm and planting combination, with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and seventy-five (75) percent opacity within two (2) years.

4. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

(2) Type B.

a. Buffer: Eighty (80) feet.

b. Screening shall consist of:

1. A row of trees, forty (40) percent of which are large maturing trees and which are not less than ten (10) feet high at the time of planting and are spaced not more than six (6) feet apart;

2. An opaque fence located within the required buffer; such fence shall be a minimum height of six (6) feet; and

3. Lawn, low-growing evergreen shrubs or broadleaf evergreens, evergreen ground cover, or rock mulch covering the balance of the buffer.

(Ord. of 1-19-98, § X)

Sec. 21-216. Screening and buffering.

(a) Land use relationships. The following land use relationships shall be used to determine required screening and buffering as provided in section 21-215.

Screening and Buffering

	Group 1	Group 2	Group 3	Group 4
Group 1	None	Type A	Type A	Type B
Group 2	Type A	None	Type A	Type B
Group 3	Type A	Type A	None	None
Group 4	Type B	Type B	None	None

- (b) Group 1 (Least intensive):
 - (1) Single-family dwellings.
 - (2) Modular homes.
 - (3) Manufactured housing on individual lots.
 - (4) Duplexes on individual lots.
- (c) Group 2:
 - (1) Manufactured home parks.
 - (2) Institutional uses (SIC 80, 82, 83, 86 and public administration group [Division J]).
 - (3) Multi-family development.
 - (4) Residential clustering.
- (d) Group 3:
 - (1) Veterinary services (074).
 - (2) Farm supplies.
 - (3) Building construction, general contractors (15).
 - (4) Heavy construction other than building contractors (16).
 - (5) Construction special trades (17).
 - (6) Food and kindred products (20).
 - (7) Tobacco products (21).
 - (8) Textile mill products (22).
 - (9) Apparel (23).
 - (10) Lumber and wood products (24) except logging and sawmills.
 - (11) Furniture and fixtures (25).
 - (12) Paper and allied products (26) except pulp and paper mills.
 - (13) Printing, publishing and allied industries (27).
 - (14) Rubber and miscellaneous products (30).
 - (15) Leather and leather products (31) except leather tanning and finishing.
 - (16) Stone, clay, glass and concrete products (32) except hydraulic cement, structural clay products, concrete, gypsum and plaster products.
 - (17) Abrasives, asbestos, nonmetallic mineral products, fabricated metal products (34) except ammunition, except for small arms; ordnance and accessories.

- (18) Industrial and computer machinery and equipment (35).
- (19) Electronic and other electrical equipment (36).
- (20) Transportation equipment (37).
- (21) Measuring, analyzing and controlling instruments (38).
- (22) Miscellaneous manufacturing (39).
- (23) Transportation and utilities (Division F), all except sanitary services, sewerage systems, refuse systems, dumps, sanitary land fills, rubbish collection and disposal, and solar energy systems.
- (24) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick, stone, and related construction materials, metal and minerals, except petroleum, scrap and waste materials, livestock (wholesale); chemical and allied products, petroleum and petroleum products.
- (25) All retail trade (Division G).
- (26) All finance, insurance, and real estate (Division H).
- (27) All services (Division I), except shooting ranges, skeet shooting facilities, trap shooting facilities, and institutional uses listed in Group 2.
- (e) Group 4 (most intensive):
 - (1) Metal mining (10).
 - (2) Mining and quarrying of non-metallic minerals (14).
 - (3) Sawmills (242).
 - (4) Pulp mills (261).
 - (5) Paper mills (262).
 - (6) Chemicals and allied products (28).
 - (7) Petroleum refining and related products (29).
 - (8) Leather tanning and finishing (3111).
 - (9) Hydraulic cement (324).
 - (10) Structural clay products (325).
 - (11) Concrete, gypsum and plaster products (327).
 - (12) Abrasives, asbestos, non-metallic mineral products (329).
 - (13) Primary metal industries (33).
 - (14) Ammunition, except for small arms (3483).
 - (15) Ordnance and accessories (3489).
 - (16) Permitted refuse systems (4953).

(17) Motor vehicle parts, used; brick, stone, and related construction materials, metal and minerals, except petroleum, scrap and waste materials, livestock (wholesale); chemical and allied products, petroleum and petroleum products.

(Ord. of 1-19-98, § X; Ord. of 4-21-03; Amend. of 11-2-09; Amend. of 3-4-13)

Sec. 21-217. Alternative buffers and screening.

In lieu of compliance with the above buffer and screening requirement, an applicant may submit to the zoning administrator for his review and approval a detailed plan and specifications for landscaping and screening. The zoning administrator may approve the alternative buffering and screening, in writing, upon finding that the proposal will afford a degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by the above requirements.

(Ord. of 1-19-98, § X)

Sec. 21-218. Existing vegetation.

The retention of existing vegetation shall be maximized to the extent practical, wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

(Ord. of 1-19-98, § X)

Sec. 21-219. Applicability of screening and buffering requirements.

The requirements of this article shall not apply if an existing adjacent principal or accessory structure and the proposed structure or operational area requiring provision of screening and buffering are separated by a distance of two hundred (200) feet or more. The distance shall be measured from the closest point of each structure.

(Ord. of 1-19-98, § X; Ord. of 6-29-99; Amend. of 9-6-11).

Secs. 21-220--21-240. Reserved.

ARTICLE X. NUISANCES

Sec. 21-241. Noise.

(a) Intent. The intent of this section is to recognize the right of mining operations and manufacturing industries to maintain operations of current facilities during typical first and second shift hours, while promoting an environment free from noise that jeopardizes the aesthetic quality of life for the general public.

(b) Applicability. Regardless of zoning district, all existing uses in the mining and manufacturing division of the Standard Industrial Classification (SIC) and those seeking conditional use approval in the transportation, communications, electric, gas, sanitary services and Services divisions of section 21-113, the table of uses, shall be subject to the decibel based standards of this section.

(c) Sound level measurement. The sound level meter used in the enforcement of this section shall be comply with ANSI S1.4-1983 requirements or the latest approved version thereof, with calibration and measurement procedures as specified in the "Technical Documentation Manual for the 2237 Controller, Integrating Sound Level Meter" using the A-weighting scale set on slow response for a preset period of eight (8) minutes.

(d) Maximum permitted sound levels. The maximum permitted sound levels for the uses prescribed in subsection (b), shall be obtained at the apparent property line of the noise producer/source and not be in excess of the following decibels during the given time periods:

(1) 7:00 a.m.--11:00 p.m. not to exceed seventy (70) decibels.

(2) 11:00 p.m.--7:00 a.m. not to exceed sixty-five (65) decibels.

(Ord. of 1-19-98, § XI; Ord. of 5-21-01(1))

Sec. 21-242. Fumes and odors.

No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

(Ord. of 1-19-98, § XI)

Sec. 21-243. Vibration.

No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

(Ord. of 1-19-98, § XI)

Sec. 21-244. Junked motor vehicles.

Unless otherwise provided, junked motor vehicles in the RA, RR, and RS districts on private property not associated with a business, shall conform to the following requirements as of the effective date of this chapter.

(1) General requirements.

a. The junked motor vehicles shall not be stored or located within thirty (30) feet of any adjoining property line or side street right-of-way; within eighty (80) feet of a centerline of a public road or private road of fifty (50) feet from the edge of the rights-of-way existing on February 16, 1998, whichever is greater.

b. The junked motor vehicles are not a health or safety nuisance as defined in section 21-4. No motor vehicle parts are visible from adjoining properties, nor shall the area constitute a health or safety nuisance as defined in section 21-4.

c. The junked motor vehicles shall be entirely concealed during all seasons of the year from public view from a public street and from adjoining properties. The vehicles may be concealed by an automobile cover or tarpaulin, with the covering adequately secured to prevent removal by wind. The automobile cover or tarpaulin must remain in good repair and not be allowed to deteriorate.

d. The junked motor vehicles shall not be in the front yard of the primary building of the lot.

e. Only five (5) junked motor vehicles shall be permitted outside any enclosed building unless otherwise specified by this chapter.

(2) Exceptions for junked motor vehicles.

a. In addition to the five (5) junked motor vehicles allowed outside any enclosed building in subsection (1)e, five (5) additional classic motor vehicles which meet the definition of a junked motor vehicle, shall be allowed in the RA district. Storage of these vehicles shall meet all other requirements of this chapter.

b. The repair of no more than one (1) motor vehicle per household for personal use is exempt from the location, screening, concealment and setback requirements of this chapter. The vehicle shall not constitute a health or safety nuisance as defined in section 21-4.

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

Sec. 21-245. Standards for junked motor vehicles stored at nonconforming automobile repair facilities.

Automobile repair facilities may store no more than ten (10) junked vehicles outside an automobile salvage yard or enclosed building unless otherwise specified by this chapter. The junked motor vehicle shall comply with the requirements below on February 16, 1998.

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

(Ord. of 1-19-98, § XI)

Sec. 21-246. Standards for automobile salvage yards.

- (a) The standards in this section shall apply to automobile salvage yards created after November 27, 1995, in accordance with the provisions of the "Ordinance to Regulate Automobile Salvage yards as Junked or Abandoned Motor Vehicles" (hereafter referred to as the salvage yard ordinance) and prior to February 16, 1998.
- (b) New automobile salvage yards and expansions of existing salvage yards approved under the provisions of the salvage yard ordinance shall comply with the following provisions:
 - (1) Shall be subject to any conditions of approval placed on the application by the board of commissioners;
 - (2) Shall be located a minimum of one hundred thirty (130) feet of any centerline or one hundred (100) feet from the edge of the right-of-way of any public or private road whichever is greater;
 - (3) Shall be located a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly existing at the date of submittal of a complete application. The one-thousand-foot required separation shall be measured from the closest point of the operational area of the automobile salvage yard. This prohibition shall not apply to the residence of the owner of the junkyard or automobile graveyard;
 - (4) Shall be entirely surrounded by an opaque screening at least six (6) feet high. Such screening shall surround the minimum area necessary for the automobile salvage yard to be maintained at its proposed size and that will also allow for a reasonable amount of maneuverability within;
 - (5) All operations, equipment, junk and/or inoperable motor vehicles shall be kept within the confines of the fence at all times unless in motion by transportation to and from the site;
 - (6) A setback shall be provided so that all equipment, junk and/or inoperable motor vehicles shall not be stored or located within fifty (50) feet of any adjoining property lot line;
 - (7) A six-foot high fence designed to reasonably secure the area from unauthorized entry shall surround the entire operational area; and
 - (8) Cars shall not be stacked higher than the fence.

(Ord. of 1-19-98, § XI)

Sec. 21-247. Nonconforming salvage yards existing on February 16, 1998.

Automobile salvage yards or automotive repair facilities existing on February 16, 1998, registered in accordance with the county automobile salvage yard and junked motor vehicle ordinance, shall conform to the standards of subsection (1) or (2) below:

(1) Standards without a fence.

- a. The automobile salvage yard or automotive repair facility shall be screened from view from adjacent developed lots and the road during all seasons of the year; and
- b. The screen shall be a minimum of six (6) feet in height; and
- c. A setback of fifteen (15) feet shall be provided on all side and rear property lines; and
- d. A setback of eighty (80) feet from the road centerline or fifty (50) feet from the edge of the right-of-way existing at the effective date of the ordinance of any public or private road shall be provided, whichever is greater; and
- e. The operational area existing on February 16, 1998, shall not be expanded, except in conformance with the provisions of this chapter; and
- f. Storage of motor vehicles or motor vehicle parts is not allowed in the setback; and
- g. Junked motor vehicles shall not be stacked higher than the required screening.

(2) Standards with an opaque fence.

- a. The automobile salvage yard or automotive repair facility shall be screened from view from adjacent developed lots and the road during all seasons of the year; and
- b. The automobile salvage yard or automotive repair facility shall be separated from adjacent lots by a fence a minimum of six (6) feet in height; and
- c. A setback of five (5) feet shall be provided on all side and rear property lines; and
- d. A setback of thirty-five (35) feet from the road centerline or five (5) feet from the edge of the right-of-way existing at the effective date of the ordinance of any public or private road shall be provided, whichever is greater; and
- e. The operational area existing on February 16, 1998, shall not be expanded, except in conformance with the provisions of this chapter. Storage of motor vehicles or motor vehicle parts is not allowed in the setback; and
- f. Junked motor vehicles shall not be stacked higher than the required screening.

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

Sec. 21-248. Removal of junked or abandoned vehicles.

The county may require the removal of junked or abandoned motor vehicles from public grounds, including but not limited to public or private road rights-of-way or private property upon a finding that such removal is necessary and desirable to promote or enhance community, neighborhood, or area appearance or to abate public health or safety nuisances.

(Ord. of 1-19-98, § XI)

Sec. 21-249. Order to remove, disposal by county.

Removal and disposal of vehicles as provided by this article shall be in accordance with G.S. Ch. 20, Art. 7A, as amended.

(Ord. of 1-19-98, § XI)

Secs. 21-250--21-270. Reserved.

ARTICLE XI. GENERAL DEVELOPMENT STANDARDS, EXCEPTIONS AND MODIFICATIONS

Sec. 21-271. Generally.

- (a) The types of development approval governed by this article include uses permitted as of right, uses permitted with special requirements, and conditional uses.
- (b) Uses permitted as of right and uses permitted with special requirements shall require a zoning permit, a building permit and a certificate of occupancy.
- (c) In addition to the requirements listed in subsection (b) above, special uses and conditional uses shall require approval as described in article III.
- (d) Variances from these regulations, appeals of administrative decisions rendered under this chapter, shall be governed by article XIII.
- (e) Amendments to the text of this chapter and to the zoning maps, including the reclassification of property to a conditional zoning district shall be governed by article XIV.

(Ord. of 1-19-98, § XII; Amend. of 9-6-16)

Sec. 21-272. Issuance of building permits.

It is illegal for any person to begin construction, reconstruction, or to make any structural repairs, alterations, or additions to any structure without obtaining required building permits from the Building Inspections Department. The Director of Building Inspections will not issue a building permit for structures located within the zoning jurisdiction of the county unless the plans, specifications, and intended use of the structure conforms to the requirements of these regulations. The application for a building permit shall be accompanied by a zoning permit or other evidence of compliance with this chapter.

(Ord. of 1-19-98, § XII; Amend. of 10-4-10; Amend. of 9-6-16)

Sec. 21-273. Type and number of uses permitted in all zones.

The number of uses per zone lot shall be governed as follows:

- (1) Multiple uses per zone lot. In all districts, combination uses may be placed on the same zone lots, however, the applicable requirements of subsections (2) and (3) below must be met. This includes subsequent permitted development on property that may have received approval of a conditional use permit, not including conditional districts, unless otherwise indicated.
- (2) Secondary dwelling units. Detached secondary units excluding two or more manufactured homes are permitted provided the entire zone lot contains adequate area to meet the zone lot size requirements for each dwelling and all other requirements of this section are met.
- (3) Subdivision requirements. Issuance of a zoning permit for multiple single-family dwellings or duplexes in a zoning district where multifamily development is not a permitted use on 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; Amend. of 9-6-16)

Sec. 21-274. Visibility at intersections.

Nothing may be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at intersections. The area required to be kept free is known as the sight-distance triangle. The sight-distance triangle must be kept free between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets. All roads proposed to be publicly maintained shall comply with applicable NCDOT regulations.

(Ord. of 1-19-98, § XII)

Sec. 21-275. Antennae.

Antennae for private, non-commercial use are subject to the same placement requirements as accessory uses within each zoning district as provided by this chapter. However, when placement based on accessory setback requirements precludes development of a viable reception window, the zoning administrator may authorize placement otherwise if warranted by significantly improved reception.

Antennae and their associated supporting towers subject to the placement criteria in this section only, include: radio and television reception, private citizen's bands, amateur (HAM) radio and any others determined as similar by the Zoning Administrator on a case-by-case basis.

(Ord. of 1-19-98, § XII; Amend. of 12-2-13)

Sec. 21-276. Skirting of manufactured homes.

(a) Generally. All manufactured housing for which building permits are obtained after the effective date of this chapter shall be skirted. Manufactured homes requiring brick or finished masonry skirting as provided in subsection (c) below, issued building permits within one (1) year of the effective date of this chapter, shall complete the required masonry skirting within ninety (90) days of issuance of the certificate of occupancy by the building inspections department. Manufactured homes requiring brick or finished masonry underpinning, issued a building permit more than one (1) year after the effective date of this chapter shall complete the required underpinning prior to issuance of a certificate of occupancy. All skirting required by subsection (b) below shall be completed prior to issuance of a certificate of occupancy.

(b) Skirting of manufactured homes in the MHP district or a family manufactured home park.

(1) Skirting shall be of material acceptable for exterior construction that will not support combustion.

(2) Skirting material shall be durable and suitable for exterior exposures.

(3) Any wood framing used to support this skirting shall be approved moisture resistant treated wood.

(4) Skirting shall be continuous and unpierced except for ventilation.

(5) Skirting manufactured specifically for underpinning shall be installed in accordance with the manufacturer's specifications.

(6) Notwithstanding other provisions of this section, manufactured homes in a MHP district may install masonry skirting as provided in this section.

(c) Skirting of manufactured homes outside the MHP district or a family manufactured home park.

(1) Skirting shall consist of brick or finished masonry.

- (2) Skirting shall be continuous and unpierced except for ventilation.
- (3) Regular unfinished block may not be used for required skirting. However, split-face block may be used.

(Ord. of 1-19-98, § XII; Ord. of 4-20-98; Amend. of 4-21-14)

Sec. 21-277. Exceptions and modifications.

(a) Minor structures and improvements. Except where otherwise expressly addressed, the following minor, accessory structures and improvements on individual lots or parcels are not intended to be regulated by this chapter:

- (1) Flagpoles and mailboxes;
- (2) Landscaping features such as fences, trees and shrubs, terraces, gazebos, and similar items;
- (3) Piers, wharves, and bulkheads;
- (4) Recreational improvements such as swing sets and playgrounds;
- (5) Wells and pumphouses.

(b) Utilities. Except where otherwise expressly addressed, the following utility structures and facilities are not intended to be regulated by this chapter:

- (1) Utility lines, pipes, cables, & associated minor equipment & structures, including transformers, pumping stations, "signal boosters", & maintenance buildings;
- (2) Electronics cabinets for telephone switching and similar 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.

(Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-4-13; Amend. of 12-2-13; Amend. of 9-6-16)

Sec. 21-278. Skirting in existing manufactured home parks.

All manufactured homes in manufactured home parks shall be skirted as provided in subsection 21-276(b) of this article within two (2) years of February 16, 1998.

(Ord. of 1-19-98, § XII)

Sec. 21-279. Exceptions for certain turkey shoots.

Turkey shoots operated by churches, civic group or similar nonprofit organizations are exempt from the conditional use requirements of this chapter for shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots in article III and in section 21-113, Table of uses.

(Ord. of 1-19-98, § XII)

Sec. 21-280. Construction trailers.

Construction trailers may be used in conjunction with construction projects provided:

- (1) The trailers are located on a building site where there is a valid building permit for a project on that site.
- (2) The trailer remains on the site for the duration of the building project.

(Ord. of 1-19-98, § XII)

Sec. 21-281. Temporary uses.

Temporary uses are allowed subject to the following requirements:

- (1) Certain uses of a temporary nature, defined as being less than forty-five (45) days in duration and held no more than five (5) times a year, including, otherwise not permitted in a particular district:
 - a. Christmas tree sales;
 - b. Religious activities;
 - c. Activities by civic organizations;
 - d. Yard sales;
 - e. Other similar uses.
- (2) Other temporary uses not listed may be granted by the board of commissioners. In considering approval of a temporary use the board may attach reasonable and appropriate conditions to ensure that the public health, safety and welfare are protected. The approval of a temporary use shall be in accordance with the following:
 - a. The proposed use will not endanger the public health, safety and welfare;
 - b. The proposed use will not have a substantial negative impact on the adjoining properties;
 - c. The use will be approved for a specific period of time, not to exceed two (2) years unless deemed necessary by the Board of Commissioners in accordance with Sec. 21-11. Extension of the temporary use beyond the approved time shall require approval of the board of commissioners in the same manner as the original.
- (3) Type I, II, and III manufactured homes with skirting as provided by section 21-276 may be approved for certain temporary use by the zoning administrator, contingent on a documented need. Temporary uses may be approved for:
 - a. A temporary residence during construction of a dwelling. Documentation shall be provided that the construction of the dwelling will commence and be completed within a reasonable time. In no situation shall this temporary use be granted for more than twenty-four (24) months.

b. As a temporary residence for a medical hardship. This use shall be allowed for the duration of the medical hardship.

When the situation resulting in the temporary use no longer is needed, or the time period allowed expires, the subject manufactured home shall be removed or made a conforming use.

(4) Temporary family health care structures, as defined by this ordinance, may be permitted as an accessory use in accordance with section 21-113 subject to the following standards:

a. The structure must be used by a caregiver or a named legal guardian in providing care for a mentally or physically impaired person on property containing the caregiver or legal guardian's residence or on property owned by the caregiver;

b. Subject to principal structure setbacks listed in section 21-84;

c. Only one temporary family health care structure shall be allowed on a lot or parcel of land and may not contain a permanent foundation;

d. Application for a temporary family health care structure must include a doctor's certification identifying the mentally or physically impaired person's need. Subsequent annual certifications are necessary to maintain the structure's status as a qualified temporary family health care structure; and

e. The temporary health care structure shall be removed within sixty (60) days of the mentally or physically impaired person no longer receiving or is no longer in need of the assistance provided for in this section.

(Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-7-05; Amend. of 9-6-11; Amend. of 4-21-14; Amend. of 9-6-16)

Sec. 21-282. Reserved.

Editor's note: Section 21-282 was automatically repealed 18 months from April 20, 1998. Said section has been deleted at the direction of the county.

Sec. 21-283. Maintenance of manufactured home parks.

Manufactured home park districts, as defined by this chapter, shall be maintained in a neat and orderly manner. This shall include but not be limited to maintenance of adequate roads and drainageways, yards, trees and shrubs. Specific standards are as provided below.

Manufactured home parks shall comply with the following criteria. Separate standards are established for manufactured home parks registered under the county manufactured home park ordinance as existing or otherwise zoned MHP in the initial adoption of county-wide zoning, manufactured home parks created or expanded under the county manufactured home park ordinance between December 15, 1989, and February 15, 1998, and manufactured home parks created or expansions of manufactured home parks as provided in this chapter. The following subsections prescribe manufactured home park standards for which compliance is required and the time allowed to come into compliance with a specific requirement. Time allowed to come into compliance with specific items varies and is provided with each requirement. A park will be in violation of this chapter if the individual specifications are not met within the required time. In addition to enforcement procedures provided otherwise in this chapter, zoning permits will not be issued for manufactured home parks in violation of this section. All manufactured home parks will be inspected biannually to determine compliance with these standards.

(1) Manufactured home parks existing prior to the adoption of the county manufactured park ordinance adopted on December 15, 1989, or which were otherwise zoned as manufactured home parks are subject to the following standards:

a. Internal streets. Internal streets must maintained in good condition either hard surfaced or graveled. Repairs are required to be of the same material as the existing internal street. If the street is gravel then all repairs shall be a minimum of six (6) inches of compacted gravel. If the street is paved the repair shall be a minimum of four (4) inches of compacted stone as base and paved. (Compliance required within one (1) year.) Roads shall be free of potholes, rough surfaces and ponding of water. (Compliance required within six (6) months.)

b. Parking. Each manufactured home space shall have a minimum four hundred (400) square feet of graveled or paved parking. On-street parking is allowed. (Compliance required within six (6) months.)

c. Grounds. Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within six (6) months.)

d. Drainage. Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within one (1) year.)

e. Trash disposal. The owner of the park shall provide one (1) of the following methods:

1. Provision of centralized trash dumpsters; or

2. Provision of individual covered trash containers, picked up at least once a week. (Compliance required within six (6) months.)

f. Street signs and addressing. Park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. All numbering shall comply with the county addressing ordinance. (Compliance required within six (6) months.)

(2) Manufactured home parks created or expansions of manufactured home parks approved as provided by the county manufactured park ordinance between December 15, 1989, and February 15, 1998, are subject to the following standards:

a. Internal streets. Internal streets shall be kept free of potholes, rough surfaces and ponding of water and are required to be maintained to one (1) of the following standards:

1. The internal street must be an eighteen-foot wide gravel road with six-inch base; or

2. Sixteen-foot wide paved road, four-inch base.

(Compliance required within thirty (30) days.)

b. Grounds. Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within thirty (30) days.)

c. Drainage. Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within thirty (30) days.)

d. Trash disposal. The owner of the park shall provide one (1) of the following methods:

1. Provision of centralized trash dumpsters; or

2. Provision of individual covered trash containers, picked up at least once a week. (Compliance required within thirty (30) days.)

e. Park identification sign. A park identification sign is required. (Compliance required within thirty (30) days.)

f. Street signs and addressing. Park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. All numbering shall comply with the county addressing ordinance. (Compliance required within thirty (30) days.)

g. Screening. Required adjacent to all developed properties. For the purposes of this subsection, a developed property is one with at least one (1) principal structure located within three hundred (300) feet of the manufactured home park property line used for a residential, commercial, governmental, institutional, or industrial purpose. The required buffer is fifteen (15) feet wide, evergreen shrubs five (5) feet apart and six (6) feet high or equivalent as approved by the zoning administrator. (Compliance required within thirty (30) days.)

(3) Manufactured home parks created or expansions of manufactured home parks approved as provided by the county zoning ordinance are subject to the following standards:

a. Maintenance of facility. The manufactured home park or expansion approved as provided by this chapter shall maintain the development to the standards required as a condition of approval of the development. (Compliance required within thirty (30) days.)

b. Grounds. Grounds shall be kept free of obnoxious weeds, trash litter or debris. This shall include but not be limited to appliances and furniture not designed for outdoor use. (Compliance required within thirty (30) days.)

c. Drainage. Property is required to have adequate drainage facilities which will keep their premises free from standing water and permit the natural flow of water across and off the site. Internal streets are to be equipped with adequate drainage. (Compliance required within thirty (30) days.)

(Ord. of 2-1-99(1); Ord. of 8-20-01)

Sec. 21-284. Location of manufactured homes not provided in the table of uses.

This section provides specific exceptions for location of manufactured homes not otherwise provided by this chapter.

(1) Placement of manufactured homes on existing lots. Notwithstanding other provisions of this chapter, including standards contained in the "table of uses", Type II and Type III manufactured homes may be placed on lots of record or in a subdivision for which the planning department has received a complete preliminary plat or final plat application as provided by the county subdivision ordinance, existing prior to June 8, 1999. All applicable requirements, such as skirting requirements, setbacks, etc of the underlying district and as provided otherwise shall apply. The types of manufactured homes allowed in each district as provided by this section are as follows:

a. RA District: Type II and Type III.

b. RR District: Type II.

c. CBI District: Type II and Type III.

d. MFR District: Type II and Type III.

(2) Placement of manufactured homes in family manufactured home parks. Location of manufactured homes is allowed in family manufactured home parks as provided below:

a. The proposed park is located on a lot or lots of record existing prior to June 8, 1999.

b. The proposed park meets the requirements of section 21-56.

c. The manufactured home type is in compliance with subsection (1) above.

(3) Placement of manufactured homes in family subdivisions. Location of manufactured homes is allowed in family subdivisions as provided below:

- a. The family subdivision is defined and approved as provided in the county subdivision ordinance.
- b. The intent of the family subdivision is for occupancy and/or purchase of the lots by members of the immediate family and not for the sale, rental or occupancy of the lots by persons not members of the immediate family of the property owner.
- c. The manufactured home type is in compliance with subsection a. above.
- (4) Temporary uses. Location of manufactured homes is allowed for temporary uses as provided by this chapter.

(Ord. of 6-7-99; Amend. of 4-21-14)

Sec. 21-285. Accessory structures.

Accessory structures in the RA, RR, RS, MHP and MFR zoning districts shall conform to the following regulations, unless otherwise provided in this chapter:

- (1) Accessory structure footprints shall not exceed ten (10) percent of the size of the lot on which it is located.
- (2) Setbacks shall be based on building size as provided in the following table:

Building Square Footage	Setback, Side and Rear Yards
0-4,000	10 feet
4,001-8,000	40 feet
8,001 and over	80 feet

- (3) Accessory structures shall not be allowed in the required front setback.

- (4) These regulations shall not apply to fences, mailboxes, landscaping features, gazebos and similar structures.

(Ord. of 3-18-02(4); Amend. of 3-5-12)

Secs. 21-286--21-310. Reserved.

ARTICLE XII. ADMINISTRATION AND HEARING REQUIREMENTS

Sec. 21-311. Board of commissioners.

The board of commissioners shall have the following powers and duties to be carried out with this chapter which include, but are not limited to, the following:

- (1) Conducting hearings on certain conditional use permits as provided by this chapter;
- (2) Authorizing and approving land use plans which guide the implementation and modification of this chapter;
- (3) Initiating and making amendments to the text of these regulations and to zoning maps;
- (4) Hearing, reviewing and adopting or rejecting amendments to the text of these regulations and to zoning maps;
- (5) Appointing planning board and zoning board of adjustment members;

- (6) Establish rules and procedures for the enforcement and administration of this chapter;
- (7) Taking such other action not delegated to the planning board or zoning board of adjustment as the board of commissioners may deem desirable and necessary to implement the provisions of these regulations.

(Ord. of 1-19-98, § XIII)

Sec. 21-312. Planning board.

The planning board is an appointed, advisory body making recommendations to the board of commissioners as generally authorized by G.S. Ch. 153A, Art. 18. Powers and duties are as provided by the board of commissioners.

(Ord. of 1-19-98, § XIII)

Sec. 21-313. Zoning board of adjustment (ZBA).

- (a) Authority. As an appointed, quasijudicial body, the ZBA hears and decides appeals and variance requests as authorized by G.S. 153A-345 and zoning map interpretations subject to section 21-334.
- (b) Duties and responsibilities. The ZBA shall carry out duties expressly provided in article XIII or as directed by the board of commissioners.
- (c) Composition. The board of commissioners shall appoint members to the ZBA as provided by G.S. 153A-345.
- (d) Meetings and procedure. The ZBA shall adopt rules of procedure for the transaction of official business. All meetings shall be open to the public. The ZBA shall keep a written public record of member attendance, findings and decisions.

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

Sec. 21-314. Planning department.

- (a) Duties and responsibilities. The planning department serves as the lead agency for the overall administration of this article and serves as the primary professional staff of the planning and zoning board and board of adjustment.
- (1) Planning director. The planning director performs the following duties:
 - a. Supervises the various activities of the department;
 - b. Develops and maintains the comprehensive plan, area plans, other specialized plans, policies, regulations for plan implementation;
 - c. Serve as zoning administrator for the county and is hereby charged with the authority and duty to enforce this chapter. In this capacity the zoning administrator shall include staff authorized by the planning director to perform any function of this position.
 - d. Provides recommendations to the planning board, zoning board of adjustment, board of county commissioners, and county manager;
 - e. Provides administrative assistance to special boards, committees, and commissioners;
 - f. Acts as executive secretary to the planning board;

- g. Performs other functions as may be necessary to effectively administer the county's overall planning program; and
 - h. Maintains cumulative records for each watershed area eligible for SNIA development and detailed files for those projects approved as an SNIA outlining the location, acres, site plan and type of land use.
 - i. Maintains inspection records for each stormwater control structure permitted under Section 21-33(2)(f) of this Chapter
- (2) Zoning administrator. The zoning administrator shall be responsible for the following duties:
- a. Administers and makes necessary interpretations of the zoning requirements;
 - b. Acts as executive secretary to the zoning board of adjustment;
 - c. Coordinates permitting procedures;
 - d. Determines compliance and investigates suspected violations; and
 - e. Performs other necessary functions to effectively administer this article.

(Ord. of 1-19-98, § XIII; Ord. of 4-20-98; Ord. of 5-21-01(2); Ord. of 10-18-04; Amend. of 11-2-09; Amend. of 4-21-14)

Sec. 21-315. Hearing procedures for zoning map and text amendments, High Density and conditional use permits, variances, appeals, and interpretations.

- (1) Public notice. The following notice requirements shall apply to public, courtesy, and quasi-judicial hearings required by this chapter as indicated below except as provided in section 21-316 and otherwise indicated herein:
- a. Newspaper. In accordance with G.S. 153A-323, zoning map and text amendments shall be advertised in a newspaper of general circulation in the county once a week for two (2) consecutive calendar weeks, with the first advertisement appearing at least ten (10) days but not more than twenty-five (25) days prior to the public hearing date. In computing this advertising period, the date of publication shall not be included, but the day of the hearing shall be included.
 - b. Mailed notice. In addition to the newspaper notice required above, the administrator shall provide mailed notice to the owner(s), applicant, of the subject property(s) and all property owners within one hundred (100) feet of the parcel(s) subject to the proposed action for the above referenced requests except only mailed notice to the applicant of a text amendment. The notice must be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the hearing date. If, in the discretion of the administrator, the potential impact of the proposed action or the configuration of land parcels in the area warrants notification of additional property owners beyond this distance, such notice shall be provided.
 - c. Signs on property. In addition to the newspaper and mailed notice requirements, signs notifying the public of a scheduled hearing shall be posted at least ten (10) days but not more than twenty-five (25) days prior to the hearing for the above referenced requests, except for text amendments and large scale rezoning as provided in section 21-316. The signs shall be prominently placed on or immediately adjacent to the subject property. When multiple contiguous parcels are included within a request, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.
- (2) Conflict of interest.
- a. Zoning map and text amendments. A member of the board of commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Members of appointed boards providing advice to

the board of commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

b. Quasi-judicial. A member of the board of adjustment or any other body exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Vacant positions on the board of commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority. The same is required of the board of adjustment hearings but only if there are no qualified alternates available to take the place of such members.

(3) Conduct of hearing. Quasi-judicial, public, and courtesy hearings shall be conducted in the following manner unless modified by the chairman of the respective board:

- a. Staff report;
- b. Applicant or petitioner comments;
- c. Public hearing opened;
- d. Public comment;
- e. Public hearing closed; and
- f. Action.

(4) Oath for quasi-judicial hearings. The chairman, any member acting as chairman, or clerk to the board is authorized to administer oaths to witnesses in any matter before the board. Any person who, while under oath during a proceeding before the Board of Commissioners or ZBA, willingly swears falsely is guilty of a Class I misdemeanor.

(5) Subpoenas for quasi-judicial hearings. The Board of Commissioners and the ZBA through the chairman or anyone acting as chairman, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chairman explaining why it is necessary for certain witnesses or evidence to be compelled. The chairman shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chairman shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chairman may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or party seeking the subpoena may apply to Superior Court for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(6) Action. Once a public / courtesy hearing is closed, the appropriate decision-making body shall take some form of action during the same meeting. Such action may include continuing the hearing to a later meeting. In cases where the planning board is authorized to make a recommendation, the board shall follow action procedures of Article XIV.

In quasi-judicial decisions, the board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board and is effective upon filing with the clerk to the Board of Commissioners.

(7) Vote. A majority vote, excluding vacant seats and disqualified members as indicated in subsection (2), shall be sufficient for the purpose of taking any official action except that variance requests require a four-fifths (4/5) vote of its members, excluding vacant seats and disqualified members indicated in subsection 21-315(2). Quasi-judicial decisions shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

Each decision is subject to review by the superior court by proceedings in the nature of certiorari consistent with G.S. 160A-393. Any petition for review by superior court shall be filed within the clerk of superior court by the latter of thirty (30) days after the decision of the Board of Commissioners or ZBA is effective or after a written copy thereof is given. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

(8) Omissions. The unintentional failure to give written notice or the unintentional omission of the name of a property owner shall not invalidate the action of the planning board or board of commissioners.

(Ord. of 1-19-98, § XIII; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12; Amend. of 4-21-14)

Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning.

The first class mailed notice required in section 21-315 shall not be required if the zoning map amendment directly affects more than fifty (50) properties owned by a total of at least fifty (50) landowners, and the county elects to use the expanded published notice provided in this section. In this instance the county may, as an alternative to the mailed notice requirements elect to publish once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area, an advertisement of the public hearing that shows the boundaries of the area affected by the proposed zoning map amendment. The advertisement shall also explain the nature of the proposed change. The advertisements shall meet the requirements of subsection 21-315(1)a. The advertisement shall be no less than one-half (1/2) a newspaper page in size. In addition to this requirement, affected property owners living outside the area of general circulation of the newspaper used shall be mailed a notice as provided in subsection 21-315(1)b. of this article.

(Ord. of 1-19-98, § XIII; Amend. of 2-20-06(1))

Sec. 21-317. High Density development permit application.

(1) A High Density Development Permit shall be required for new development exceeding the requirements of the low density standards of Section 21-33(2)(d) and subject to the review standards of this section.

(2) An application for a High Density Development Permit shall be made on the proper form and submitted to the Planning Department with the following information:

a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

b. Two (2) reproducible copies of the development plan within the drainage basin, detailed information concerning built-upon area and specifications of the stormwater control structure consistent with section 22-109b of the Rowan County Subdivision Ordinance;

c. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

(3) First consideration of a High Density permit application shall occur at the next regularly scheduled meeting of the Board of Commissioners following the Planning Department's review of the complete application submittal. The Board shall take action on the application at its first consideration or within thirty (30) days of its first

consideration. At its discretion, the Board of Commissioners shall either approve or disapprove each application for a High Density Development Permit.

a. If the Board approves the application, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure.

1. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance.

2. All additional conditions shall be entered in the minutes of the meeting, at which the permit is granted, on all plans and on the permit certificate.

3. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

b. If approved by the Board, a High Density Development Permit shall be forwarded to the Subdivision Review Committee (SRC) for review pursuant to Section 22-56 of the Rowan County Subdivision Ordinance.

c. If the Board disapproves the application, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan which shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.

Secs. 21-317 318--21-330. Reserved.

ARTICLE XIII. APPEALS, VARIANCES AND INTERPRETATIONS

Sec. 21-331. Appeals.

Appeals of orders or decisions of the zoning administrator shall be conducted as follows:

(1) Notice of appeal. Any person who has standing under G.S. 160A-393 (d) or the county may appeal any order or decision of any administrator of this chapter to the zoning board of adjustment (ZBA). An appeal is initiated by filing a written notice of appeal with the clerk to the Board of Commissioners, which specifies the grounds for the appeal. The clerk shall note the date and time of receipt of the appeal.

(2) Time to appeal. The property owner or his authorized agent shall have thirty (30) days from receipt of the written notice to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision to file an appeal. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

(3) Stay of action. An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision, unless the administrator certifies to the ZBA that, because of the facts surrounding the situation, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the ZBA shall meet to hear the appeal within fifteen (15) days after such a request is filed. The ZBA shall hear and decide all other appeals with a reasonable time. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed

use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the ZBA may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(4) Procedures. The administrator who made the decision shall transmit to the ZBA all documents and exhibits constituting the record upon which the action appealed from are taken. The administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The administrator shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the ZBA shall continue the hearing.

When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the standards of this ordinance and the scope of review shall be as provided in G.S. 160A-393(k).

(5) ZBA action. ZBA decisions shall include a statement of the specific reasons or findings of fact that support the motion consistent with section 21-315 (7).

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

Sec. 21-332. Variances.

Requests for a variance from the requirements of this chapter shall be in accordance with the following criteria:

(1) Application for variance. An application for a variance shall be submitted to the ZBA by filing a copy of the application with the administrator in the planning department. Public hearings for such applications shall be in conformance with the applicable provisions of Article XII.

(2) Variance criteria. A variance may be granted by the ZBA if it concludes that strict enforcement of this chapter would result in unnecessary hardships for the applicant. The ZBA, in granting a variance, shall ensure that the spirit of this chapter is maintained, public welfare and safety ensured, and substantial justice done. The board may reach these conclusions if it makes the following findings:

a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

b. The hardship results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances and / or conditions common to the neighborhood or general public may not be the basis for granting a variance;

c. The hardship is not the result of the property owner or applicant's own actions. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved;

e. The variance will not result in a land use otherwise not permitted in the applicable zoning district nor authorize the extension of a nonconforming situation in violation of article VI, or other applicable provisions of this chapter; and

f. If applicable, the setback reduction is no more than fifty (50) percent of that required and the resulting setback is no less than five (5) feet from any property line or right-of-way.

(3) Approval. Prior to granting a variance, the ZBA must vote affirmatively on all of the required findings listed in subsection (2). Each motion to make an affirmative finding shall set forth the specific reasons or findings of fact supporting such motion.

(4) Denial. A motion to deny a variance request may be made on the basis that one (1) or more of the criteria are not satisfied. Such a motion shall include a statement of the specific reasons or findings of fact that support it. A reapplication for a denied variance may not be made within one (1) year of the original decision, unless substantial changes have occurred in the facts, evidence or conditions of the application, or property in question.

(5) Conditions. In granting variances, the ZBA may impose appropriate conditions, including a limitation on the duration of the variance, provided they are reasonably related to the variance. All such conditions are enforceable as any other applicable requirement of this article.

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

Sec. 21-333. Recordation of variances and conditions.

The administrator shall keep a record of all variances from this chapter. The nature of the variance and any supplemental conditions shall be entered on the face of any zoning permit, or the zoning permit may note the issuance of the variance and refer to the written record of the variance for further information. In the case of the Water Supply Watershed (WS) Overlay provisions, this record shall be submitted to the supervisor of the classification and standards group, water quality section, division of environmental management on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance.

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

Sec. 21-334. Interpretations.

Interpretations of the requirements of this chapter shall be in accordance with the following criteria:

(1) Map and line interpretations. The ZBA is authorized to interpret the official zoning map(s) and to determine disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled in accordance with section 21-331 of this article.

(2) Application. An application for an interpretation shall be submitted to the ZBA by filing a copy of the application with the zoning administrator in the planning department. The application shall contain sufficient information to allow the board to make the necessary interpretation.

(3) Guidelines for interpretations. Where uncertainty exists as to the boundaries of zoning districts as shown on official zoning maps, the following rules shall apply:

a. Those boundaries indicated as generally following the centerlines of streets, highways, watercourses, or railroads shall be construed to follow such centerlines;

b. Boundaries indicated as approximately following parcel or lot lines, municipal limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries;

c. Where a district boundary divides a lot or parcel, or where map distances are not indicated, the boundary shall be determined by measurement, using the zoning map scale; and

d. When a street or road is officially vacated or abandoned, the zoning designation of each abutting parcel shall be extended to apply to that portion of such rights-of-way added to adjoining land.

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

Sec. 21-335. Variance from watershed overlay.

The administrator shall review all variance requests from the Water Supply Watershed (WS) Overlay provisions to determine whether the request constitutes a minor or major variance. If conditions warrant, the administrator or the board of commissioners may require that a minor variance be reviewed as a major variance. In addition to the other provisions in this article, variance requests from the watershed overlay provisions shall be reviewed as follows:

- (1) Notice to affected governments. The administrator shall notify, in writing, and provide a description of the variance request to each local government having jurisdiction in the watershed and the entity using the watershed for consumption. Each local government receiving notification shall have ten (10) working days to respond, in writing, to the variance request. All responses shall become part of the record for the board of commissioners proceedings for the particular variance request. A record of all variances granted from the water supply watershed provisions shall also be submitted each calendar year to the division of water quality on or before January 1 of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.
- (2) Transmittal of response. The request, an accompanying staff recommendation, and responses from any other local government within the affected watershed will be forwarded to the board of commissioners for review & action, as stipulated in this article.
- (3) Minor variance. The board of commissioners' decision is final.
- (4) Major variance. Depending on the action by the board of adjustment, the following provisions shall apply:
 - a. Denial. The board of adjustment's decision is final.
 - b. Approval. If the board of commissioners recommends approval, a record of the variance request, meeting proceedings, and applicable conditions shall be forwarded to the state environmental management commission for final review and action. In cases where the environmental management commission denies the request, the decision is final and the administrator shall notify the applicant of the approval. In cases where the commission adds conditions which may affect the design of a development plan, the administrator shall forward the commission's decision to the board of commissioners for further review and action.

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

Sec. 21-336. Judicial review of ZBA decisions.

Each decision of the ZBA is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by superior court shall be filed within thirty (30) days after the decision of the ZBA is filed with the clerk to the Board of Commissioners.

(Ord. of 2-1-99(1); Amend. of 3-5-12; Amend. of 4-21-14)

Secs. 21-337--21-360. Reserved.

ARTICLE XIV. TEXT AND MAP AMENDMENTS

Sec. 21-361. Text amendments.

- (a) Generally. The board of county commissioners may amend the terms of this chapter in accordance with this section. Proposals to amend, supplement, modify, or repeal the text of this chapter may be initiated by the board of commissioners, the planning board, or any person. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.
- (b) Planning board action. Any proposed text amendment shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be considered at that time. The planning board may provide a recommendation to the board of commissioners on all such requests within thirty (30)

days of first consideration unless the request is assigned to a planning board subcommittee for further review. Failure of the planning board to transmit its recommendation within thirty (30) days after first consideration of an amendment or a referral by the board of county commissioners may allow the board of commissioners to proceed in its consideration of the amendment without the planning board recommendation.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners.

(c) Board of commissioners action. The board of commissioners shall hold a public hearing to consider any ordinance amendment and the planning board recommendation in accordance with Article XII. Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt 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.

(d) Record of amendments. All approved text amendments shall be recorded in the county zoning ordinance. The administrator shall provide copies of all amendments to the Water Supply Watershed (WS) Overlay provisions upon adoption to the division of water quality.

(Ord. of 1-19-98, § XV; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 3-5-12)

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

(a) Generally. The board of county commissioners may amend the terms of this chapter in accordance with this section. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.

(b) Purpose and intent. It is the purpose of this section to set forth the procedures whereby the board of commissioners may change the zoning district classification of land after consideration of such factors as changing conditions in the area where the property is located or changes in county plans or policies.

(c) Rezoning criteria. When deciding whether to adopt a proposed rezoning, the primary issue before the planning board and board of commissioners is whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance. Information related to other issues which do not directly affect the public health, safety, or welfare may be declared irrelevant by the chairman and excluded from presentation at the public hearing. In particular, when considering proposed map amendments:

(1) Proposed uses. The planning board and board of commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one (1) of the possible range of uses allowed in the requested zoning district classification. Rather, the boards shall consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of uses allowed in the existing district.

(2) Impact of zoning map change. The boards shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed zoning change on the public at large.

(d) Initiation. The rezoning of property may be initiated by the board of commissioners, the planning board, or by petition of the legal property owner(s) or designated representative.

- (e) Filing of petition. Except when initiated by the board of commissioners or the planning board, each petition to rezone a separate, noncontiguous property shall be submitted to the administrator on an approved application form and shall be accompanied by any nonrefundable, applicable fees as established by the board of commissioners.
- (f) Deadline for submittal of application. The completed application package shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be scheduled for consideration at that time.
- (g) Withdrawal of petition. Any petitioner shall have the right to withdraw the rezoning petition, in writing, at any time prior to a final decision by the board of commissioners.
- (h) Content of application package. Each rezoning petition shall be accompanied by:
- (1) Two (2) copies of a map, to scale, which clearly illustrates the subject property to be rezoned; or
 - (2) Written metes & bounds legal description for property(ies) proposed for rezoning;
 - (3) Any other pertinent information as may be required by this article;
 - (4) Requests for conditional zoning districts shall be accompanied by a site plan as specified in section 21-52.
- (i) Staff review. The administrator shall review the rezoning application package, ensure its completeness, and prepare a written staff recommendation concerning the proposed rezoning request. The administrator may consult with other appropriate agencies, including, but not limited to, the NCDOT, the county board of education, and the environmental health division of the county health department, when evaluating rezoning requests. The staff report shall, at a minimum address the following:
- (1) Relationship and conformity with any adopted plans and policies;
 - (2) Consistency with this article and requested zoning district's purpose and intent;
 - (3) Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity; and
 - (4) Potential impact on facilities such as roads, utilities, and schools.
- (j) Planning board action. The planning board shall provide a recommendation to the board of commissioners on each rezoning request. The planning board shall advise and 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 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 zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.

(l) Notification of decision. Within five (5) working days of any action by the board of commissioners on a rezoning request, notice of such action shall be sent by first class mail to the rezoning petitioner and any other persons who have indicated to the zoning administrator, in writing, that they would like the decision mailed to them. Additionally, within fifteen (15) days after the effective date of a zoning change to commercial or industrial zones within six hundred sixty (660) feet of the rights-of-way of an interstate or primary highway, written notice by registered mail shall be sent to the Raleigh offices of the NCDOT in accordance with G.S. 136-136 and 136-153.

(m) Petition resubmitted. If a rezoning request is denied by the board of commissioners, the zoning administrator may not accept a new rezoning petition within the one (1) year period unless the administrator determines that:

(1) There has been a significant change in the zoning district classification of an adjacent property;

(2) A new or updated land use plan which changes public policy regarding the property is adopted by the county;

(3) Public facilities such as roads, water lines, sewer lines, or other infrastructure are constructed or expanded to serve the property and enable the proposed development to be accommodated; or

(4) There has been some other significant change, other than a change in ownership of the property, which might justify waiving the one-year restriction on submitting a new petition.

(n) Recording of zoning change. All rezoning map amendments shall be recorded on official zoning maps which are a part of this chapter and are maintained for public inspection in the office of the county planning department.

(Ord. of 1-19-98, § XV; Ord. of 4-20-98; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 9-6-16)

Sec. 21-363. Hierarchy of districts.

The districts established in this chapter are classified from "most restrictive" to "least restrictive": RS (most restrictive), RR, RA, MFR, MHP, INST, NB, CBI, 85-ED-1, 85-ED-2, 85-ED-3, 85-ED-4, IND (least restrictive).

(Ord. of 1-19-98, § XV; Ord. of 6-17-02; Ord. of 4-21-03; Amend. of 3-7-05)

8. QUASI-JUDICIAL HEARING FOR CUP 01-19: FAULK & FOSTER FOR VERIZON WIRELESS

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-19 to be in session. Chairman Edds said the hearing would focus on an application submitted by Jim LaPann on behalf of Verizon Wireless (Verizon) to construct a 199' wireless support structure on Tax Parcel 367-00401 located at the corner of St. Peters Church Road and Hill Road.

The Clerk swore in those wishing to provide testimony in the case.

Assistant Planning Director, Shane Stewart, presented the Staff Report (Exhibit B), as well as a power point (Exhibit C) as he discussed the case.

According to the Staff Report (Exhibit B), Mr. Stewart said the application was to accommodate a 195' monopole wireless structure with a 4' lightning rod. Mr. Stewart said the applicant felt the proposed tower was necessary due to increased usage and exhaustion of capacity and would vastly improve coverage east of Rockwell and north of Gold Hill along Liberty Road.

Using the power point, Mr. Stewart showed the site in question, as well as the surrounding areas. Mr. Stewart pointed out three (3) transmission towers in the vicinity. Mr. Stewart showed the cell towers nearest the proposed site but that were not sufficient coverage for the study area. Mr. Stewart said the tower would be in a fenced area and would be within a fall zone where it would not fall on adjoining property.

Continuing with the power point (Exhibit C), Mr. Stewart showed the galvanized steel monopole tower and discussed co-location with other carriers. Mr. Stewart showed existing tower locations, the coverage area for proposed tower, the proposed tower site and a simulation of what the tower would look like.

According to an addendum in the Staff Report (Exhibit B), CityScape Consultants in its capacity as a consultant for the County, concurred with the applicant.

Mr. Stewart said there were no recommendations in the Land Use Plan for the tower and that notice of the public hearing was posted, as well as mailed to adjoining property owners.

According to Mr. Stewart, the applicant also hosted a public input meeting and no one attended in opposition to the tower site.

Mr. Stewart said staff received one inquiry; however, the citizen had not been opposed to the tower's proposed location.

Mr. Stewart distributed Example Findings of Fact for the Board (Exhibit D).

On behalf of the applicant, Jim LaPann of Faulk & Foster came forward. Mr. LaPann referred to Section 21-60 of the Zoning Ordinance and the conditional use requirements. Mr. LaPann noted the tower could be placed in any zone as long as the tower was in compliance with those same conditional use requirements. Mr. LaPann submitted to the Board that Verizon had responded to the advocacy of Mr. Stewart and CityScape and also complied with all questions and aspects of the application.

Mr. LaPann reviewed the six (6) evaluation criteria and confirmed:

1. Adequate transportation existed to the site.
2. The use would not significantly detract from the surrounding area.
3. Hazardous safety conditions would not result. Mr. LaPann said the tower was designed to fall within 100' in the event of a storm, strong winds, etc. Certification would be provided by a North Carolina professional engineer to document the fall zone boundaries. The design would also accommodate a total of five (5) carriers.
4. The use will not generate any noise, odor, glare, or dust.
5. Excessive traffic or parking problems will not result.
6. The use will not create significant visual impacts for adjoining properties or passerby.

Mr. LaPann turned the floor over to Michael Berkowitz to discuss item #2 above.

Mr. Berkowitz said he had been a certified appraiser for sixteen (16) years. Mr. Berkowitz discussed the appraisal process and conclusions regarding his findings that the use would not significantly detract from the surrounding area. Mr. Berkowitz was of the professional opinion the use would not substantially injure value of adjoining or abutting property.

With no one else wishing having been sworn to provide testimony, Chairman Edds closed the public hearing.

Chairman Edds moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Based on plans submitted and established conditions of approval, the proposed tower will comply with all applicable Federal, State, and Local regulations.

FACT: In the unlikely event of tower failure, the structure will be certified by a North Carolina Professional Engineer to fall within the lease area prior to the issuance of a zoning permit.

FACT: The proposed tower will provide the means for Verizon Wireless to address documented coverage and capacity deficiencies and co-location opportunities for future telecommunication providers, an industry recognized as a public necessity.

The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

FACT: North Carolina State Certified General Appraiser Michael Berkowitz (#A6169) provided testimony summarizing statements from his impact study which concluded the proposed tower “will not substantially injure the values of adjacent or abutting properties”.

The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: According to the staff report, monopole towers less than 199 feet in height are permitted in 98% of the county zoning jurisdiction subject to a conditional use permit, a process that assumes the use is generally compatible with surrounding properties.

FACT: Wireless towers do not generate significant levels of noise, odor, glare, or dust.

FACT: This request complies with all specific conditional use requirements in section 21-60 (3) of the Zoning Ordinance.

FACT: Proposed evergreen screen will reduce visual impacts associated with the ground equipment.

FACT: As evidenced by the photo simulations, the proposed tower would primarily be visible along St. Peters Church Road and sections of Hill Road.

The motion was seconded by Commissioner Pierce and passed unanimously

Chairman Edds moved approval of CUP 01-09 along with the eight (8) conditions found on pages 4 and 5 of Staff Report (Exhibit B). The motion was seconded by Commissioner Pierce and passed unanimously.

9. QUASI-JUDICIAL HEARING FOR CUP 02-19: SAW SOLAR LLC

Chairman Edds read the Chairman’s Speech (Exhibit A) and declared the public hearing for CUP 02-19 to be in session. Chairman Edds said the hearing would focus on an application submitted by Saw Solar LLC to construct a 6.9 megawatt solar energy system on part of Tax Parcels 236-006 and 061 located along the 900-1200 block of Saw Road.

The Clerk swore in those wishing to provide testimony in the case.

Assistant Planning Director Shane Stewart presented the Staff Report (Exhibit B) and also provided a power point (Exhibit C) as he discussed the case. Mr. Stewart said the property was owned by the Oscho Deal and Martha Deal Revocable Trusts.

Using the power point (Exhibit C), Mr. Stewart showed the site plan contained in the Staff Report (Exhibit B). Within the area was the location of the proposed panel rays for illustration purposes.

The driveway permit was approved by the Department of Transportation for entrance on Saw Road.

Continuing with the power point (Exhibit C), Mr. Stewart showed the 2017 Pictometry to show a different perspective and as much information about the site as possible. Mr. Stewart also showed photos of surrounding areas near proposed solar facility.

Mr. Stewart said notices of the public hearing had been mailed and signage posted that advertised the public hearing. Mr. Stewart stated the applicant had also sent notices.

Mr. Stewart said Planning Staff received three (3) calls concerning the proposed solar facility; however, none had voiced opposition.

If approved, Staff offered the following potential conditions for consideration that were found on page 4 of the Staff Report (Exhibit B):

1. Prior to the issuance of a zoning permit, combine parcels 236-006 and 061;
2. Submit manufacturing specification of purchased solar panels indicating AR coating;
3. Inverters and transformers may not be located within 150 feet of property line;
4. Provide a copy of the lease agreement documenting the solar operator's obligation to decommission all solar equipment;
5. Applicant must employ dust control watering measures should site conditions warrant as determined by Planning and Environmental Management Staff; and
6. Subject to applicable NCDEQ and Army Corps approval on stream crossing and buffer distances.

Mr. Stewart provided the Board with Example Findings of Fact (Exhibit D).

Chairman Edds commented that solar facilities were still fairly new and no one knew what would happen at the end of the leases. Chairman Edds said the proposed lease was for thirty (30) years with two (2) five-year extensions. Chairman Edds wondered what the County and citizens in the community would be left with at the end of the lease.

Clint Cogburn, attorney for Cypress Creek Renewables (CCR), dba Saw Solar, LLC, submitted an appraisal report (Exhibit E) from Kirkland Appraisals, LLC and a sworn

affidavit (Exhibit F) from Chris Sandifer who was an electrical contractor and licensed engineer. Mr. Cogburn said Shane Shields was also in attendance and was the Associate Project Developer for CCR.

Mr. Cogburn discussed the existing zoning for the proposed site and stated the solar farm was allowed within the zoning with issuance of a conditional use permit designation. Mr. Cogburn requested the permit be issued.

Mr. Cogburn said the proposed solar farm site was currently cattle pasture and based on the site plan submitted in the Staff Report (Exhibit B), the plan satisfied all setback requirements. Mr. Cogburn agreed with Planning Staff on the topography and said he felt the site's natural buffering was tailor-made for the solar farm's location.

Shane Shields, Project Developer for CCR, said he had personally worked on 200 solar farms in some fashion and had been the primary project manager for approximately 50 solar farms. Mr. Shields said CCR had been named one of top solar developers in the nation. Mr. Shields felt Staff had presented a great overview and he reiterated CCR was in compliance with all the requirements of the permit. Mr. Shields stated CCR had also sent out mailers but to his knowledge had not received any calls or voicemails. Mr. Shields said it was standard practice to have decommissioning in the CCR leases.

Discussion ensued regarding decommissioning of the solar farm at the end of the lease. Chairman Edds asked what would happen if CCR was no longer in business at the end of the lease. Mr. Shields responded that the project entity would be owned by "somebody" and there was a guaranteed buyer with the proposed lease with Duke Energy. Mr. Shields said CCR entered into a long term contract with Duke Energy for a guaranteed buyer for a set term. Mr. Shields said one could almost guarantee there would be some owner of the project entity. Mr. Shields said even if CCR went bankrupt, one "could almost guarantee there would be somebody owning this project just because there is value in it."

Chairman Edds disagreed with Mr. Shields and said the reality was that no one knew what the future held or what the market would do in twelve (12) months, twelve (12) years or thirty (30) years.

Commissioner Caskey inquired as to whether there were any toxic materials in the solar panels. Mr. Shields said the panels were not toxic and in most areas could be disposed of based on local regulations. Mr. Shields said there was a good bit of salvage value but the panels were generally disposed of in a landfill. Mr. Shields agreed that "we" are early in the lifetime of solar farms and he expressed hope there would be a recycling component for the panels over time.

Commissioner Pierce referred to the support structure and mentioned the value in the aluminum and/or steel beams for recycling. Commissioner Pierce asked if the proposed panels would be replaced over time and Mr. Shields said at this time CCR did not have

a plan to swap out the panels for the proposed site. Commissioner Pierce agreed with Chairman Edds there would be advancement in the efficiency of the panels over the 40-year term of the lease. Mr. Shields stated there may come a point where CCR might decide it would be advantageous to replace the panels.

In response to an inquiry from Chairman Edds, Mr. Shields discussed the tree lines referenced in the power point (Exhibit C) and asked if there were plans to take down any of the tree lines. Mr. Shields said no and he referred to the site plan contained in the Staff Report (Exhibit B) for areas of disturbance. Mr. Shields said based on the way the site was situated, shading concerns were not anticipated. Mr. Shields said there may be one (1) or two (2) trees shown within the fence line that would need to be cleared.

Mr. Cogburn introduced Chris Sandifer whom he said would review how the project would not endanger public health and safety. Before turning the floor over to Mr. Sandifer, Mr. Cogburn summarized one of the main issues mentioned, which was decommissioning of the solar farm at the end of its lease term. Mr. Cogburn said there would obviously be a decommissioning component in the lease with a plan. Mr. Cogburn noted CCR was a market leader and fairly stable company with a track record and presence in North Carolina. Mr. Cogburn said if something happened with CCR, there was inherent value in the panels with regards to recycling. Mr. Cogburn said Mr. Sandifer would address the fact that solar farms were low intense and low impact developments due to the fact the panels could be removed and the land returned to farming.

Mr. Sandifer addressed the matter of decommissioning. Mr. Sandifer said he had performed decommissioning plans before and he discussed the material costs, as well as the recycling value of the panels.

Mr. Sandifer referenced the harmony of the solar farm with the surrounding area and said the Utilities Commission of North Carolina had deemed the project a need for the community. Mr. Sandifer said there was typically very little grading and a small amount of dust may result from constructing the road to the solar farm. Basically, the construction would involve driving galvanized steel piles into the ground.

Mr. Sandifer said the panels came with a twenty-five (25) year warranty and the output continued to degrade at a small percentage each year. Mr. Sandifer discussed a recycling facility Ohio and said 95% of the panels themselves were economically recyclable. Mr. Sandifer said the circuit boards were not recyclable but were not toxic.

Commissioner Caskey asked County Manager Aaron Church if the County's landfill would accept the panels and Mr. Church said he did not know the answer. Mr. Church asked Mr. Sandifer if the panels contained lead.

Mr. Sandifer said the panels were encapsulated in glass and there was no material to leak out. Mr. Sandifer explained that the connections could have lead solder. Mr. Church asked if the panels contained acid and Mr. Sandifer said no.

Mr. Sandifer continued by discussing the panels materials and reiterated the panels did not contain toxic materials.

Commissioner Caskey asked if farm animals would be used to keep the grass down and Mr. Sandifer said most solar farms were near substations and most ordinances did not allow grazing animals.

Commissioner Pierce confirmed to Commissioner Caskey one solar farm the Board had approved used sheep to keep the grass down.

Mr. Church commented he had text the Solid Waste Director to inquire as to whether solar panels could be disposed of in the landfill. Mr. Church said the response was there was no ban on the panels, and per the State, depending on how many and what type, the County could ask for a TCLP test.

Mr. Sandifer explained what the TCLP test consisted of and said the panels for the proposed site would pass the test.

Richard Kirkland announced he was a commercially certified general appraiser in the State of North Carolina. Mr. Kirkland said he had been performing appraisals in North Carolina for over twenty (20) years. Mr. Kirkland summarized the appraisal report (Exhibit E) and explained the comparisons contained in the report. In conclusion, Mr. Kirkland was of the professional opinion the proposed project would have no impact on adjoining properties. Mr. Kirkland was also of the professional opinion the proposed site was a harmonious location for a solar farm.

Mr. Cogburn felt substantial, competent and expert testimony had been provided to show the development with the proposed conditions would not materially endanger public health and safety; there would be no odor, no noise impacts and no pollution resulting from the panels. Mr. Cogburn also submitted that CCR had presented expert, substantial and competent testimony that the development would not substantially injure the value of adjoining properties. Mr. Cogburn also submitted that competent, substantial and expert testimony had been provided that the location and character of the development was in harmony with the surrounding area. Mr. Cogburn noted the rural agricultural area allowed for the development of a solar farm and asked the Board to approve the request.

Lee Goodnight of Saw Road said he was not opposed to solar farms but he questioned who would own the proposed solar farm and who would take it down. Mr. Goodnight also inquired about hazardous waste in the materials used in the panels.

Joe Allen of Goodnight Lake Road said he had not been contacted by anyone about the proposed facility. Mr. Allen discussed the location of his house in relation to the proposed Project. Mr. Allen felt the Project would indeed impact his family and home. Mr. Allen said the photos that had been shown did not show a view from his house and he continued by discussing the visual impact and harm to his property value. Mr. Allen said if the Board chose to approve the permit, he would ask the Board to approve only after a decommissioning plan had been submitted for consideration. In closing, Mr. Allen stated he was opposed to the project.

Chip Brandt of Goodnight Lake Road said he owned an airstrip and he expressed concerns with whether the panels would have any reflective coating. Mr. Brandt said pilots could be blinded by the glare and he asked the Board to require non-reflective glass.

Commissioner Pierce said the Board had a similar situation when a request was received for a solar farm near the County's Airport. Commissioner Pierce said the panels in that particular case were shown to absorb the light as opposed to reflecting the light.

Chairman Edds asked if a glare study was done. Mr. Shields said a different study was performed that determined a glare study was not necessary. Mr. Shields said he was not sure Mr. Brandt's airway showed up.

Mr. Brandt said his airstrip was not registered.

Mr. Shields confirmed the panels were coated and there would be no glare present. Mr. Shields said CCR would welcome the required coating as a condition if the Board so chose.

David Ervin of Saw Road stated he had a North Carolina Airport that was also used as a helipad for the Enochville Volunteer Fire Department. Mr. Ervin expressed concern that a complete study was not done and did not pick up his registered airport (Ervin Airport NC 50).

Commissioner Caskey and Chairman Edds noted the first page of the Staff Report (Exhibit B) and FAA form requirements, as well as staff comments that the property was not within the Airport Zone Overlay (AZO) and would be approximately seven (7) miles from the referenced portion of the zone. Chairman Edds said he could not imagine the FAA missed two (2) registered Airports.

Mr. Cogburn noted from his understanding of the comments the Chairman had just read and also from the concerns about the reflective nature of the panels, CCR did not oppose a condition for the anti-reflective requirement for the panels.

In a brief and general rebuttal, Mr. Cogburn noted the decommissioning was addressed in the proposed agreement, as well as the impact to aircraft. Mr. Cogburn said Mr. Allen was approximately 900' from the proposed site and in talking with his client, CCR did attempt to reach out to adjacent property owners. An attempt was made to send Mr. Allen information but Mr. Cogburn said he did not know if CCR used an incorrect address. Mr. Cogburn referred to comments concerning depreciation of values and submitted that CCR had provided expert testimony showing the site would not materially endanger or cause material depreciation to adjacent properties. Additionally, Mr. Cogburn pointed out there were no requirements in the ordinance for additional buffering and that given the layout of the topography, he believed it was not called for. Mr. Cogburn felt the site was oriented in the best way possible to reduce any impact to adjoining properties. Mr. Cogburn felt substantial evidence had been provided and he felt CCR had met its burden in the case.

Commissioner Caskey asked for clarification via the power point (Exhibit C) as to where Mr. Allen's property was located.

Chairman Edds said while qualifications had been met, the Board still had the ability to impose conditions. Chairman Edds said the Board had answered questions for Mr. Ervin and Mr. Brandt but he was still concerned about Mr. Allen's property. Chairman Edds asked if it was reasonable for the Board to require vegetative buffering between Mr. Allen's property and the proposed solar farm. Mr. Shields responded that CCR would be open to the buffering request and would be happy with a buffer of 20' or something of that sort.

Mr. Allen asked if he and his wife could be consulted on the type of buffering to be used. County Attorney Jay Dees said the Allen's could be consulted but the Board should not condition approval on the Allen's acceptance of the buffering plan.

With no further testimony to be provided from those who had been sworn, Chairman Edds closed the public hearing.

Chairman Edds moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: The proposed warning signage and security fence will caution individuals of potential hazards while restricting unauthorized access.

FACT: Site construction will be in accordance with the Building Inspections Department and engineering certifications to ensure the panels are properly installed and securely anchored.

The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: North Carolina State Certified General Appraiser Richard Kirkland Jr. (#A4359) provided testimony summarizing statements from his impact study which concluded the proposed application “will have no impact on the value of adjoining or abutting property”.

The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Based on the site plan and staff report, visual impacts to surrounding residences should be minimized based on proximity and site topography.

FACT: The use of solar panels with anti-reflective coating will reduce potential glare on adjoining properties.

FACT: Inverter and transformer equipment will be located 150 feet from exterior property lines to minimize potential noise impacts.

FACT: The required decommissioning plan ensures the property will be returned to its previous state should the system cease power production.

The motion was seconded by Commissioner Pierce and passed unanimously.

With regards to decommissioning, Mr. Allen asked if the Board would include a reasonable timeframe for the panels to be removed.

Mr. Cogburn said a timeline was included in the standard decommissioning plan, which was normally measured in months.

Chairman Edds asked if the Board could require the decommissioning to occur within twelve (12) months and Mr. Shields said yes.

Chairman Edds moved to approve CUP 02-19 with the six (6) conditions found on page four (4) (of the Staff Report, Exhibit B) and adding a seventh condition that Saw Solar would work with the Planning Department with input from Mr. Allen; and to add an eighth condition requiring that the decommissioning timeline would be within twelve (12) of the end of the operation. The motion was seconded by Commissioner Pierce.

Commissioner Greene asked for the County Attorney to define the definition of an ongoing solar farm.

Mr. Shields said the decommissioning plan stated useful life was when the farm ceased production, which implied tying into the grid with Duke Energy.

Mr. Cogburn felt the language in the decommissioning plan covered the request and the best definition had been offered by Mr. Shields since it offered a clear line with termination of the site.

Upon being put to a vote, the motion on the floor passed unanimously.

Commissioner Caskey suggested the Board talk about a moratorium on solar farms since the Board was on the subject and had questions regarding the decommissioning. Commissioner Caskey felt it would be good to have better information in place before another solar farm request came forth.

Chairman Edds asked Mr. Stewart if there were any pending solar farm applications. Mr. Stewart said there were two (2) with one coming forth next month.

Chairman Edds asked if the moratorium would affect those in the pipeline. Mr. Stewart said one (1) had been in the works for awhile while the other was still in concept form.

Mr. Dees said the Board would need to schedule a public hearing and allow Staff to look at a proposed schedule to present back to the Board.

10. WEST BRANCH LIBRARY PROJECT

Jeff Hall reported that bids for the West Branch Library Project (Project) had been opened on Thursday of last week. Mr. Hall provided the Board with a handout of the certified bid tabulation.

Mr. Hall asked the Board to approve the bid with Vertex Construction in the amount of \$737,000 which included Alternate #1 (\$18,000) to add the fire alarm system.

Chairman Edds moved to approve the bid from Vertex Construction, including the Alternate #1. The motion was seconded by Commissioner Pierce and passed unanimously.

11. FINANCIAL REPORTS

Assistant County Manager/Finance Director presented financial graphs that depicted the following information:

- Annual Cumulative Revenue Comparisons as of July - \$1,216,521
- Annual Cumulative Expenditure Comparisons as of July - \$7,841,008
- Annual Cumulative Current Year Property Tax Comparisons as of June 2019 - \$80,716,024
- Annual Cumulative Sales Tax Comparisons as of April in FY 2019 - \$22,066,879
- Monthly Sales Tax Comparisons as of April in FY 2019- \$2,307,276

12. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Rowan Transit FY18 5310 – Urban-EDTAP Funds are still available to spend and be reimbursed - \$7,891
- Health Department – To reduce Breastfeeding Peer Counselor Program funds to match awarded funding - \$2,088
- Health Department – To reduce Healthy Communities funds to match awarded funding - \$4,529
- Sheriff – Recognize \$14,901 in funds approved by US Department of Justice for the 2016 Justice Assistance Grant and budget the funds to the proper accounts to allow for the purchase of approved equipment.

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Klusman and passed unanimously.

12a. ADDITION – CLOSED SESSION

Chairman Edds moved at 9:18 p.m. for the Board to enter Closed Session pursuant to North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication pertaining to a filed lawsuit regarding Topaz Development LLC versus Cabarrus County and Rowan County. The motion was seconded by Commissioner Pierce and passed unanimously.

The Board returned to Open Session at 9:45 p.m. No action was taken.

Before the Board adjourned, Chairman Edds noted for the record how proud the County was of the Rowan Little League Girls Softball Team. Chairman Edds said the Team had won the World Series in Oregon last week for the second time in five (5) years.

13. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 9:46 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Cari Price
DATE: August 12, 2019
SUBJECT: Permission To Apply To Walmart Foundation For Grant For Shop With A Cop

August 12, 2019

Commissioners,

The Rowan County Sheriff's Office is requesting to apply for the 2019 Walmart Foundation grant cycle. We wish to apply for a \$5,000 grant to fund our Shop with a Cop program. This year we are looking forward to providing 25 low-income and/or at-risk children in Rowan County the opportunity to shop for Christmas or holiday gifts for their families and other children in need, while being accompanied by a Rowan County law enforcement officer to assist them. Each child will be partnered with a law enforcement officer who will dedicate one-on-one time with them for the day. Children will be able to shop for family members and one other child in need from Rowan County. Children and their parents/guardians will meet in the morning, and then officers and their partnering child will enjoy a light breakfast before spending the day shopping at Walmart. After shopping, officers will have lunch with their partnering child, wrap gifts and have fun!

There is no match from the County.

Thank you for your consideration.

Sincerely,

Cari Price
Assistant to the County Manager/Grant Writer

ATTACHMENTS:

Description

No Attachments Available

Upload Date

Type

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

MEMO TO COMMISSIONERS:

FROM: Nina Oliver, Public Health Director
DATE: 8-19-2019
SUBJECT: Environmental Health Tort Claim

In 2015 an Environmental Health Specialist permitted a site for a septic system. Soon after the system began to fail. The property owners claim that the site was improperly permitted and that the Rowan County Health Department (RCHD) and NC Department of Health and Human Services (DHHS) are responsible for the additional costs arising from the need to install a new wastewater system. Therefore, DHHS, RCHD, and the property owners have entered into the current agreement. DHHS and RCHD will pay the costs for the installation of the permitted wastewater system up to but not to exceed eleven thousand sixty-five dollars (\$11,065) in complete settlement of the matter. DHHS and RCHD will each pay fifty percent of the actual cost of five thousand five hundred thirty-two dollars and fifty cents (\$5,532.50).

The RCHD recommends that the Board of Commissioners approve this settlement agreement.

ATTACHMENTS:

Description	Upload Date	Type
Environmental Health Settlement Agreement	8/19/2019	Cover Memo

SETTLEMENT AGREEMENT AND RELEASE

Michael Morgan and Lauren Morgan, hereinafter “the Morgans”, enter this agreement in release and settlement of any and all claims against the North Carolina Department of Health and Humans Services (hereinafter “DHHS”), including the Division of Public Health (hereinafter “DPH”), Rowan County and the Rowan County Health Department (hereinafter “RCHD”).

The parties to this Agreement agree and stipulate that:

1. The Morgans are the owners of property located at 155 Zana Lane in Rowan County, North Carolina (Hereinafter “Zana Lane property”).

2. DPH, as a division of DHHS, is responsible for the enforcement of rules and statutes regulating on-site wastewater systems and environmental health specialists in RCHD act as agents of DHHS for enforcement of such rules and statutes.

3. The Morgans were issued an improvement permit and construction authorization by RCHD on September 28, 2015, for installation of an on-site wastewater system to serve a 3-bedroom residence on the Zana Lane property. The wastewater system was installed, and an Operation Permit was issued by RCHD on February 10, 2017.

4. On September 19, 2018, RCHD and DHHS investigated and determined a new wastewater system should be installed in a new location and identified a suitable location on the Zana Lane property for the wastewater system and a new Authorization to Construct was issued on October 31, 2018.

5. The Morgans claim that RCHD improperly permitted the site and that RCHD and DHHS are responsible for the additional costs arising from the need to install a new wastewater

system in a new location.

Based upon the foregoing stipulations, and in consideration of the compromise of any claims arising from the matters set out herein and the payment of the sums set out herein, the Morgans, DHHS, Rowan County and RCHD voluntarily and knowingly execute this Settlement Agreement and Release with the express intention of effecting the extinguishment of any and all rights, claims, demands or obligations which the Morgans have or may have against DHHS, DPH, Rowan County and RCHD on account of, connected with, growing out of or in any way arising out of the matters referred to herein.

NOW, THEREFORE, in consideration of the agreements contained herein, the parties' agree to the following terms:

1. DHHS and RCHD will pay the costs for the installation of the permitted wastewater system, on the Zana Lane property, up to but not to exceed eleven thousand sixty-five dollars (\$11,065) in complete settlement of the matter set out herein. The payments provided for herein will be paid to the Morgans by DHHS and RCHD, each paying fifty percent of the actual cost of five thousand five hundred thirty-two dollars and fifty cents (\$5,532.50).

2. The Morgans shall install the permitted wastewater system, as designated in the repair construction authorization issued by RCHD to the Morgans on October 31, 2018, on the Zana Lane property in accordance with all state and local laws and rules, including all applicable permits, authorizations, and approvals from RCHD, and agree to properly operate and maintain the wastewater system in accordance with state and local laws and rules.

3. The parties agree that costs for the wastewater system to be paid by DHHS and RCHD, including but not limited to, supply lines and associated plumbing and electrical

appurtenances, drain lines, pressure manifold, cover, interceptor drain, tree removal and all labor or services required for the installation of such items as specified in the Authorization to Construct, are included in the payment provided by DHHS and RCHD in accordance with this agreement, up to and not exceeding the maximum amount specified in this agreement. To the extent change orders or changes in material or labor costs increase the total cost of the installation of the wastewater system, the Morgans shall assume financial responsibility for all such costs in excess of the payments by DHHS and RCHD. DHHS and RCHD shall bear no financial responsibility beyond the scope of work specified in the Authorization to Construct and the maximum amount specified in this agreement.

4. The parties agree that the Morgans or their heirs, successors and assigns will perform all required operation and maintenance of the wastewater system for so long as the wastewater system and all such costs are solely the responsibility of the Morgans or their heirs, successors and assigns.

5. The Morgans, or any agent or contractor acting on their behalf, shall not make any changes to the wastewater system subsequent to issuance of permits or authorizations for the system by RCHD without the specific written approval of RCHD in accordance with applicable laws and rules.

6. For the sole and only consideration of a total amount stated above in paragraph 1, the undersigned Michael Morgan and Lauren Morgan, for themselves and for their heirs, executors, administrators, successors and assigns, do RELEASE AND FOREVER DISCHARGE DHHS, including DPH, Rowan County, RCHD, and their present or former officers, employees, agents and servants, and anyone or any entity existing, both individually, and otherwise, specifically including but not limited to Steve Cannon, Tad Helmstetler, Jeff Link, Andrew Daywalt, Nina Oliver, Aaron Church and Kevin Neal, of and from any and all, known or unknown, claims, demands, damages, actions, causes of action of whatever kind or nature, for the evaluation, issuance, denial, suspension, or revocation of any wastewater permits and authorizations, specifically including but not limited to any repairs or authorizations for repairs of systems, or for any evaluation, preparation, excavation, or installation related to any wastewater systems on the Zana Lane property or the installation, operation or maintenance of the wastewater system on the Zana Lane property, in any way connected to, either directly or indirectly, the approval or operation of a wastewater system on such property, or for any alleged breach of duty, neglect, violation of constitutional rights, financial losses, lost wages or income, interest or mortgage rates, recoupment of expenses, payments to third parties, emotional distress, pain and suffering, and any and all other damages on account of or arising from the matters set out herein.

7. The Morgans acknowledge and agree that the release and discharge set forth herein is a general release of all claims on their behalf. The Morgans understand that this release is made as a compromise to avoid expense and to terminate all controversy and/or claims for damages or injuries, subrogation and third-party or otherwise, of whatever nature, known or unknown, including future developments thereof, in any way growing out of or connected to the

matters set out herein. The Morgans expressly waive and assume the risk of any and all claims for damages, including any claims that they do not know or suspect to exist, whether through ignorance, oversight, error, negligence or otherwise, and that, if known, would materially affect their decision to enter into this settlement agreement and release.

8. The Morgans understand and agree that the sums paid by DHHS and RCHD are solely by way of compromise of any claims and are not to be construed as an admission of wrongdoing or liability, and DHHS, DPH, Rowan County and RCHD specifically deny any wrongdoing or liability.

9. Nothing in this Agreement shall relieve the Morgans of their responsibility to comply with applicable rules and statutes for wastewater systems.

10. If either party fails to abide by the terms of this agreement, the other party shall enjoy any applicable remedy at law to enforce the terms of this agreement.

11. The parties understand and agree that they have read and reviewed this instrument and that this instrument contains the entire agreement between the parties hereto, that the terms of this settlement agreement and release are in full settlement of all claims and are not mere recitals.

12. The parties understand and agree that the terms of this settlement agreement and release are set out herein in their entirety and that no part of this settlement agreement and release may be changed in any way unless the change is made in writing and signed by all parties.

13. This agreement becomes binding on the parties hereto only when signed by all named parties. The parties agree that the parties may sign facsimile or electronic copies of this agreement and it will have the same effect as an original signature, and signatures may be signed

on separate pages and still have full force and effect.

In witness whereof, the parties hereto have executed this settlement agreement and release on this the _____ day of _____, 2019 and have set forth their signatures and seals with the intention of executing this document under seal.

Michael Morgan

Mark T. Benton
Director, DPH, DHHS

Lauren Morgan

Aaron Church
Rowan County Manager

Nina Oliver, MS
Rowan County Health Director

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Kelly Natoli, HR Director
DATE: August 21, 2019
SUBJECT: Request for Public Hearing to Consider Revisions to Personnel Ordinance and Approval of Resolution

Please see the attached information.

Please set a public hearing for September 16, 2019 to consider proposed revisions to the Rowan County Code of Ordinances, Chapter 2 Administration, Article II Personnel and a Resolution to dissolve the Personnel Commission as required by 25 NCAC 01I.2404.

ATTACHMENTS:

Description	Upload Date	Type
Request for Public Hearing	8/23/2019	Cover Memo



Rowan County Human Resources

130 West Innes Street, Salisbury, NC 28144
Phone (704) 216-8100 FAX (704) 216-8110

TO: Rowan County Board of Commissioners
FROM: Kelly Natoli, Human Resources Director
DATE: August 21, 2019
RE: Request for a Public Hearing to Consider Proposed Revisions to the Personnel Ordinance and a Resolution to Dissolve the Personnel Commission

The Office of State Personnel has informed me that newly-passed legislation will go into effect on September 1, 2019 which will require immediate revisions to many of our personnel policies. In addition, they have informed me that our current personnel ordinance as it relates to the Personnel Commission and the employee grievance process is inconsistent with other counties in North Carolina that are considered “substantially equivalent” to the State Human Resources Act.

North Carolina Administrative Code 25 NCAC 01I.2404(b)(3) requires each substantially equivalent county to adopt a grievance procedure with a policy provision of an employee’s right to a hearing before an officer or panel that is appointed by the County Manager and the Human Resources Director. However our ordinance and related policies provide for a Personnel Commission to hear an employee grievance. This commission is not appointed by the County Manager and the Human Resources Director. In addition, this commission is comprised of members of the public. No other substantially equivalent County follows this model. All other counties have the County Manager and the Human Resources Director appoint an impartial panel on a case-by-case basis that is comprised of other county personnel with no involvement in the matter being heard.

At the recommendation of the Office of State Personnel, and to prepare for compliance with the newly enacted legislation, I am requesting a public hearing on September 16, 2019 to consider changes to the Personnel Ordinance and a Resolution to Dissolve the Personnel Commission. Approval of the proposed changes to the personnel ordinance, as well as approval of the resolution, are both required before we can propose the personnel policy changes required to comply with the newly enacted legislation; including a new employee grievance procedure that provides for an impartial hearing panel appointed by the County Manager and the Human Resources Director to hear employee grievances.

If the proposed ordinance revisions and the resolution referenced above are approved after the public hearing on September 16, 2019, then a fully-revised and streamlined set of Personnel Policies and Procedures will be submitted to the Board of Commissioners for consideration on October 7, 2019.

Thank you for consideration of this request.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Donna Fayko, Director
DATE: August 22, 2019
SUBJECT: 2019 Salisbury-Rowan Community Foundation Grant Request

Rowan County Department of Social Services and One Church One Child is seeking permission to request the 2019 Salisbury-Rowan Community Foundation Grant. This grant would provide essential living items for safeguarding Rowan County's neglected children.

Thank you for your consideration.

ATTACHMENTS:

Description	Upload Date	Type
2019 Salisbury-Rowan Community Foundation Grant Request	8/22/2019	Cover Memo

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

Applicant View

Applicant Summary

Organization Status Search

Please search for your organization's legal name and current status by following these steps: Click on the data entry field that says "Select", and begin typing the organization name in the box that appears. As you type, the list of organizations will narrow, and you can select your organization from the list. Search tip: If your organization's name includes an "and" or "&", try interchanging these if you are having difficulty finding your organization. If your organization is found in the list, please select the name. The current due diligence status will appear - either Due Diligence Complete or Requires Fiscal Sponsor. If your organization does not appear, please select Organization Not Found from the top of the dropdownlist. A status of Due Diligence Required will appear. Note: If you have received a grant from the Foundation in the past but do not find your name, due diligence renewal may be required. The Foundation will begin required due diligence processes once an application is fully submitted.

*Organization legal name / Status:	Rowan County Department of Social Services - [1813 E. Innes Street, Salisbury, NC, 28146] Due Diligence Approval Completed
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Organization Information

Please re-enter the organization's legal name below, and enter the current mailing and contact information.

*Organization legal name:	Rowan County Department of Social Services
Organization AKA or DBA name:	Rowan One Church One Child Program (ROCOC)
*Mailing address:	1813 E. Innes Street
Mailing address line 2:	
*Mailing city:	Salisbury
*Mailing state:	North Carolina
*Mailing county:	Rowan County
*Mailing zip:	28146
*Organization phone:	704-267-7996
Organization web address:	www.rowancountync.gov/rococ

Application Contact Information

*Salutation:	Rev.
*Contact first name:	Jon
*Contact last name:	Hunter
*Contact title:	Rowan One Church One Child Program Coordinator
*Contact telephone number:	704-267-7996
*Contact email address:	jon.hunter@rowancountync.gov
*Is the contact person listed above also the executive director of the organization?	No
*Salutation:	Mrs.
*Executive director first name:	Donna
*Executive director last name:	Fayko

Supplemental Information

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

*EIN (please type in the following format: XX-XXXXXXX):	56-6000336
Project Request Information	
*Project title: (8 word max.)	New Essential Living Items For Safeguarding Rowan's Neglected Children
*Total project budget:	\$74,850
*Grant request amount:	\$9,850

Organization Overview

Organization Overview	
*Organization mission:	Partnering with RCDSS, churches, foundations, civic groups, citizens, businesses and community partners to be agents of change: improving the lives of Rowan County children and teenagers, who are victims of trauma due to child neglect and abuse; providing life necessities for children in the care of parents or relatives who seek to provide a loving, stable, healthy and protective home environment; keep birth families intact; breaking the multi-generational cycle of abuse or neglect; decreasing the need for parents to seek alternative ways to relieve stress or earn income through illegal activities; thus placing children at higher risk for further trauma.
*Organization core services: (100 word max.)	ROCOC provides children and teenagers with new beds, chest of drawers, car seats, high chairs, strollers, smoke and carbon monoxide detectors, personal hygiene items, underwear, socks, diapers, baby wipes, and school supplies. ROCOC also purchases used appliances and furniture for families. Children, teens and their caregivers can visit the ROCOC Assistance Center to receive gently used and/or new clothes, shoes, school uniforms, household items, cookware, flatware, small appliances, dishes, books, toys, baby items, blankets, comforters, sheets, and towels. THERE IS NO COST TO THE RECIPIENTS.
*Please provide the estimated number of volunteers for your organization (specific to your local unit, if applicable).	147

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

***Please provide a brief description as to how you engage volunteers to further your mission.**

Volunteers are trained and empowered to recruit new member organizations through personal contact, presenting public programs, and communicating with the ROCOC Program Coordinator, about the progress of new organization recruitment efforts. Volunteers inform groups that they belong to and neighboring churches about our mission, seeking to recruit new member groups and increase community donor support from Rowan County businesses, citizens and community partners.

Each member church or organization has an ROCOC Coordinator whose job is to: educate their congregation or organization about ROCOC's Mission; the needs of children that we serve; engaging the church or organization to sponsor at least one project or event per year to assist our clients; and assist DSS in the recruitment of foster parents for children in foster care in Rowan County.

Volunteers have specific duties at the ROCOC Assistance Ministry Center at Main Street UMC. Some volunteers greet donors, process and log their donations. Other volunteers assist clients with securing life essential items, and log items that the client receives.

Volunteers sort and process donations placing them in the proper location at the Assistance Center.

One volunteer works in the office writing thank you letters to donors. Another volunteer serves as Outreach, and Recruitment Coordinator. This volunteer is contacting and following up with prospective member congregations, organizations, civic groups, potential businesses and individuals who are prospective financial or material good donors. Another volunteer assist Rev. Hunter as Procurement Coordinator; ordering beds; appliances; furniture; and other life essential items for children. Another volunteer is Rev. Hunter's Administrative Assistant, performing data entry of donations, clients assisted, and financial donations and expenditures.

Our T.O.E Committee - (Training, Outreach and Education) members continue to seek new ways to spread the word about our Program. Committee Members are also members of the ROCOC Advisory Board. Committee Members are trained and equipped to speak to member organizations, or prospective member groups. Committee members are also trained to present information about foster parenting to groups, seeking to recruit caregivers for foster children. Committee Members plan, execute, and serve as trainers at Regional Recruitment Luncheons, seeking to recruit new member congregations and organizations from different areas in Rowan County. Committee Members assist Rev. Hunter with identifying, contacting potential guest and marketing the meeting in the area where the meeting is held.

ROCOB Board Members meet three times per year to: review donation and expenditure reports; recruit a committee to plan, execute, and facilitate the Annual Celebration Banquet in April and the Fall Coordinators, Pastors and Volunteers Meeting in October; screen purchase request that exceed the \$500 per family life time expenditure amount. The board can authorize an additional \$150.00 for life necessity items that exceed the \$500 spending limit approval of the ROCOC Program Coordinator and Supervisor.

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

	Board Member responsibilities also include: community advocacy, educating the community about the mission of ROCOC; the needs of children; recruiting new member congregations; developing program policy; and voting on purchase request that exceed the ROCOC Program Coordinator's and Supervisor's approval limit.
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Project Description

*Please choose one investment area that your project will address:	Human Service
*Please choose a human services result area:	People overcome life obstacles (e.g. substance abuse criminal history psychological trauma) and become productive members of society
*Brief project summary: (50 word max.)	ROCOG provides beds/life essential items for children receiving Child Protective Services. DSS receives no government funds for these services. Items are provided free to caregivers who receive no funding assistance, maintaining the child with the birth family, preventing the child from foster care placement, thus strengthening the family and community.
*What is the geographic service area being served, such as neighborhood, county-wide, etc.?	Rowan County, North Carolina - County-wide.
*If this grant supports a particular ethnic group, please select the primary ethnic group served. If not, select "Not ethnicity specific".	Not Ethnicity Specific
*If this grant supports a particular age group, please select the primary age group served. If not, select "Not age specific".	Not Age Specific
*Describe your project and expenses in detail.(200 word max.)	<p>ROCOG and its community partners seek to improve the lives of children experiencing trauma due to neglect or abuse, by assisting social workers, in their mission to: keep families intact; ensure the safety and well-being of Rowan County children; meet the physical needs of children and teenagers whose birth parents are struggling; and relatives who are providing care for children.</p> <p>During the grant year, funds will be used to purchase the following for children actively receiving Child Protective or Foster Care Services:</p> <ol style="list-style-type: none"> 1, New age appropriate beds to prevent unsafe and dangerous sleeping arrangements that could result in the death or injury of a child. 2. New car seats for child safety. 3. Used appliances providing clean clothes and properly prepared food. 4. Chest of drawers and used furniture.

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

<p>*Detail the project timeline. Include key milestones and dates, where applicable. (150 word max.)</p>	<p>Since November, 2006, the ROCOC Ministry has been a continual program that seeks to meet the increasing needs of abused/neglected children. During the grant year funds will be used to purchase items previously listed for these children and their families.</p> <p>From 2006 - July 31, 2019, assistance has been given to children and teens, 18,359 times.</p> <p>Purchase cost of life essential items have risen by 136.57% from 2015-2018. Children assisted through purchases have grown from 365 to 616 children during this time frame.</p> <p>Bed cost continue to be our greatest expenditure, representing 64.71% of the total budget spent.</p>
<p>*What makes your organization unique and effective, as compared with other organizations working in your geographic area with similar populations? What is your organization doing to limit duplication or overlapping services? (200 word max.)</p>	<p>There are no other programs in Rowan County that: assist children and teenagers who are victims of abuse, neglect, or dependency; currently receiving Child Protective or Foster Care Services from the RCDSS Children's Services Division; with beds and other life essential items; at no cost to the birth parent or relative caregiver. Therefore, there are no duplication of services by other organizations in Rowan County.</p> <p>Rev. Hunter, talks with representatives of Local Non-Profit Services Agencies in Rowan County, in order to assure that these agencies are not offering the same services that are offered by ROCOC.</p>

Results Description

<p>*What results are you committed to achieving during the grant period? What metrics will you use to evaluate whether your project is successful? (100 word max.)</p>	<p>Assist RCDSS social workers in establishing a safe environment for children by: meeting the families basic needs; keeping the child with birth parents or relatives; decreasing the need to place the child in foster care.</p> <p>The project will provide approximately 345 beds, 62 car seats, 126 used appliances and furniture items, to families. If fully funded, this grant will provide approximately 64 beds, 10 car seats, and 6 new chest of drawers.</p> <p>RCDSS tracks case progress, the children entering foster care, and outcomes for every child. ROCOC tracks the types of purchases made and the number of children assisted.</p>
<p>*How many participants will you serve?</p>	<p>2684</p>
<p>*What percentage of participants do you expect to achieve the results (enter a value up to 100% include the percentage sign in your response)?</p>	<p>95%</p>
<p>*Explain how you arrived at the numbers above (50 word max.):</p>	<p>In 2018, assistance given grew by 12.99 %. Purchases increased on average by 26.37% (2014-2018). In 2020, 1359 clients will receive material goods, 650 will receive purchased items, and 675 will receive Star Tree gifts. ROCOC/DSS tracking systems indicate that 95% of children will obtain desired outcomes.</p>

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

*Who is the person or persons who will lead this project? What factors in that leader most predict success? (100 word max.)	Rev. Hunter, the ROCOC Program Coordinator leads the project. He has 20 years of service with RCDSS and has served as a pastor for 37 years. Rev. Hunter has a proven track record: recruiting new congregations; maintaining the participation of congregations; and increasing financial and material good donations from member congregations, community partners and local foundations. The Program has won Best Practice Awards from the National One Church One Child Program and from the North Carolina Division of Social Services. In October 2016, the Rowan County Board of Commissioners recognized Rev. Hunter for leading the Program to high achievement levels.
*What have you achieved in the past three years that contributes to your organization's success? (100 word max.)	During the past 3.7 years, ROCOC has significantly improved the outcomes of families remaining intact, either in the birth family or with relative care providers. ROCOC has helped to reduce the number of children in foster care in Rowan County, because life essential items have been provided to families during the Child Protective Services Assessment. ROCOC has improved the well-being and safety of 7,297 children/teenagers. \$184,616.37 has been spent purchasing items for children. Referrals have increased dramatically during the past three years. Continual research has been paramount in finding new streams of funding to continue to meet the increased needs.

Financials and Project Budget

Financials	
*Please attach your organization's annual budget for the current fiscal year, including income and expenses.	ROCOC 2020 Budget and Reports.pdf
*Please attach your organization's annual budget for the previous year, including income and expenses.	ROCOC 2018 Annual Year Revenue and Expenditures.pdf
*Net assets of organization (as reported on 990):	\$34,029
*Does your organization conduct an audit?	Yes
*What is the most recent audit date?	6/30/2019
Project Budget	

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

<p>*If you were to receive partial funding, how would this impact your ability to accomplish your goals? (100 word max.)</p>	<p>Many children will not receive necessary life essential items, reducing our capacity to assist to children who have been sexually, physically or emotionally abused, neglected, or dependent. The ROCOC Ministry faces an increasing challenge securing funds to meet the growing needs of children. Reduced funding will result in more Rowan County children sleeping on the floor or with adults, failing to alleviate unsafe sleeping arrangements for children, which can result in injury to or death of the child. Caregivers will not receive necessary tools to provide a safe, healthy, clean, and stable home environment for abused/neglected children.</p>
<p>Please open and read the Project Budget Instructions before completing the budget template. Once you have read the instructions,download the budget template.Complete the template and save it as a PDF file on your computer.Once saved, click the browse button and attach the PDF file to your application. To learn more about converting a file to PDF, click on the Creating PDFs tab on the bottom of your dashboard page.</p>	
<p>*Upload complete project budget</p>	<p>ROCOG Project Budget.pdf</p>

Submittal Page

<p>*Organization legal name / Status:</p>	<p>Rowan County Department of Social Services - [1813 E. Innes Street, Salisbury, NC, 28146]Due Diligence Approval Completed</p>
<p>*Do you need licensing, zoning or other regulatory approval to conduct the project?</p>	<p>No</p>
<p>*Is your organization working in partnership with one or more organizations?</p>	<p>No</p>
<p>Certification</p>	
<p>*Do you certify that the executive director and board of directors have approved submittal of this grant request, all information provided is accurate to the best of your knowledge and the project and schedule as presented will be adhered to?</p>	<p>Yes</p>
<p>*Signature of representative requesting grant:</p>	<p>Jon Hunter 8/20/2019 9:04:11 AM</p>

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

2019-2020 - ROCOC Projected Budget Rowan One Church One Child Ministry

Section One: 2019- 2020 Projected Revenue

Funding Sources	Amount
Salisbury - Rowan Community Foundation	\$ 9,850.00
First United Church of Christ Foundation	\$ 1,000.00
Woodson Family Foundation	\$ 8,000.00
Robertson Foundation	\$ 5,000.00
Uwharrie District of the UMC	\$ 21,000.00
Donations from Churches	\$ 18,000.00
Donations from Individuals, Businesses, Organizations	\$ 12,000.00
2019-2020 - Projected Income	\$ 74,850.00

Section Two: 2019- 2020 - Projected Expenses

Funding Sources	Amount
Beds (Full, Twin, Bunkie, Crib, Pack-n-Play)	\$ 44,000.00
Used Appliances and Furniture, new chest of drawers	\$ 10,000.00
Utilities, Rent, and Food	\$ 4,150.00
Car and booster seats	\$ 4,200.00
Other Items: Diapers, wipes, underwear and socks	\$ 12,500.00
Personal Hygiene Items	
Baby Item - formula, high chairs, strollers, baby gates	
Pest extermination supplies for children's homes	
Child safety items	
Links Birthday Cards	
Other life essential items	
2019-2020 Projected Expenses	\$ 74,850.00

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

Rowan One Church One Child Ministry
Rowan County Department of Social Services
Financial Report
January 1, 2019 – July 31, 2019

Income

Source	Amount
Foundations	\$ 18,000.00
Churches	\$ 8,841.49
Individual donors	\$ 3,579.22
Estate Gift	\$ 5,000.00
Businesses	\$ 1,500.00
TOTAL INCOME	\$ 36,920.71

Expenses:

Type of purchase	2019 7 months spent Amount	2019 expected to spend based on 7 months	2019 budget	2020 budget
Beds, mattresses, cribs, bassinets, pack-n-plays	\$ 23,154.82	\$ 23,654.12	\$ 40,550	\$ 44,000
Used appliances and furniture and new chest of drawers	\$ 3,251.23	\$ 4,375.00	\$ 7,500	\$ 10,000
Utilities and Rent	\$ 811.99	\$ 2,333.31	\$ 4,000	\$ 4,150
Booster/car seats	\$ 2067.16	\$ 1,895.81	\$ 3,250	\$ 4,200
Other Items: smoke and carbon-monoxide detectors, baby safety items, high chairs, strollers, door and window alarms, Links Birthday Gift Cards (for 12 children) Teens age 16-18 participating in the RCDSS Independent Living Training Program, pesticides, formula, baby bottles, school uniforms and shoes, diapers, wipes, socks, underwear,	\$ 6,937.61	\$ 5,833.31	\$ 10,000	\$ 12,500
Total purchases	\$ 36,222.81	\$ 38,091.55	\$ 65,300	\$ 74,850

Jon Hunter, ROCOC Program Coordinator

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

Rowan One Church One Child Ministry Rowan County Department of Social Services Expenditure Comparison Chart January 1 – July 31

Expenses:

Type of purchase	2014	2015	2016	2017	2018	2019
Beds, mattresses, cribs, bassinets, pack-n-plays	\$ 7,647.83	\$ 7,912.79	\$ 13,527.48	\$ 16,358.43	\$ 23,803.29	\$ 23,154.82
Used furniture, appliances and new chest of drawers	\$ 2,194.19	\$ 1,610.10	\$ 3,017.29	\$ 5,943.90	\$ 4,776.73	\$ 3,251.23
Utilities, Rent, & Food	\$ 827.34	\$ 587.52	\$ 1,497.88	\$ 499.99	\$ 1,917.60	\$ 811.99
Booster and car seats	\$ 503.95	\$ 276.63	\$ 880.01	\$ 813.42	\$ 1,412.89	\$ 2067.16
Other Items: Diaper, wipes, underwear, and socks; Personal Hygiene Items; Baby Items – formula, high chairs, strollers, baby gates; Pest extermination; Child safety items - baby gates, lockboxes for medications, smoke and carbon monoxide detectors, fire extinguishers, toilet, oven door, and cabinet safety locks, door and window alarms; Gas cards for families to have the ability to get to DSS for visits with their children, and to take children to medical and therapy appointments, Easter basket supplies, specialized back pack, part of the cost of an iPad for a child with special needs that was requested by hospital staff for therapeutic treatment, yard trash removal from a home that was a danger to the children in the home, school uniforms, plastic storage bins for clothes, clothes, shoes, gas generator for a family living in a camper without power, humidifier, door knob without lock, therapeutic counseling assessment fee; Links Birthday Gift Cards (for 12 children) Teens age 16-18 participating in the RCDSS Independent Living Training Program.	\$ 654.01	\$ 2,386.06	\$ 3,207.24	\$ 3,947.25	\$ 3,557.16	\$ 6,937.61
Totals	\$ 11,827.32	\$ 12,773.10	\$ 22,129.90	\$ 27,562.99	\$ 35,467.67	\$ 36,222.81

Cost Increase Percentages Comparisons

<u>January 1 – July 31</u>	<u>Total Percent of Expenditure Increase</u>
<u>2014-2015</u>	<u>8%</u>
<u>2015-2016</u>	<u>73.25%</u>
<u>2016-2017</u>	<u>24.55 %</u>
<u>2017-2018</u>	<u>28.68%</u>
<u>2018-2019</u>	<u>2.13%</u>
<u>Growth from 2014 to 2019</u>	<u>220.92%</u>

Bed Cost Percentages of Total Expenditures

<u>January 1 – July 31</u>	<u>Bed Cost Percentages of Total Expenditures</u>
<u>2014</u>	<u>64.66%</u>
<u>2015</u>	<u>61.95%</u>
<u>2016</u>	<u>61.13%</u>
<u>2017</u>	<u>59.35%</u>
<u>2018</u>	<u>67.08%</u>
<u>2019</u>	<u>63.92%</u>

**Rowan One Church One Child Ministry
2018 Annual Year Actuals**

Section One: 2018 Revenue

Funding Sources	Amount
Donations from Individuals, Businesses, Organizations, and Concert Offerings	\$9,569.80
Church Donations	\$15,485.19
Foundation Grants	\$34,600.00
Total Income	\$59,654.99

Section Two: 2018 Expenses

Funding Sources	Amount
Beds (Full, Twin, Bunkie, Crib, Pack-n-Play)	\$36,462.98
Utilities, Rent, and Food	\$2,498.27
Appliances	\$4,687.68
Furniture	\$3,972.70
Car and Booster Seats	\$2,406.76
Other - socks, underwear, diapers, wipes, school supplies, pesticides, personal hygiene products, sheets, towels, bed pillows, blankets, smoke and carbon monoxide detectors, Birthday Gift Cards for teens ages 16-18 in foster care in the Independent Living Training Program, high chairs, baby gates, formula, strollers, small appliances, fans, room heaters, exit door alarms, baby bottles, cleaning supplies.	\$10,454.36
2018 Total Expenses	\$60,482.75

2019 Salisbury-Rowan Community Foundation Grant Cycle

Rowan County Department of Social Services

Project Budget Template

Rowan County DSS - Rowan One Church One Child Program

Section One: Projected Income

Funding Sources	Amount	Are Funds Requested or Committed?
Salisbury-Rowan Community Foundation	\$ 9,850.00	Requested
Uwharrie District of the UMC - request in next cycle	\$ 21,000.00	Requested
First United Church of Christ	\$ 1,000.00	Requested
Woodson Family Foundation - req. in next cycle	\$ 8,000.00	Requested
Robertson Foundation - req. in next cycle	\$ 5,000.00	Requested
Donations from Churches - anticipated	\$ 18,000.00	Requested
Donations from individuals, businesses, and organizations - anticipated	\$ -	
	\$ -	
	\$ -	
Total Income	\$ 74,850.00	

Section Two: Projected Expenses

Expense Item	Amount	Amount from This Grant Program
Beds and mattresses (pack n plays, cribs, toddler, twin, or full)	\$ 44,000.00	\$ 8,350.00
	\$ -	\$ -
Used appliances and furniture, new chest of drawers	\$ 10,000.00	\$ 500.00
Utilities, rent, food or gas assistance	\$ 4,150.00	
Car and booster seats	\$ 4,200.00	\$ 1,000.00
Other Items: Diapers, wipes, underwear, socks, personal hygiene items, baby formula, high chairs, baby gates, strollers, child safety items, Links BD	\$ 12,500.00	\$ -
	\$ -	\$ -
Gift Cards, Pest extermination, and pesticides	\$ -	\$ -
	\$ -	\$ -
Total Expenses	\$ 74,850.00	\$ 9,850.00

Note: The total income (B17) must match the total expenses (B31).

If necessary, please include any clarifying information about the project budget.

Note: Anticipated deviations from any line item of this budget require a reallocation request to be approved by the Foundation before the funds are reallocated. Please submit requests in writing to the Foundation.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Shane Stewart, Assistant Planning Director
DATE: August 23, 2019
SUBJECT: Schedule Quasi-judicial hearing for CUP 03-19 & Five Year Vested Rights Request for September 16, 2019

Cooperative Solar LLC., dba China Grove Solar LLC., proposes to develop a 65 MW (alternating current) ground mounted solar energy system on a portion of a collective 428 acres located along Neel Rd., Sherrills Ford Rd., and Old Bradshaw Rd. Plans indicate the project will encompass all developable acres less environmentally sensitive areas, right of way / easement areas, and areas of volunteered setbacks beyond the minimum fifty (50) feet.

The twelve (12) prior solar energy system submittals considered under the conditional use process have ranged in size from 2 to 6.9 MW of power output all of which interconnected to the power distribution grid (i.e. utility lines that typically parallel public roads). Due to the level of power generation in this request, plans include the construction of an on-site substation near Neel Rd. and interconnection on an existing Duke Energy transmission line that extends east / west through the lower half of the subject property.

Current design plans propose a tracking system where the panels rotate from east to west to increase direct exposure of the sun's energy but may also incorporate a fixed tilt arrangement. Section 21-60 (4)(b) of the Rowan County Zoning Ordinance indicates systems with a surface area over 6,000 sq.ft. are subject to the issuance of a conditional use permit.

Pursuant to section 21-11 of the Zoning Ordinance, the applicant can petition the BoC to establish a vesting period beyond the default two (2) year period for a conditional use permit to remain valid to construct the project. China Grove Solar LLC. is requesting vested rights for five (5) years due to referenced uncertainties in the construction timeline with Duke Energy to construct a substation and the interconnection process (see enclosed petition).

Staff anticipates a significant number of citizens will likely attend this meeting.

Schedule hearing for September 16, 2019.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	8/23/2019	Exhibit
Site Plan	8/23/2019	Exhibit
Vested Rights Request	8/23/2019	Exhibit
GIS Map	8/23/2019	Exhibit
Decommissioning Plan	8/23/2019	Exhibit
Kirkland Impact Study	8/23/2019	Exhibit
Glare Report	8/23/2019	Exhibit
Evaluation Criteria	8/23/2019	Exhibit
Application	8/23/2019	Exhibit



CUP 03-19: CHINA GROVE SOLAR LLC. & 5 YEAR VESTED RIGHTS

REQUEST: Conditional Use Permit for 65 MW (ac) ground mounted Solar Energy System with a single-axis tracking system (rotating panels) and / or fixed tilt.

Parcel IDs: 456-104, 456-151, & 458-003

Location: Neel Rd., Sherrills Ford Rd., and Old Bradshaw Rd.

Acreage: Apx. 428 acres

Zoning: RA

Watershed: WS IV PA
Yadkin River (Area north of Sherrills Ford Rd.)

Property Owners: Big Harry LLC., Mia Holshouser, & Bryan Bradshaw

Applicant: China Grove Solar LLC. (Cooperative Solar LLC.)

Existing Use: Vacant wooded

CUP REQUEST DETAILS

Cooperative Solar LLC., dba China Grove Solar LLC., proposes to develop a 65 MW (alternating current) ground mounted solar energy system on a portion of a collective 428 acres located along Neel Rd., Sherrills Ford Rd., and Old Bradshaw Rd. Plans indicate the project will encompass all developable acres less environmentally sensitive areas, right of way / easement areas, and areas of volunteered setbacks beyond the minimum fifty (50) feet.

The twelve (12) prior solar energy system submittals considered under the conditional use process have ranged in size from 2 to 6.9 MW of power output all of which interconnected to the power distribution grid (i.e. utility lines that typically parallel public roads). Due to the level of power generation in this request, plans include the construction of an on-site substation near Neel Rd. and interconnection on an existing Duke Energy transmission line that extends east / west through the lower half of the subject property.

Current design plans propose a tracking system where the panels rotate from east to west to increase direct exposure of the sun's energy but may also incorporate a fixed tilt arrangement. Section 21-60 (4)(b) of the Rowan County Zoning Ordinance indicates systems with a surface area over 6,000 sq.ft. are subject to the issuance of a conditional use permit.

VESTED RIGHTS REQUEST DETAILS

Pursuant to section 21-11 of the Zoning Ordinance, the applicant can petition the BoC to establish a vesting period beyond the default two (2) year period for a conditional use permit to remain valid to construct the project. China Grove Solar LLC. is requesting vested rights for five (5) years due to referenced uncertainties in the construction timeline with

Duke Energy to construct a substation and the interconnection process (see enclosed petition).

**CONDITIONAL USE
REQUIREMENTS:
SEC. 21-60 (4)(B)**

- **SETBACKS:** Solar Collectors must be a minimum of 50 feet from adjoining property lines. **Staff Comment:** Proposed location meets setback requirements.

- **AZO:** Systems proposed within the approach surface contained by the horizontal surface of the Airport Zone Overlay shall provide FAA form 7460-1. **Staff Comment:** The easternmost portion of the property is within the conical surface of the AZO and would be located approximately 2 ½ miles northwest of the nearest edge of the runway.

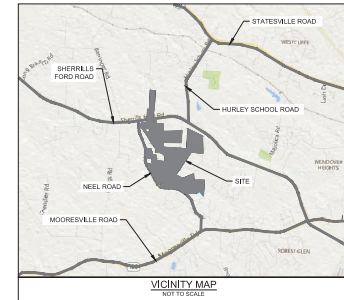
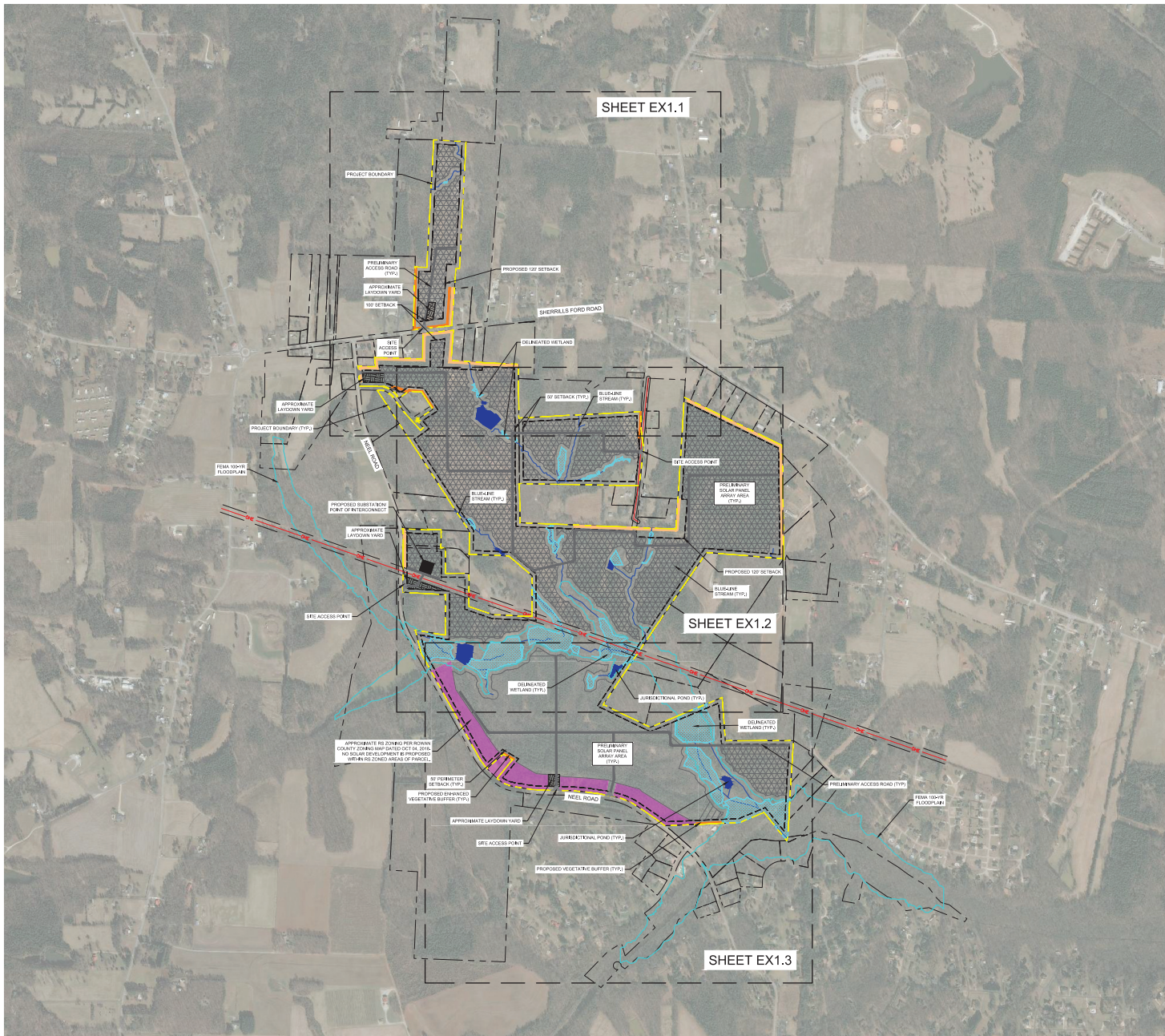
**EVALUATION CRITERIA:
SEC. 21-59**

In addition to meeting the above standards, the applicant must illustrate they are able to comply with the following criteria:

1. Adequate transportation access to the site exists.
2. The use will not significantly detract from the character of the surrounding area.
3. Hazardous safety conditions will not result.
4. The use will not generate significant noise, odor, glare, or dust.
5. Excessive traffic or parking problems will not result.
6. Use will not create significant visual impacts for adjoining properties or passersby.

STAFF COMMENTS

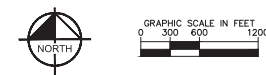
Planning Staff will provide a complete review prior to the public hearing requested for **September 16, 2019**.



SITE DATA TABLE	
PROJECT AREA	8400 ACRES
PARCEL ID #	456-104, 456-151, & 458-003
APPROXIMATE POWER CAPACITY	65 MW AC
ZONING JURISDICTION	ROWAN COUNTY
ZONING	RURAL AGRICULTURAL
CURRENT LAND USE	FORESTED/AGRICULTURAL
PROPOSED LAND USE	SOLAR ENERGY
SETBACKS	50 FEET
PRELIMINARY IMPERVIOUS AREA	APPROXIMATELY 10%
SOLAR PANEL RACKING	FIXED TILT AND/OR SINGLE-AXIS TRACKERS

LEGEND	
	PROJECT BOUNDARY
	50' PERIMETER SETBACK
	BLUE-LINE STREAM
	EXISTING OVERHEAD TRANSMISSION LINE
	GIS PARCEL BOUNDARIES
	FED DELINEATED WETLANDS
	NW WETLANDS
	PROPOSED ENHANCED VEGETATIVE BUFFER
	EXISTING TREES/VEGETATION TO REMAIN
	MAXIMUM ARRAY EXTENTS
	FEMA 100-YR FLOODPLAIN
	APPROXIMATE RS ZONING

- NOTES
- THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING ROWAN COUNTY, ON-SITE STREAMS AND WETLANDS LINE WORK IS BASED ON THE UPDATED PLOT WETLANDS REPORT DATED 08/08/2019.
 - A PORTION OF THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL #3710573000) AND #3710573001, DATED 06/16/2009) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT PLAN (FEMA).
 - LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, SUBSTATION, OVERHEAD POLES AND LINES, ACCESS ROADS, ETC., SHOWN ARE APPROPRIATE IN NATURE AND ARE SUBJECT TO CHANGE BASED ON SITE CONDITIONS, JURISDICTIONAL REQUIREMENTS, DETAILED DESIGN, AND/OR OTHER CONSTRAINTS.
 - PROPOSED ENHANCED VEGETATIVE BUFFERS MEET THE REQUIREMENTS FOR A TYPE A BUFFER FOR THE ROWAN COUNTY ZONING ORDINANCE SECTION 21-215(C). IN ADDITION, ACCENT TREES WILL ALSO BE PLANTED TO PROVIDE ADDITIONAL SCREENING AND VISUAL INTEREST. EVERGREEN HEDGES WILL BE PLANTED AT A MAXIMUM OF 5-FT ON CENTER, APPROXIMATELY 3-4 FT TALL AT TIME OF PLANTING. ACCENT TREES WILL BE PLANTED 50-FT ON CENTER, APPROXIMATELY 8-10 FT TALL AT TIME OF PLANTING. EXAMPLES OF POTENTIAL HEDGE AND TREE SPECIES INCLUDE THE FOLLOWING: BAK MYRTLES, NELLIE STEVENS HOLLIES, AMERICAN HOLLIES, HOLLYWOOD JUNCOS, WHITE PINE, SHADOW OAKS, AMERICAN STAGHOENES, AND NATCHEZ CRAWP MYRTLES. FINAL LANDSCAPE SELECTION WILL BE DETERMINED AT TIME OF SITE PLAN AND CONSTRUCTION DRAWING SUBMITTAL.
 - UNDISTURBED STREAM AND WETLANDS BUFFER TO BE 50' ON ANY OF SIDE OF THE FEATURE.
 - FENCE WILL BE SIX FEET IN HEIGHT WITH THREE STRING BARBED WIRE.



REVISIONS

NO.	DATE	BY

Kimley»Horn

© 2019 KIMLEY-HORN AND ASSOCIATES, INC.
421 PATEVILLE STREET, SUITE 400, RALEIGH, NC 27601
PHONE: 919-877-2000 FAX: 919-877-2050
WWW.KH-USA.COM

PRELIMINARY
NOT FOR
CONSTRUCTION

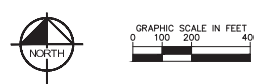
ROWAN PROJECT	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY
CHINA GROVE SOLAR	08/20/2019	AS SHOWN	JSL	SEB	CJH

CONCEPTUAL
OVERVIEW SITE PLAN

CHINA GROVE
SOLAR

NORTH CAROLINA
ROWAN COUNTY

SHEET NUMBER
EX1.0



SHEET NUMBER	CHINA GROVE SOLAR	CONCEPTUAL SITE PLAN CENTRAL
EX1.2	ROWAN COUNTY	NORTH CAROLINA

China Grove Solar, LLC
Petition for Vested Rights

Under Section 21-11(b) of the Rowan County Zoning Ordinance, a petitioner may be granted a vesting period of five years if warranted by relevant circumstances. In this case, China Grove Solar (“Petitioner”) seeks a Conditional Use Permit (“CUP”) to construct a solar energy system (“solar farm”) for interconnection to the electric grid owned and operated by Duke Energy (“Duke”).

Due to the prolonged and uncertain nature of the interconnection process with Duke, China Grove Solar hereby petitions the Rowan County Board of Commissioners for its rights to remain vested for a period of five years if granted a CUP to construct the solar farm.

Prior to completing the development and construction process for the solar energy system, the Petitioner must allow 18-24 months for Duke Energy to build a substation facility to facilitate interconnection to the electric grid. The timing of this process is outside the control of the Petitioner, justifying this request for rights to remain vested beyond the minimum period of 24 months. Accordingly, China Grove Solar respectfully requests the Board grant this Petition for a vesting period of five years.



DECOMMISSIONING PLAN

CHINA GROVE SOLAR

JULY 2019

Pine Gate Renewables, LLC
130 Roberts St.
Asheville NC 28801
P: 704-376-2767
www.pinegaterenewables.com



PINE GATE RENEWABLES BACKGROUND

Pine Gate Renewables, LLC ("PGR") originates, develops, finances, engineers, constructs, owns, and operates utility-scale solar projects that generate clean renewable power for the communities in which they are located. Founded in 2014, PGR consists of approximately 65 employees with offices in Jacksonville Beach, Florida, and Asheville and Charlotte, North Carolina.

PGR's focus is on ground mounted utility-scale projects located in the United States ranging from 1 to 100 MW in capacity. PGR positions our projects near existing utility infrastructure, and thoroughly evaluates the natural surroundings to ensure minimal environmental impact. We work closely with landowners to develop agreements that are based on trust, open communication, and financial benefit.

The company has extensive experience executing utility-scale solar projects utilizing every available technology, in a myriad of locations and conditions, to maximize the efficiency and economics of the available solar resource.

PGR QUALIFICATIONS

PGR currently owns approximately 32 operating assets totaling over 215 MW across the United States.

PGR's team of industry leading solar professionals facilitate each stage in a solar project's lifecycle, from early stage development through operations. Team members draw on their deep well of experience working at prominent renewable energy companies, including Cypress Creek Renewables, FLS Energy, Duke Energy, Nexamp, and Trina Solar. We are licensed general contractors, have in-house licensed PE, licensed PMP, a Licensed Professional Geologist, and NABCEP-certified designers and technicians available to solve even the most challenging operations and maintenance issues that may arise.

PGR has worked extensively within the utility-scale sector, providing comprehensive solar services to customers across South Carolina, North Carolina, Oregon, Minnesota, and Rhode Island. With over 200 MW of installed capacity, and construction and operation experience in all sectors of the industry, PGR's team has solidified their status as experts in the solar industry. With our wealth of experience owning and operating projects built with a wide array of equipment and technologies (fixed tilt, trackers, central and string inverters, etc.), we have developed strong equipment vendor and service provider relationships, which facilitate our ability to connect the ideal product with the prescribed application and to facilitate operations.

PGR strives to safely outperform our customer's expectations in every project we own and operate. Fully licensed and insured, Pine Gate Renewable's Engineering, Procurement and Construction ("EPC") and Operations and Maintenance ("O&M") teams design, construct, operate and maintain utility-scale solar projects at a level that exceeds industry standards, and that maximizes our customers' return-on-investment.



PROJECT DESCRIPTION

China Grove Solar, LLC, is a proposed 65.0 MW_{AC} solar project located in Rowan County, North Carolina (the "Project"). As owner, PGR is responsible for the decommissioning of the Project as detailed herein.

The proposed China Grove Solar project sits on Rowan County parcels currently owned by Big Harry LLC (PINs 456 104 and 458 003), and Mia Holshouser and Bryan Bradshaw (PIN 456 151). The site consists primarily of wooded or cleared agricultural land. There are no wetlands, FEMA mapped floodplains, or Special Flood Hazard Areas in array areas.

The Project will be designed and engineered to have a minimum operating life of at least 25 years. It is feasible that the Project could potentially continue to operate past the design life assuming the economics remain viable and routine maintenance is conducted on the equipment. In addition, it is expected that during the Project's operating life technological advances will continue to be made that will make it more efficient and cost-effective to operate the Project rather than decommissioning.

The decommissioning plan described below will help to ensure there are sufficient funds available and a process is in place to remove the equipment and restore the site at the end of the Project's useful life.

DECOMMISSIONING - GENERAL

Decommissioning includes the removal of modules, support columns, buildings, cabling, electrical components, and any other associated facilities (i.e., foundations, conduit) plus the necessary grading, restoration of soil and reseeded. Any additional conditions are also applicable which may be defined or established by Rowan County upon which decommissioning will be initiated (i.e., end of lease, condition of potential public safety hazard, etc.).

The timeframe for completion of removal and decommissioning activities is to be from six to twelve months unless otherwise extended by the local zoning/building authority.

All equipment and imported materials will be removed from the site such that it is returned to its original state prior to construction, unless otherwise directed. PGR will perform the decommissioning of the Project in accordance with all governing authorities, applicable local, state and federal requirements and industry standards. Any required permits will be obtained, and environmental considerations will be adhered to prior to de-energizing and decommissioning the Project. Similar to the construction of the Project, the necessary erosion control measures and best practices will be in place during decommissioning. PGR does not anticipate any environmental impacts as a result of the decommissioning process.

The Project's components will be recycled, reused, salvaged or discarded and will be transported to the appropriate facilities upon removal. Based on current salvage practices and industry standards PGR anticipates that most of the Project's materials will be able to be recycled or reused upon decommissioning.



DECOMMISSIONING PROCESS

In the extremely unlikely event the Project is required to be decommissioned during the construction phase the decommissioning process would be similar to that during operations, as described in more detail below.

PGR's decommissioning process includes the following:

Equipment:

Similar to the Project's construction phase, various pieces of equipment will likely be utilized during the decommissioning process including (among others): trucks, cranes, backhoes, skid-steers, graders and scissor lifts. PGR estimates several subcontractors will be performing work, including civil, electrical and general labor. Decommissioning the Project is estimated to take approximately three months.

Lay Down Area:

A lay down area will be established that will provide a space for organizing and storing disassembled equipment that allows for truck access to haul the equipment off site. Construction of a lay down area may require minimal civil work and disturbance to existing soil before ultimately being graded and reseeded along with the other disturbed earth.

Civil and Site Work:

Disturbed earth (roads, driveways, culverts, etc.) will be graded and reseeded with a native mix to prevent erosion and ensure suitable vegetation is established unless the landowner requests in writing that access roads or other land surface areas are not to be restored.

Solar Arrays:

Solar array equipment (modules, racking, combiner boxes, inverter, transformers, etc.) will be removed and recycled or salvaged, if possible. PGR anticipates that the majority of the Project's materials will be able to be recycled or reused upon decommissioning. When entire components are not able to be reused the materials (steel, aluminum, glass, copper, etc.) will be examined and recycled whenever possible. Specific solar array components are discussed further below:

Modules:

Solar modules are comprised of silicon, glass and aluminum which can be recycled. The modules that will be installed at the Project are not considered a hazardous material. The modules will be removed and packaged per manufacturer's recommendations and shipped to the appropriate recycling facility.

Foundations:

Following dismantling and removal of equipment, any foundations will be removed, and the earthwork graded (as necessary) and restored to its natural condition. Pads will be excavated to remove all conduit, cable, rebar, concrete, etc. and the areas backfilled with material similar to the site conditions and topsoil restored. Concrete that is removed will be recycled or repurposed.

Electrical - Cable:



Electrical cable will be removed from inverters, combiner boxes, and pulled from conduit before disassembly. Aluminum and copper cable will be recycled. Overhead lines and poles will be dismantled and recycled or disposed of, as necessary.

Electrical – Components:

The electrical components (inverters, combiner boxes, etc.) will be dismantled and reused in their entirety, recycled or disposed of accordingly. Removal of the equipment will be conducted in accordance with manufacturer specifications.

Frames:

Frames (racking), including driven piles will be removed and recycled.

Fencing:

Fencing will be dismantled and recycled.

Decommissioning Closeout:

Following decommissioning, the site will be inspected, and all construction-related material and equipment removed. All waste generated by the decommissioning process, which is expected to be minimal, will be disposed of accordingly and recycled when possible.

DECOMMISSIONING - COST ESTIMATE

The cost estimates for decommissioning of the Project are premised on a 65 MW_{AC} system and current equipment costs. Obviously, it is extremely difficult to precisely determine future decommissioning costs; however, the below is based on the best information currently available. In addition, we expect a significant portion of these costs to be offset by recycling and salvaging material from the Project (steel, aluminum, copper, etc.).

The Net Decommissioning Costs for the Project are expected to be approximately \$867,779.80. For additional detail please reference the attached cost estimate at the end of this document.

Commented [EM1]: Put in correct system size

Commented [EM2]: Replace with your spreadsheet cost estimate



Projected Cost of Decommissioning Plan		
Labor Costs		
Item	Task	Estimated Labor Cost (\$)
1	Remove PV Modules	\$903,448.00
2	Remove Inverter	\$15,000.00
3	Remove Transformer	\$10,500.00
4	Remove and Dispose of Batteries	\$28,800.00
5	Remove Battery Inverters	\$12,000.00
6	Remove Battery Transformers	\$2,100.00
7	Dismantle and Remove Racking Frames	\$63,584.10
8	Dismantle and Remove Racking Posts	\$114,861.60
9	Remove Wiring and Equipment	\$182,547.90
10	Remove Fence	\$114,300.00
11	Remove Concrete	\$9,000.00
12	Remove Gravel	\$139,700.00
13	Remove GSU	\$56,000.00
14	Dismantle Substation	\$350,000.00
15	Re-seed and Re-grade Site	\$254,000.00
16	Transportation Costs	\$1,250.00
Total Cost:		\$2,257,091.60
Salvageable Parts and Materials		
Item	Parts/Materials	Estimated Labor Cost (\$)
1	Modules	\$707,629.50
2	Inverter(s)	\$8,204.40
3	Transformer	\$6,153.30
4	Battery Inverters	\$47,520.00
5	Battery Transformers	\$12,000.00
6	Racking Frames	\$90,248.40
7	Racking Posts	\$12,306.60
8	Wiring (Copper and Aluminum)	\$278,949.60
9	Chain Link Fence	\$50,800.00
10	Gravel	\$63,500.00
11	GSU	\$84,000.00
12	Substation Steel	\$28,000.00
Total Salvage Value:		\$1,389,311.80
Net Decommissioning Cost:		\$867,779.80



PGR CONTACT

Please contact the following PGR employees with any questions or concerns regarding the decommissioning plan:

Erich Miarka
Development – Project Manager
704-376-2767

Murphy Doty
EPC – Director of Construction
828-575-3382



Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI
9408 Northfield Court
Raleigh, North Carolina 27603
Phone (919) 414-8142
rkirkland2@gmail.com
www.kirklandappraisals.com

June 21, 2019

Rex Young
Cooperative Solar, LLC
5003 Southpark Drive, Suite 210
Durham, North Carolina 27713

RE: China Grove Solar Impact Study, Rowan County, NC

Mr. Young

At your request, I have considered the impact of a solar farm proposed to be constructed on approximately 324.6 acres out of a parent tract assemblage of 428.66 acres located at 4745 Sherrills Ford Road, Salisbury, North Carolina. Specifically, I have been asked to give my professional opinion on whether the proposed solar farm will have any impact on adjoining property value and whether "the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located."

To form an opinion on these issues, I have researched and visited existing and proposed solar farms in North Carolina, researched articles through the Appraisal Institute and other studies, and discussed the likely impact with other real estate professionals. I have not been asked to assign any value to any specific property.

This letter is a limited report of a real property appraisal consulting assignment and subject to the limiting conditions attached to this letter. My client is Cooperative Solar, LLC represented to me by Mr. Rex Young. My findings support the SUP application. The effective date of this consultation is June 21, 2019.

Standards and Methodology

I conducted this analysis using the standards and practices established by the North Carolina Appraisal Board, the Appraisal Institute, and that conform to the Uniform Standards of Professional Appraisal Practice. The analyses and methodologies contained in this report are accepted by all major lending institutions, and they are used in North Carolina and across the country as the industry standard by certified appraisers conducting appraisals, market analyses, or impact studies and are considered adequate to form an opinion of the impact of a land use on neighboring properties. These standards and practices have also been accepted by the courts of North Carolina at the trial and appellate levels and by federal courts throughout the country as adequate to reach conclusions about the likely impact a use will have on adjoining or abutting properties.

The aforementioned standards compare property uses in the same market and generally within the same calendar year so that fluctuating markets do not alter study results. Although these standards do not require a linear study that examines adjoining property values before and after a new use (e.g. a solar farm) is developed, some of these studies do in fact employ this type of analysis. Comparative studies, as used in this report, are considered an industry standard.

Determining what is an External Obsolescence

An external obsolescence is a use of property that, because of its characteristics, might have a negative impact on the value of adjacent or nearby properties because of identifiable impacts. Determining whether a use would be considered an external obsolescence requires a study that

isolates that use, eliminates any other causing factors, and then studies the sales of nearby versus distant comparable properties. The presence of one or a combination of key factors does not mean the use will be an external obsolescence, but a combination of these factors tend to be present when market data reflects that a use is an external obsolescence.

External obsolescence is evaluated by appraisers based on several factors. These factors include but are not limited to:

- 1) Traffic. Solar Farms are not traffic generators.
- 2) Odor. Solar farms do not produce odor.
- 3) Noise. Solar farms generate no noise concerns and are silent at night.
- 4) Environmental. Solar farms do not produce toxic or hazardous waste. NCDEQ does not consider the panels to be impervious surfaces that impede groundwater absorption or cause runoff.
- 5) Other factors. I have observed and studied many solar farms and have never observed any characteristic about such facilities that prevents or impedes neighbor from fully using their homes or farms or businesses for the use intended.

Proposed Use Description

The proposed solar farm is to be constructed on approximately 324.6 acres out of a parent tract assemblage of 428.66 acres located at 4745 Sherrills Ford Road, Salisbury, North Carolina. Adjoining land is a mix of residential and agricultural uses.

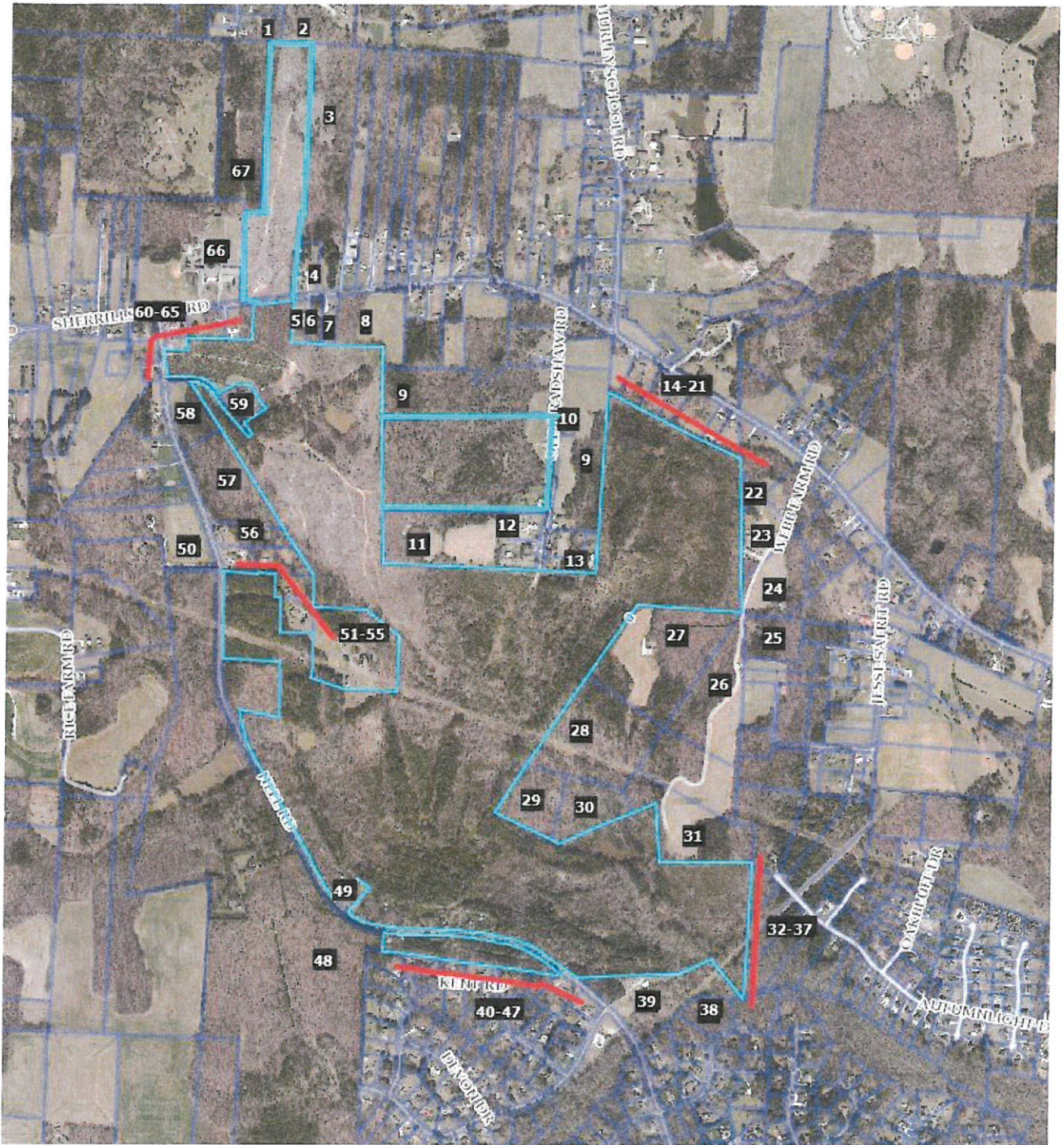
Adjoining Properties

I have considered adjoining uses and included a map to identify each parcel's location. The closest residential use will be 125 feet according to Rex Young. As shown later in this report, I have found matched pairs that show no negative impact from solar panels as close as 125 feet.

The breakdown of those uses by acreage and number of parcels is summarized below.

Adjoining Use Breakdown

	Acreage	Parcels
Residential	54.27%	92.54%
Agricultural	3.96%	1.49%
Agri/Res	37.55%	4.48%
Religious	4.22%	1.49%
Total	100.00%	100.00%



Surrounding Uses

#	MAP ID	Owner	GIS Data		Adjoin	Adjoin
			Acres	Present Use	Acres	Parcels
1	453 235	Hendrix	3.70	Residential	0.69%	1.49%
2	453 021	Simpson	24.56	Agri/Res	4.60%	1.49%
3	456 062	Petrea	19.43	Residential	3.64%	1.49%
4	456 091	Wilson	2.57	Residential	0.48%	1.49%
5	456 033	Summitt	1.40	Residential	0.26%	1.49%
6	458 050	Summitt	1.40	Residential	0.26%	1.49%
7	456 031	Cuthbertson	1.29	Residential	0.24%	1.49%
8	456 117	Meadows	9.00	Residential	1.68%	1.49%
9	456 152	Flowe	32.65	Agri/Res	6.11%	1.49%
10	456 124	Flowe	1.00	Residential	0.19%	1.49%
11	456 112	Laity	15.86	Residential	2.97%	1.49%
12	456 147	Laity	1.71	Residential	0.32%	1.49%
13	456 026	Bradshaw	2.34	Residential	0.44%	1.49%
14	456 148	Shoaf	2.08	Residential	0.39%	1.49%
15	456 025	Shoaf	2.76	Residential	0.52%	1.49%
16	456 063	Salyers	2.00	Residential	0.37%	1.49%
17	456 023	Bentley	1.50	Residential	0.28%	1.49%
18	456 022	Jackson	3.02	Residential	0.57%	1.49%
19	456 021	Horton	1.88	Residential	0.35%	1.49%
20	456 020	Peeler	1.70	Residential	0.32%	1.49%
21	456 076	Webb	6.00	Residential	1.12%	1.49%
22	456 098	Webb	0.93	Residential	0.17%	1.49%
23	456 099	Webb	4.99	Residential	0.93%	1.49%
24	456 100	McLimore	8.32	Residential	1.56%	1.49%
25	458 005	McKee	5.09	Residential	0.95%	1.49%
26	458 033	Webb	12.61	Residential	2.36%	1.49%
27	458 032	Webb	21.14	Agricultural	3.96%	1.49%
28	458 034	Webb	17.07	Residential	3.20%	1.49%
29	458 036	Webb	6.49	Residential	1.21%	1.49%
30	458 043	Webb	6.49	Residential	1.21%	1.49%
31	458 037	Webb	12.54	Residential	2.35%	1.49%
32	458H010	Morris	8.11	Residential	1.52%	1.49%

#	MAP ID	Owner	GIS Data		Adjoin	Adjoin
			Acres	Present Use	Acres	Parcels
33	458H011	Plantation	1.65	Residential	0.31%	1.49%
34	458H012	Plantation	2.02	Residential	0.38%	1.49%
35	458H013	Plantation	2.73	Residential	0.51%	1.49%
36	458F012	Finchum	3.50	Residential	0.66%	1.49%
37	464 240	Dominick	13.52	Residential	2.53%	1.49%
38	464B154	Carlsen	2.94	Residential	0.55%	1.49%
39	464 172	Leazer	10.10	Residential	1.89%	1.49%
40	464B082	Leazer	2.03	Residential	0.38%	1.49%
41	464B243	Pierce	0.92	Residential	0.17%	1.49%
42	464B107	Pierce	1.73	Residential	0.32%	1.49%
43	464B130	Whitley	1.13	Residential	0.21%	1.49%
44	464B131	Fleischaker	1.07	Residential	0.20%	1.49%
45	464B097	Angle	1.01	Residential	0.19%	1.49%
46	464B123	Nash	1.08	Residential	0.20%	1.49%
47	464B103	Green	1.47	Residential	0.28%	1.49%
48	458 001	Stanback	143.40	Agri/Res	26.84%	1.49%
49	458 040	Trosper	1.05	Residential	0.20%	1.49%
50	458 007	Graham	0.35	Residential	0.07%	1.49%
51	458 044	Graham	0.08	Residential	0.01%	1.49%
52	455 051	Schenk	2.70	Residential	0.51%	1.49%
53	458 028	Orbison	2.09	Residential	0.39%	1.49%
54	458 048	Big Harry	2.03	Residential	0.38%	1.49%
55	458 046	Welch	12.90	Residential	2.41%	1.49%
56	455 053	Davis	3.26	Residential	0.61%	1.49%
57	455 128	Edwards	10.83	Residential	2.03%	1.49%
58	455 129	Scott	4.96	Residential	0.93%	1.49%
59	456 113	Scott	1.82	Residential	0.34%	1.49%
60	455 066	Goodnight	0.94	Residential	0.18%	1.49%
61	455 065	Weaver	14.83	Residential	2.78%	1.49%
62	456 037	Hoffman	0.60	Residential	0.11%	1.49%
63	455 130	Mullins	1.45	Residential	0.27%	1.49%
64	455 132	Agnant	2.37	Residential	0.44%	1.49%
65	455 133	Proctor	2.00	Residential	0.37%	1.49%
66	455 017	Salem	22.56	Religious	4.22%	1.49%
67	456 002	Gallimore	15.50	Residential	2.90%	1.49%
Total			534.250		100.00%	100.00%

I. Market Analysis of the Impact on Value from Solar Farms

I have researched hundreds of solar farms in numerous states to determine the impact of these facilities on the value of adjoining property. This research has primarily been in North Carolina, but I have also conducted market impact analyses in Virginia, South Carolina, Tennessee, Texas, Oregon, Mississippi, Maryland, New York, and Montana.

Wherever I have looked at solar farms, I have derived a breakdown of the adjoining uses to show what adjoining uses are typical for solar farms and what uses would likely be considered consistent with a solar farm use similar to the breakdown that I've shown for the subject property on the previous page. A summary showing the results of compiling that data over hundreds of solar farms is shown later in the Harmony of Use section of this report.

While compiling that data, I have been looking for matched pairs for analysis. A matched pair analysis considers two similar or comparable properties that are distinguished only by proximity to the use that is being studied to determine whether or not that type of land use (here, a solar farm) has any impact on the abutting or adjoining property's value. Within the appraisal profession, matched pair analysis is a standard and widely-recognized method of measuring impact on value. In this case, I have considered residential properties abutting or adjoining a solar farm versus similar residential properties that do not adjoin a solar farm. I have also considered matched pairs of vacant residential and agricultural land. It is important to note that "similar" and "comparable" in the appraisal profession do not mean "identical." In each of the studies in this analysis I have prudently followed appraisal standards for determining similarity and for making appropriate adjustments for properties of differing age, size, and location.

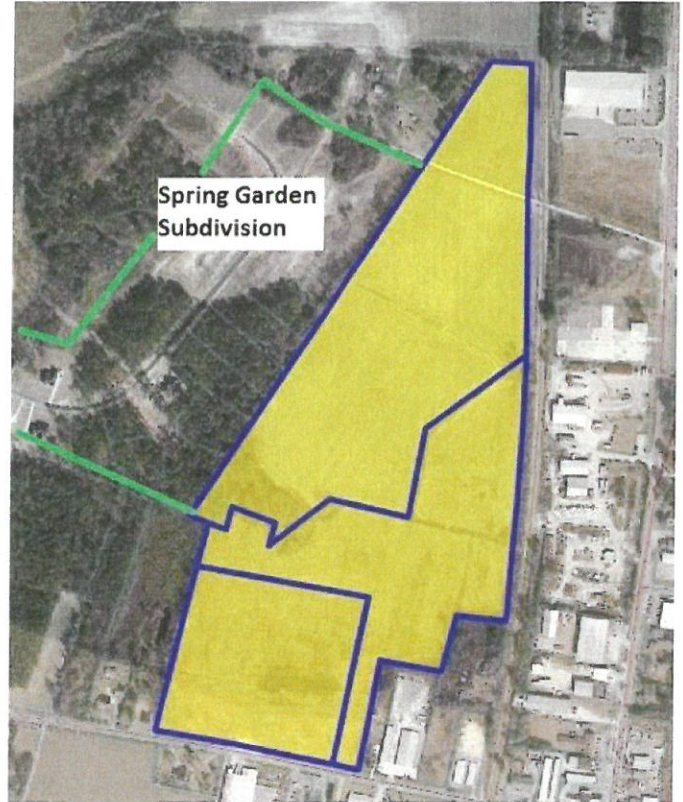
I also consider whether the properties adjoining a solar farm in one location have characteristics similar to the properties abutting or adjoining the proposed site so that I can make an assessment of market impact on each proposed site. Notably, in most cases solar farms are placed in areas very similar to the site in question, which is surrounded by low density residential and agricultural uses. In my more than 300 studies, I have found a striking repetition of that same typical adjoining use mix in over 90% of the solar farms I have looked at. Additional matched pair results in multiple states are strikingly similar, and all indicate that solar farms – which generate very little traffic, and do not generate noise, dust or have other harmful effects – do not negatively impact the value of adjoining or abutting properties.

1. Matched Pair – AM Best Solar Farm, Goldsboro, NC

This solar farm adjoins Spring Garden Subdivision which had new homes and lots available for new construction during the approval and construction of the solar farm. The recent home sales have ranged from \$200,000 to \$250,000. This subdivision sold out the last homes in late 2014. The solar farm is clearly visible particularly along the north end of this street where there is only a thin line of trees separating the solar farm from the single-family homes.

Homes backing up to the solar farm are selling at the same price for the same floor plan as the homes that do not back up to the solar farm in this subdivision. According to the builder, the solar farm was a complete non-factor.¹ Not only do the sales show no difference in the price paid for the various homes adjoining the solar farm versus not adjoining the solar farm, but the lots backing up to the solar farm sold faster than the other lots when both were available. There is no impact on the sellout rate, or time to sell for the homes adjoining the solar farm.

I spoke with a number of owners who adjoin the solar farm and none of them expressed any concern over the solar farm impacting their property value.



The data presented on the following page shows multiple homes that have sold since 2013 adjoining the solar farm at prices similar to those not along the solar farm. These series of sales indicate that the solar farm has no impact on the adjoining residential use.

The homes that were marketed at Spring Garden are shown below.



Americana
SqFt: 3,194
Bed / Bath:
3 / 3.5

Price: \$237,900

[View Now »](#)



Washington
SqFt: 3,292
Bed / Bath:
4 / 3.5

Price: \$244,900

[View Now »](#)



Presidential
SqFt: 3,400
Bed / Bath:
5 / 3.5

Price: \$247,900

[View Now »](#)



Kennedy
SqFt: 3,494
Bed / Bath:
5 / 3

Price: \$249,900

[View Now »](#)



Virginia
SqFt: 3,449
Bed / Bath:
5 / 3

Price: \$259,900

[View Now »](#)

¹ It is standard practice, and in some instances, a necessary practice, for an appraiser to interview people with direct knowledge of a local subdivision, house, or real estate market. When such interviews are deemed helpful to shed light on a subject, they are incorporated into a report.

Adjoining Sales After Solar Farm Completed

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600195570	Helm	0.76	Sep-13	\$250,000	2013	3,292	\$75.94	2 Story
3600195361	Leak	1.49	Sep-13	\$260,000	2013	3,652	\$71.19	2 Story
3600199891	McBrayer	2.24	Jul-14	\$250,000	2014	3,292	\$75.94	2 Story
3600198632	Foresman	1.13	Aug-14	\$253,000	2014	3,400	\$74.41	2 Story
3600196656	Hinson	0.75	Dec-13	\$255,000	2013	3,453	\$73.85	2 Story
	Average	1.27		\$253,600	2013.4	3,418	\$74.27	
	Median	1.13		\$253,000	2013	3,400	\$74.41	

Adjoining Sales After Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
0	Feddersen	1.56	Feb-13	\$247,000	2012	3,427	\$72.07	Ranch
0	Gentry	1.42	Apr-13	\$245,000	2013	3,400	\$72.06	2 Story
	Average	1.49		\$246,000	2012.5	3,414	\$72.07	
	Median	1.49		\$246,000	2012.5	3,414	\$72.07	

Adjoining Sales Before Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600183905	Carter	1.57	Dec-12	\$240,000	2012	3,347	\$71.71	1.5 Story
3600193097	Kelly	1.61	Sep-12	\$198,000	2012	2,532	\$78.20	2 Story
3600194189	Hadwan	1.55	Nov-12	\$240,000	2012	3,433	\$69.91	1.5 Story
	Average	1.59		\$219,000	2012	2,940	\$74.95	
	Median	1.59		\$219,000	2012	2,940	\$74.95	

Nearby Sales After Solar Farm Completed

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600193710	Barnes	1.12	Oct-13	\$248,000	2013	3,400	\$72.94	2 Story
3601105180	Nackley	0.95	Dec-13	\$253,000	2013	3,400	\$74.41	2 Story
3600192528	Mattheis	1.12	Oct-13	\$238,000	2013	3,194	\$74.51	2 Story
3600198928	Beckman	0.93	Mar-14	\$250,000	2014	3,292	\$75.94	2 Story
3600196965	Hough	0.81	Jun-14	\$224,000	2014	2,434	\$92.03	2 Story
3600193914	Preskitt	0.67	Jun-14	\$242,000	2014	2,825	\$85.66	2 Story
3600194813	Bordner	0.91	Apr-14	\$258,000	2014	3,511	\$73.48	2 Story
3601104147	Shaffer	0.73	Apr-14	\$255,000	2014	3,453	\$73.85	2 Story
	Average	0.91		\$246,000	2013.625	3,189	\$77.85	
	Median	0.92		\$249,000	2014	3,346	\$74.46	

Nearby Sales Before Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600191437	Thomas	1.12	Sep-12	\$225,000	2012	3,276	\$68.68	2 Story
3600087968	Lilley	1.15	Jan-13	\$238,000	2012	3,421	\$69.57	1.5 Story
3600087654	Burke	1.26	Sep-12	\$240,000	2012	3,543	\$67.74	2 Story
3600088796	Hobbs	0.73	Sep-12	\$228,000	2012	3,254	\$70.07	2 Story
	Average	1.07		\$232,750	2012	3,374	\$69.01	
	Median	1.14		\$233,000	2012	3,349	\$69.13	

Matched Pair Summary

	Adjoins Solar Farm		Nearby Solar Farm	
	Average	Median	Average	Median
Sales Price	\$253,600	\$253,000	\$246,000	\$249,000
Year Built	2013	2013	2014	2014
Size	3,418	3,400	3,189	3,346
Price/SF	\$74.27	\$74.41	\$77.85	\$74.46

Percentage Differences

Median Price	-2%
Median Size	-2%
Median Price/SF	0%

The homes adjoining the solar farm were all approximately 280 feet from the closest point on the home to the closest solar panel.

I note that 2308 Granville Drive sold again in November 2015 for \$267,500, or \$7,500 more than when it was purchased new from the builder two years earlier (Tax ID 3600195361, Owner: Leak). The neighborhood is clearly showing appreciation for homes adjoining the solar farm.

The Median Price is the best indicator to follow in any analysis as it avoids outlying samples that would otherwise skew the results. The median sizes and median prices are all consistent throughout the sales both before and after the solar farm whether you look at sites adjoining or nearby to the solar farm. The average for the homes nearby the solar farm shows a smaller building size and a higher price per square foot. This reflects a common occurrence in real estate where the price per square foot goes up as the size goes down. This is similar to the discount you see in any market where there is a discount for buying larger volumes. So when you buy a 2 liter coke you pay less per ounce than if you buy a 16 oz. coke. So even comparing averages the indication is for no impact, but I rely on the median rates as the most reliable indication for any such analysis.

AM Best Solar Farm, Goldsboro, NC



View of home in Spring Garden with solar farm located through the trees and panels – photo taken on 9/23/15.



View from vacant lot at Spring Garden with solar farm panels visible through trees taken in the winter of 2014 prior to home construction. This is the same lot as the photo above.

2. Matched Pair – White Cross Solar Farm, Chapel Hill, NC



A new solar farm was built at 2159 White Cross Road in Chapel Hill, Orange County in 2013. After construction, the owner of the underlying land sold the balance of the tract not encumbered by the solar farm in July 2013 for \$265,000 for 47.20 acres, or \$5,606 per acre. This land adjoins the solar farm to the south and was clear cut of timber around 10 years ago. I compared this purchase to a nearby transfer of 59.09 acres of timber land just south along White Cross Road that sold in November 2010 for \$361,000, or \$6,109 per acre. After purchase, this land was divided into three mini farm tracts of 12 to 20 acres each. These rates are very similar and the difference in price per acre is attributed to the timber value and not any impact of the solar farm.

Type	TAX ID	Owner	Acres	Date	Price	\$/Acre	Notes	Conf By
Adjoins Solar	9748336770	Haggerty	47.20	Jul-13	\$265,000	\$5,614	Clear cut	Betty Cross, broker
Not Near Solar	9747184527	Purcell	59.09	Nov-10	\$361,000	\$6,109	Wooded	Dickie Andrews, broker

The difference in price is attributed to the trees on the older sale.

No impact noted for the adjacency to a solar farm according to the broker.

I looked at a number of other nearby land sales without proximity to a solar farm for this matched pair, but this land sale required the least allowance for differences in size, utility and location.

Matched Pair Summary

	Adjoins Solar Farm		Nearby Solar Farm	
	Average	Median	Average	Median
Sales Price	\$5,614	\$5,614	\$6,109	\$6,109
Adjustment for Timber	\$500	\$500		
Adjusted	\$6,114	\$6,114	\$6,109	\$6,109
Tract Size	47.20	47.20	59.09	59.09

Percentage Differences

Median Price Per Acre	0%
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This matched pair again supports the conclusion that adjacency to a solar farm has no impact on adjoining residential/agricultural land.

3. Matched Pair – Wagstaff Farm, Roxboro, NC



This solar farm is located at the northeast corner of a 594-acre farm with approximately 30 acres of solar farm area. This solar farm was approved and constructed in 2013.

After approval, 18.82 acres were sold out of the parent tract to an adjoining owner to the south. This sale was at a similar price to nearby land to the east that sold in the same time from for the same price per acre as shown below.

Type	TAX ID	Owner	Acres	Present Use	Date Sold	Price	\$/AC
Adjoins Solar	0918-17-11-7960	Piedmont	18.82	Agricultural	8/19/2013	\$164,000	\$8,714
Not Near Solar	0918-00-75-9812 et al	Blackwell	14.88	Agricultural	12/27/2013	\$130,000	\$8,739

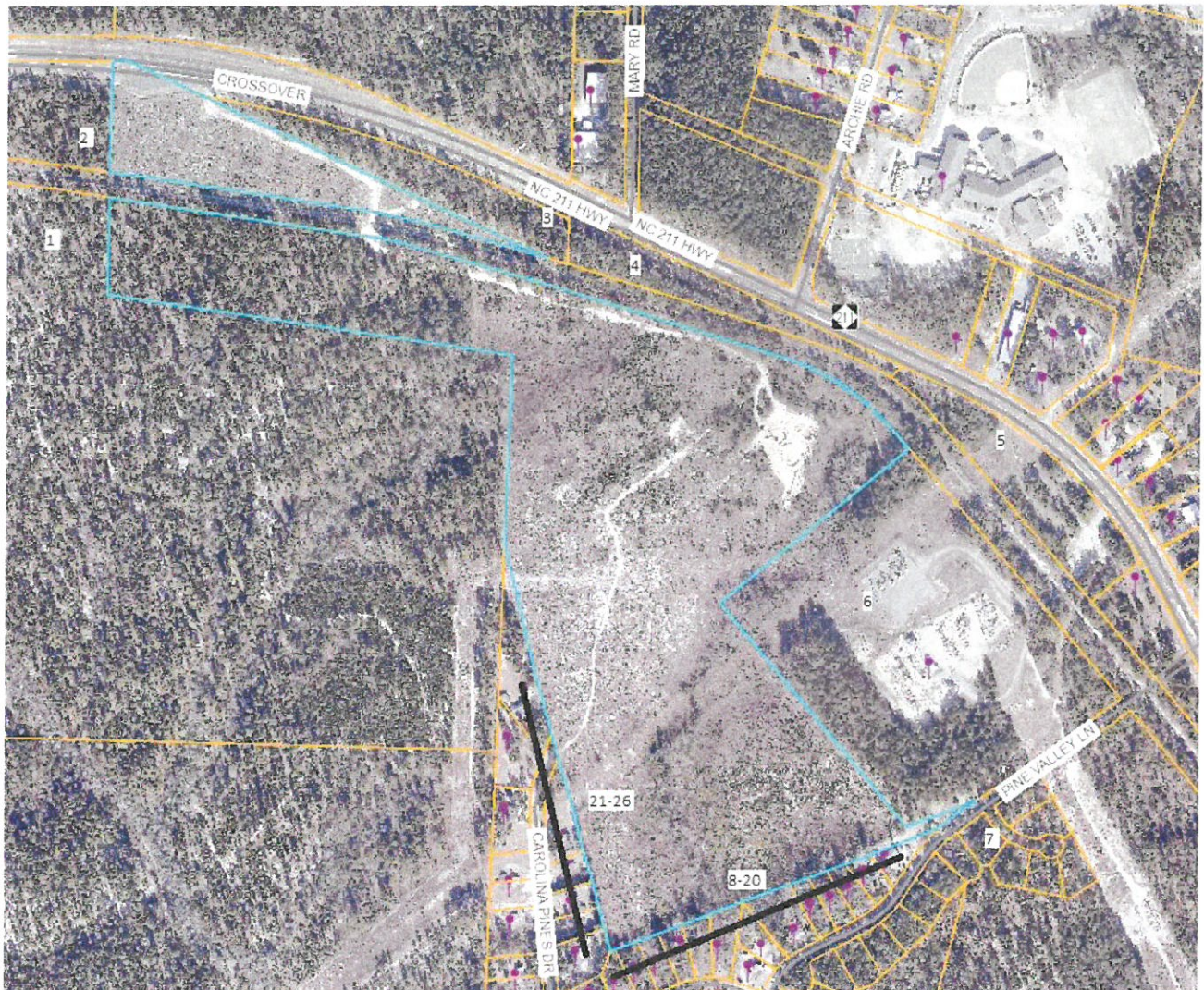
Matched Pair Summary

	Adjoins Solar Farm		Nearby Solar Farm	
	Average	Median	Average	Median
Sales Price	\$8,714	\$8,714	\$8,739	\$8,739
Tract Size	18.82	18.82	14.88	14.88

Percentage Differences

Median Price Per Acre	0%
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This matched pair again supports the conclusion that adjacency to a solar farm has no impact on adjoining residential/agricultural land.

4. Matched Pair – Pine Valley Solar Farm, West End, NC

This solar farm will adjoin a mix of residential and agricultural uses and is proposed to be completed in 2017. After the solar farm project was approved I discovered an adjoining sale of a manufactured home. I compared it to another similar age and size manufactured home in that same community that did not adjoin the proposed solar farm. The data is presented below and shows no impact on value.

Adjoining Residential Sales After Solar Farm Announced

#	TAX ID	Address	Solar Farm	Acres	Date Sold	Sales Price	Assessed	Built	GBA	\$/GBA	Const.	Frontage
9	16893	Pine Valley Lot 46	Adjoins	0.46	8/10/2016	\$66,000	\$54,830	1990	1,350	\$48.89	Manuf.	Interior
	16897	Pine Valley Lot 16	Not	0.57	8/26/2016	\$59,000	\$46,640	1994	1,150	\$51.30	Manuf.	Interior

Adjoining Sales Adjusted

Address	Date Sold	Sales Price	Time	Adjustments			GLA	Const.	Frontage	Total
				Acres	YB					
Lot 46	8/10/2016	\$66,000								\$66,000
Lot 16	8/26/2016	\$59,000		\$0	\$0	-\$2,360	\$9,800	\$0	\$0	\$66,440

Time adjustment based on 2%/year and 3% downward for listing.

GLA adjustment based on difference in size times \$49.

Year Built based on 1% per year diff

Percentage Differences

Lot 46 Vs Lot 16 -0.67%

This is within typical market friction and supports an indication of no impact on property value.

The home adjoining the solar farm was approximately 175 feet from the closest point on the home to the closest solar panel.

5. Matched Pair – Neal Hawkins Solar, Gastonia, NC



This project is located on the south side of Neal Hawkins Road just outside of Gastonia. The property identified above as Parcel 4 was listed for sale while this solar farm project was going through the approval process. The property was put under contract during the permitting process with the permit being approved while the due diligence period was still ongoing. After the permit was approved the property closed with no concerns from the buyer. I spoke with Jennifer Bouvier, the broker listing the property and she indicated that the solar farm had no impact at all on the sales price. She considered some nearby sales to set the price and the closing price was very similar to the asking price within the typical range for the market. The buyer was aware that the solar farm was coming and they had no concerns.

This two-story brick dwelling was sold on March 20, 2017 for \$270,000 for a 3,437 square foot dwelling built in 1934 in average condition on 1.42 acres. The property has four bedrooms and two bathrooms.

The home adjoining the solar farm was approximately 275 feet from the closest point on the home to the closest solar panel.

6. Matched Pair – Summit/Ranchland Solar, Moyock, NC



This project is located at 1374 Caritoke Highway, Moyock, NC. This is an 80 MW facility on a parent tract of 2,034 acres. Parcels Number 48 and 53 as shown in the map above were sold in 2016. The project was under construction during the time period of those sales and the permit was approved well prior to that in 2015.

I looked at multiple possible matched pairs for the two sales as shown below. This gives a range of impacts with the most significant impacts shown on the second comparable where matched pairs ranged from plus 6% to 15%. The sales are all in the adjoining mixed community that includes older residential dwellings and generally newer manufactured homes.

These two matched pairs are significantly further from the adjoining solar panels than typical at 1,060 to 2,020 feet.

Adjoining Residential Sales After Solar Farm Completed

#	Solar Farm	Address	Acres	Date Sold	Sales Price	Built	GLA	\$/GLA	BR/BA	Style
48	Adjoins	129 Pinto	4.29	4/15/2016	\$170,000	1985	1,559	\$109.04	3/2	MFG
	Not	102 Timber	1.39	4/1/2016	\$175,500	2009	1,352	\$129.81	3/2	MFG
	Not	120 Ranchland	0.99	10/1/2014	\$170,000	2002	1,501	\$113.26	3/2	MFG

Adjoining Sales Adjusted

Time	Acres	YB	GLA	BR/BA	Park	Total	% Diff
						\$170,000	
\$0	\$10,000	-\$29,484	\$13,435	\$0	\$0	\$169,451	0%
\$10,200	\$10,000	-\$20,230	\$3,284	\$0	\$0	\$173,254	-2%

#	Solar Farm	Address	Acres	Date Sold	Sales Price	Built	GLA	\$/GLA	BR/BA	Style	Park
53	Adjoins	105 Pinto	4.99	12/16/2016	\$206,000	1978	1,484	\$138.81	3/2	Ranch	Det gar
	Not	111 Spur	1.15	2/1/2016	\$193,000	1985	2,013	\$95.88	4/2	Ranch	Garage
	Not	103 Marshall	1.07	3/29/2017	\$196,000	2003	1,620	\$120.99	3/2	Ranch	N/A
	Not	127 Ranchland	0.99	6/9/2015	\$219,900	1988	1910	\$115.13	3/2	Ranch	Gar +3 det Gar

Adjoining Sales Adjusted

Time	Acres	YB	GLA	BR/BA	Park	Total	% Diff
						\$206,000	
\$3,860	\$10,000	-\$6,755	-\$25,359	\$0	\$0	\$174,746	15%
\$1,470	\$10,000	-\$24,500	-\$8,227	\$0	\$5,000	\$179,743	13%
\$9,896	\$10,000	-\$10,995	-\$24,523	\$0	-\$10,000	\$194,278	6%

The homes adjoining the solar farm were (in order) approximately 1,060 and 2,020 feet from the closest point on the home to the closest solar panel.

7. Matched Pair – White Cross II, Chapel Hill, NC



This project is located in rural Orange County on White Cross Road with a 2.8 MW facility. This project is a few parcels south of White Cross Solar Farm that was developed by a different company. An adjoining home sold after construction as presented below.

Adjoining Residential Sales After Solar Farm Completed

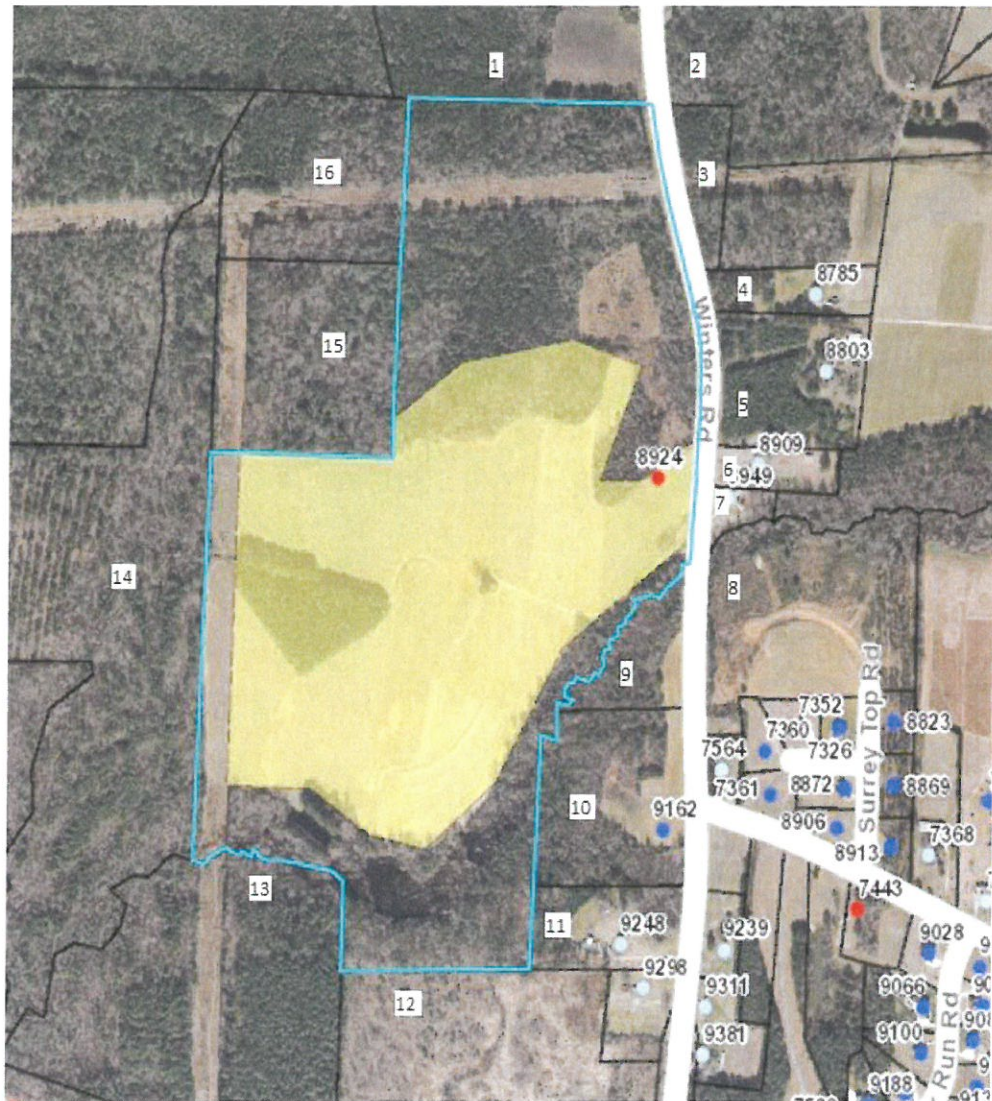
Solar	TAX ID/Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style
Adjoins	97482114578	11.78	2/29/2016	\$340,000	1994	1,601	\$212.37	3/3	Garage	Ranch
Not	4200B Old Greensbor	12.64	12/28/2015	\$380,000	2000	2,075	\$183.13	3/2.5	Garage	Ranch

Adjoining Residential Sales After Solar Farm Adjoining Sales Adjusted

Solar	TAX ID/Address	Sales Price	Time	Acres	YB	GLA	BR/BA	Park	Total	% Diff
Adjoins	97482114578	\$340,000							\$340,000	
Not	4200B Old Greensbor	\$380,000	\$3,800	\$0	-\$15,960	-\$43,402	\$5,000	\$0	\$329,438	3%

The home adjoining the solar farm was approximately 1,479 feet from the closest point on the home to the closest solar panel.

8. Matched Pair – Tracy Solar, Bailey, NC



This project is located in rural Nash County on Winters Road with a 5 MW facility that was built in 2016. A local builder acquired parcels 9 and 10 following construction as shown below at rates comparable to other tracts in the area. They then built a custom home for an owner and sold that at a price similar to other nearby homes as shown in the matched pair data below.

Adjoining Land Sales After Solar Farm Completed

#	Solar Farm	TAX ID	Grantor	Grantee	Address	Acres	Date Sold	Sales Price	\$/AC	Other
9 & 10	Adjoins	316003 & 316004	Cozart	Kingsmill	9162 Winters	13.22	7/21/2016	\$70,000	\$5,295	
	Not	6056	Billingsly		427 Young	41	10/21/2016	\$164,000	\$4,000	
	Not	33211	Fulcher	Weikel	10533 Cone	23.46	7/18/2017	\$137,000	\$5,840	Doublewide, structures
	Not	106807	Perry	Gardner	Claude Lewis	11.22	8/10/2017	\$79,000	\$7,041	Gravel drive for sub, cleared
	Not	3437	Vaughan	N/A	11354 Old Lewis Sch	18.73	Listing	\$79,900	\$4,266	Small cemetery, wooded

Adjoining Sales Adjusted

Time	Acres	Location	Other	Adj \$/Ac	% Diff
				\$5,295	
\$0	\$400	\$0	\$0	\$4,400	17%
-\$292	\$292	\$0	-\$500	\$5,340	-1%
-\$352	\$0	\$0	-\$1,000	\$5,689	-7%
-\$213	\$0	\$0	\$213	\$4,266	19%
Average					7%

Adjoining Residential Sales After Solar Farm Completed

#	Solar Farm	n	Address	Acres	Date Sold	Sales Price	Built	GLA	\$/GLA	BR/BA	Style	Other
9 & 10	Adjoins	9	9162 Winters	13.22	1/5/2017	\$255,000	2016	1,616	\$157.80	3/2	Ranch	1296 sf wrkshp
	Not	15	7352 Red Fox	0.93	6/30/2016	\$176,000	2010	1,529	\$115.11	3/2	2-story	

Adjoining Sales Adjusted

Time	Acres	YB	GLA	Style	Other	Total	% Diff
						\$255,000	
\$0	\$44,000	\$7,392	\$5,007	\$5,000	\$15,000	\$252,399	1%

The comparables for the land show either a significant positive relationship or a mild negative relationship to having and adjoining solar farm, but when averaged together they show no negative impact. The wild divergence is due to the difficulty in comping out this tract of land and the wide variety of comparables used. The two comparables that show mild negative influences include a property that was partly developed as a residential subdivision and the other included a doublewide with some value and accessory agricultural structures. The tax assessed value on the improvements was valued at \$60,000. So both of those comparisons have limitations. The two that show significant enhancement due to adjacency includes a property with a cemetery located in the middle and the other is a tract almost twice as large. Still that larger tract after adjustment provides the best matched pair as it required the least adjustment. I therefore conclude that there is no negative impact due to adjacency to the solar farm shown by this matched pair.

The dwelling that was built on the site was a build-to-suit and was compared to a nearby homesale of a property on a smaller parcel of land. I adjusted for that differenced based on a \$25,000 value for a 1-acre home site versus the \$70,000 purchase price of the larger subject tract. The other adjustments are typical and show no impact due to the adjacency to the solar farm.

The closest solar panel to the home is 780 feet away.

I spoke with a representative of Kingsmill Builders regarding the purchase of the lot and the sale of the finished home. They indicated that the solar farm was not considered in any way in either purchase.

9. Matched Pair – McBride Place Solar Farm, Midland, NC



This project is located on Mount Pleasant Road, Midland, North Carolina. The property is on 627 acres on an assemblage of 974.59 acres. The solar farm was approved in early 2017 for a 74.9 MW facility.

I have considered the sale of 4380 Joyner Road which adjoins the proposed solar farm near the northwest section. This property was appraised in April of 2017 for a value of \$317,000 with no consideration of any impact due to the solar farm in that figure. The property sold in November 2018 for \$325,000 with the buyer fully aware of the proposed solar farm.

I have considered the following matched pairs to the subject property.

Adjoining Residential Sales After Solar Farm Approved

Solar	Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style	Other
Adjoins	4380 Joyner	12.00	11/22/2017	\$325,000	1979	1,598	\$203.38	3/2	2xGar	Ranch	Outbldg
Not	3870 Elkwood	5.50	8/24/2016	\$250,000	1986	1,551	\$161.19	3/2.5	Det 2xGar	Craft	
Not	8121 Lower Rocky	18.00	2/8/2017	\$355,000	1977	1,274	\$278.65	2/2	2xCarprt	Ranch	Eq. Fac.
Not	13531 Cabarrus	7.89	5/20/2016	\$267,750	1981	2,300	\$116.41	3/2	2xGar	Ranch	

Adjoining Sales Adjusted

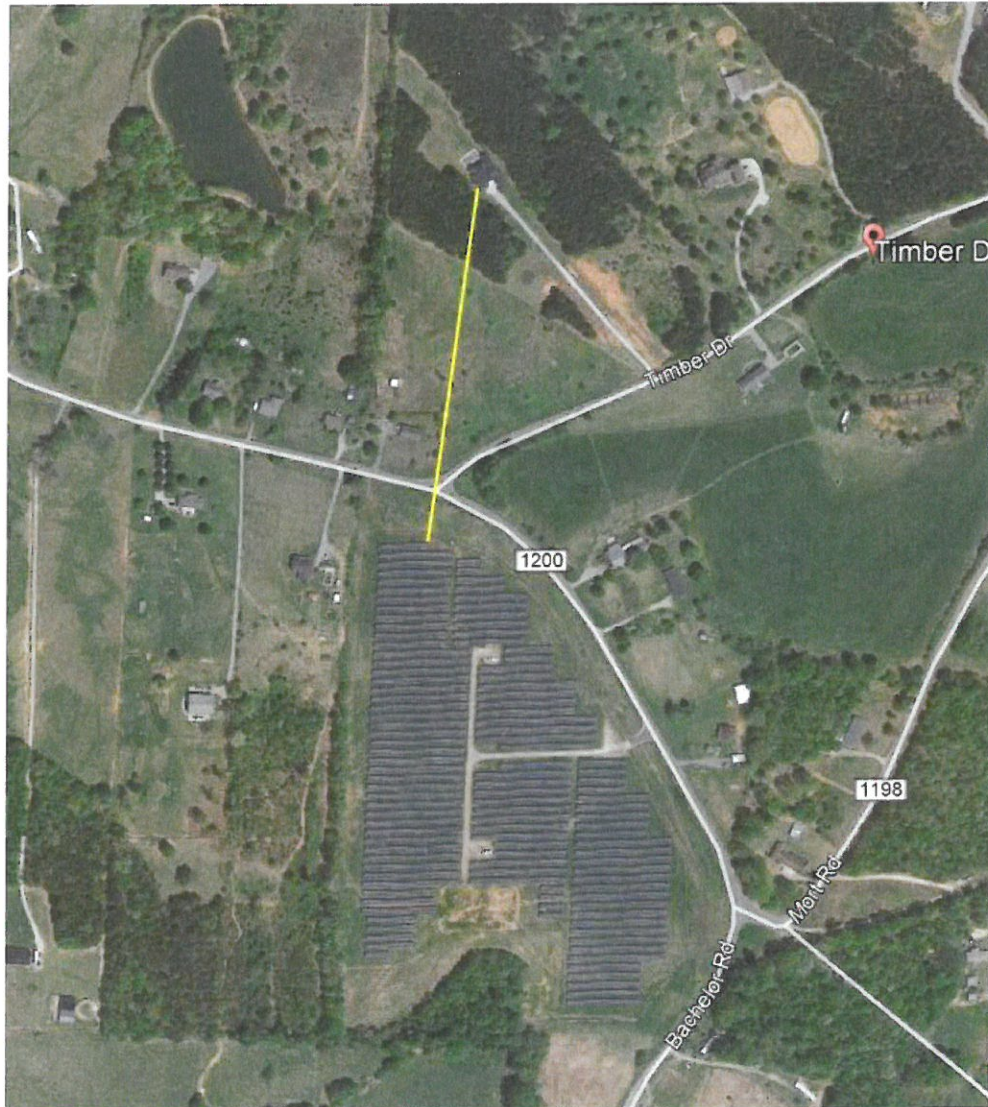
Time	Acres	YB	Condition	GLA	BR/BA	Park	Other	Total	% Diff
								\$325,000	
\$7,500	\$52,000	-\$12,250	\$10,000	\$2,273	-\$2,000	\$2,500	\$7,500	\$317,523	2%
\$7,100	-\$48,000	\$4,970		\$23,156	\$0	\$3,000	-\$15,000	\$330,226	-2%
\$8,033	\$33,000	-\$3,749	\$20,000	-\$35,832	\$0	\$0	\$7,500	\$296,702	9%
Average									3%

After adjusting the comparables, I found that the average adjusted value shows a slight increase in value for the subject property adjoining a solar farm. As in the other cases, this is a mild positive and within the typical range of real estate transactions. I therefore conclude that these matched pairs show no impact on value.

I note that the home at 4380 Joyner Road is 275 feet from the closest proposed solar panel.

I also considered the recent sale of a lot on Kristi Lane that is on the east side of the proposed solar farm. This 4.22-acre lot sold in December 2017 for \$94,000. I spoke with the broker, Margaret Dabbs, who indicated that the solar farm was considered a positive by both buyer and seller as it insures no subdivision will be happening in that area. Buyers in this market are looking for privacy and seclusion. The other lots on Kristi Lane are likely to sale soon at similar prices. Ms. Dabbs indicated that they have had these lots on the market for about 5 years at asking prices that were probably a little high and they are now selling and they have another under contract.

11. Matched Pair – Beetle-Shelby Solar, Cleveland County, NC



This project is located on Bachelor Road at Timber Drive, Mooresboro, NC. This is a 4 MW facility on a parent tract of 24 acres.

I have considered a custom home on a nearby property adjoining this solar farm. This home is located on 10.08 acres, was built in 2013, and has a gross living area of 3,196 s.f. This property sold on October 1, 2018 \$416,000. I compared this to several nearby homes of similar size on large lots as shown below.

Adjoining Residential Sales After Solar Farm Approved

Solar	Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style	Other
Adjoins	1715 Timber	10.08	10/1/2018	\$416,000	2013	3,196	\$130.16	4/3.5	2xGar	1.5 story	Pool, Scrn Prch
Not	1021 Posting	2.45	2/15/2019	\$414,000	2000	4,937	\$83.86	4/4.5	2xGar	1.5 story	Scrn Prch
Not	2521 Wood	3.25	7/30/2017	\$350,000	2003	3,607	\$97.03	4/4	4xGar	1.5 story	Pool, sunroom
Not	356 Whitaker	7.28	1/9/2017	\$340,000	1997	3,216	\$105.72	4/4	2xGar	Ranch	Pole barn

Adjoining Sales Adjusted

Time	Acres	YB	GLA	BR/BA	Park	Other	Total	% Diff
							\$416,000	
	\$15,000	\$37,674	-\$58,398	-\$10,000			\$398,276	4%
\$10,500	\$12,000	\$24,500	-\$15,952	-\$5,000	-\$5,000		\$371,048	11%
\$15,300	\$5,000	\$38,080	-\$846	-\$5,000			\$392,534	6%
Average								7%

The data on these sales all show that the subject property adjoining the solar farm sold for more than these other comparable sales. These sales suggest a mild increase in value due to proximity to the solar farm, however, the subject property is a custom home with upgrades that would balance out that difference. I therefore conclude that these matched pairs support an indication of no impact on property value.

12. Matched Pair – Courthouse Solar, Gaston County, NC



This project is a 5 MW facility located on 161.92 acres on Tryon Courthouse Road near Bessemer City that was approved in late 2016 but has not yet been constructed due to delays in the power purchase agreement process with Duke Progress Energy.

I have considered a recent sale of a home (Parcel 13) located across from this approved solar farm project as well as an adjoining lot sale (Parcel 25) to the west of this approved project.

I compared the home sale to similar sized homes with similar exposure to county roads as shown below. I considered three similar sales that once adjusted for differences show a positive relationship due to proximity to the solar farm. The positive impact is less than 5% which is a standard deviation for real estate transaction and indicates no impact on property value.

Adjoining Residential Sales After Solar Farm Approved

Solar	Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style
Adjoins	2134 Tryon Court.	0.85	3/15/2017	\$111,000	2001	1,272	\$87.26	3/2	Drive	Ranch
Not	214 Kiser	1.14	1/5/2017	\$94,000	1987	1,344	\$69.94	3/2	Drive	Ranch
Not	101 Windward	0.30	3/30/2017	\$104,000	1995	1,139	\$91.31	3/2	Drive	Ranch
Not	5550 Lennox	1.44	10/12/2018	\$115,000	2002	1,224	\$93.95	3/2	Drive	Ranch

Adjoining Residential Sales After Solar Farm Approved

Solar	Address	Acres	Date Sold	Sales Price	Time	Acres	YB	GLA	Total	% Diff
Adjoins	2134 Tryon Court.	0.85	3/15/2017	\$111,000					\$111,000	
Not	214 Kiser	1.14	1/5/2017	\$94,000	\$533		\$9,212	-\$1,511	\$102,234	8%
Not	101 Windward	0.30	3/30/2017	\$104,000	-\$128		\$4,368	\$5,615	\$113,855	-3%
Not	5550 Lennox	1.44	10/12/2018	\$115,000	-\$5,444		-\$805	-\$2,396	\$106,355	4%

Average 3%

Similarly, I compared the lot sale to four nearby land sales. Parcel 25 could not be subdivided and was a single estate lot. There were a number of nearby lot sales along Weaver Dairy that sold for \$43,000 to \$30,000 per lot for 4-acre home lots. Estate lots typically sell at a base homesite rate that would be

represented by those prices plus a diminishing additional value per additional acre. The consideration of the larger tract more accurately illustrates the value per acre for larger tracts. After adjustments, the land sales show a mild positive impact on land value with an average increase of 9%, which supports a positive impact.

Adjoining Residential Land Sales After Solar Farm Approved						Adjoining Sales Adjusted				
Solar	Address	Acres	Date Sold	Sales Price	\$/Ac	Time	Acres	Total	% Diff	Note
Adjoins	5021 Buckland	9.66	3/21/2018	\$58,500	\$6,056			\$58,500		1 homesite only
Not	Campbell	6.75	10/31/2018	\$42,000	\$6,222	-\$773	\$18,107	\$59,333	-1%	
Not	Kiser	17.65	11/27/2017	\$69,000	\$3,909	\$647	-\$19,508	\$50,139	14%	6 acres less usable due to shape (50%)
Not	522 Weaver Dairy	3.93	2/26/2018	\$30,000	\$7,634	\$57	\$25,000	\$55,057	6%	
Not	779 Sunnyside	6.99	3/6/2017	\$34,000	\$4,864	\$1,062	\$12,987	\$48,049	18%	
Average									9%	

13. Matched Pair – Mariposa Solar, Gaston County, NC



This project is a 5 MW facility located on 35.80 acres out of a parent tract of 87.61 acres at 517 Blacksnake Road, Stanley that was built in 2016.

I have considered a number of recent sales around this facility as shown below.

The first is identified in the map above as Parcel 1, which is 215 Mariposa Road. This is an older dwelling on large acreage with only one bathroom. I've compared it to similar nearby homes as shown below.

Adjoining Residential Sales After Solar Farm Approved

Solar	Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style
Adjoins	215 Mariposa	17.74	12/12/2017	\$249,000	1958	1,551	\$160.54	3/1	Garage	Br/Rnch
Not	249 Mariposa	0.48	3/1/2019	\$153,000	1974	1,792	\$85.38	4/2	Garage	Br/Rnch
Not	110 Airport	0.83	5/10/2016	\$166,000	1962	2,165	\$76.67	3/2	Crprt	Br/Rnch
Not	1249 Blacksnake	5.01	9/20/2018	\$242,500	1980	2,156	\$112.48	3/2	Drive	1.5
Not	1201 Abernathy	27.00	5/3/2018	\$390,000	1970	2,190	\$178.08	3/2	Crprt	Br/Rnch

Adjoining Residential Sales After Solar Farm Approved						Adjoining Sales Adjusted							
Solar	Address	Acres	Date Sold	Sales Price	Time	YB	Acres	GLA	BR/BA	Park	Other	Total	% Diff
Adjoins	215 Mariposa	17.74	12/12/2017	\$249,000								\$249,000	
Not	249 Mariposa	0.48	3/1/2019	\$153,000	-\$5,583	-\$17,136	\$129,450	-\$20,576	-\$10,000			\$229,154	8%
Not	110 Airport	0.83	5/10/2016	\$166,000	\$7,927	-\$4,648	\$126,825	-\$47,078	-\$10,000			\$239,026	4%
Not	1249 Blacksnake	5.01	9/20/2018	\$242,500	-\$5,621	-\$37,345	\$95,475	-\$68,048	-\$10,000	\$5,000		\$221,961	11%
Not	1201 Abernathy	27.00	5/3/2018	\$390,000	-\$4,552	-\$32,760	-\$69,450	-\$60,705	-\$10,000			\$212,533	15%
Average													9%

The average difference after adjusting for all factors is +9% on average, which suggests an enhancement due to the solar farm across the street. Given the large adjustments for acreage and size, I will focus on the low end of the adjusted range at 4%, which is within the typical deviation and therefore suggests no impact on value.

I have also considered Parcel 4 that sold after the solar farm was approved but before it had been constructed in 2016.

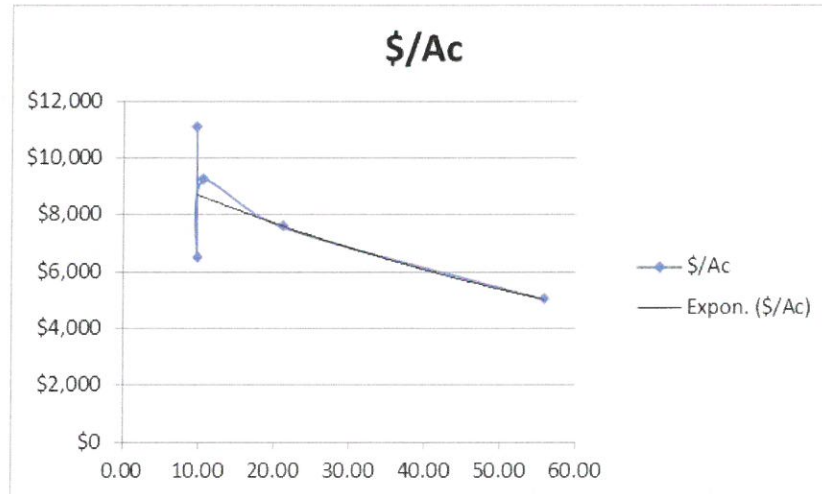
Adjoining Residential Sales After Solar Farm Approved											
Solar	Address	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Park	Style	Other
Adjoins	242 Mariposa	2.91	9/21/2015	\$180,000	1962	1,880	\$95.74	3/2	Carport	Br/Rnch	Det Wrkshop
Not	249 Mariposa	0.48	3/1/2019	\$153,000	1974	1,792	\$85.38	4/2	Garage	Br/Rnch	
Not	110 Airport	0.83	5/10/2016	\$166,000	1962	2,165	\$76.67	3/2	Crprt	Br/Rnch	
Not	1249 Blacksnake	5.01	9/20/2018	\$242,500	1980	2,156	\$112.48	3/2	Drive		1.5

Adjoining Residential Sales After Solar Farm Approved						Adjoining Sales Adjusted							
Solar	Address	Acres	Date Sold	Sales Price	Time	YB	Acres	GLA	BR/BA	Park	Other	Total	% Diff
Adjoins	242 Mariposa	2.91	9/21/2015	\$180,000								\$180,000	
Not	249 Mariposa	0.48	3/1/2019	\$153,000	-\$15,807	-\$12,852	\$18,468	\$7,513				\$172,322	4%
Not	110 Airport	0.83	5/10/2016	\$166,000	-\$3,165	\$0	\$15,808	-\$28,600			\$25,000	\$175,043	3%
Not	1249 Blacksnake	5.01	9/20/2018	\$242,500	-\$21,825	-\$30,555	-\$15,960	-\$40,942		\$2,000	\$25,000	\$160,218	11%
Average													6%

The average difference after adjusting for all factors is +6%, which is again suggests a mild increase in value due to the adjoining solar farm use. The median is a 4% adjustment, which is within a standard deviation and suggests no impact on property value.

I have also considered the recent sale of Parcel 13 that is located on Blacksnake Road south of the project. I was unable to find good land sales in the same 20 acre range, so I have considered sales of larger and smaller acreage. I adjusted each of those land sales for time. I then applied the price per acre to a trendline to show where the expected price per acre would be for 20 acres. As can be seen in the chart below, this lines up exactly with the purchase of the subject property. I therefore conclude that there is no impact on Parcel 13 due to proximity to the solar farm.

Adjoining Residential Land Sales After Solar Farm Approved						Adjoining Sales Adjusted	
Solar	Tax/Street	Acres	Date Sold	Sales Price	\$/Ac	Time	\$/Ac
Adjoins	174339/Blacksnake	21.15	6/29/2018	\$160,000	\$7,565		\$7,565
Not	227852/Abernathy	10.57	5/9/2018	\$97,000	\$9,177	\$38	\$9,215
Not	17443/Legion	9.87	9/7/2018	\$64,000	\$6,484	-\$37	\$6,447
Not	164243/Alexis	9.75	2/1/2019	\$110,000	\$11,282	-\$201	\$11,081
Not	176884/Bowden	55.77	6/13/2018	\$280,000	\$5,021	\$7	\$5,027



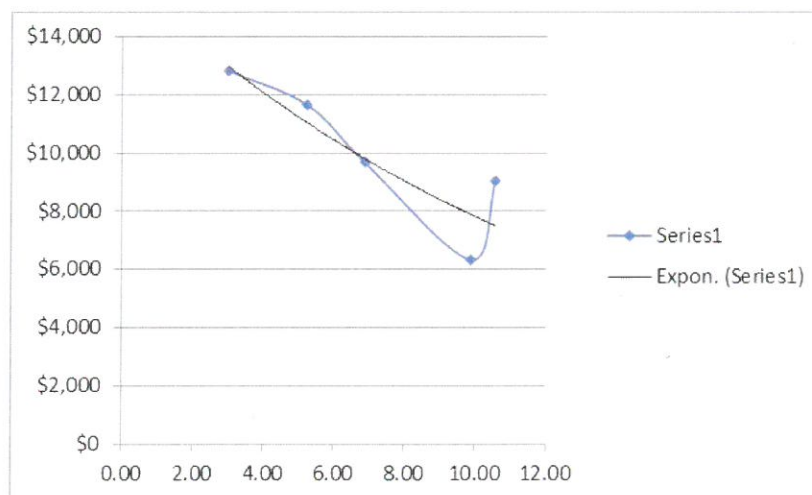
Finally, I have considered the recent sale of Parcel 17 that sold as vacant land. I was unable to find good land sales in the same 7 acre range, so I have considered sales of larger and smaller acreage. I adjusted each of those land sales for time. I then applied the price per acre to a trendline to show where the expected price per acre would be for 7 acres. As can be seen in the chart below, this lines up with the trendline running right through the purchase price for the subject property. I therefore conclude that there is no impact on Parcel 13 due to proximity to the solar farm. I note that this property was improved with a 3,196 square foot ranch built in 2018 following the land purchase, which shows that development near the solar farm was unimpeded.

Adjoining Residential Land Sales After Solar Farm Approved

Solar	Tax/Street	Acres	Date Sold	Sales Price	\$/Ac
Adjoins	227039/Mariposa	6.86	12/6/2017	\$66,500	\$9,694
Not	227852/Abernathy	10.57	5/9/2018	\$97,000	\$9,177
Not	17443/Legion	9.87	9/7/2018	\$64,000	\$6,484
Not	177322/Robinson	5.23	5/12/2017	\$66,500	\$12,715
Not	203386/Carousel	2.99	7/13/2018	\$43,500	\$14,548

Adjoining Sales Adjusted

Time	Location	\$/Ac
		\$9,694
-\$116		\$9,061
-\$147		\$6,338
\$217	-\$1,272	\$11,661
-\$262	-\$1,455	\$12,832



Conclusion

The solar farm matched pairs shown above have similar characteristics to each other in terms of population, with most of the projects being in areas with a 1-mile radius population under 1,000, but with several outliers showing solar farms in more urban areas.

The median income for the population within 1 mile of a solar farm is \$45,968 with a median housing unit value of \$192,692. Most of the comparables are under \$300,000 in the home price, though I have also confirmed matched pairs in other states with adjoining homes up to \$770,000.

These figures are in line with the larger set of solar farms that I have looked at with the predominant adjoining uses being residential and agricultural.

Matched Pair Summary						Adj. Uses By Acreage					1 mile Radius (2010-2016 Data)		
	Name	City	State	Acres	MW	Topo Shift	Res	Ag	Ag/Res	Com	Population	Med. Income	Avg. Housing Unit
1	AM Best	Goldsboro	NC	38	5.00	2	38%	23%	0%	39%	1,523	\$37,358	\$148,375
2	White Cross	Chapel Hill	NC	45	5.00	50	5%	51%	44%	0%	213	\$67,471	\$319,929
3	Wagstaff	Roxboro	NC	30	5.00	46	7%	89%	4%	0%	336	\$41,368	\$210,723
4	Pine Valley	West End	NC	89	5.00	80	7%	6%	80%	7%	272	\$52,386	\$225,000
5	Gaston SC	Gastonia	NC	35	5.00	48	33%	23%	0%	44%	4,689	\$35,057	\$126,562
6	Summit	Moyock	NC	2034	80.00	4	4%	94%	0%	2%	382	\$79,114	\$281,731
7	White Cross II	Chapel Hill	NC	34	2.80	35	25%	75%	0%	0%	213	\$67,471	\$319,929
8	Tracy	Bailey	NC	50	5.00	10	29%	71%	0%	0%	312	\$43,940	\$99,219
9	McBride	Midland	NC	627	75.00	140	12%	78%	10%	0%	398	\$63,678	\$256,306
10	Conetoe	Conetoe	NC	910	80.00	2	5%	78%	17%	0%	336	\$37,160	\$96,000
11	Beetle-Shelby	Shelby	NC	24	4.00	52	22%	0%	77%	1%	218	\$53,541	\$192,692
12	Courthouse	Bessemer	NC	52	5.00	150	48%	52%	0%	0%	551	\$45,968	\$139,404
13	Mariposa	Stanley	NC	36	5.00	96	48%	52%	0%	0%	1,716	\$36,439	\$137,884
Average				308	21.68	55	22%	53%	18%	7%	858	\$50,842	\$196,443
Median				45	5.00	48	22%	52%	0%	0%	336	\$45,968	\$192,692
High				2,034	80.00	150	48%	94%	80%	44%	4,689	\$79,114	\$319,929
Low				24	2.80	2	4%	0%	0%	0%	213	\$35,057	\$96,000
Subject				324	65.00	110	58%	4%	38%	0%	483	\$64,446	\$232,072

I have pulled the matched pairs from the above referenced solar farms to provide the following summary of home sale matched pairs and land sales next to solar farms. The summary shows that the range of differences is from -1% to +6% with an average and median of +1%. This means that the average and median impact is for a slight positive impact due to adjacency to a solar farm. However, this 1% rate is within the typical variability I would expect from real estate. I therefore conclude that this data shows no negative or positive impact due to adjacency to a solar farm.

Similarly, the land sales show a median upward impact of 3% due to adjacency to a solar farm with a range from -3% to +17%. I therefore conclude that this data shows no negative or positive impact due to adjacency to a solar farm.

Residential Dwelling Matched Pairs Adjoining Solar Farms

Pair	Solar Farm	City	State	Area	MW	Approx Distance	Tax ID/Address	Sale Date	Sale Price	Adj. Sale Price	% Diff
1	AM Best	Goldsboro	NC	Suburban	5	280	3600195570	Sep-13	\$250,000		
							3600198928	Mar-14	\$250,000	\$250,000	0%
2	AM Best	Goldsboro	NC	Suburban	5	280	3600195361	Sep-13	\$260,000		
							3600194813	Apr-14	\$258,000	\$258,000	1%
3	AM Best	Goldsboro	NC	Suburban	5	280	3600199891	Jul-14	\$250,000		
							3600198928	Mar-14	\$250,000	\$250,000	0%
4	AM Best	Goldsboro	NC	Suburban	5	280	3600198632	Aug-14	\$253,000		
							3600193710	Oct-13	\$248,000	\$248,000	2%
5	AM Best	Goldsboro	NC	Suburban	5	280	3600196656	Dec-13	\$255,000		
							3601105180	Dec-13	\$253,000	\$253,000	1%
6	AM Best	Goldsboro	NC	Suburban	5	280	3600182511	Feb-13	\$247,000		
							3600183905	Dec-12	\$240,000	\$245,000	1%
7	AM Best	Goldsboro	NC	Suburban	5	280	3600182784	Apr-13	\$245,000		
							3600193710	Oct-13	\$248,000	\$248,000	-1%
8	AM Best	Goldsboro	NC	Suburban	5	280	3600195361	Nov-15	\$267,500		
							3600195361	Sep-13	\$260,000	\$267,800	0%
9	Pine Valley	West End	NC	Rural	5	175	16893	Aug-16	\$66,000		
							16897	Aug-16	\$59,000	\$65,490	1%
10	Neal Hawkins	Gastonia	NC	Suburban	5	275	139179	Mar-17	\$270,000		
							139179	Mar-17	\$270,000	\$270,000	0%
11	Summit	Moyock	NC	Suburban	80	1,060	129 Pinto	Apr-16	\$170,000		
							102 Timber	Apr-16	\$175,500	\$169,451	0%
12	Summit	Moyock	NC	Suburban	80	2,020	105 Pinto	Dec-16	\$206,000		
							127 Ranchland	Jun-15	\$219,900	\$194,278	6%
13	White Cross II	Chapel Hill	NC	Rural	2.8	1,479	2018 Elkins	Feb-16	\$340,000		
							4200B Old Greensbor	Dec-15	\$380,000	\$329,438	3%
14	Tracy	Bailey	NC	Rural	5	780	9162 Winters	Jan-17	\$255,000		
							7352 Red Fox	Jun-16	\$176,000	\$252,399	1%
15	McBride Place	Midland	NC	Rural	75	275	4380 Joyner	Nov-17	\$325,000		
							3870 Elkwood	Aug-16	\$250,000	\$317,523	2%
16	Conetoe	Conetoe	NC	Rural	80	1515	287 Leigh	Mar-16	\$31,000		
							63 Brittany	Jul-16	\$18,000	\$30,372	2%
17	Beetle-Shelby	Mooresboro	NC	Rural	4	945	1715 Timber	Oct-18	\$416,000		
							1021 Posting	Feb-19	\$414,000	\$398,276	4%
18	Courthouse	Bessemer	NC	Rural	5	375	2134 Tryon Court.	Mar-17	\$111,000		
							5550 Lennox	Oct-18	\$115,000	\$106,355	4%
19	Mariposa	Stanley	NC	Suburban	5	1155	215 Mariposa	Dec-17	\$249,000		
							110 Airport	May-16	\$166,000	\$239,026	4%
20	Mariposa	Stanley	NC	Suburban	5	570	242 Mariposa	Sep-15	\$180,000		
							110 Airport	Apr-16	\$166,000	\$175,043	3%

	MW	Acres
Average	19.59	643
Median	5.00	280
High	80.00	2,020
Low	2.80	175

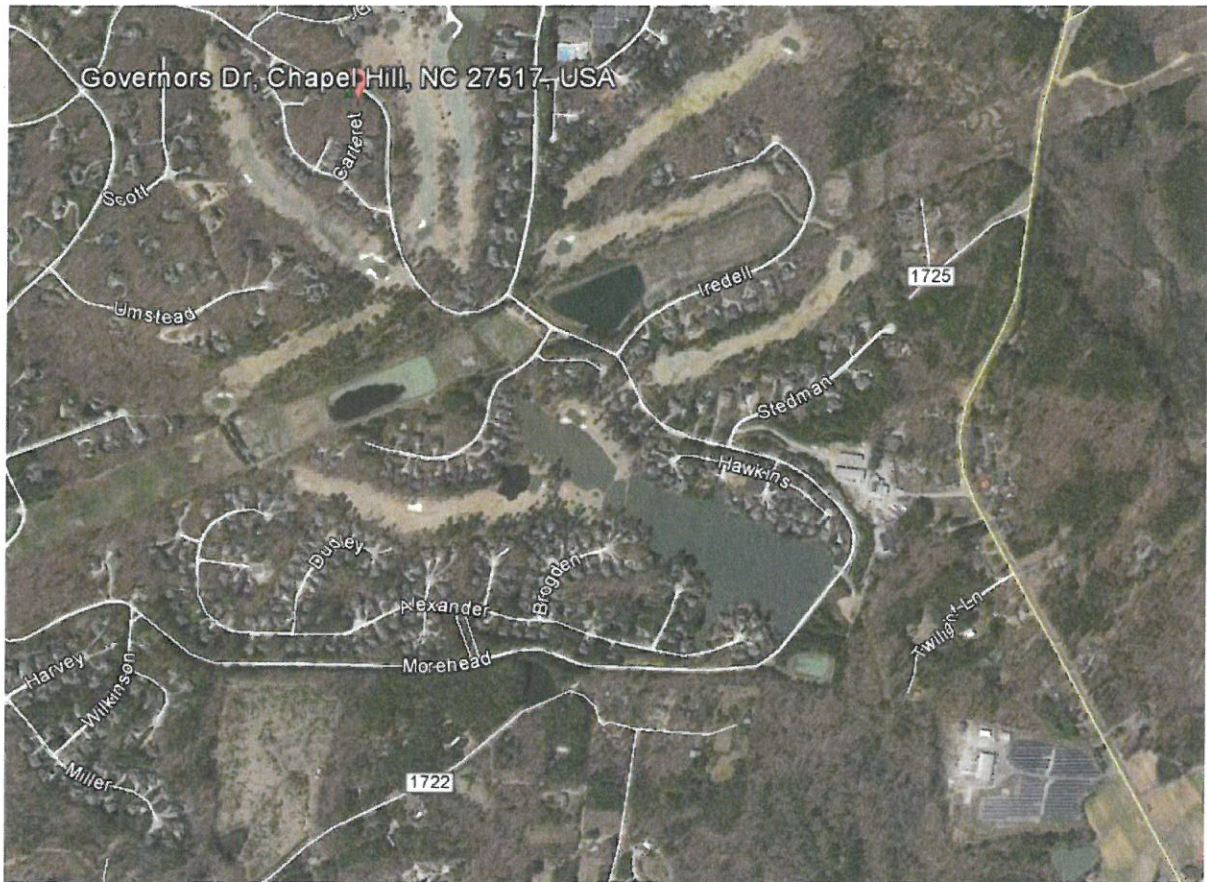
Average	2%
Median	1%
High	6%
Low	-1%

Land Sale Matched Pairs Adjoining Solar Farms

Pair	Solar Farm	City	State	Area	MW	Tax ID/Address	Sale Date	Sale Price	Acres	\$/AC	Adj. \$/AC	% Diff	
1	White Cross	Chapel Hill	NC	Rural	5	9748336770	Jul-13	\$265,000	47.20	\$5,614			
						9747184527	Nov-10	\$361,000	59.09	\$6,109	\$5,278	6%	
2	Wagstaff	Roxboro	NC	Rural	5	91817117960	Aug-13	\$164,000	18.82	\$8,714			
						91800759812	Dec-13	\$130,000	14.88	\$8,737	\$8,737	0%	
3	Tracy	Bailey	NC	Rural	5	316003	Jul-16	\$70,000	13.22	\$5,295			
						6056	Oct-16	\$164,000	41.00	\$4,000	\$4,400	17%	
4	Marion	Aurora	OR	Rural	0.3	18916 Butteville	Aug-14	\$259,000	15.75	\$16,444			
						Waconda	Sep-15	\$215,000	11.86	\$18,128	\$16,950	-3%	
5	Portage	Portage	IN	Sub	2	64-06-19-200-003	Feb-14	\$149,600	18.70	\$8,000			
						64-15-08-200-010	Jan-17	\$115,000	15.02	\$7,656	\$7,198	10%	
6	Courthouse	Bessemer	NC	Rural	5	5021 Buckland	Mar-18	\$58,500	9.66	\$6,056			
						Kiser	Nov-17	\$69,000	17.65	\$3,909	\$5,190	14%	
7	Mariposa	Stanley	NC	Sub	5	174339	Jun-18	\$160,000	21.15	\$7,565			
						227852	May-18	\$97,000	10.57	\$9,177	\$7,565	0%	
8	Mariposa	Stanley	NC	Sub	5	227039	Dec-17	\$66,500	6.86	\$9,694			
						177322	May-17	\$66,500	5.23	\$12,715	\$9,694	0%	
					Average	4.04						Average	5%
					Median	5.00						Median	3%
					High	5.00						High	17%
					Low	0.30						Low	-3%

II. Harmony of Use/Compatibility

I have researched over 500 solar farms and sites on which solar farms are proposed in North Carolina and Virginia as well as other states to determine what uses and types of areas are compatible and harmonious with a solar farm. The data I have collected and provide in this report strongly supports the compatibility of solar farms with adjoining agricultural and residential uses. While I have focused on adjoining uses, I note that there are many examples of solar farms being located within a quarter mile of residential developments, including such notable developments as Governor's Club in Chapel Hill, which has a solar farm within a quarter mile as you can see on the following aerial map. Governor's Club is a gated golf community with homes selling for \$300,000 to over \$2 million.



The subdivisions included in the matched pair analysis also show an acceptance of residential uses adjoining solar farms as a harmonious use.

Beyond these anecdotal references, I have quantified the adjoining uses for a number of solar farm comparables to derive a breakdown of the adjoining uses for each solar farm. The chart below shows the breakdown of adjoining or abutting uses by total acreage.

Percentage By Adjoining Acreage

	Res	Ag	Res/AG	Comm	Ind	Avg. Dist to Home	Closest Home	All Res Uses	All Comm Uses
Average	19%	53%	20%	1%	7%	849	346	92%	8%
Median	11%	57%	8%	0%	0%	661	215	100%	0%
High	100%	100%	100%	80%	96%	4,835	4,670	100%	96%
Low	0%	0%	0%	0%	0%	90	25	0%	0%

Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

Total Solar Farms Considered: 493

I have also included a breakdown of each solar farm by number of adjoining parcels rather than acreage. Using both factors provides a more complete picture of the neighboring properties.

Percentage By Number of Parcels Adjoining

	Res	Ag	Res/AG	Comm	Ind	Avg. Dist to Home	Closest Home	All Res Uses	All Comm Uses
Average	61%	24%	9%	2%	4%	848	346	94%	6%
Median	65%	20%	5%	0%	0%	661	215	100%	0%
High	100%	100%	100%	60%	78%	4,835	4,670	100%	78%
Low	0%	0%	0%	0%	0%	90	25	22%	0%

Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

Total Solar Farms Considered: 493

Both of the above charts show a marked residential and agricultural adjoining use for most solar farms. Every single solar farm considered included an adjoining residential or residential agricultural use. These comparable solar farms clearly support a compatibility with adjoining residential uses along with agricultural uses.

III. Summary of Local Solar Farm Projects

On the following page I have included a summary of 24 solar farms in Rowan and adjoining counties to show the typical location, adjoining uses, and distances to homes in the area.

Parcel #	County	City	Name	Output (MW)	Total	Used	Avg. Dist	Closest	Adjoining Use by Acre			
					Acres	Acres	to home	Home	Res	Agri	Agri/Res	Com
37	Cabarrus	Midland	Midland		95.5	38.28			10%	47%	44%	0%
93	Stanly	Misenheimer	Misenheimer		94.03	31.47	919	400	27%	15%	59%	0%
111	Rowan	Charlotte	Woodleaf	7.6	116.19		1,475	430	5%	11%	38%	46%
131	Rowan	Salisbury	Cup	23.846	213.19		954	250	7%	0%	13%	80%
134	Iredell	Mooreville	Tripple		160.6		2,566	830	15%	82%	0%	3%
136	Rowan	Salisbury	Spencer	5	189.81	29.88	1,533	200	28%	46%	0%	26%
171	Rowan	Rockwell	Organ Church	5	61		224	180	22%	78%	0%	0%
183	Rowan	Mt. Ulla	Sherrill's Ford	5	130.53		1,738	715	17%	82%	0%	0%
235	Iredell	Stony Point	Old Mountain	3.96	19.99		250	145	25%	75%	0%	0%
346	Davie	Mocksville	Mocksville	6.14	33.06		296	115	8%	0%	92%	0%
350	Davidson	Denton	Quincy		189.02	38.81	1,255	445	41%	48%	10%	2%
379	Davidson	Lexington	Lexington 64		117.13	43.19	1,082	520	30%	0%	64%	5%
382	Davie	Advance	Ray Wilson		44.33		508	185	35%	36%	29%	0%
386	Iredell	Statesville	1045 Tomlin Mill		136.57	26	1,357	600	4%	32%	16%	48%
400	Cabarrus	Midland	McBride	74.9	974.59	627	1,425	140	12%	78%	9%	0%
406	Iredell	Stony Point	Delta	5	199.5	38	2,080	1,380	0%	47%	53%	0%
408	Davie	Advance	Carolina Lily	5	54.36	38	1,007	185	13%	17%	70%	0%
410	Davie	Advance	Longleaf Pine		29.57				20%	0%	80%	0%
454	Davidson	Thomasville	Thomasville	30	367.48	154	293	135	98%	0%	0%	2%
481	Davie	Mocksville	Quail		502.75	320	796	215	5%	88%	0%	7%
491	Davie	Cooleemee	Crawford 3	15.4	135.51	110	655	110	5%	76%	13%	7%
492	Stanly	Misenheimer	Misenheimer 2018	80	740.2	687.2	504	130	11%	40%	22%	27%
509	Davidson	Thomasville	Clarksbury	-	49.2	40.5	503	87	5%	40%	37%	18%
581	Davie	Mocksville	Daniel	5	54.7	47.3	640	185	2%	76%	22%	0%
Total Number of Solar Farms				24								
			Average	19.42	196.2	151.3	1003	345	18%	42%	28%	11%
			Median	5.57	123.8	40.5	937	193	12%	43%	19%	1%
			High	80.00	974.6	687.2	2566	1380	98%	88%	92%	80%
			Low	3.96	20.0	26.0	224	87	0%	0%	0%	0%

IV. Specific Factors on Harmony with the Area

I have completed a number of Impact Studies related to a variety of uses and I have found that the most common areas for impact on adjoining values typically follow the following hierarchy with descending levels of potential impact. I will discuss each of these categories and how they relate to a solar farm.

1. Hazardous material
2. Odor
3. Noise
4. Traffic
5. Stigma
6. Appearance

1. Hazardous material

The solar farm presents no potential hazardous waste byproduct as part of normal operation. Any fertilizer, weed control, vehicular traffic, or construction will be significantly less than typically applied in a residential development or even most agricultural uses.

The various solar farms that I have inspected and identified in the addenda have no known environmental impacts associated with the development and operation.

2. Odor

The various solar farms that I have inspected produced no odor.

3. Noise

Whether discussing passive fixed solar panels, or single-axis trackers, there is no negative impact associated with noise from a solar farm. The transformer reportedly has a hum similar to an HVAC that can only be heard in close proximity to this transformer and the buffers on the property are sufficient to make emitted sounds inaudible from the adjoining properties. No sound is emitted from the facility at night.

The various solar farms that I have inspected were inaudible from the roadways.

4. Traffic

The solar farm will have no onsite employee's or staff. The site requires only minimal maintenance. Relative to other potential uses of the site (such as a residential subdivision), the additional traffic generated by a solar farm use on this site is insignificant.

5. Stigma

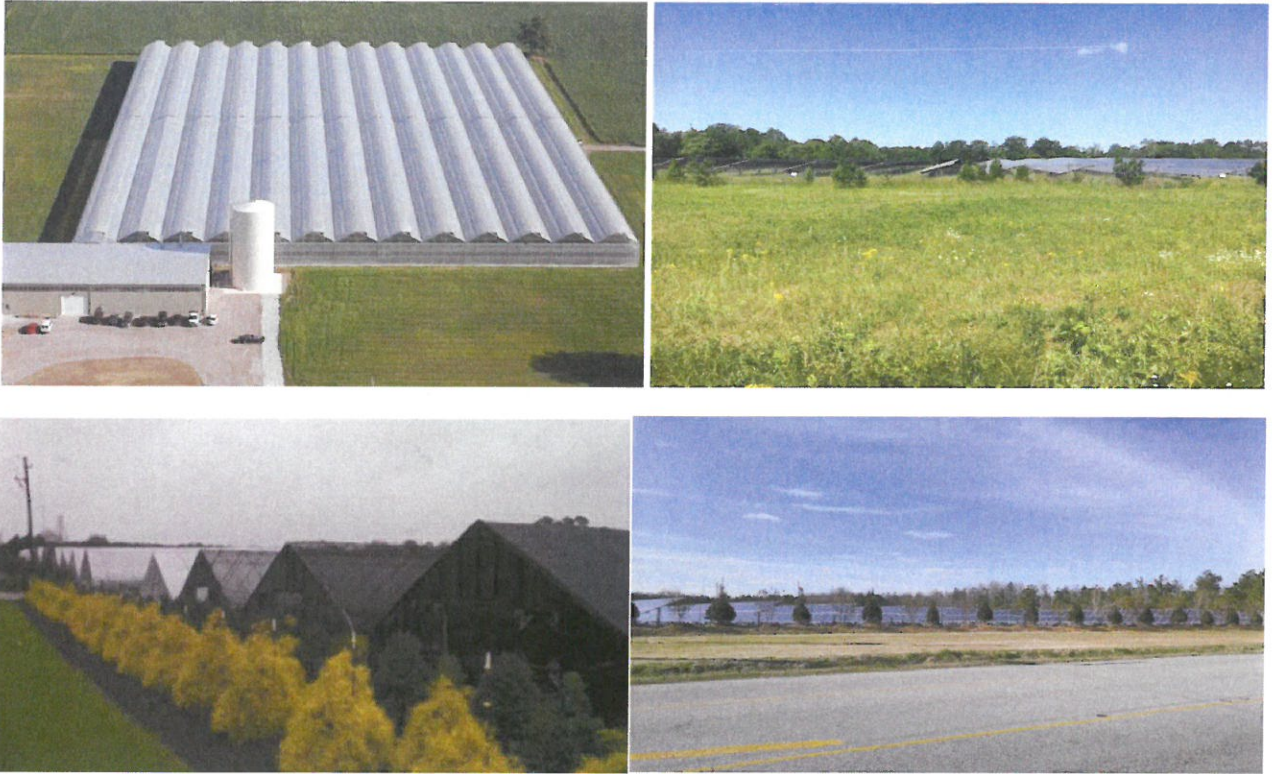
There is no stigma associated with solar farms and solar farms and people generally respond favorably towards such a use. While an individual may express concerns about proximity to a solar farm, there is no specific stigma associated with a solar farm. Stigma generally refers to things such as adult establishments, prisons, rehabilitation facilities, and so forth.

Solar panels have no associated stigma and in smaller collections are found in yards and roofs in many residential communities. Solar panels on a roof are often cited as an enhancement to the property in marketing brochures.

I see no basis for an impact from stigma due to a solar farm.

6. Appearance

Although “appearance” has been ruled by NC Courts to be irrelevant to the issue of “harmony with an area,” I note that larger solar farms using fixed or tracking panels are a passive use of the land that is considered in keeping with a rural/residential area. As shown below, solar farms are comparable to larger greenhouses. This is not surprising given that a greenhouse is essentially another method for collecting passive solar energy. The greenhouse use is well received in residential/rural areas and has a similar visual impact as a solar farm.



The solar panels are all less than 15 feet high, which means that the visual impact of the solar panels will be similar in height to a typical greenhouse and lower than a single story residential dwelling. Were the subject property developed with single family housing, that development would have a much greater visual impact on the surrounding area given that a two-story home with attic could be three to four times as high as these proposed panels.

7. Conclusion

On the basis of the factors described above, it is my professional opinion that the proposed solar farm will be in harmony with the area in which it is to be developed. The breakdown of adjoining uses is similar to the other solar farms tracked.

V. Conclusion

The matched pair analysis shows no impact in home values due to abutting or adjoining a solar farm as well as no impact to abutting or adjacent vacant residential or agricultural land. The criteria that typically correlates with downward adjustments on property values such as noise, odor, and traffic all indicate that a solar farm is a compatible use for rural/residential transition areas and that it would function in a harmonious manner with this area.

Very similar solar farms in very similar areas have been found by hundreds of towns and counties not to have a substantial injury to abutting or adjoining properties, and many of those findings of no impact have been upheld by N.C. Courts or overturned by N.C. Courts when a board found otherwise (see, for example *Dellinger v. Lincoln County*). Similar solar farms have been approved adjoining agricultural uses, schools, churches, and residential developments. Industrial uses rarely absorb negative impacts from adjoining uses.

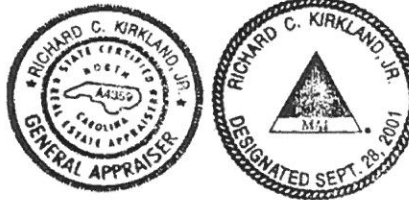
Based on the data and analysis in this report, it is my professional opinion that the solar farm proposed at the subject property will have no impact on the value of adjoining or abutting property and that the proposed use is in harmony with the area in which it is located. I note that some of the positive implications of a solar farm that have been expressed by people living next to solar farms include protection from future development of residential developments or other more intrusive uses, reduced dust, odor and chemicals from former farming operations, protection from light pollution at night, it's quiet, and there is no traffic.

If you have any further questions please call me any time.

Sincerely,



Richard C. Kirkland, Jr., MAI
State Certified General Appraiser




Nicholas D. Kirkland
Trainee Appraiser

Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

- ❖ The basic limitation of this and any appraisal is that the appraisal is an opinion of value, and is, therefore, not a guarantee that the property would sell at exactly the appraised value. The market price may differ from the market value, depending upon the motivation and knowledge of the buyer and/or seller, and may, therefore, be higher or lower than the market value. The market value, as defined herein, is an opinion of the probable price that is obtainable in a market free of abnormal influences.
- ❖ I do not assume any responsibility for the legal description provided or for matters pertaining to legal or title considerations. I assume that the title to the property is good and marketable unless otherwise stated.
- ❖ I am appraising the property as though free and clear of any and all liens or encumbrances unless otherwise stated.
- ❖ I assume that the property is under responsible ownership and competent property management.
- ❖ I believe the information furnished by others is reliable, but I give no warranty for its accuracy.
- ❖ I have made no survey or engineering study of the property and assume no responsibility for such matters. All engineering studies prepared by others are assumed to be correct. The plot plans, surveys, sketches and any other illustrative material in this report are included only to help the reader visualize the property. The illustrative material should not be considered to be scaled accurately for size.
- ❖ I assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. I take no responsibility for such conditions or for obtaining the engineering studies that may be required to discover them.
- ❖ I assume that the property is in full compliance with all applicable federal, state, and local laws, including environmental regulations, unless the lack of compliance is stated, described, and considered in this appraisal report.
- ❖ I assume that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in this appraisal report.
- ❖ I assume that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- ❖ I assume that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
- ❖ I am not qualified to detect the presence of floodplain or wetlands. Any information presented in this report related to these characteristics is for this analysis only. The presence of floodplain or wetlands may affect the value of the property. If the presence of floodplain or wetlands is suspected the property owner would be advised to seek professional engineering assistance.
- ❖ For this appraisal, I assume that no hazardous substances or conditions are present in or on the property. Such substances or conditions could include but are not limited to asbestos, urea-formaldehyde foam insulation, polychlorinated biphenyls (PCBs), petroleum leakage or underground storage tanks, electromagnetic fields, or agricultural chemicals. I have no knowledge of any such materials or conditions unless otherwise stated. I make no claim of technical knowledge with regard to testing for or identifying such hazardous materials or conditions. The presence of such materials, substances or conditions could affect the value of the property. However, the values estimated in this report are predicated on the assumption that there are no such materials or conditions in, on or in close enough proximity to the property to cause a loss in value. The client is urged to retain an expert in this field, if desired.
- ❖ Unless otherwise stated in this report the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the

Americans with Disabilities Act (effective 1/26/92). The presence of architectural and/or communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

- ❖ Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- ❖ Possession of this report, or a copy thereof, does not carry with it the right of publication.
- ❖ I have no obligation, by reason of this appraisal, to give further consultation or testimony or to be in attendance in court with reference to the property in question unless further arrangements have been made regarding compensation to Kirkland Appraisals, LLC.
- ❖ Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of Kirkland Appraisals, LLC, and then only with proper qualifications.
- ❖ Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.
- ❖ Any income and expenses estimated in this report are for the purposes of this analysis only and should not be considered predictions of future operating results.
- ❖ This report is not intended to include an estimate of any personal property contained in or on the property, unless otherwise stated.
- ❖ This report is subject to the Code of Professional Ethics of the Appraisal Institute and complies with the requirements of the State of North Carolina for State Certified General Appraisers. This report is subject to the certification, definitions, and assumptions and limiting conditions set forth herein.
- ❖ The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
- ❖ This is a Real Property Appraisal Consulting Assignment.

Certification

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. I have not made a personal inspection of the property that is the subject of this report and;
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not completed any appraisal related assignment on this property within the last three years

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors.

Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.



Richard C. Kirkland, Jr., MAI
State Certified General Appraiser



Nicholas D. Kirkland
Trainee Appraiser





Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI
9408 Northfield Court
Raleigh, North Carolina 27603
Mobile (919) 414-8142
rkirkland2@gmail.com
www.kirklandappraisals.com

PROFESSIONAL EXPERIENCE

Kirkland Appraisals, LLC , Raleigh, N.C. Commercial appraiser	2003 – Present
Hester & Company , Raleigh, N.C. Commercial appraiser	1996 – 2003

PROFESSIONAL AFFILIATIONS

MAI (Member, Appraisal Institute) designation #11796	2001
NC State Certified General Appraiser # A4359	1999
VA State Certified General Appraiser # 4001017291	
SC State Certified General Appraiser # 6209	
FL State Certified General Appraiser # RZ3950	
IL State Certified General Appraiser # 553.002633	
OR State Certified General Appraiser # C001204	

EDUCATION

Bachelor of Arts in English , University of North Carolina, Chapel Hill	1993
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CONTINUING EDUCATION

Income Approach Case Studies for Commercial Appraisers	2018
Introduction to Expert Witness Testimony for Appraisers	2018
Appraising Small Apartment Properties	2018
Florida Appraisal Laws and Regulations	2018
Uniform Standards of Professional Appraisal Practice Update	2018
Appraisal of REO and Foreclosure Properties	2017
Appraisal of Self Storage Facilities	2017
Land and Site Valuation	2017
NCDOT Appraisal Principles and Procedures	2017
Uniform Standards of Professional Appraisal Practice Update	2016
Forecasting Revenue	2015
Wind Turbine Effect on Value	2015
Supervisor/Trainee Class	2015
Business Practices and Ethics	2014
Subdivision Valuation	2014
Uniform Standards of Professional Appraisal Practice Update	2014
Introduction to Vineyard and Winery Valuation	2013
Appraising Rural Residential Properties	2012
Uniform Standards of Professional Appraisal Practice Update	2012
Supervisors/Trainees	2011
Rates and Ratios: Making sense of GIMs, OARs, and DCFs	2011
Advanced Internet Search Strategies	2011
Analyzing Distressed Real Estate	2011
Uniform Standards of Professional Appraisal Practice Update	2011

Business Practices and Ethics	2011
Appraisal Curriculum Overview (2 Days – General)	2009
Appraisal Review - General	2009
Uniform Standards of Professional Appraisal Practice Update	2008
Subdivision Valuation: A Comprehensive Guide	2008
Office Building Valuation: A Contemporary Perspective	2008
Valuation of Detrimental Conditions in Real Estate	2007
The Appraisal of Small Subdivisions	2007
Uniform Standards of Professional Appraisal Practice Update	2006
Evaluating Commercial Construction	2005
Conservation Easements	2005
Uniform Standards of Professional Appraisal Practice Update	2004
Condemnation Appraising	2004
Land Valuation Adjustment Procedures	2004
Supporting Capitalization Rates	2004
Uniform Standards of Professional Appraisal Practice, C	2002
Wells and Septic Systems and Wastewater Irrigation Systems	2002
Appraisals 2002	2002
Analyzing Commercial Lease Clauses	2002
Conservation Easements	2000
Preparation for Litigation	2000
Appraisal of Nonconforming Uses	2000
Advanced Applications	2000
Highest and Best Use and Market Analysis	1999
Advanced Sales Comparison and Cost Approaches	1999
Advanced Income Capitalization	1998
Valuation of Detrimental Conditions in Real Estate	1999
Report Writing and Valuation Analysis	1999
Property Tax Values and Appeals	1997
Uniform Standards of Professional Appraisal Practice, A & B	1997
Basic Income Capitalization	1996

FORGESOLAR GLARE ANALYSIS

Project: **China Grove**

Site near Salisbury airport

Site configuration: **Project Area**

Analysis conducted by Cullen Morris (info@cooperative.solar) at 20:07 on 06 Aug, 2019.

U.S. FAA 2013 Policy Adherence

The following table summarizes the policy adherence of the glare analysis based on the 2013 U.S. Federal Aviation Administration Interim Policy 78 FR 63276. This policy requires the following criteria be met for solar energy systems on airport property:

- No "yellow" glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) ("ATCT") at cab height.
- Default analysis and observer characteristics (see list below)

ForgeSolar does not represent or speak officially for the FAA and cannot approve or deny projects. Results are informational only.

COMPONENT	STATUS	DESCRIPTION
Analysis parameters	PASS	Analysis time interval and eye characteristics used are acceptable
Flight path(s)	PASS	Flight path receptor(s) do not receive yellow glare
ATCT(s)	N/A	No ATCT receptors designated

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

FAA Policy 78 FR 63276 can be read at <https://www.federalregister.gov/d/2013-24729>

SITE CONFIGURATION

Analysis Parameters

DNI: peaks at 1,000.0 W/m²
Time interval: 1 min
Ocular transmission
coefficient: 0.5
Pupil diameter: 0.002 m
Eye focal length: 0.017 m
Sun subtended angle: 9.3
mrad
Site Config ID: 30130.5467



PV Array(s)

Name: PV array 1

Axis tracking: Single-axis rotation

Tracking axis orientation: 180.0°

Tracking axis tilt: 0.0°

Tracking axis panel offset: 0.0°

Max tracking angle: 60.0°

Resting angle: 60.0°

Rated power: -

Panel material: Smooth glass without AR coating

Reflectivity: Vary with sun

Slope error: correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	35.693686	-80.572433	748.91	0.00	748.91
2	35.693652	-80.570545	767.21	0.00	767.21
3	35.687238	-80.571832	805.73	0.00	805.73
4	35.686193	-80.571790	779.82	0.00	779.82
5	35.686123	-80.569043	797.69	0.00	797.69
6	35.684031	-80.569086	774.44	0.00	774.44
7	35.684101	-80.563764	799.66	0.00	799.66
8	35.681835	-80.563636	773.36	0.00	773.36
9	35.681661	-80.569129	784.38	0.00	784.38
10	35.680406	-80.569172	766.18	0.00	766.18
11	35.680476	-80.562262	764.36	0.00	764.36
12	35.684973	-80.561962	803.45	0.00	803.45
13	35.683334	-80.558014	786.08	0.00	786.08
14	35.679604	-80.558142	744.55	0.00	744.55
15	35.679535	-80.560846	765.33	0.00	765.33
16	35.674166	-80.565266	770.59	0.00	770.59
17	35.673260	-80.562863	732.98	0.00	732.98
18	35.674515	-80.559945	728.08	0.00	728.08
19	35.672806	-80.559773	721.18	0.00	721.18
20	35.672841	-80.557112	708.63	0.00	708.63
21	35.669843	-80.557241	696.76	0.00	696.76
22	35.669564	-80.562348	728.32	0.00	728.32
23	35.670505	-80.563721	754.53	0.00	754.53
24	35.670959	-80.565009	772.74	0.00	772.74
25	35.671098	-80.567884	782.52	0.00	782.52
26	35.671238	-80.569601	778.69	0.00	778.69
27	35.674445	-80.572176	750.53	0.00	750.53
28	35.676885	-80.573892	732.66	0.00	732.66
29	35.680267	-80.573935	775.75	0.00	775.75
30	35.683787	-80.575824	786.21	0.00	786.21
31	35.685983	-80.576167	803.00	0.00	803.00
32	35.686262	-80.573420	808.99	0.00	808.99

Flight Path Receptor(s)

Name: FP 02

Description:

Threshold height: 50 ft

Direction: 195.3°

Glide slope: 3.0°

Pilot view restricted? Yes

Vertical view: 30.0°

Azimuthal view: 50.0°



Point	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
Threshold	35.652713	-80.517891	766.60	50.00	816.60
Two-mile	35.680605	-80.508509	689.85	680.21	1370.05

Name: FP 20

Description:

Threshold height: 50 ft

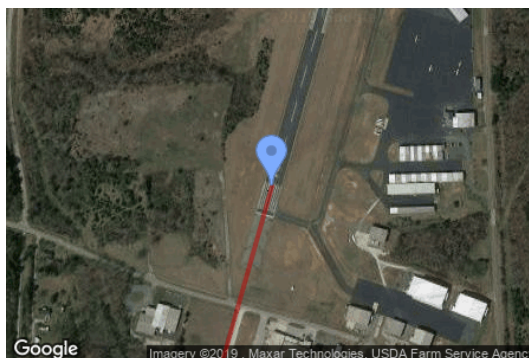
Direction: 15.8°

Glide slope: 3.0°

Pilot view restricted? Yes

Vertical view: 30.0°

Azimuthal view: 50.0°



Point	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
Threshold	35.639070	-80.522714	769.21	50.00	819.21
Two-mile	35.611249	-80.532406	764.04	608.63	1372.67

GLARE ANALYSIS RESULTS

Summary of Glare

PV Array Name	Tilt	Orient	"Green" Glare	"Yellow" Glare	Energy
	(°)	(°)	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	-

Total annual glare received by each receptor

Receptor	Annual Green Glare (min)	Annual Yellow Glare (min)
FP 02	0	0
FP 20	0	0

Results for: PV array 1

Receptor	Green Glare (min)	Yellow Glare (min)
FP 02	0	0
FP 20	0	0

Flight Path: FP 02

0 minutes of yellow glare

0 minutes of green glare

Flight Path: FP 20

0 minutes of yellow glare

0 minutes of green glare

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.

Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Glare vector plots are simplified representations of analysis data. Actual glare emanations and results may differ.

The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual results and glare occurrence may differ.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Evaluation Criteria
(Zoning Ordinance Sec. 21-59)

1. Adequate transportation access to the site exists.

Solar farms require minimal points of access for occasional visits related to maintenance of vegetated buffers and mowing of grass. All points are shown on site plans submitted to the county, and each must be approved by NCDOT.

2. The use will not significantly detract from the character of the surrounding area.

If anything, this facility will enhance the character of the surrounding community by preventing development of land with houses or subdivisions. As a use of land that generates no noise, dust, odor, or traffic, that is completely quiet at night and will be screened from view, this facility will have no feature or characteristic that detracts from this community.

3. Hazardous safety conditions will not result.

As explained above, solar farms do not generate traffic or possess any characteristic that is dangerous to human health or safety. Solar farms are little more than glass panels that passively absorb sunlight and convert it to useable, clean, and renewable energy.

4. The use will not generate noise, odor, glare, or dust.

It has been previously explained that solar farms produce no dust, noise or odor. The panels are designed to absorb sunlight, not to reflect it. If a person were inside the facility (e.g. on the inside of the perimeter vegetation), there might be places where glare could be seen that is little more than glare from a pond or silo or greenhouse. However, a person on the outside of the perimeter vegetation should not be able to see glare.

5. Excessive traffic or parking problems will not result.

Solar facilities generate fewer vehicle trips in one month than an average single family home generates in one day. They are unmanned and only require occasional visits for vegetation maintenance.

6. The use will not create significant visual impacts for adjoining properties or passersby.

This facility will be screened from sight by natural vegetation or vegetation planted at the time of installation. Even if there were places where a passerby or neighbor could partially see panels between the planted vegetation, this standard does not suggest or require 100% screening or visual blockage.

Required Findings
(Zoning Ordinance Sec. 21-58(e))

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

A. Public Safety

Solar farms are unmanned facilities that only require maintenance of the grass and vegetated buffers. As a result, solar facilities generate fewer vehicle trips in one month than an average single family home generates in one day.¹

Although it will be visually screened by either natural vegetation or planted evergreens, this facility will have adequate fencing around its perimeter to prevent access by outsiders to any electrical components.

B. Public Health

The most commonly asked health-related question is the effect of electro-magnetic fields (EMF) generated by the inverters that convert the direct current to alternating current that can be placed onto the grid.

EMF is present everywhere there is electricity – our homes, our schools, our businesses, our churches, and even our cars. A person standing inside the facility next to an inverter is exposed to EMF comparable to the EMF generated by the refrigerator in their kitchen or the computer screen they sit behind. EMF generated by the inverters is essentially immeasurable and, for practical purposes, nonexistent outside the facility perimeter.

C. Environmental Health

Solar farms must follow all laws protecting flood plains and stream buffers. Additionally, because the posts supporting the panel frames (called “racks”) are simply driven into the ground and the solar panels allow rain to reach the ground, solar farms are *not* considered by the NC Department of Environmental Quality to be impervious surfaces that accelerate the flow of stormwater or prevent its absorption. Thus, solar farms do not increase the flow of groundwater as a house or a subdivision would, and they allow maximal groundwater absorption for aquifers that support wells.

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

When real estate prices are negatively affected by an adjoining use, that use is what appraisers call an “external obsolescence.” A neighboring use can (but not necessarily) be an

¹ The national standard per the Institute of Transportation Engineers *Trip Generation Manual* (9th ed.) (used by Rowan County) is 9.52 vehicle trips per day for single family homes.

external obsolescence if it generated *substantial* odor, noise, traffic, dust, or had the stigma of being an imminent danger to health or safety.

A high school, for example, generates traffic and the noise of marching bands and stadium crowds, and a subdivision generates traffic and the noise of mowers and leaf blowers, but studies do not demonstrate these uses to be harmful to nearby home values. A farm can generate substantial dust, but farms, too, are considered just another acceptable form of land use in areas such as this.

Solar farms have none of the qualities that would make them an external obsolescence, and therefore they have not been found to have an impact – let alone a “substantial” impact – on the value of adjoining properties. They make no noise, generate no traffic, are completely dark at night, produce no odor or dust, are completely safe to human health and, in this case, would be substantially screened from sight.

The applicant will produce a market impact analysis of numerous solar farms that follows and adopts the standards of the N.C. Appraisal Board and the Appraisal Institute by studying “comparable properties,” or “comps.” This type of study identifies recent residential sales adjacent to a solar farm and compares each sale to the sale of a comparable residential property in the same market and same time period sufficiently far away that the solar farm would not have an impact.

This study – and hundreds of similar studies – have demonstrated that homes adjacent to a solar farm have sold for the same or comparable amount as homes in the same market that are not near the solar farm. This is because solar farms have none of the characteristics that would make them an external obsolescence and therefore do not negatively affect the value of adjoining properties.

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

A. Harmony

In land use planning and under N.C. law, a harmonious use is not a use that looks like nearby uses. For example, homes, schools, cell towers, churches, utility substations, fire stations, billboards, and farm uses such as greenhouses, silos, and chicken houses look quite dissimilar, yet none of them is considered an inharmonious use in a rural or semi-rural area. Nor are subjective feelings of attractiveness relevant, a point that many N.C. Court of Appeals panels and the N.C. Supreme Court have affirmed.

Harmony, therefore, is a functional determination that balances the rights of property owners. A use becomes inharmonious when it interrupts the reasonable use of adjoining or nearby properties. No aspect of a solar farm would prevent homes from being used and enjoyed as homes or a church from being used and enjoyed as a church.

Although it might seem counterintuitive, the most common threat to quiet living in rural or semi-rural areas is the development of more houses and subdivisions that bring traffic and noise.

B. General Conformity with Adopted County Plans

(i) Zoning Ordinance Table of Permitted Uses. Under N.C. law, the inclusion of a ground-mounted solar energy system (solar farm) in the Table of Permitted Uses as an allowed use in an RA district is a legislative determination by the Board of Commissioners that a solar farm is harmonious with other uses within that district. Rowan County has already made this determination when it included solar farms in the Table of Permitted Uses in Zoning Ordinance Sec. 21-113.

(ii) Land Use Plan (Areas West of I-85)

When the Land Use Plan (LUP) for this area was adopted in 2009, solar farms were not a prevalent land use. Very few, in fact, existed.

However, the LUP itself proclaims that it “should be considered a ‘living’ document” and only a “‘road map’ or ‘guide’ for future land use decisions” and “not an official set of rules regulating land use.” (Implementation Strategies §5.1) Solar farms are consistent with the principles espoused in this LUP as individual sections are examined.

Regarding this specific area, the LUP notes that “most of this growth is residential with anticipation that commercial development will follow.” Subdivision growth is expected and the approval process improved to encourage subdivision growth “while preserving the rural character of the study area.” (LUP p. 39) Subdivision growth with concurrent maintenance or rural areas are generally incompatible goals. However, a solar farm is an excellent compromise between growth of tax base and acknowledgement of private property rights with a use that does not generate traffic, lights, or noise.

The Scenic Byway in this area will be unaffected by a facility that is carefully screened from view, and the ability to easily and quickly remove panels and return land to farms and timber is a form of farm and timberland protection. (LUP pp. 17, 19)

The LUP (p. 24) expresses concern and awareness of quality of groundwater. Solar farms generate no substances that pollute the groundwater and allow for maximum absorption after rainstorms.

School districts and the potential over capacity of schools is a key focus of this plan (LUP p. 30). Solar farms generate more tax revenue than agricultural and timber use, but they do not increase the school capacities.

Transportation networks will not need improvements or incur wear and tear due to a solar farm that generates only a few vehicle trips per month (LUP p. 32), and flood hazard areas, wetlands, water supply watersheds, and land trust protected areas will be unaffected for reasons provided above (LUP p. 34).



Rowan County Department of
Planning & Development
402 N. Main Street Ste 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # CUP 03-19
Date Filed 7/15/19
Received By BB
Amount Paid \$ 200.00

Office Use Only

CONDITIONAL USE PERMIT APPLICATION

OWNERSHIP INFORMATION:

Name: See attached Exhibits A & B for property owner info, signatures.

Signature: _____

Phone: _____ Email: _____

Address: _____

APPLICANT / AGENT INFORMATION:

Name: China Grove Solar LLC

Signature: Rex Younger, authorized agent China Grove Solar

Phone: 866.795.4015x705 Email: ryoung@cooperative.solar

Address: 5003 Southpark Dr., Ste. 210 Durham, NC 27713

PROPERTY DETAILS:

Tax Parcel: See attached Exhibit A Zoning District: _____

Date Acquired: _____ Deed Reference: Book _____ Page _____

Property Location: _____

Size (sq. ft. or acres): _____ Street Frontage: _____

Current Land Use: _____

Surrounding Land Use: North Rural Agriculture
South Rural Agricultural/Residential Suburban
East Rural Agriculture
West Rural Agriculture

PURPOSE & SECTION:

State purpose of conditional use permit:

Development of a 65 megawatt solar energy system/solar farm.

Cite section(s) of Zoning Ordinance which permit is being requested:

Sections 21-52, 21-58, 21-59, 21-60(4)(b)

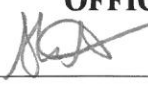
ATTACHED DOCUMENTS:

Applicant must attach a response to the evaluation criteria from Section 21-59 and an accompanying site plan based on information required in Section 21-52 and 21-60.

Attached: Yes ☒ No ☐

Applicant shall, at the time the application is made, present all the necessary evidence (maps, drawings, statements, certifications, etc.) showing how the requirements of the applicable sections of the Zoning Ordinance will be met.

OFFICIAL USE ONLY

1. Signature of Coordinator:  2. Board of Commissioners
Public Hearing: / / 3. Notifications Mailed: / / 4. Property Posted:
 / / 5. BOC Action: Approved Denied 6. Date Applicant Notified:
 / /

China Grove Solar, LLC Application for Conditional Use Permit
Exhibit A

Parcel ID: 458 003
Landowner: Big Harry LLC
Contact: Harry Welch: 980-234-2995; harry.welch@gmail.com
Property address: 0 NEEL RD, Salisbury, NC 28147 (Tax address: 1945 Neel Rd.)
Deed Book/Page: 1144/837
Acquired: 1-20-16
Acres: 370.71
Current Zoning: Rural Agricultural
Street Frontage: Less than one-tenth of a mile runs along Sherrills Ford Rd.; most of the parcel runs along Neel Rd.

Parcel ID: 456 104
Landowner: Big Harry LLC
Contact: Harry Welch: 980-234-2995, harry.welch@gmail.com
Property address: 0 Sherrills Ford Rd., Salisbury, NC 28147 (Tax address: 1945 Neel Rd.)
Deed Book/Page: 1271/419
Acquired: 6-20-16
Acres: 24.35
Current Zoning: Rural Agricultural (R-A)
Street Frontage: Less than one-tenth of a mile runs along Sherrills Ford Rd.

Parcel ID: 456 151
Landowner: Mia Holshouser and Bryan Bradshaw
Contact: (704) 572-8437; mia@gscreates.com; bryannbradshaw@gmail.com
Property address: 520 Old Bradshaw Rd., Salisbury, NC 28147
Deed Book/Page: 1281/610
Acquired: 12-20-16
Acres: 32.26
Current Zoning: Rural Agricultural (R-A)
Street Frontage: Less than one-fifth of a mile runs along Bradshaw Rd.

China Grove Solar, LLC Zoning Application

Exhibit B

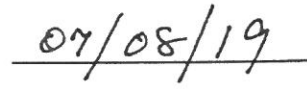
On behalf of Big Harry, LLC, China Grove Solar, LLC, is expressly authorized to submit zoning applications, conditional use permit applications, and any other applications and materials for the placement of a Solar Energy System on property owned by Big Harry, LLC more described as Rowan County PINs 458 003 and 456 104, and more fully described on Exhibit A to the conditional use permit application.

Big Harry, LLC further affirms that, if approved by Rowan County, China Grove Solar, LLC, it's successors, or assigns shall have leasehold rights to own, maintain and operate a Solar Energy System on the above described properties.



Big Harry, LLC

Manager

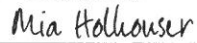


Date

China Grove Solar, LLC Zoning Application
Exhibit B

We hereby inform Rowan County that China Grove Solar, LLC, is expressly authorized to submit zoning applications, conditional use permit applications, and any other applications and materials for the placement of a Solar Energy System on property owned by us, which property is more specifically described as Rowan County PIN 456 151, and which is more fully described on Exhibit A to the conditional use permit application.

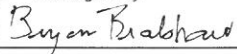
We further affirm that, if approved by Rowan County, the applicant shall have leasehold rights to own, maintain and operate a Solar Energy System on the above described properties.

DocuSigned by:


Mia Holhouser

7/11/2019

Date

DocuSigned by:


Bryan Bradshaw

7/11/2019

Date

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Cari Price
DATE: August 23, 2019
SUBJECT: Permission to Apply for The Foundation For The Carolinas Grant for Night Vision Goggles

The Rowan County Sheriff's Office is requesting to apply for the 2019 Foundation For The Carolinas grant cycle. The Rowan County Sheriff's Office Special Response Team is using night vision goggles that are being leased from NSW-Crane. We are requesting funds so we are able to purchase 3 night vision devices. This would give our SRT operators state-of-the-art helmet mounted night vision capabilities, and enhance officer safety.

The total cost of our project is \$10,647. We are asking for the maximum grant request of \$10,000 from the Foundation For The Carolinas and the remaining \$647 will come out of the Sheriff's Office budget.

There is no match requested.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Cari Price
DATE: August 23, 2019
SUBJECT: Permission to Apply for The Foundation For The Carolinas Grant for Shop With A Cop

The Rowan County Sheriff's Office is requesting to apply for the 2019 Foundation for the Carolinas grant cycle. We wish to apply for \$3,500 to help fund our Shop with a Cop program. The grant from the Foundation for the Carolinas would fund two meals, wrapping supplies, crafts and games for the wrapping party for low-income and/or at-risk participants in Rowan County. Our goal is each participant will be partnered with a law enforcement officer who will dedicate one-on-one time with them for the day. Participants will be able to shop for family members and one other child in need from Rowan County. Participants and their parents/guardians will meet in the morning, and then officers and their partnering participant will enjoy a light breakfast before spending the day shopping at Walmart. After shopping, officers will have lunch with their partner, wrap gifts and have fun!

To fully fund the Shop with a Cop Program, we are planning to apply to both the Walmart Foundation and the Foundation for the Carolinas. In previous years we have received \$2,500 from the Walmart Foundation. We are requesting to apply to the Foundation for the Carolinas for the additional \$3,500 we will fully fund our project.

In the case we receive \$5,000 from Walmart and \$3,500 from the Foundations for the Carolinas; we will be able to have more participants or provide more money to each participant shopping. If we do not receive funding from the Foundation for the Carolinas, we will fundraise for the needed amount.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Deborah Horne
DATE: 08-23-2019
SUBJECT: Mt. Mitchell FD Approval and Written Contract

Mt. Mitchell FD is purchasing a 2019 Peterbuilt Tanker with 3000 gallon capacity. They need the commissioners to sign the enclosed document solely for notification and acknowledgement.

Rowan County Emergency Services respectfully recommends the Board of Commissioners sign the attached document.

ATTACHMENTS:

Description	Upload Date	Type
Document	8/23/2019	Cover Memo

SECTION 147(F) APPROVAL AND WRITTEN CONTRACT

The undersigned Chief Elected Official of _____(hereinafter referred to as "Municipality") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), hereby approves that the Mt. Mitchell Volunteer Fire Department, Inc. is entering into a Contract in an aggregate principal amount not to exceed \$210,466.00 to finance equipment or a project consisting of One (1) 2019 Peterbilt 3000 Gallon Tanker which will be located at the fire house of the Mt. Mitchell Volunteer Fire Department, Inc..

This approval is given following a public hearing held at _____(Time and Date of Public Meeting) at the company's fire station (or other location which was designated in the public notice) and is solely for the purpose of satisfying the requirements of Section 147(f) of the code. **This approval does not in any way constitute any financial involvement or obligation of the Municipality.**

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Mt. Mitchell Volunteer Fire Department, Inc. has provided fire fighting and other services for the Municipality for many years and Mt. Mitchell Volunteer Fire Department, Inc. hereby agrees to meet the requirement to continue to provide fire fighting and other services for Municipality.

Dated as of _____

Mt. Mitchell Volunteer Fire Department, Inc.

Municipality

Signature

Signature

Printed Name and Title

Printed Name and Title

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Finance Department
DATE: August 23, 2019
SUBJECT: Rowan-Salisbury School System - School Nursing Services Contract

Please see the attached contract.

Please approve the attached contract with the Rowan-Salisbury School System for school health nursing services.

ATTACHMENTS:

Description	Upload Date	Type
Rowan-Salisbury School System - School Nursing	8/27/2019	Backup Material

ROWAN COUNTY CONTRACT CONTROL FORM

Date: 5-Aug-19

SECTION I - DEPARTMENT COMPLETES

Department: Health Account #: 1155240-585000-52422 Amount: 100,000.00
 Account #: _____ Amount: \$ _____
Rowan - Salisbury School System - Total: 100,000.00
 Vendor name: School Health Nursing Services Term Dates: June 1, 2019-May 31, 2020
 Contract description: To provide school nursing services to the students of the Rowan-Salisbury School System
 POC name: Nina Oliver Phone: 704-216-8871
 POC email: Nina.Oliver@rowancountync.gov
 Vendor mail address: PO Box 2349 Salisbury, NC 28145 Vendor #: 2480
☐ New contract ☒ Contract renewal Munis contract #: _____
☐ Amendment to contract _____ Vendor signatures _____ Munis BA #, if applicable: _____
 Notes: Reimbursement of \$57/hour

Department Head Initials: NO

Date: 8-5-19

SECTION II - CONTRACT ADMINISTRATOR REVIEW

☒ Section I properly completed Y Requires Board approval (Y/N)
☒ Budgeted funds are available

Contract Administrator Initials: DS

Date: 8/14/19

SECTION III - INFORMATION TECHNOLOGY REVIEW, IF APPLICABLE

This document has been reviewed and approved by the IT Director as to technical content.

IT Director Initials: NH

Date: _____

SECTION IV - INSURANCE REVIEW

☐ Hold contract pending receipt of Certificate of Insurance ☐ Certificate attached and approved ☐ No insurance required

Risk Manager Initials: _____

Date: _____

SECTION V - LEGAL REVIEW

☐ Non-appropriation clause ☐ Indemnity clause ☐ Termination clause ☐ E-verify clause
☐ Approved as to form and sufficiency ☐ If Board approval required, sent to Department for agenda item

Attorney Initials: _____

Date: _____

SECTION VI - FINANCE DIRECTOR REVIEW AND PRE-AUDIT

☐ Budgeted funds are available ☐ Contract has been pre-audited

Finance Director Initials: _____

Date: _____

SECTION VII - COUNTY MANAGER REVIEW

☐ Contract has been properly signed by all parties

County Manager Initials: _____

Date: _____

SECTION VIII - CONTRACT ADMINISTRATOR COMPLETES

This document has been reviewed and approved by the Board of Commissioners and/or County Manager. ☐ Yes ☐ No Date: _____

☐ Document fully executed, scanned and posted on the County website Date: _____

Clerk Initials: _____

Date: _____

**Contract for School Health Nursing Services
Between the
County of Rowan and Rowan-Salisbury School System
June 1, 2019 – May 31, 2020**

This agreement between the Rowan County Health Department, hereinafter referred to as the "Department", and the Rowan-Salisbury School System (sub-contractor), hereinafter referred to as the "School", is entered into for the purpose of providing school nursing (SNFI) services to the students of the Rowan-Salisbury School System.

Whereas: Both the Department and the School mutually agree that the purpose of providing school nursing services is to promote the optimal health and well-being, and readiness to learn of all students in Rowan-Salisbury Schools; and,

Whereas: Both the Department and the School mutually agree that the long-term purpose of these funds is to provide full-time nursing services to each school in the system; and,

Whereas: Both the Department and the School mutually agree that the School Nurse Funding Initiative (SNFI) is a useful step toward the goal of having a nurse to student ratio that is consistent with the national standard, and improves access to basic health services for all students served; and

Whereas: Both the Department and the School mutually agree to continue to provide school nursing services as specified in the annually developed Contract between Rowan County Health Department and Rowan-Salisbury School System.

THEREFORE: In consideration of the following mutual covenants/conditions and any sums to be paid, the Department and the School agree as follows:

The Department agrees:

1. To provide funds not to exceed \$100,000 to the sub-contractor for the purpose of supporting two nationally certified school nurse(s) or registered nurse(s) working toward school nursing certification for the 2019-2020 school year.
2. To pay funds monthly upon submission of an invoice that specifies personnel and other allowable costs and the Department shall pay the sub-contractor within thirty (30) days of receipt of the invoice. Any adjustments to the invoice shall be taken into account in the succeeding invoice or soon thereafter.
3. To assure payment for funds is used only for personnel costs (salary and fringe) and continuing education costs up to \$750 per SNFI position.
4. To participate in the Rowan-Salisbury School Health Advisory Council.
5. To collaborate with the School to include the School Health Nurses in emergency/disaster preparedness trainings, and to include information on the school health nurse role in a public health emergency and sheltering situation.
6. To collaborate with the School in providing communicable disease control and prevention measures in the school system. This will include immunization events in an effort to have all students meet the Department of Public Health requirements for childhood vaccinations.

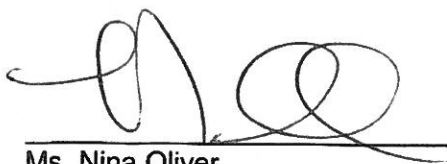
The Sub-Contractor agrees:

1. To provide a detailed budget to the Division of Public Health Regional School Health Nursing Consultant, Lucy Heffelfinger, by September 1, 2019.
2. To utilize funds not to exceed \$100,000 for the purpose of supporting two nationally certified school nurse(s) or registered nurse(s) working toward school nurse certification for the 2019-

2020 school year. This certification for must be completed no later than three years after employment as a school nurse. The School will submit a certification plan within 30 days of hire and will update the plan at least twice annually until the nurse is certified.

3. To complete, sign, and submit an annual written Work Plan to assure the provision of identified basic health services.
4. To provide direct nursing services to students within one or more schools following the scope of work in Attachment II.
5. To submit an invoice to the Department monthly that specifies personnel and other allowable costs for the period.
6. To provide adequate space, computer equipment, supplies and travel reimbursement for the designated position through other funds at the same level as provided to other school nurses supported by the Department or the Sub-Contractor.
7. To inform the Division of Public Health Regional School Health Nursing Consultant of the employment of the nurses, and in the event of termination, whether voluntary or involuntary, and the date of termination within 4 working days of such action.
8. To maintain documentation that each nurse employed under this contract is and remains current in his/her licensure as a Registered Nurse in good standing with the North Carolina Board of Nursing.
9. To provide supervision of the SNFI nurses according to the Division of Public Health Regional School Health Nursing Consultant.
10. To assume the full responsibility for negligence of its employees that provide nursing services under the terms of this contract for the contract positions, and for all nurses employed directly by the Sub-Contractor, but functioning under the direction of this contract.
11. To only use funds for salary, fringe, and to support continuing education and required school nurse training.
12. To assure that these funds will not supplant existing funds supporting school nurse positions.
13. To assure that the SNFI nursing positions will be allowed to assist the Department for local public health emergencies during state FY 2019-2020. The school health nurses may be called upon anytime to help the Department in a public health emergency which may include, but is not limited to, outbreak investigations, staffing mass dispensing or immunization clinics, providing disaster relief, sheltering, or other incidents that may arise.
14. To assure that services are provided in accordance with standards established by the North Carolina Nurse Practice Act and the NC Board of Nursing.
15. To assure that services are provided in a culturally sensitive manner.
16. To assure that services are provided in adherence to federal law in relation to privacy of student records, following both HIPAA (Health Insurance Portability and Accountability Act) and FERPA (Family Educational Rights and Privacy Act), as applicable. Where HIPAA and FERPA may appear to conflict, FERPA shall be followed in regards to records that become a part of the student's educational records.
17. To assure maintenance, storage, destruction, and archiving of student health records per FERPA and the NC Division of Cultural Resources, Records Retention and Disposition Schedule

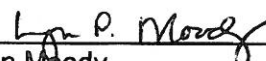
This contract shall be in effect for the period June 1, 2019 through May 31, 2020 and is renewable annually thereafter. Either party may terminate this contract with or without cause upon 60 days written notice.



Ms. Nina Oliver
Health Director

7-1-19

Date


Dr. Lynn Moody
Superintendent

6-12-19

Date

(This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act)

Ms. Leslie Heidrick
County Finance Officer

Date


Ms. Carol Herndon
School Finance Officer

6/13/19

Date

Attachment I

Assurances

(To be signed by the Superintendent of the Local Education Agency or other Sub-Contractor CEO)

Assure that these contracted funds will not be used to supplant existing federal, state, or local funds supporting school nurse positions. Communities will maintain current level of effort and funding for school nurses.



Initials

Assure that school nurses will be allowed to participate in required trainings.



Attachment II Scope of Work

Purpose:

The purpose of the contract is to improve the school nurse to student ratio in the School District in order to have a positive impact on improving children's health and their readiness to learn. Funds will be used to employ nationally certified school nurse(s) or registered nurse(s) working toward national certification to work full time in schools and enhance the local capacity to provide basic health services to students.

1. Employ two nationally certified school nurse(s) or registered nurse(s) working toward national certification, to work full time.
2. Submit an annual written work plan for each school nurse, no later than one month from hire date to the Division of Public Health Regional School Health Nursing Consultant.
 - a. The plan shall address delivery of basic health services, including activities, strategies and goals, within, but not limited to, the following areas:
 - i. Preventing and responding to communicable disease outbreaks;
 - ii. Developing and implementing plans for emergency medical assistance for students and staff;
 - iii. Supervising specialized clinical services and associated health teaching for students with chronic conditions and other special health needs;
 - iv. Administering, delegating where appropriate, and providing oversight and evaluation of medication administration and associated health teaching for other school staff who provide this service;
 - v. Providing or arranging for routine health assessments, such as vision, hearing, or dental screening, and follow-up of referrals; and
 - vi. Assuring that federal and state mandated health related activities are completed, which includes but is not limited to: Kindergarten Health Assessments, Immunization Status Report, blood-borne pathogen control plan (OSHA) requirements, services under Section 504, Individuals with Disabilities Education Act, Healthy Active Children (GCS-S-000) requirements for School Health Advisory Councils, and other mandated laws, rules and regulations pertaining to school health.
 - b. As required by HB 200 SL 2011-145 Section 10.22 (b): School nurses funded by SNFI do not assist in any instructional or administrative duties associated with a school's curriculum and do perform all of the following with respect to school health programs:
 - i. Serve as coordinator of the health services program and provide nursing care;
 - ii. Provide health education to students, staff, and parents;
 - iii. Identify health and safety concerns in the school environment and promote a nurturing school environment;
 - iv. Support healthy food services programs;
 - v. Promote healthy physical education, sports policies, and practices;
 - vi. Provide health counseling, assess mental health needs, provide interventions, and refer students to appropriate school staff or community agencies;
 - vii. Promote community involvement in assuring a healthy school and serve as school liaison to a health advisory committee;
 - viii. Provide health education and counseling and promote healthy activities and a healthy environment for school staff;
 - ix. Be available to assist the county health department during a public health emergency.
 - c. The plan shall also outline the steps the nurse(s) will take toward completing degree and certification requirements, if not already certified, no later than three years from the date of employment as a school nurse in North Carolina.

3. Submit a mid-year review of progress toward achieving goals in the work plan, scheduled by January 31, 2020 (if hired at start of school year) or by a date to be determined by the DPH regional school nurse consultant, if hired at a date different from start of school year.
4. Submit an annual report to the DPH Regional School Health Nursing Consultant that addresses the overall progress toward meeting the work plan outcomes, related, but not limited to, the health service areas listed above. Any information regarding strengths, challenges and the accomplishments of the position will also be reviewed. The report form for the annual report of data will be provided by the DPH Regional School Health Nursing Consultant to the sub-contractor in September of each school year. The link to the online report will be provided by the Regional School Health Nurse Consultant to each SNFI nurse in the spring. The report is due from each individual SNFI nurse no later than a week after the end of the school year; prior to resignation if not working the full school year; or upon a date to be determined with the DPH Regional School Health Nursing Consultant.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Finance Department
DATE: 8/23/2019
SUBJECT: Nazareth Child and Family Connections - Foster Care Contract

Please see the attached contract.

Please approve the attached contract with Nazareth Child and Family Connections for foster care services.

ATTACHMENTS:

Description	Upload Date	Type
Nazareth Child & Family Connections Contract	8/23/2019	Cover Memo

ROWAN COUNTY CONTRACT CONTROL FORM
Date: 8/12/2019

SECTION I - DEPARTMENT COMPLETES

Department: Social Services Account #: 1155420-593005 Amount: -
 Account #: 1155425-593008 Amount: -
 Total: \$800,000.00, Not to exceed
 Vendor name: Nazareth Child & Family Connections Term Dates: 7/1/2019-6/30/2020
 Contract description: Therapeutic Foster Care
 POC name: Jacqueline Millican Phone: 704-279-5556
 POC email: _____
 Vendor mail address: PO Box 1438, Rockwell, NC 28138 Vendor #: 133

☒ New contract ☒ Contract renewal Munis contract #: _____
☐ Amendment to contract ☐ Vendor signatures Munis BA #, if applicable: _____

Notes: _____
 Department Head Initials: DS Date: 8-12-19

SECTION II - CONTRACT ADMINISTRATOR REVIEW

☒ Section I properly completed Y Requires Board approval (Y/N) 9/3/19
☒ Budgeted funds are available
 Contract Administrator Initials: DS Date: 8/14/19

SECTION III - INFORMATION TECHNOLOGY REVIEW, IF APPLICABLE

This document has been reviewed and approved by the IT Director as to technical content.
 IT Director Initials: N/A Date: _____

SECTION IV - INSURANCE REVIEW

☐ Hold contract pending receipt of Certificate of Insurance ☐ Certificate attached and approved ☐ No insurance required
 Risk Manager Initials: _____ Date: _____

SECTION V - LEGAL REVIEW

☐ Non-appropriation clause ☐ Indemnity clause ☐ Termination clause ☐ E-verify clause
☐ Approved as to form and sufficiency ☐ If Board approval required, sent to Department for agenda item
 Attorney Initials: _____ Date: _____

SECTION VI - FINANCE DIRECTOR REVIEW AND PRE-AUDIT

☐ Budgeted funds are available ☐ Contract has been pre-audited
 Finance Director Initials: _____ Date: _____

SECTION VII - COUNTY MANAGER REVIEW

☐ Contract has been properly signed by all parties
 County Manager Initials: _____ Date: _____

SECTION VIII - CONTRACT ADMINISTRATOR COMPLETES

This document has been reviewed and approved by the Board of Commissioners and/or County Manager. ☐ Yes ☐ No Date: _____
 Document fully executed, scanned and posted on the County website Date: _____
 Contract Administrator Initials: _____ Date: _____

Contract #**Fiscal Year Begins 7/1/2019 Ends 6/30/2020**

This contract is hereby entered into by and between the **Rowan** County Department of Social Services (the "County") and **Nazareth Children's Home dba Nazareth Child and Family Connection** (the "Contractor") (referred to collectively as the "Parties"). The Contractor's federal tax identification number or Social Security Number is _____ and DUNS Number _____ (required if funding from a federal funding source).

1. **Contract Documents:** This Contract consists of the following documents:
- (1) This contract
 - (2) The General Terms and Conditions (Attachment A)
 - (3) The Scope of Work, description of services, and rate (Attachment B)
 - (4) Federal Certification Regarding Drug-Free Workplace & Certification Regarding Nondiscrimination (Attachment C)
 - (5) Conflict of Interest (Attachment D)
 - (6) No Overdue Taxes (Attachment E)
 - (7) Federal Certification Regarding Environmental Tobacco Smoke (Attachment F)
 - (8) Federal Certification Regarding Lobbying (Attachment G)
 - (9) Federal Certification Regarding Debarment (Attachment H)
 - (10) *If applicable*, HIPAA Business Associate Addendum (checklist and forms)
 - (11) Certification of Transportation (Attachment J)
 - (12) *If applicable*, IRS federal tax exempt letter or 501 (c)(3) (Attachment K) <http://www.irs.gov/pub/irs-fill/k1023.pdf>
 - (13) State Certification (Attachment M)
 - (14) Certification of Eligibility under the Iran Divestment Act (Attachment N)
 - (15) Contract Determination Questionnaire (required)

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

2. **Precedence among Contract Documents:** In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.
3. **Effective Period:** This contract shall be effective on 07/01/2019 and shall terminate on 06/30/2020, This contract must be twelve months or less.
4. **Contractor's Duties:** The Contractor shall provide the services and in accordance with the approved rate as described in Attachment B, Scope of Work.
5. **County's Duties:** The County shall pay the Contractor in the manner and in the amounts specified in the Contract Documents. The total amount paid by the County to the Contractor under this contract shall not exceed \$ 800,000.00. This amount consists of \$ _____ in Federal funds (CFDA # _____), \$ _____ in State Funds, \$ _____ in County funds

- ☐ a. There are no matching requirements from the Contractor.
- ☐ b. The Contractor's matching requirement is \$ _____, which shall consist of:
- | | |
|---|--|
| <input type="checkbox"/> In-kind | <input type="checkbox"/> Cash |
| <input type="checkbox"/> Cash and In-kind | <input type="checkbox"/> Cash and/or In-kind |

The contributions from the Contractor shall be sourced from non-federal funds.
The total contract amount including any Contractor match shall not exceed \$800,000.00.

6. **Reversion of Funds:**
Any unexpended grant funds shall revert to the County Department of Social Services/Human Services upon termination of this contract.

7. Reporting Requirements:

Contractor shall comply with audit requirements as described in N.C.G.S. § 143C-6-22 & 23 and OMB Circular- CFR Title 2 Grants and Agreements, Part 200, and shall disclose all information required by 42 USC 455.104, or 42 USC 455.105, or 42 USC 455.106.

8. Payment Provisions:

Payment shall be made in accordance with the Contract Documents as described in the Scope of Work, Attachment B.

- 9. Contract Administrators:** All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the County:

IF DELIVERED BY US POSTAL SERVICE		IF DELIVERED BY ANY OTHER MEANS	
Name & Title	Donna F. Fayko, Director	Name & Title	Donna F. Fayko, Director
County	Rowan	County	Rowan
Mailing Address	1813 East Innes Street	Street Address	1813 East Innes Street
City, State, Zip	Salisbury NC 28146	City, State, Zip	Salisbury NC 28146
Telephone	704.216.8422		
Fax	704.638.3041		
Email	donna.fayko@rowancountync.gov		

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE		IF DELIVERED BY ANY OTHER MEANS	
Name & Title	Jacqueline Millican	Name & Title	Jacqueline Millican
Company Name	Nazareth Children's Home dba Nazareth Child and Family Connection	Company Name	Nazareth Children's Home dba Nazareth Child and Family Connection
Mailing Address	P.O. Box 1438	Street Address	725 Crescent Road
City State Zip	Rockwell, NC 28138	City State Zip	Rockwell, NC 28138
Telephone	704-279-5556		
Fax	704-255-1801		
Email	jmillican@nazcfc.org		

10. Supplementation of Expenditure of Public Funds:

The Contractor assures that funds received pursuant to this contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds that the Contractor otherwise expends for contract services and related programs. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Contractor's total expenditure of other public funds for such services.

11. Disbursements:

As a condition of this contract, the Contractor acknowledges and agrees to make disbursements in accordance with the following requirements:

- (a) Implement adequate internal controls over disbursements;
- (b) Pre-audit all vouchers presented for payment to determine:
 - Validity and accuracy of payment
 - Payment due date
 - Adequacy of documentation supporting payment
 - Legality of disbursement
- (c) Assure adequate control of signature stamps/plates;
- (d) Assure adequate control of negotiable instruments; and
- (e) Implement procedures to insure that account balance is solvent and reconcile the account monthly.

12. Outsourcing to Other Countries:

The Contractor certifies that it has identified to the County all jobs related to the contract that have been outsourced to other countries, if any. The Contractor further agrees that it will not outsource any such jobs during the term of this contract without providing notice to the County.

13. Federal Certifications:

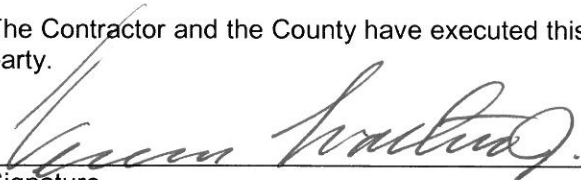
Individuals and Organizations receiving federal funds must ensure compliance with certain certifications required by federal laws and regulations. The contractor is hereby complying with Certifications regarding Nondiscrimination, Drug-Free Workplace Requirements, Environmental Tobacco Smoke, Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, and Lobbying. These assurances and certifications are to be signed by the contractor's authorized representative.

14. Specific Language Not Previously Addressed:

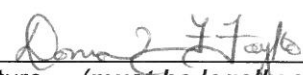
(can be deleted if not needed)

15. Signature Warranty: The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

The Contractor and the County have executed this contract in duplicate originals, with one original being retained by each party.

	6/18/19
Signature	Date
VERNON WALTERS, JR	CED
Printed Name	Title

COUNTY

	8/2/19
Signature (must be legally authorized to sign contracts for County DSS)	Date
Donna F Fayko	Director
Printed Name	Title

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Signature of County Finance Officer	Date
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**Attachment A
General Terms and Conditions**

Relationships of the Parties

Independent Contractor: The Contractor is and shall be deemed to be an independent contractor in the performance of this contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the County.

Subcontracting: The Contractor shall not subcontract any of the work contemplated under this contract without prior written approval from the County. Any approved subcontract shall be subject to all conditions of this contract. Only the subcontractors specified in the contract documents are to be considered approved upon award of the contract. The County shall not be obligated to pay for any work performed by any unapproved subcontractor. The Contractor shall be responsible for the performance of all of its subcontractors.

Assignment: No assignment of the Contractor's obligations or the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the County may:

- (a) Forward the Contractor's payment check(s) directly to any person or entity designated by the Contractor, or
- (b) Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).

In no event shall such approval and action obligate the County to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the County and the named Contractor. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the County and Contractor that any such person or entity, other than the County or the Contractor, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Indemnification: The Contractor agrees to indemnify and hold harmless the County and any of their officers, agents and employees, from any claims of third parties arising out of or any act or omission of the Contractor in connection with the performance of this contract.

Insurance: During the term of the contract, the Contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Contractor shall provide and maintain the following coverage and limits:

- (a) **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is sublet, the Contractor shall require the subcontractor to provide the same coverage for any of his employees engaged in any work under the contract.
- (b) **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile Liability Insurance:** The Contractor shall provide automobile liability insurance with a combined single limit of \$500,000.00 for bodily injury and property damage; a limit of \$500,000.00 for uninsured/under insured motorist coverage; and a limit of \$2,000.00 for medical payment coverage. The Contractor shall provide this insurance for all automobiles that are:
 - (a) owned by the Contractor and used in the performance of this contract;
 - (b) hired by the Contractor and used in the performance of this contract; and
 - (c) Owned by Contractor's employees and used in performance of this contract ("non-owned vehicle insurance"). Non-owned vehicle insurance protects employers when employees use their personal vehicles for work purposes. Non-owned vehicle insurance supplements, but does not replace, the car-owner's liability insurance.

The Contractor is not required to provide and maintain automobile liability insurance on any vehicle -- owned, hired, or non-owned -- unless the vehicle is used in the performance of this contract.

Indemnity and Insurance

- (d) The insurance coverage minimums specified in subparagraph (a) are exclusive of defense costs.
- (e) The Contractor understands and agrees that the insurance coverage minimums specified in subparagraph (a) are not limits, or caps, on the Contractor's liability or obligations under this contract.
- (f) The Contractor may obtain a waiver of any one or more of the requirements in subparagraph (a) by demonstrating that it has insurance that provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (g) The Contractor may obtain a waiver of any one or more of the requirements in paragraph (a) by demonstrating that it is self-insured and that its self-insurance provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (h) Providing and maintaining the types and amounts of insurance or self-insurance specified in this paragraph is a material obligation of the Contractor and is of the essence of this contract.
- (i) The Contractor shall only obtain insurance from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in the State of North Carolina. All such insurance shall meet all laws of the State of North Carolina.
- (j) The Contractor shall comply at all times with all lawful terms and conditions of its insurance policies and all lawful requirements of its insurer.
- (k) The Contractor shall require its subcontractors to comply with the requirements of this paragraph.
- (l) The Contractor shall demonstrate its compliance with the requirements of this paragraph by submitting certificates of insurance to the County before the Contractor begins work under this contract.

Transportation of Clients by Contractor:

The contractor will maintain Insurance requirements if required as noted under Article 7 Rule R2-36 of the North Carolina Utilities Commission.

Default and Termination

Termination Without Cause: The County may terminate this contract without cause by giving 30 days written notice to the Contractor.

Termination for Cause: If, through any cause, the Contractor shall fail to fulfill its obligations under this contract in a timely and proper manner, the County shall have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the County, become its property and the Contractor shall be entitled to receive just and equitable

compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Contractor shall not be relieved of liability to the County for damages sustained by the County by virtue of the Contractor's breach of this agreement, and the County may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the County from such breach can be determined. In case of default by the Contractor, without limiting any other remedies for breach available to it, the County may procure the contract services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by the Contractor shall be an act of default under this contract.

Waiver of Default: Waiver by the County of any default or breach in compliance with the terms of this contract by the Provider shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this contract unless stated to be such in writing, signed by an authorized representative of the County and the Contractor and attached to the contract.

Availability of Funds: The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the County.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this contract are the exclusive property of the County. The Contractor shall not assert a claim of copyright or other property interest in such deliverables.

Federal Intellectual Property Bankruptcy Protection Act: The Parties agree that the County shall be entitled to all rights and benefits of the Federal Intellectual Property Bankruptcy Protection Act, Public Law 100-506, codified at 11 U.S.C. 365 (n) and any amendments thereto.

Compliance with Applicable Laws

Compliance with Laws: The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Title VI, Civil Rights Compliance: In accordance with Federal law and U.S. Department of Agriculture (USDA) and U.S. Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political beliefs.

Equal Employment Opportunity: The Contractor shall comply with all federal and State laws relating to equal employment opportunity.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the County determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the County may require to ensure compliance.

- (a) **Data Security:** The Contractor shall adopt and apply data security standards and procedures that comply with all applicable federal, state, and local laws, regulations, and rules.
- (b) **Duty to Report:** The Contractor shall report a suspected or confirmed security breach to the local Department of Social Services/Human Services Contract Administrator within twenty-four (24) hours after the breach is first discovered, provided that the Contractor shall report a breach involving Social Security Administration data or Internal Revenue Service data within one (1) hour after the breach is first discovered.
- (c) **Cost Borne by Contractor:** If any applicable federal, state, or local law, regulation, or rule requires the Contractor to give written notice of a security breach to affected persons, the Contractor shall bear the cost of the notice.

Trafficking Victims Protection Act of 2000 :

The Contractor will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104)

Executive Order # 24: It is unlawful for any vendor, contractor, subcontractor or supplier of the state to make gifts or to give favors to any state employee. For additional information regarding the specific requirements and exemptions, contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the County. The Contractor acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the Division. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later. The record retention period for Temporary Assistance for Needy Families (TANF) and MEDICAID and Medical Assistance grants and programs must be retained for a minimum of ten years.

Warranties and Certifications

Date and Time Warranty: The Contractor warrants that the product(s) and service(s) furnished pursuant to this contract ("product" includes, without limitation, any piece

of equipment, hardware, firmware, middleware, custom or commercial software, or internal components, subroutines, and interfaces therein) that perform any date and/or time data recognition function, calculation, or sequencing will support a four digit year format and will provide accurate date/time data and leap year calculations. This warranty shall survive the termination or expiration of this contract.

Certification Regarding Collection of Taxes: G.S. 143-59.1 bars the Secretary of Administration from entering into contracts with vendors that meet one of the conditions of G.S. 105-164.8(b) and yet refuse to collect use taxes on sales of tangible personal property to purchasers in North Carolina. The conditions include: (a) maintenance of a retail establishment or office; (b) presence of representatives in the State that solicit sales or transact business on behalf of the vendor; and (c) systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. The Contractor certifies that it and all of its affiliates (if any) collect all required taxes.

E-Verify

Pursuant to G.S. 143-48.5 and G.S. 147-33.95(g), the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link: www.uscis.gov

Miscellaneous

Choice of Law: The validity of this contract and any of its terms or provisions, as well as the rights and duties of the parties to this contract, are governed by the laws of North Carolina. The Contractor, by signing this contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be the county in which the contract originated. The place of this contract and all transactions and agreements relating to it, and their situs and forum, shall be the county where the contract originated, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This contract may not be amended orally or by performance. Any amendment must be made in

written form and executed by duly authorized representatives of the County and the Contractor.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this contract.

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the County. The term "key personnel" includes any and all persons identified as such in the contract documents and any other persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this contract and will reimburse the County for loss of, or damage to, such property. At the termination of this contract, the Contractor shall contact the County for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement to the Contractor for travel mileage, meals, lodging and other travel expenses incurred in the performance of this contract shall not exceed the rates established in County policy.

Sales/Use Tax Refunds: If eligible, the Contractor and all subcontractors shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Contractor shall not use the award of this contract as a part of any news release or commercial advertising.

ATTACHMENT B – Scope of Work Federal Tax Id. or SSN**A. CONTRACTOR INFORMATION**

1. Contractor Agency Name: Nazareth Children's Home dba Nazareth Child and Family Connection
2. *If different* from Contract Administrator Information in General Contract:
Address Telephone Number: Fax Number: Email:
3. Name of Program (s): Foster Care/Therapeutic Foster Care/Child Placing Agency/Residential Care/Residential Child Care/Institution/Special Program-TX
4. Status: ☐ Public ☒ Private, Not for Profit ☐ Private, For Profit
5. Contractor's Financial Reporting Year July through June

B. Explanation of Services to be provided and to whom (include SIS Service Code):

See MUTUAL AGREEMENT SECTION

C. Rate per unit of Service (define the unit):

1. If Standard Fixed Rate, Maximum Allowable, (See Rates for Services Chart)

Standard Board Rates	Monthly Rates		
	Age 0-5	Age 6-12	Age 13+
Foster Care			
Therapeutic Foster Care	\$475	\$581	\$634
Residential Treatment (Level 2)			
Child Placing Agency	\$1,433	\$1,564	\$1,638
Residential Child Caring Institution	\$4,279	\$4,437	\$4,516
Standard Board and Treatment Rates	Daily Rates		
	Board	Treatment*	
Residential Treatment Level 3, 0-4 beds	\$43	\$232.88	
Residential Treatment Level 3, 5+ beds	\$33	\$189.75	
Residential Treatment Level 4, 0-4 beds	\$43	\$315.71	
Residential Treatment Level 4, 5+ beds	\$40	\$315.71	
*Treatment Rates set by DMA and are subject to change.			

2. Negotiated County Rate.

Additional county funds per individual client agreements.

D. Number of units to be provided: The number of applications submitted by the Rowan County DSS and accepted by the Contractor during each fiscal year shall equal the number of units provided.

E. Details of Billing process and Time Frames: Invoices are due to Rowan County DSS no later than the 3rd working day of the month and payment is issued no later than the 25th day of each month.

F. Area to be served/Delivery site(s): Rowan County clients at Contractor facilities

G. CHILD CARING INSTITUTIONS (CCIs) and the IV-E Federal Audit
CCI Contractor agrees to ensure that all employees have criminal record checks on file. CCI Contractor agrees to be responsible for any financial penalties applied to the County as a result of the CCI Contractor's failure to comply with federal or state licensure rules.

H. MUTUAL AGREEMENT

I. Both Parties Agree to:

1. Meet at least annually to review the outcome data and quality standards information, and as needed to address special projects or issues throughout the year.
2. Return all phone calls received within twenty-four (24) hours or by the end of the next business day.
3. Share all information needed to ensure a good match/appropriate placement.
4. Clearly communicate any concerns about the partnership with a problem-solving approach that prioritizes the best interest of the child and family being served.

II. Private Partner

Private Partner agrees to provide foster care services for children in the custody of County, and shall do the following:

Share Performance Data:

1. Provide data to the County annually or as needed for special projects or to address specific concerns.
2. Complete *Quality Standards Tool* and provide to the County annually. (see attached)
3. Complete *Outcome Data Dashboard* regarding Safety, Permanency, and Child Well-Being and provide aggregate data on an annual basis. (see attached)
4. Ensure records are accessible for review for monitoring services rendered and for financial audits.
5. Ensure records are accessible for research and evaluation. Upon request of County, Private Partner shall provide data about individual children for research and study.

Provide Services:

1. Provide foster care services, guided by an individualized permanency and/or treatment plan to be developed with the child's social worker within 30 days of admission.
2. Provide for each child's safety, shelter, emotional, nutritional, and basic everyday needs. Within reason and to be negotiated as needed, provide for personal hygiene items, school supplies, school field trips, extracurricular activities, photos, and yearbooks.
3. Within reason and to be negotiated as needed, maintain the child's clothing inventory, providing adequate and appropriate attire to meet the child's growth, wear/tear, seasonal, and educational needs. A clothing inventory at admission and a clothing inventory at discharge (adequate for transition to the next placement) shall be completed.
4. Participate in County-supervised visits between child and family.
5. Train and support foster parents in shared parenting with biological parents.
6. Provide transportation within 100 miles round trip to and from parental visits, school, and medical, dental, and therapy appointments if required.
7. Coordinate non-emergency, temporary respite care placements that have been approved by a child's County-assigned social worker.
8. For placements involving mental health treatment (Levels 2-4, PRTF), provide case management including development and maintenance of Person-Centered Plan and oversee requests for authorizations and reauthorizations.
9. Adhere to the County's policy/procedures regarding discipline of children in foster care.
10. Adhere to the County's procedures for applying for day care (if applicable).

Communication and Planning:

1. Notify County immediately when a child receives emergency care, is hospitalized, is placed in detention, or is absent/missing (e.g., on the run). Private Partner will also notify local authorities immediately upon discovering a child is missing.
2. When a child is transported to the hospital for an emergency psychiatric hospital assessment, accompany/supervise the child in the emergency room for up to 4 hours to allow County adequate travel and coordination time to respond to the event.
3. Communicate with the County monthly regarding each child's needs and progress in the program, unless more frequent communications are needed based on the specific circumstances.
4. Notify County of Child and Family Team meetings, Treatment Team meetings, and other planning meetings as necessary.
5. With County, coordinate planning for any move of the child.
6. Work closely with County to develop a written transition plan within 7 business days prior to discharge from program.
7. Attend Permanency Planning Review meetings for each child. If attendance is not feasible, Private Partner will submit a written report prior to said meeting.
8. Attend court hearings and provide information to the court as needed. If attendance is not feasible, review report prior to court. Private Partner should provide a written summary to the court regarding each child's progress.

9. Provide County a minimum 30 day grace period prior to discharge of any child so that an appropriate subsequent placement can be secured. Shorter periods may be agreed upon if the Parties deem it necessary.
10. If Private Partner is the clinical home for the child: if after consultation with the County it is determined that continuation of the placement is not beneficial, provide 30 days notice to the County to arrange another more appropriate placement. Private Partner will continue meeting the child's clinical needs until another provider can assume clinical home responsibility for the child.
11. Discuss potential medication changes with the child's social worker, and provide written notification of medication changes or current medication list within 24 hours of changes, and upon discharge.
12. Provide a discharge summary within thirty (30) days of discharge, including history, course of treatment, progress in care, medications, and plan for the child.

III. County

The County shall retain custody of each child while the child is placed with the Private Partner, and shall do the following:

Share Information:

1. Provide the following for each child upon admission:
 - a. Verification of current physical exam within the last 12 months and assist with scheduling of exam within 72 hours of placement.
 - b. Social Security card (copy of).
 - c. Medicaid card.
 - d. Documentation of custody.
 - e. Case history, including information regarding special court sanctions, treatment plans, and medical records.
 - f. Out-of-home family services agreement.
 - g. Psychological evaluation (if applicable).
 - h. Immunization record.
 - i. Visitation agreement (if applicable).
 - j. Child Health Status Component (DSS-5125-II).
 - k. Education Component (DSS-5245).
 - l. Birth certificate (copy of).
 - m. School enrollment letter (if applicable).
 - n. A document outlining the financial criteria for each child. A signed copy of the document must be returned to the County in order for Private Partner to receive financial payment for the child. In the event of an emergency

placement, the document will be provided to the Private Partner within seven (7) working days.

- o. Any other forms or information required by the Private Partner.

Provide Services:

1. Conduct regular, face-to-face visits with Private Partner on at least a monthly basis to review each child's progress toward meeting the goals of the out-of-home services agreement and treatment plan.
2. Conduct in-person visits with each child at least once a month in the placement provider's home.
3. Monitor and assure implementation of all aspects of a child's treatment plan, including court-ordered visitation by parent/guardian.
4. Enroll/withdraw the child in school.
5. Collaborate with Private Partner to support shared parenting between foster parents and children's biological parents.

Communication and Planning:

1. Coordinate required medical exams for each child and advise Private Partner of results.
2. If not provided at placement (due to emergency circumstances), share the out-of-home family services agreement for each child within 7 business days of when it is developed.
3. Share updated out-of-home family services agreement every six months or when the child or family's circumstances or needs change.
4. Maintain close communication with the Private Partner regarding treatment issues, changes in each child's family situation, child/family needs, and discharge planning for each child.
5. Attend Child and Family Team meetings, Treatment Team meetings, and other planning meetings as necessary.
6. Provide a ten (10) day notice for all Permanency Planning Meetings and court dates, and notify Private Partner when the Permanency Plan changes.
7. Notify the child's parent/guardian and Guardian ad Litem when child will be moved or has been moved.
8. Plan for discharge in concert with the Private Partner's treatment team, providing a 7 business day advance notice prior to discharge.
9. Be available or have the supervisor or after hours staff respond to emergencies.


(Signature of County Authorized Person)

8-12-19
(Date Submitted)


(Signature of Contractor)

6/18/19
(Date Submitted)

ATTACHMENT C

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
AND CERTIFICATION REGARDING NONDISCRIMINATION**

Rowan County Department of Social Services

- I. By execution of this Agreement the Contractor certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Contractor's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (A);
 - D. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the agreement, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - E. Notifying the County within ten days after receiving notice under subparagraph (D)(2) from an employee or otherwise receiving actual notice of such conviction;
 - F. Taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

II. The site(s) for the performance of work done in connection with the specific agreement are listed below:

1.

(Street address)

(City, county, state, zip code)

2.

(Street address)

(City, county, state, zip code)

Contractor will inform the County of any additional sites for performance of work under this agreement.

False certification or violation of the certification shall be grounds for suspension of payment, suspension or termination of grants, or government-wide Federal suspension or debarment **45 C.F.R. Section 82.510. Section 4 CFR Part 85, Section 85.615 and 86.620.**

Certification Regarding Nondiscrimination

The Vendor certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement.

Nazareth Children's Home dba Nazareth Child and Family Connection

Vum Hachig *CEO*
Signature Title

Nazareth Children's Home *6/18/19*
Agency/Organization Date

(Certification signature should be same as Contract signature.)

ATTACHMENT D

Conflict of Interest Policy

(Please complete AND attach any existing Conflict of Interest Policy for your organization)

The Board of Directors/Trustees or other governing persons, officers, employees or agents are to avoid any conflict of interest, even the appearance of a conflict of interest. The Organization's Board of Directors/Trustees or other governing body, officers, staff and agents are obligated to always act in the best interest of the organization. This obligation requires that any Board member or other governing person, officer, employee or agent, in the performance of Organization duties, seek only the furtherance of the Organization mission. At all times, Board members or other governing persons, officers, employees or agents, are prohibited from using their job title, the Organization's name or property, for private profit or benefit.

A. The Board members or other governing persons, officers, employees, or agents of the Organization should neither solicit nor accept gratuities, favors, or anything of monetary value from current or potential contractors/vendors, persons receiving benefits from the Organization or persons who may benefit from the actions of any Board member or other governing person, officer, employee or agent. This is not intended to preclude bona-fide Organization fund raising-activities.

B. A Board or other governing body member may, with the approval of Board or other governing body, receive honoraria for lectures and other such activities while not acting in any official capacity for the Organization. Officers may, with the approval of the Board or other governing body, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If a Board or other governing body member, officer, employee or agent is acting in any official capacity, honoraria received in connection with activities relating to the Organization are to be paid to the Organization.

C. No Board member or other governing person, officer, employee, or agent of the Organization shall participate in the selection, award, or administration of a purchase or contract with a vendor where, to his knowledge, any of the following has a financial interest in that purchase or contract:

1. The Board member or other governing person, officer, employee, or agent;
2. Any member of their family by whole or half blood, step or personal relationship or relative-in-law;
3. An organization in which any of the above is an officer, director, or employee;
4. A person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment or contracts.

D. **Duty to Disclosure** -- Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to the Board or other governing body or one's supervisor immediately.

E. **Board Action** -- When a conflict of interest is relevant to a matter requiring action by the Board of Directors/Trustees or other governing body, the Board member or other governing person, officer, employee, or agent (person(s)) must disclose the existence of the conflict of interest and be given the opportunity to disclose all material facts to the Board and members of committees with governing board delegated powers considering the possible conflict of interest. After disclosure of all material facts, and after any discussion with the person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists. In addition, the person(s) shall not participate in the final deliberation or decision regarding the matter under consideration and shall leave the meeting during the discussion of and vote of the Board of Directors/Trustees or other governing body.

F. **Violations of the Conflicts of Interest Policy** -- If the Board of Directors/Trustees or other governing body has reasonable cause to believe a member, officer, employee or agent has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person

an opportunity to explain the alleged failure to disclose. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Board of Directors/Trustees or other governing body determines the member, officer, employee or agent has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

G. Record of Conflict -- The minutes of the governing board and all committees with board delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have an actual or possible conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement that presents a possible conflict of interest, the content of the discussion, including any alternatives to the transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Approved by:

Nazareth Children's Home
Name of Organization

Vernon Walters, Jr.
Signature of Organization Official

6/18/19
Date

NOTARIZED CONFLICT OF INTEREST POLICY

State of North Carolina

County of Rowan

I, Karen S. Medley, Notary Public for said County and State, certify that

Vernon Walters, Jr. personally appeared before me this day and acknowledged

that he/she is President, CEO of Nazareth Children's Home [enter name of entity]

and by that authority duly given and as the act of the Organization, affirmed that the foregoing Conflict of Interest Policy was adopted by the Board of Directors/Trustees or other governing body in a meeting held on the 15 day of April, 2009.

Sworn to and subscribed before me this 18 day of June, 2019

Karen S. Medley
(Official Seal)

Notary Public

Nazareth Children's Home dba Nazareth Child and Family Connection

My Commission expires 1-28, 20 20



NAZARETH
Child & Family Connection
EMBRACING LIVES. TRANSFORMING FUTURES.
Serving children and families since 1906

6-18-19

To: Rowan County Department of Social Services

Certification:

We certify that the Nazareth Children's Home does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23 c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

Sworn Statement:

Vernon L. Walters, Jr and Christopher Lookabill, Jr., being duly sworn, say that we are President/CEO and Director of Finance, respectively, of Nazareth Children's Home of Rockwell in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Signature:

President/CEO

Director of Finance

Sworn to and subscribed before me on the day of the date of said certification.

(Notary Signature and Seal)

My Commission Expires: 1-28-20

¹ G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement."



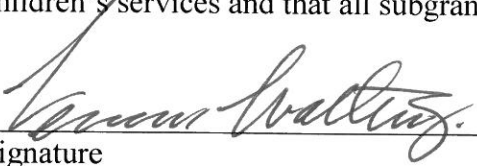
ATTACHMENT F

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE
Rowan County Department of Social Services


Certification for Contracts, Grants, Loans and Cooperative Agreements

Public Law 103-227, Part C-Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application, the Contractor certifies that it will comply with the requirements of the Act. The Contractor further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.


Signature


Title


Agency/Organization


Date

(Certification signature should be same as Contract signature.)

Attachment G

Rowan County Department of Social Services

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Notwithstanding other provisions of federal OMB Circulars-CFR Title 2, Grants and Agreements, Part 200, costs associated with the following activities are unallowable:

Paragraph A.

- (1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
- (2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
- (3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;

- (4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
- (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

The following activities as enumerated in Paragraph B are excepted from the coverage of Paragraph A:
Paragraph B.

- (1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
- (2) Any lobbying made unallowable by subparagraph A (3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
- (3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

Paragraph C.

- (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.(3).
- (2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.
- (3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to this section complies with the requirements of this Circular.
- (4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: (1) the employee engages in lobbying (as defined in subparagraphs (a) and (b)) 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.
- (5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of this section. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

Paragraph D.

Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the Executive Branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a federally sponsored agreement or regulatory matter on any basis other than the merits of the matter.



Signature



Title



Agency/Organization



Date

(Certification signature should be same as Contract signature.)

ATTACHMENT H

Rowan County Department of Social Services

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant will provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the

certification is erroneous. A participant may decide the method and frequency of which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.


Signature


Title


Agency/Organization


Date

(Certification signature should be same as Contract signature.)

State Certifications

Contractor Certifications Required by North Carolina Law

Instructions: The person who signs this document should read the text of the statutes and Executive Order listed below and consult with counsel and other knowledgeable persons before signing. The text of each North Carolina General Statutes and of the Executive Order can be found online at:

- Article 2 of Chapter 64: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_64/Article_2.pdf
- G.S. 133-32: <http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=133-32>
- Executive Order No. 24 (Perdue, Gov., Oct. 1, 2009): <http://www.ethicscommission.nc.gov/library/pdfs/Laws/EO24.pdf>
- G.S. 105-164.8(b): http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_105/GS_105-164.8.pdf
- G.S. 143-48.5: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-48.5.html
- G.S. 143-59.1: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.1.pdf
- G.S. 143-59.2: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.2.pdf
- G.S. 143-133.3: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-133.3.html
- G.S. 143B-139.6C: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143B/GS_143B-139.6C.pdf

Certifications

- (1) **Pursuant to G.S. 133-32 and Executive Order No. 24 (Perdue, Gov., Oct. 1, 2009)**, the undersigned hereby certifies that the Contractor named below is in compliance with, and has not violated, the provisions of either said statute or Executive Order.
- (2) **Pursuant to G.S. 143-48.5 and G.S. 143-133.3**, the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link: www.uscis.gov
Local government is specifically exempt from Article 2 of Chapter 64 of the North Carolina General Statutes. However, local government is subject to and must comply with North Carolina General Statute 153A-99.1, which states in part as follows:
Counties Must Use E-Verify - Each county shall register and participate in E-Verify to verify the work authorization of new employees hired to work in the United States.
- (3) **Pursuant to G.S. 143-59.1(b)**, the undersigned hereby certifies that the Contractor named below is not an "ineligible Contractor" as set forth in G.S. 143-59.1(a) because:
- (a) Neither the Contractor nor any of its affiliates has refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G.S. 105-164.8(b); **and**
- (b) [check **one** of the following boxes]
- ☐ Neither the Contractor nor any of its affiliates has incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001; **or**
- ☐ The Contractor or one of its affiliates **has** incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001 **but** the United States is not the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.
- (4) **Pursuant to G.S. 143-59.2(b)**, the undersigned hereby certifies that none of the Contractor's officers, directors, or owners (if the Contractor is an unincorporated business entity) has been convicted of any violation of Chapter 78A of the General Statutes or the Securities Act of 1933 or the Securities Exchange Act of 1934 within 10 years immediately prior to the date of the bid solicitation.
- (5) **Pursuant to G.S. 143B-139.6C**, the undersigned hereby certifies that the Contractor will not use a former employee, as defined by G.S. 143B-139.6C(d)(2), of the North Carolina Department of Health and Human Services in the administration of a contract with the Department in violation of G.S. 143B-139.6C and that a violation of that statute shall void the Agreement.
- (6) The undersigned hereby certifies further that:
- (a) He or she is a duly authorized representative of the Contractor named below;
- (b) He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Contractor; and
- (c) He or she understands that any person who knowingly submits a false certification in response to the requirements of G.S. 143-59.1 and -59.2 shall be guilty of a Class I felony.

Contractor's Name: Nazareth Children's Home

Contractor's Signature: [Signature]

Date: 4/18/19

Nazareth Children's Home dba Nazareth Child and Family Connection

Authorized Agent: _____

Printed Name

VERNON WALTERS, JR.

Title

CEO

Witness:

Signature

[Signature]

Date

6/18/19

Printed Name

Jacqueline Williams-Cramb

Title

Director

The witness should be present when the Contractor's Authorized Agent signs this certification and should sign and date this document immediately thereafter.

ATTACHMENT J

CERTIFICATION REGARDING TRANSPORTATION

Rowan County Department of Social Services

By execution of this Agreement the Contractor certifies that it will provide safe client transportation by:

1. Insuring that all drivers (including employees, contractors, contractor's employees, and volunteers) shall be at least 18 years of age;
2. Insuring that all drivers (including employees, contractors, contractor's employees, and volunteers) shall be licensed to operate the specific vehicle used in transporting clients in accordance with Chapter 20-7 of the General Statutes of North Carolina and the Division of Motor Vehicle requirements;
3. Insuring that all vehicles transporting clients shall have at least the minimum level of liability insurance appropriate for the type of vehicle as defined by Article 7, Rule R2-36 of the North Carolina Utilities Commission;
4. Insuring that the contractor shall have written policies and procedures regarding how drivers handle and report client emergencies and/or vehicle crashes involving clients to contractor and how contractor notifies the Rowan County Department of Social Services;
5. Insuring that no more than one quarter of one percent of all trips be missed by the contractor during the course of the contract period; (*Medicaid only*)
6. Insuring that that no more than five percent (5%) of trips should be late for recipient drop off to their appointment per month; (*Medicaid only*)
7. Contractor will maintain records documenting the following (*County may require contractor to provide*):
 - a. Valid current copies of Drivers License for all drivers;
 - b. Current valid Vehicle Registration, for all vehicles transporting clients;
 - c. Driving records for all drivers for the past three years and with annual updates;
 - d. Criminal Background checks through North Carolina Law Enforcement or NCIC prior to employment and every three years thereafter;
 - e. Alcohol and Drug Testing policy to meet the Federal Transit Authority guidelines.
8. Disclosing, at the outset of the contract, upon renewal and upon request, any criminal convictions or other reasons for disqualifications from participation in Medicare, Medicaid or Title XX programs (*signature on this form confirms this statement*).

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT K

What is a Private Non Profit Agency?

Answer: A private non profit is an organization that is incorporated under State law and whose purpose is not to make a profit, but rather to further a charitable, civic, religious, scientific, or other lawful purpose. The Secretary of State's office grants corporate status to organizations in North Carolina.

What is a 501(c)(3) designation?

Answer: When the agency becomes a state private non profit corporation, it can then apply for 501(c)(3) designation through the IRS. Once the IRS grants 501(c)(3) status, the organization is exempt from certain taxes and any donations to the charitable organization are tax deductible. Many individuals and organizations prefer to make donations to 501(c)(3) private non profits.

Who can obtain a 501(c)(3) designation?

Answer: Any organization or group can apply for 501(c)(3) status, provided their charter or mission focuses on the non profit's objective.

Another option is to apply for a 509(a)(1) status which falls under the 501(c)(3) umbrella. Being a 509(a)(1) designates an organization as a tax-free public charity that receives most of its support from a governmental unit or from the general public. Becoming a 509(a)(1) provides public recognition of tax-exempt status, advance assurance to donors of deductibility of contributions, exemption from certain State and federal taxes, and non profit mailing privileges. Organizations that typically qualify are churches, educational institutions, hospitals, and governmental units.

How does a Private Non Profit obtain Tax Exempt Status?

EO Web Site [www.irs.gov/eo]

IRS TE/GE Customer Service

You may direct technical and procedural questions concerning charities and other nonprofit organizations, including questions about your tax-exempt status and tax liability, to the IRS Tax Exempt and Government Entities Customer Account Services at (877) 829-5500 (toll-free number).

If you prefer to write, you may write at:

Internal Revenue Service
Exempt Organizations Determinations
P.O. Box 2508
Cincinnati, OH 45201

You may also contact the Taxpayer Advocate Service, an independent organization within the IRS that helps taxpayers resolve problems with the IRS and recommends changes that will prevent problems.

A private non profit must apply to the IRS for tax exempt status. To qualify, applicants must complete and submit to the IRS Form 1023. Once federal tax exempt status is granted, the private non profit applies for State tax exempt status by completing Form CD-435 and submitting it to the N. C. Department of Revenue.

What must a County Department of Social Services/Human Services do?

Answer: Verify the Tax Exempt Letter. Check date for expiration and check if current address of agency is reflected.

ATTACHMENT N

Rowan County Department of Social Services

CERTIFICATION REGARDING NONDISCRIMINATION, CLEAN AIR ACT,
CLEAN WATER ACT

Certification Regarding Nondiscrimination

The Contractor certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement.

The Contractor must comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented by the Department of Labor Regulations (41 CFR Part 60): The Executive Order prohibits federal contractors and federally-assisted construction contractors and subcontractors who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin. The Executive Order also requires Government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

Meaningful Access for LEP Individuals: **The Contractor** that participate in the SNAP must take reasonable steps to ensure that LEP persons have meaningful access to programs, services, and benefits. This includes the requirement to provide bilingual program information and certification materials and interpretation services to single language minorities in certain project areas. SNAP Contractors that do not provide meaningful access for LEP individuals risk violating prohibitions against discrimination based on National Origin in the Food and Nutrition Act of 2008, as amended, Title VI of the Civil Rights Act of 1964 (Title VI) and SNAP program regulations at 7 CFR 272A(b). They also risk noncompliance with the USDA policy guidance titled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons", published in 79 FR 70771 - 70784 (November 28, 2014).

The Contractor should develop an implementing plan to address the language assistance needs of the LEP population served. This may include contracting for oral interpretation services, hiring bilingual staff, arranging telephone interpreters and/or language lines, coordinating community volunteers, translating vital documents, and providing written notice that language services are available in appropriate languages. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient. LEP needs should be considered in developing budgets and front line staff should understand how to obtain language assistance services. For additional assistance and information regarding LEP matters, please also visit <http://www.lep.gov>.

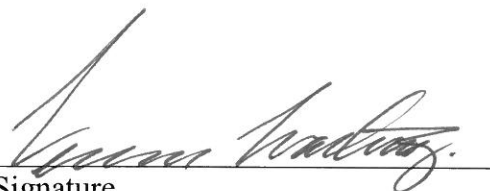
Ensuring Equal Opportunity Access for Persons with Disabilities: **The Contractor** must also ensure equal opportunity access for persons with disabilities. This includes ensuring that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with people without disabilities. Contractors that do not provide persons with disabilities equal opportunity access to programs may risk violating prohibitions against disability discrimination in the Rehabilitation Act of 1978, the American with Disabilities Act (ADA) of 1990, as amended, and SNAP program regulations. DOJ published revised final regulations implementing Title II and Title III of the ADA on September 15, 2010. These regulations are codified at 28 CFR Part 35 "Nondiscrimination on the Basis of Disability in State and Local Government Services" and at 28 CFR Part 36 "Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities". In accordance with the implementing regulations, Contractors must provide auxiliary aids and services where necessary to ensure effective communication and equal opportunity access to program benefits for individuals with disabilities. The type of auxiliary aids and services required will vary, but a Contractor may not require an individual with a disability to bring another individual to interpret, and may rely on a person accompanying a disabled individual only in limited circumstances. When a Contractor communicates with applicants and beneficiaries by telephone, it must provide text telephone services (TTY) or have access to an equally effective electronic telecommunications system to communicate with individuals who are deaf, hard of hearing, or hearing impaired. Contractors must also ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. For more information, please visit the ADA website: <http://www.ada.gov>.

IV. The Clean Air Act, Section 306; 42 U.S.C. §7401 et seq. (1970)

- a. No Federal agency may enter into any contract with any person who is convicted of any offense under section 113(c) for the procurement of goods, materials, and services to perform such contract at any facility at which the violation which gave rise to such conviction occurred if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such a conviction has been corrected. For convictions arising under section 113(c)(2), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(2). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.
- b. The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a).
- c. In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's air, the President shall, not more than 180 days after enactment of the Clean Air Amendments of 1970 cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.
- d. The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.
- e. The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section. [42 U.S.C. 7606]

V. The Clean Water Act; 33 U.S.C. §1251 et seq. (1972)

- a. No Federal agency may enter into any contract with any person who has been convicted of any offense under Section 309(c) of this Act for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.
- b. The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.
- c. In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than 180 days after the enactment of this Act, cause to be issued an order:
 - (i) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and
 - (ii) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.
- d. The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.
- e. The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.
- f. No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.
- g. In paragraph (1), the term "commercial item" has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).


Signature


Title

Nazareth Children's Home
Agency/Organization

06/12/19
Date

(Certification signature should be same as Contract signature.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/12/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mountcastle Insurance 307 W. Center Street Lexington NC 27292		CONTACT NAME: Penny Watts, CIC, CISR PHONE (A/C, No, Ext): (336) 249-4951 E-MAIL ADDRESS: pwatts@mountcastleinsurance.com FAX (A/C, No):	
INSURED Nazareth Child & Family Connection, Inc. Nazareth Childrens Home DBA 725 Crescent Rd Rockwell NC 28138		INSURER(S) AFFORDING COVERAGE INSURER A: Hanover Insurance Group INSURER B: Accident Fund Ins. Co of Amer. INSURER C: INSURER D: INSURER E: INSURER F:	


COVERAGES**CERTIFICATE NUMBER:** 19-20**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			ZZ6-D862260-00	03/24/2019	03/24/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			AW6-D862290-00	03/24/2019	03/24/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ZH6-D862264-00	03/24/2019	03/24/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	WCV6124951-03	03/24/2019	03/24/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Professional Liability (PL) Abuse/Molestation Liability (AM)			ZZ6-D862260-00	03/24/2019	03/24/2020	PL Limit 1,000,000 AM Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Rowan County DSS-Social Work Services 1813 E Innes Street Salisbury NC 28146	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Shane Stewart, Assistant Planning Director
DATE: August 23, 2019
SUBJECT: Schedule Public Hearing Regarding Intent to Enact a Six Month Moratorium for Establishing or Expanding Ground Mounted Solar Energy Systems for October 7, 2019

As directed by the board at their August 19th meeting, the attached is a resolution to schedule a public hearing to enact a six (6) month moratorium for establishing or expanding Ground Mounted Solar Energy Systems over 6,000 sq.ft. in area in the Rowan County Planning Jurisdiction.

The proposed moratorium timeline would extend from the proposed public hearing date of October 7, 2019 to April 7, 2020.

The proposed moratorium would not apply to the statutory allowance for placing solar collectors on residential property identified in NCGS 152A-144.

Schedule public hearing for October 7, 2019.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	8/23/2019	Ordinance
Correspondence From County Attorney	8/26/2019	Cover Memo

**A Resolution to Schedule a Public Hearing
Regarding Intent to Adopt an Ordinance Enacting a Six Month Moratorium for
Establishing or Expanding Ground Mounted Solar Energy Systems
in Rowan County's Planning Jurisdiction**

WHEREAS, North Carolina General Statutes 153A-34 delegates the authority to govern Rowan County, NC to the Rowan County Board of Commissioners; and,

WHEREAS, North Carolina General Statutes 153A-340 grants North Carolina counties the power to enact zoning and development regulations, "for the purpose of promoting health, safety, morals, or the general welfare;" and,

WHEREAS, the Rowan County Board of Commissioners adopted a zoning ordinance and maps on January 19, 1998 with an effective date of February 16, 1998 that established planning and zoning requirements and procedures for zoning in the unincorporated areas of Rowan County, NC outside the zoning jurisdiction of municipalities; and,

WHEREAS, the Rowan County Board of Commissioners enacted amendments to its Zoning Ordinance on March 4, 2013 that established specific conditional use requirements for Ground Mounted Solar Energy Systems over 6,000 square feet in area; and,

WHEREAS, twelve (12) separate applications for Ground Mounted Solar Energy Systems over 6,000 square feet in area have been considered and approved by the Rowan County Commission during this six and one-half ($6^{1/2}$) year period; and,

WHEREAS, during said time period the scale and size of projects have increased and likewise, complaints and concerns from the general public have increased relative to dust and erosion, vehicular congestion during construction, and decommissioning of these facilities when no longer operational; and,

WHEREAS, the Rowan County Board of Commissioners will direct the Rowan County Planning Board to study, prepare and recommend text amendments to the Rowan County Zoning Ordinance standards that consider the aforementioned concerns along with scale, size and location of these facilities in Rowan County's planning jurisdiction; and,

WHEREAS, North Carolina General Statute 153A-340(h) authorizes counties to adopt temporary moratoria on any development approval required by law provided the duration is reasonable to correct, modify or resolve such conditions necessitating the moratorium.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Rowan County, North Carolina, will conduct a public hearing at its October 7, 2019

meeting to receive public comment regarding its intent to adopt an ordinance enacting a temporary moratorium for a six (6) month period beginning October 7, 2019 and ending April 7, 2020 to allow development of amendments to the Rowan County Zoning Ordinance related to establishing or expanding a Ground Mounted Solar Energy System..

BE IT FURTHER RESOLVED, pursuant to NCGS 153A-340(h) the public is hereby advised the call for a public hearing has been established and Rowan County will not accept applications for any building, electrical, soil erosion and sedimentation control plan or a zoning permit to establish or expand Ground Mounted Solar System in excess of 6,000 square feet in size until either the moratorium has expired or adoption of amendments has occurred; and,

BE IT FURTHER UNDERSTOOD, this moratorium is not applicable to the statutory allowance for placing solar collectors on residential property as per NCGS 153A-144.

Barger, Carolyn M

From: Dees, Jay
Sent: Monday, August 26, 2019 9:28 AM
To: Barger, Carolyn M
Cc: Stewart, Shane A.; Muire, Ed D.
Subject: Moratorium Resolution--Solar Farms

Carolyn,

This email is to support the Resolution that Shane has included in the upcoming September 3 (Tuesday) BOC agenda. Per our BOC discussion in our August 19 regular meeting, the BOC directed staff to begin the process of considering and/or adopting a moratorium on solar farms. The moratorium would be intended to allow adequate time to consider more specific standards for development and installation of solar farms. We have one pending application that will continue to move through the regular process.

The Resolution is the first step in the process. The next step will be to hold a public hearing and then get some BOC action to either adopt the moratorium or not. If a moratorium is adopted, planning staff will work with the planning board to review and consider development standards and propose some action to the BOC. The timeline proposed is based on planning staff's reasonable expectation of the time needed to thoroughly review the subject matter and propose new standards.

If you will please include this email with the Resolution.

Thank you,

Jay

John W. Dees, II
County Attorney
Rowan County
130 West Innes Street
Salisbury, NC 28144
Jay.dees@rowancountync.gov
704.216.8198 voice

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Carolyn Barger, Clerk to the Board
DATE: August 23, 2019
SUBJECT: Proclamation for Patriot Day - A Day of Remembrance - September 11, 2001

ATTACHMENTS:

Description

Proclamation

Upload Date

8/23/2019

Type

Cover Memo

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



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

Rowan County Board of Commissioners

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

PATRIOT DAY A DAY OF REMEMBRANCE SEPTEMBER 11, 2001

WHEREAS, on Tuesday September 11, 2001, terrorists attacked the United States of America in a series of senseless, cowardly, and despicable acts of war, directed at innocent men, women and children in the World Trade Center complex in New York City, the Pentagon in Washington D.C. and on board four passenger jets, resulting in the tragic loss of life of thousands of U.S. citizens and foreign nationals; *and*

WHEREAS, in the aftermath of the attacks, the people of the United States stood united in providing support for those in need, inspired by the heroic sacrifices of our firefighters, rescue and law enforcement personnel, military service members, and other citizens; *and*

WHEREAS, September 11th should not only be remembered as a day of great tragedy but also as a day of triumph, courage, kindness, love, hope and freedom, and as a reminder of the newfound unity, focus and strength in our Nation; *and*

WHEREAS, by U.S. House Joint Resolution 71 signed into law on December 18, 2001 (Public Law 107-89), Congress authorized and requested the President to designate September 11th of each year as "**Patriot Day**" and to call upon state and local governments to observe **Patriot Day** by displaying the flag of the United States at halfstaff and by observing a moment of silence at 8:46 a.m. marking the first plane crash.

NOW, THEREFORE, BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby declare September 11, 2019 as **Patriot Day** in Rowan County and encourages all citizens to honor and respect the innocent victims of September 11, 2001 and to salute the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to the tragic events with courage, selfless compassion, determination and undying patriotism.

This the 3rd day of September 2019.

Gregory C. Edds, Chairman
Rowan County Board of Commissioners

ATTEST:

Carolyn Barger, MMC/ NCMCC
Clerk to the Board

Equal Opportunity Employer



recycled paper

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Don Bringle, Director of Facilities Management, Parks and Recreation
DATE: 8/26/2019
SUBJECT: Custodial Worker Positions

Facilities Management is requesting an addition of 2 custodial staff bringing the total to 8. The addition is necessary to have 4 - 2 crew teams that clean all buildings. The cost of the additional 2 employees is less than the second contracted janitorial bid. See attachments for crew location assignments and scheduled work duties.

ATTACHMENTS:

Description	Upload Date	Type
Crew Location Assignments	8/26/2019	Cover Memo
Scheduled Work Duties	8/26/2019	Cover Memo

CREW 1

Monday	Tuesday	Wednesday	Thursday	Friday
Courthouse	Courthouse	Courthouse	Courthouse	Courthouse
Mag Office	Mag Office	Mag Office	Mag Office	Mag Office
Crawford Building	Crawford Building	Crawford Building	Crawford Building	Crawford Building
Fac Mgt		Env Mgt		RITA

CREW 2

Monday	Tuesday	Wednesday	Thursday	Friday
402 N Main	402 N Main	402 N Main	402 N Main	402 N Main
Admin	Admin	Admin	Admin	Admin
Kerr Street	Kerr Street	Kerr Street	Kerr Street	Kerr Street
Main Library	Main Library	Main Library	Main Library	Main Library

CREW 3

Monday	Tuesday	Wednesday	Thursday	Friday
DSS	DSS	DSS	DSS	DSS
Health	Health	Health	Health	Health
Rockwell Library	Rockwell Library	Rockwell Library	Rockwell Library	Rockwell Library

CREW 4

Monday	Tuesday	Wednesday	Thursday	Friday
Telecomm	Telecomm	Telecomm	Telecomm	Telecomm
Ag Building	Ag Building	Ag Building	Ag Building	Ag Building
South Library	South Library	South Library	South Library	South Library
Landis Sheriff Dept	Jail Annex	Landis Sheriff Dept	Jail Annex	Landis Sheriff Dept

- Two custodians per crew
- Travel time is included

EVERDAY:

- Empty trash/replace liners in all areas
- Clean all toilets and urinals
- Mop all restrooms floors
- Refill all paper product dispensers and soap dispensers
- Clean and shine all fixtures in restrooms
- Sweep entrances, sidewalks and patios
- Spot clean any area that needs attention

TWICE A WEEK:

- Clean all doors (glass entrances)
- Vacuum all offices, elevators and hallways
- Mop floors (including breakrooms)

ONCE A WEEK:

- Clean and service cigarette urns
- Clean water fountains
- Sweep and dust mop tile under stairwells
- Dust window ledges
- Empty hot water into floor drains (to prevent dry traps)
- Order supplies

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Finance Department
DATE: August 23, 2019
SUBJECT: Purchase of Vehicles for Sheriff's Office

Please see the attached information.

Please approve the purchase of 17 law enforcement vehicles for the Sheriff's Office as detailed on the attachment.

ATTACHMENTS:

Description	Upload Date	Type
Purchase of Vehicles for Sheriff's Office	8/27/2019	Cover Memo

Leslie E. Heidrick, CPA
Assistant County Manager/
Finance Director



James M. Howden, CPA
Assistant Finance Director

Rowan County Finance Department

130 West Innes Street • Salisbury, NC 28144-4326

Telephone 704-216-8170 • FAX 704-216-8110

Memorandum

To: Rowan County Board of Commissioners
Aaron Church, County Manager

From: Leslie E. Heidrick, Assistant County Manager/Finance Director
David Sifford, Purchasing Agent

Re: Approval to Purchase Vehicles for Sheriff's Office

Date: August 23, 2019

In accordance with G.S. 143-129(e)(3), Rowan County is exempt from bidding requirements if the County purchases equipment from a contract established through a competitive bidding group purchasing program and if the contractor is willing to extend to the County the same or more favorable prices, terms and conditions as established in that contract. Performance Ford, Performance Chrysler Dodge Jeep Ram, and Piedmont Truck Center have all agreed to extend to the County the same price and terms set forth in their contracts with the North Carolina Sheriff's Association (NCSA contract #19-05-0911) for the purchase of seventeen vehicles. Performance Ford will supply nine Ford Police Utility vehicles and one Ford F-150 pickup truck, Performance Chrysler Dodge Jeep Ram will supply four Dodge Chargers and one Dodge Durango, and Piedmont Truck Center will supply two Ford Transit Vans. The cost of the vehicles, from each dealer, is \$382,702, \$123,677 and \$70,685, respectively. The total cost for all of the vehicles is \$577,064.

Attached is the Awarded Dealers page from the NCSA Bid Award, proposed purchase orders, and pricing sheets for the vehicles from Performance Ford, Performance Chrysler Dodge Jeep Ram and Piedmont Truck Center. The NCSA bid documents are on file in the Purchasing Office. The purchase of the vehicles is within the approved fiscal year 2020 budget.

Staff's Recommendation: The Sheriff's Office and the Finance Department recommend that contracts be awarded to Performance Ford for the purchase of ten vehicles at a cost not to exceed \$382,702, Performance Chrysler Dodge Jeep Ram for the purchase of five vehicles at a cost not to exceed \$123,677, and Piedmont Truck Center for the purchase of two vehicles at a cost not to exceed \$70,685.

BID AWARD ANNOUNCEMENT

19-05-0911

Effective Dates:

October 2, 2018 to October 1, 2019

Police Rated, Administrative, Utility Vehicles, Trucks, Vans
and Motorcycles



Coordinated by

The North Carolina Sheriffs' Association

Contact:

Jason Bennett

Director of Business Development

919-459-8195

jbennett@ncsheriffs.net



ROWAN COUNTY PURCHASE ORDER

130 West Innes Street
Salisbury, NC 28144

Phone (704) 216-8170 Fax (704) 216-8110
Federal Tax ID No. 56-6000336

NOT VALID WITHOUT NUMBER
PURCHASE ORDER #
For Finance Dept use only

VENDOR NAME:	PERFORMANCE FORD	VENDOR #:	17595
DEPARTMENT:	Sheriffs	PREPARED BY:	Angie Estepp
SHIP TO:	232 N Main St Salisbury, NC 28144	DATE:	8/13/2019

DATE REQUIRED:	ASAP
----------------	------

Submit with packing slip and invoice

ACCOUNT NUMBER	QTY	DESCRIPTION	UNIT PRICE	TOTAL
1154410-876 575 035	8	FORD PI UTILITY VEHICLES, 3.0L ECOBOOST ENGINE, FOR PATROL OFFICERS	38,237.70	305,901.60
	1	FORD UTILITY VEHICLE, 3.0L ECOBOOST ENGINE, FOR CRU TEAM FRONT HEAD LAMP SOLUTION, REAR LIGHTING SOLUTION.	41,471.30	41,471.30
	1	2019 FORD F-150 RESPONDER, 3.5L ECOBOOST ENGINE, 4X4	35,329.00	35,329.00
SUBTOTAL				382,701.90
SHIPPING				-
TOTAL				382,701.90

ORDER WILL BE PLACED BY: (check one) ☐ FAX ☐ MAIL ☐ PHONE ☐ INTERNET

ORDERS \$5,000.00 AND OVER MUST HAVE THREE (3) INFORMAL QUOTES

(Enter preferred quote information above)

VENDOR NAME:	VENDOR NAME:	VENDOR NAME:
VENDOR #:	VENDOR #:	VENDOR #:
PHONE #:	PHONE #:	PHONE #:
TOTAL QUOTE:	TOTAL QUOTE:	TOTAL QUOTE:

COMMENTS:

By signing below, I verify there are sufficient funds in the designated account(s) for the purchase.

X Capt. John
AUTHORIZED PERSONNEL

8-13-19
DATE

BILLING INSTRUCTIONS: Separate invoices must be rendered for each order or shipment to individual Dept. Monthly statements are to be rendered to Finance Dept. 130 W. Innes St., Salisbury, NC. Applicable North Carolina sales and/or use tax to be invoiced as a separate item on each invoice. **Rowan County is not sales tax exempt.**

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CO

Finance Director
NOT VALID WITHOUT SIGNATURE

Purchasing Agent
NOT VALID WITHOUT SIGNATURE

This certifies the above apparatus, supplies, materials and/or services have been received and payment is requested.

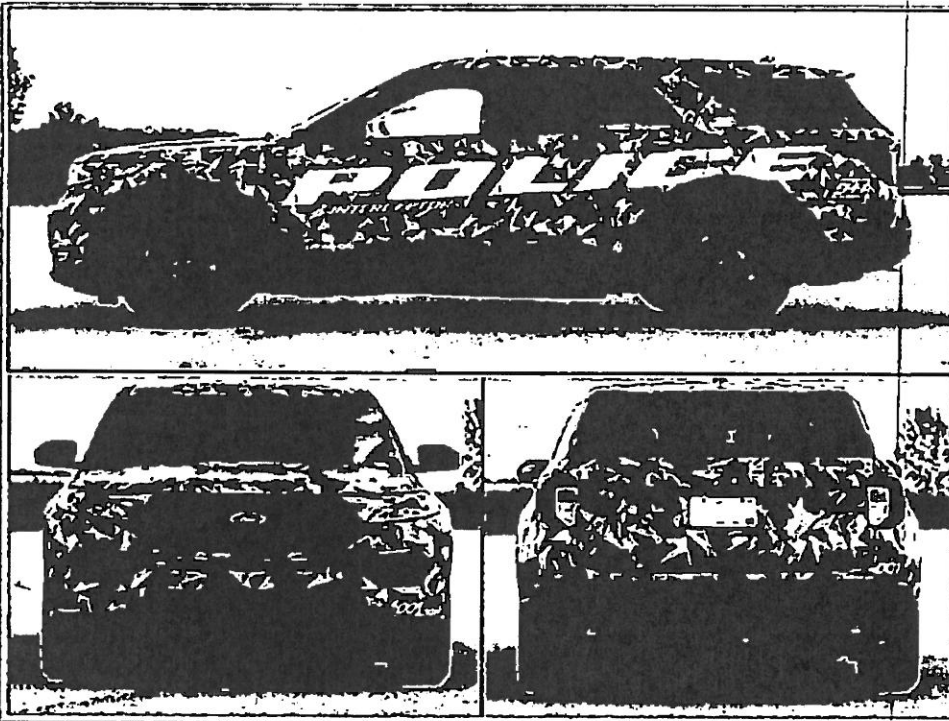
AUTHORIZED PERSONNEL

DATE _____

PATROL



2020 Ford PI Utility, AWD
NCSA Contract 09-05-0911 Specification #89
3.3L V-6 Direct Injection Engine (99B)



2020 Ford PI Utility NOTES:

- **STANDARD ENGINE:** The factory Standard Configuration for the 2020 Ford PI Utility is the **3.3L V-6 Direct Injection Hybrid Engine**. The NCSA has chosen to provide the 3.3L V-6 Direct Injection Non-Hybrid Gasoline Engine as their Base Vehicle.

- **PRODUCTION SCHEDULE:** The current plan is to complete build out of the 2019 Ford PI Utility in January, 2019. The factory will retool for the redesigned 2020 PI Utility and production is expected to begin in February, 2019. These are moving targets at this point, but best estimate to date.

- **SPOTLIGHT:** The original NCSA specification included a Halogen Driver Side Spotlight. However, the Halogen Spotlight is not available on the 2020 PI Utility, and thus the base pricing offered here does not include a spotlight. LED Spotlights are available for order. See Spotlight Options

NCSA Zone Vehicle Pricing

Base Vehicle Pricing - Pick One

			Cost
<input type="checkbox"/>	#89	Appalachia Zone (Western Mountains)	\$ 32,439
<input checked="" type="checkbox"/>	#89	Dogwood Zone (Piedmont and Triad)	\$ 32,384
<input type="checkbox"/>	#89	Cardinal Zone (Charlotte to Wilmington)	\$ 32,354
<input type="checkbox"/>	#89	Longleaf Zone (North East Counties)	\$ 32,394

	CODE	POWERTRAIN OPTIONS	COST
<input checked="" type="checkbox"/>	99W/44B	3.3L V-6 Direct Injection HYBRID Engine	\$ 3,353.00
<input checked="" type="checkbox"/>	99B/44U	3.3L V-6 DIRECT INJECTION GASOLINE ENGINE	Base Vehicle
<input checked="" type="checkbox"/>	99C/44U	3.0L V-6 ECOBOOST (Requires 99w Above)	\$ 742.60

	PKG CODE	PI UTILITY OPTIONS PREFERRED EQUIPMENT PACKAGES	COST
<input type="checkbox"/>	65U	Interior Upgrade Package	\$ 366.60
<input type="checkbox"/>	66A	Front Headlamp Lighting Solution	\$ 841.30
<input type="checkbox"/>	86T	Tail Lamp / Police Interceptor Housing Only	\$ 56.40
<input type="checkbox"/>	66B	Tail Lamp Lighting Solution	\$ 404.20
<input checked="" type="checkbox"/>	66C	Rear Lighting Solution	\$ 427.70
<input type="checkbox"/>	67H	Ready for the Road Package	\$ 3,379.30
<input type="checkbox"/>	67U	Ultimate Wiring Package	\$ 526.40
<input type="checkbox"/>	67V	Police Wire Harness Connector Kit - Front	\$ 182.00
<input type="checkbox"/>	60A	Pre Wiring for Grill LED Lights, Siren, Speaker	\$ 47.00

Interior Options

<input checked="" type="checkbox"/>	96	Standard Configuration: Cloth Front / Vinyl Rear	Included
<input type="checkbox"/>	16C	1st & 2nd Row Carpet Floor Covering w Mats	\$ 117.50
<input type="checkbox"/>	88F	2nd Row Cloth Seats	\$ 56.40
<input checked="" type="checkbox"/>	85D	Front Console Plate Delete	N/C
<input type="checkbox"/>	85S	Rear Center Seat Delete	N/C
<input type="checkbox"/>	85R	Rear Console Plate	\$ 42.30
<input type="checkbox"/>	17A	Auxiliary Rear Air Conditioning	\$ 573.40
<input type="checkbox"/>	17T	Red/White Dome Light - Rear Cargo Area	\$ 47.00
<input checked="" type="checkbox"/>	55F	Remote Keyless - Entry Key FOB	Included
<input checked="" type="checkbox"/>	18D	Global Lock / Unlock Feature	N/C
<input type="checkbox"/>	87R	Rear View Camera - Mirror Display	N/C
<input type="checkbox"/>	19V	Rear Camera on Demand	\$ 216.20

Exterior Options

<input type="checkbox"/>	41H	Engine Block Heater	\$ 88.00
<input checked="" type="checkbox"/>	153	License Plate Bracket - Front	N/C
<input checked="" type="checkbox"/>	942	Daytime Running Lights	\$ 42.30
<input type="checkbox"/>	92G	Glass - Solar Tint 2nd Row, Liftgate, Rear Qtr	\$ 112.80
<input type="checkbox"/>	92R	Glass - Solar Tint, 2nd Row Only - Privacy Rear	\$ 79.90
<input type="checkbox"/>	76D	Deflector Plate	\$ 314.90
<input type="checkbox"/>	549	Mirrors - Heated Sideview Mirrors	\$ 56.40
<input checked="" type="checkbox"/>	76P	Pre-Collision Assist with Pedestrian Detection	\$ 136.30
<input type="checkbox"/>	55B	BLIS - Blind Spot Monitoring w/ Cross Traffic Alert	\$ 512.30
<input type="checkbox"/>	593	Perimeter Anti Theft Alarm (Req 595)	\$ 112.80
<input checked="" type="checkbox"/>	76R	Reverse Sensing System	\$ 258.50
<input type="checkbox"/>	16D	Badge Delete	N/C
<input type="checkbox"/>	52T	Class III Trailer Tow Lighting Package	\$ 75.20
<input type="checkbox"/>	19K	H8 AGM Battery	\$ 103.40
<input type="checkbox"/>	59E	Keyed Alike (Specify Frequency)	\$ 47.00

Tire / Wheel Options

<input checked="" type="checkbox"/>	65L	Wheel Covers, 18 Inch Full Face Wheel Cover	\$	56.40
<input type="checkbox"/>	64E	18 Inch Painted Aluminum Wheels	\$	446.50

Spotlight Options

<input type="checkbox"/>	51P	Spot Lamp Prep Kit, Driver Side	\$	131.60
<input type="checkbox"/>	51W	Spot Lamp Prep Kit, Dual Side	\$	263.20
<input checked="" type="checkbox"/>	51R	Spot Lamp - LED Bulb, Driver Side (Unity)	\$	371.30
<input type="checkbox"/>	51T	Spot Lamp - LED Bulb, Driver Side (Whelen)	\$	394.80
<input type="checkbox"/>	51S	Spot Lamp - LED Bulb, Dual Sides (Unity)	\$	582.80
<input type="checkbox"/>	51V	Spot Lamp - LED Bulb, Dual Sides (Whelen)	\$	625.10

Police Equipment Options

<input checked="" type="checkbox"/>	43D	Dark Car Feature	\$	23.50
<input type="checkbox"/>	47A	Police Engine Idle Feature	\$	244.40
<input type="checkbox"/>	68B	Police Perimeter Alert System	\$	634.50
<input type="checkbox"/>	63V	Cargo Storage Vault	\$	230.30
<input type="checkbox"/>	60R	Noise Suppression Bonds	\$	94.00
<input type="checkbox"/>	52P	Hidden Door/Lock Plunger. Rear Doors Inoperable	\$	150.40
<input checked="" type="checkbox"/>	68G	Rear Door Handles/Controls/Locks Inoperable	\$	70.50
<input type="checkbox"/>	90D	Ballistic Door Panels (LVL III+) Driver Door	\$	1,489.90
<input type="checkbox"/>	90E	Ballistic Door Panels (LVL III+) Driver & Passenger Door	\$	2,979.80
<input type="checkbox"/>	90F	Ballistic Door Panels (LVL IV+) Driver Door	\$	2,270.10
<input type="checkbox"/>	90G	Ballistic Door Panels (LVL IV+) Driver & Passenger Door	\$	4,540.20
<input type="checkbox"/>	21L	Front Warning Auxillary Light	\$	517.00
<input type="checkbox"/>	96W	Front Interior Visor Light Bar	\$	1,076.30
<input type="checkbox"/>	63L	Rear Quarter Glass Side Marker Lights	\$	540.50
<input type="checkbox"/>	96T	Rear Spoiler Traffic Warning Lights	\$	1,405.30
<input type="checkbox"/>	18X	100 Watt Siren/Speaker (bracket & pigtail)	\$	296.10
<input checked="" type="checkbox"/>	63B	Side Marker LED - Sideview Mirrors	\$	272.60

Special Order Codes

<input checked="" type="checkbox"/>	ZEM	Converts 63B Mirror Beams to Blue/Blue	\$	48.00
<input checked="" type="checkbox"/>	ZEK	Converts 66C to Blue/Blue	\$	51.00
<input type="checkbox"/>				
<input type="checkbox"/>				

Standard Colors:

	Code	Color	Quantity
<input type="checkbox"/>	BU	Medium Brown Metallic	
<input type="checkbox"/>	E3	Arizona Beige	
<input type="checkbox"/>	E4	Vermillion Red	
<input type="checkbox"/>	FT	Blue Metallic	
<input type="checkbox"/>	HG	Smokestone	
<input type="checkbox"/>	JL	Dark Toreador Red	
<input checked="" type="checkbox"/>	JS	Iconic Silver	8.00
<input type="checkbox"/>	J1	Kodiak Brown	
<input type="checkbox"/>	KR	Norsea Blue	
<input type="checkbox"/>	LK	Dark Blue	
<input type="checkbox"/>	LM	Royal Blue	
<input type="checkbox"/>	LN	Light Blue Metallic	
<input type="checkbox"/>	TN	Silver Grey Metallic	
<input type="checkbox"/>	UJ	Sterling Gray	
<input type="checkbox"/>	UM	Agate Black	
<input type="checkbox"/>	YG	Medium Titanium Clear Coat	
<input type="checkbox"/>	YZ	Oxford White	

Emergency Equipment/Lighting Upfit

<input type="checkbox"/>			
<input type="checkbox"/>	InnerEdge	Whelen Inner Edge Slicktop Standard Upfit	\$ 4,389.63
<input type="checkbox"/>		See worksheet for further details	
<input type="checkbox"/>			

Includes all Shop Labor to install abovementioned Equipment and radios provided by the department prior to the completion of the installation.

Total Price Each: \$ 38,237.70

Number Units This Spec: 8.00

Total Price: \$ 305,901.60

Notes:

Quote Date: 08/09/2019

Agency Information:

Agency Name: Rowan County Sheriffs Office

Contact: Capt. Sam Towne

Position:

Address 1:

Address 2:

City, State, Zip:

Office Phone:

Cell Phone:

Email:

Fax:

Amy Hill

Government & Fleet Sales

605 Warsaw Road

Clinton, North Carolina 28328

ahill@ramclinton.com

(336) 687-7964 Cell

Gene Daniel






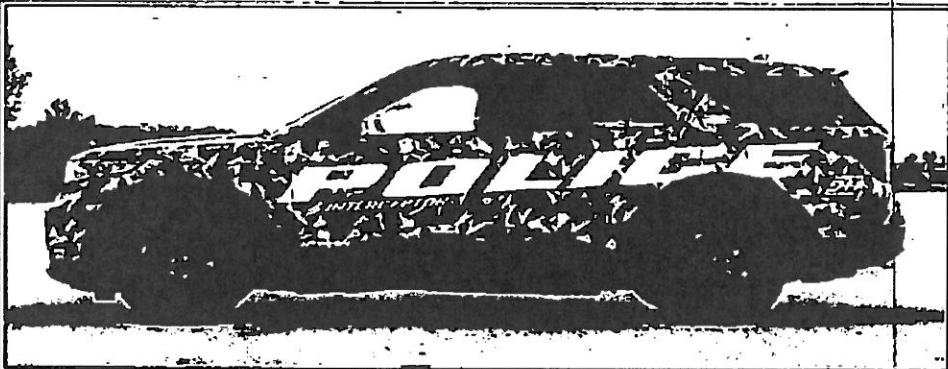
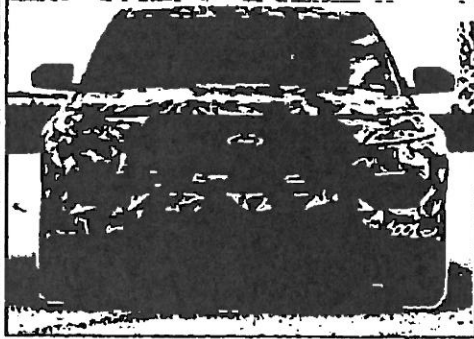

Government Sales Manager

605 Warsaw Road

Clinton, North Carolina 28328

gdaniel@ramclinton.com

(910) 592-5337 Dealership

<h1 style="text-align: center;">PERFORMANCE</h1> <h2 style="text-align: center;">AUTOMOTIVE</h2> <div style="display: flex; justify-content: space-around; align-items: center;">      </div>	
<h3>2020 Ford PI Utility, AWD</h3> <p>NCSA Contract 09-05-0911 Specification #89 3.3L V-6 Direct Injection Engine (99B)</p>	
	
	
<p>2020 Ford PI Utility NOTES:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>- STANDARD ENGINE: The factory Standard Configuration for the 2020 Ford PI Utility is the 3.3L V-6 Direct Injection Hybrid Engine. The NCSA has chosen to provide the 3.3L V-6 Direct Injection Non-Hybrid Gasoline Engine as their Base Vehicle.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>- PRODUCTION SCHEDULE: The current plan is to complete build out of the 2019 Ford PI Utility in January, 2019. The factory will retool for the redesigned 2020 PI Utility and production is expected to begin in February, 2019. These are moving targets at this point, but best estimate to date.</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>- SPOTLIGHT: The original NCSA specification included a Halogen Driver Side Spotlight. However, the Halogen Spotlight is not available on the 2020 PI Utility, and thus the base pricing offered here does not include a spotlight. LED Spotlights are available for order. See Spotlight Options</p> </div>	

NCSA Zone Vehicle Pricing

Base Vehicle Pricing - Pick One

			Cost
<input type="checkbox"/>	#89	Appalachia Zone (Western Mountains)	\$ 32,439
<input checked="" type="checkbox"/>	#89	Dogwood Zone (Piedmont and Triad)	\$ 32,384
<input type="checkbox"/>	#89	Cardinal Zone (Charlotte to Wilmington)	\$ 32,354
<input type="checkbox"/>	#89	Longleaf Zone (North East Counties)	\$ 32,394

	CODE	POWERTRAIN OPTIONS	COST
<input checked="" type="checkbox"/>	99W/44B	3.3L V-6 Direct Injection HYBRID Engine	\$ 3,353.00
<input type="checkbox"/>	99B/44U	3.3L V-6 DIRECT INJECTION GASOLINE ENGINE	Base Vehicle
<input checked="" type="checkbox"/>	99C/44U	3.0L V-6 ECOBOOST (Requires 99w Above)	\$ 742.60

	PKG CODE	PI UTILITY OPTIONS PREFERRED EQUIPMENT PACKAGES	COST
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<input checked="" type="checkbox"/>	66A	Front Headlamp Lighting Solution	\$ 841.30
<input type="checkbox"/>	86T	Tail Lamp / Police Interceptor Housing Only	\$ 56.40
<input type="checkbox"/>	66B	Tail Lamp Lighting Solution	\$ 404.20
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<input type="checkbox"/>	67H	Ready for the Road Package	\$ 3,379.30
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<input type="checkbox"/>	60A	Pre Wiring for Grill LED Lights, Siren, Speaker	\$ 47.00

Interior Options

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<input type="checkbox"/>	16C	1st & 2nd Row Carpet Floor Covering w Mats	\$ 117.50
<input type="checkbox"/>	88F	2nd Row Cloth Seats	\$ 56.40
<input type="checkbox"/>	85D	Front Console Plate Delete	N/C
<input type="checkbox"/>	85S	Rear Center Seat Delete	N/C
<input type="checkbox"/>	85R	Rear Console Plate	\$ 42.30
<input type="checkbox"/>	17A	Auxiliary Rear Air Conditioning	\$ 573.40
<input type="checkbox"/>	17T	Red/White Dome Light - Rear Cargo Area	\$ 47.00
<input checked="" type="checkbox"/>	55F	Remote Keyless - Entry Key FOB	Included
<input type="checkbox"/>	18D	Global Lock / Unlock Feature	N/C
<input type="checkbox"/>	87R	Rear View Camera - Mirror Display	N/C
<input type="checkbox"/>	19V	Rear Camera on Demand	\$ 216.20

Exterior Options

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<input checked="" type="checkbox"/>	55B	BLIS - Blind Spot Monitoring w/ Cross Traffic Alert	\$ 512.30
<input type="checkbox"/>	593	Perimeter Anti Theft Alarm (Req 595)	\$ 112.80
<input checked="" type="checkbox"/>	76R	Reverse Sensing System	\$ 258.50
<input type="checkbox"/>	16D	Badge Delete	N/C
<input type="checkbox"/>	52T	Class III Trailer Tow Lighting Package	\$ 75.20
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<input type="checkbox"/>	60R	Noise Suppression Bonds	\$	94.00
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<input checked="" type="checkbox"/>	68G	Rear Door Handles/Controls/Locks Inoperable	\$	70.50
<input type="checkbox"/>	90D	Ballistic Door Panels (LVL III+) Driver Door	\$	1,489.90
<input type="checkbox"/>	90E	Ballistic Door Panels (LVL III+) Driver & Passenger Door	\$	2,979.80
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<input checked="" type="checkbox"/>	21L	Front Warning Auxiliary Light	\$	517.00
<input type="checkbox"/>	96W	Front Interior Visor Light Bar	\$	1,076.30
<input type="checkbox"/>	63L	Rear Quarter Glass Side Marker Lights	\$	540.50
<input checked="" type="checkbox"/>	96T	Rear Spoiler Traffic Warning Lights	\$	1,405.30
<input type="checkbox"/>	18X	100 Watt Siren/Speaker (bracket & pigtail)	\$	296.10
<input checked="" type="checkbox"/>	63B	Side Marker LED - Sideview Mirrors	\$	272.60

Special Order Codes

<input checked="" type="checkbox"/>	ZEM	Converts 63B Mirror Beams to Blue/Blue	\$	48.00
<input checked="" type="checkbox"/>	ZEK	Converts 66C to Blue/Blue	\$	51.00
<input type="checkbox"/>				
<input type="checkbox"/>				

Standard Colors:

	Code	Color	Quantity
<input type="checkbox"/>	BU	Medium Brown Metallic	
<input type="checkbox"/>	E3	Arizona Belge	
<input type="checkbox"/>	E4	Vermillion Red	
<input type="checkbox"/>	FT	Blue Metallic	
<input checked="" type="checkbox"/>	HG	Smokestone	1.00
<input type="checkbox"/>	JL	Dark Toreador Red	
<input type="checkbox"/>	JS	Iconic Silver	
<input type="checkbox"/>	J1	Kodiak Brown	
<input type="checkbox"/>	KR	Norsea Blue	
<input type="checkbox"/>	LK	Dark Blue	
<input type="checkbox"/>	LM	Royal Blue	
<input type="checkbox"/>	LN	Light Blue Metallic	
<input type="checkbox"/>	TN	Silver Grey Metallic	
<input type="checkbox"/>	UJ	Sterling Gray	
<input type="checkbox"/>	UM	Agate Black	
<input type="checkbox"/>	YG	Medium Titanium Clear Coat	
<input type="checkbox"/>	YZ	Oxford White	

Emergency Equipment/Lighting Upfit

<input type="checkbox"/>			
<input type="checkbox"/>	InnerEdge	Whelen Inner Edge Slicktop Standard Upfit	\$ 4,389.63
<input type="checkbox"/>		See worksheet for further details	
<input type="checkbox"/>			

Includes all Shop Labor to install abovementioned Equipment and radios provided by the department prior to the completion of the installation.

Total Price Each: \$ 41,471.30

Number Units This Spec: 1.00

Total Price: \$ 41,471.30

Notes:

Quote Date: 08/09/2019

Agency Information:

Agency Name: Rowan County Sheriffs Office

Contact: Capt. Sam Towne

Position:

Address 1:

Address 2:

City, State, Zip:

Office Phone:

Cell Phone:

Email:

Fax:

Amy Hill

Government & Fleet Sales

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ahill@ramclinton.com

(336) 687-7964 Cell

Gene Daniel

Government Sales Manager

605 Warsaw Road

Clinton, North Carolina 28328

gdaniel@ramclinton.com

(910) 592-5337 Dealership

PERFORMANCE NCE

AUTOMOTIVE

CHRYSLER

DODGE

Jeep



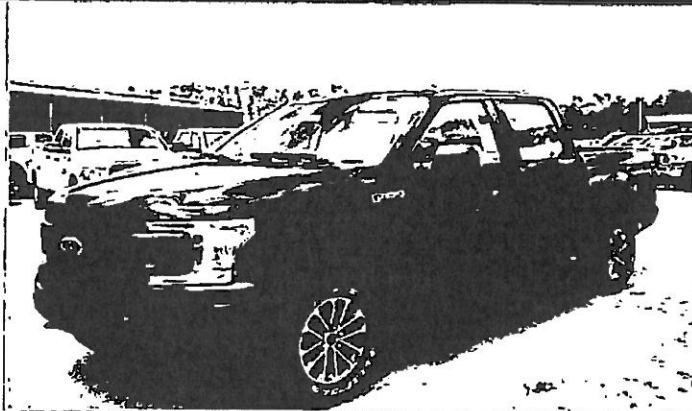
RAM



2019 Ford F-150 Responder

NCSA Contract 09-05-0911 Specification # 92

3.5L EcoBoost Engine



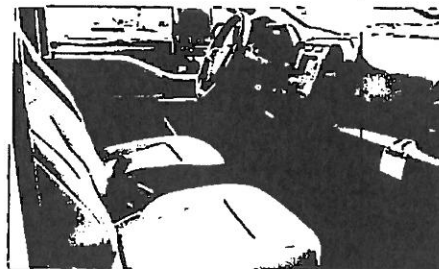
May show optional features

2019 Ford F-150 Responder Standard Features - Crew Cab, Short Bed

- 3.5L V-6 EcoBoost Engine
- 10 Speed Automatic Transmission
- FX-4 Off Road Package
- Class IV Trailer Hitch
- LT275/65R 18" OWL Tires
- 18" Aluminum Machined Wheels
- Power Windows/Locks/Mirrors
- Vinyl Floor Covering
- Cruise Control
- Police Grade Power Driver Seat
- Seat: 40 - Blank - 40 Configuration
- Sync Voice Recognition
- Bluetooth
- 4.2" Radio Screen
- Skid Plates



See Attached sheet for further standard features



Note: FX4 Badging Removed for 2019

NCSA Zone Vehicle Pricing

Base Vehicle Pricing - Pick One

		Cost
<input type="checkbox"/>	#89 Appalachia Zone - Must Pick up at Dealer	\$ 32,991
<input checked="" type="checkbox"/>	#89 Dogwood Zone (Piedmont and Triad)	\$ 33,031
<input type="checkbox"/>	#89 Cardinal Zone (Charlotte to Wilmington)	\$ 32,991
<input type="checkbox"/>	#89 Longleaf Zone (North East Counties)	\$ 33,031

CODE	POWERTRAIN OPTIONS	COST
<input checked="" type="checkbox"/> W1P	145" Wheel Base, XL 4X4 Crew, 5'5" Box	STANDARD
<input checked="" type="checkbox"/> 150A	Equipment Group 150A	STANDARD
<input checked="" type="checkbox"/> 994	3.5L Eco Boost V-6 Engine	STANDARD
<input checked="" type="checkbox"/> 44G	Electronic 10 Speed Automatic Transmission	STANDARD
<input checked="" type="checkbox"/> FX4	FX-4 Off Road Package - FX4 Badging Deleted	STANDARD
<input checked="" type="checkbox"/> XL9	Electric Locking 3.55 Rear Axle	STANDARD

PKG CODE	AVAILABLE FACTORY OPTIONS	COST
<input type="checkbox"/> 153	Front License Plate Bracket (Where Available)	N/C
<input checked="" type="checkbox"/> 595	Fog Lamps - XL	\$ 131.60
<input checked="" type="checkbox"/> 942	Daytime Running Lights	\$ 42.30
<input type="checkbox"/> 17C	Front / Rear Chrome Bumper (Requires 595 Fog Lamps)	\$ 164.50
<input checked="" type="checkbox"/> 18B	Running Boards, Black Platform	\$ 235.00
<input type="checkbox"/> 41H	Engine Block Heater	\$ 84.60
<input type="checkbox"/> 57Q	Rear Window Defroster	\$ 206.80
<input checked="" type="checkbox"/> 60P	Pre-Collision Assist with Pedestrian Detection	\$ 136.30
<input type="checkbox"/> 61P	10 Way Power Passenger Seat	\$ 277.30
<input type="checkbox"/> 91A	Smoker's Package	\$ 89.30
<input type="checkbox"/> 924	Rear Privacy Glass - XL * Requires 57Q	\$ 94.00
<input type="checkbox"/> 54R	Dual Power/Manual Folding Mirrors w/ Heat/Turn **	\$ 286.70
<input type="checkbox"/> 54Y	Manual Telescoping/Folding, Power Glass, Mirrors **	\$ 371.30
<input type="checkbox"/> 59S	Super Puddle LED Mirror Lights	\$ 164.50
<input type="checkbox"/> 53A	Trailer Tow Package	\$ 935.30
<input type="checkbox"/> 67T	Integrated Trailer Brake Controller	\$ 258.50
<input checked="" type="checkbox"/> 76R	Reverse Sensing System	\$ 258.50
<input type="checkbox"/> 85H	Back Up Alarm System	\$ 117.50
<input type="checkbox"/> 55B	BoxLink - XL	\$ 75.20
<input type="checkbox"/> 63E	Foldable Pick Up Box Bed Extender	\$ 235.00
<input type="checkbox"/> 63S	Pickup Box Access Step	\$ 305.50
<input type="checkbox"/> 63T	Tailgate Step, With Tailgate Lift Assist	\$ 352.50
<input type="checkbox"/> 90D	Bed Divider (Requires 55B)	\$ 277.30
<input type="checkbox"/> 90R	Bed Ramps (Requires 55B)	\$ 559.30
<input type="checkbox"/> 96P	Bedliner - Plastic Drop In	\$ 329.00
<input checked="" type="checkbox"/> 96W	Bedliner - Spray In	\$ 559.30
<input type="checkbox"/> 96T	Tonneau Pick Up Box Cover - Soft Folding	\$ 493.50
<input checked="" type="checkbox"/> 96X	Tonneau Pick Up Box Cover - Hard	\$ 935.30

Factory Lighting Options

<input type="checkbox"/> 94R	Red / Blue LED Warning Strobes	\$ 681.50
<input type="checkbox"/> 94S	Amber Warning Strobes	\$ 634.50

		Dealer Installed Items		
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>				

Standard Colors:

	Code	Color	Quantity
<input type="checkbox"/>	D1	STONE GRAY	
<input type="checkbox"/>	E7	VELOCITY BLUE	
<input type="checkbox"/>	J7	MAGNETIC	
<input type="checkbox"/>	N1	BLUE JEANS	
<input type="checkbox"/>	PQ	RACE RED	
<input checked="" type="checkbox"/>	UM	AGATE BLACK	1.00
<input type="checkbox"/>	UX	INGOT SILVER	
<input type="checkbox"/>	YZ	OXFORD WHITE	

Interior Options

<input type="checkbox"/>	<input type="checkbox"/>	PG	POLICE SEAT - MEDIUM EARTH GRAY	STANDARD
--------------------------	--------------------------	----	---------------------------------	----------

Emergency Equipment/Lighting Upfit

<input type="checkbox"/>	Whelen	Whelen Inner Edge Slicktop w/ Havis/Jotto Console	\$	4,469
<input type="checkbox"/>	Sound Off	Sound Off Slicktop Package w/ Havis/Jotto Console	\$	4,303
<input type="checkbox"/>				
<input type="checkbox"/>				

Includes all Shop Labor to install abovementioned Equipment and radios provided by the department prior to the completion of the installation.

Total Price Each: \$ 35,329

Number Units This Spec:	1.00
--------------------------------	-------------

Total Price: \$ 35,329

Notes:

Agency Information:

Agency Name: Rowan County Sheriff Office

Contact: Sam Towne

Position: Captain

Address 1: 232 N. Main Street

Address 2: _____

City, State, Zip: Salisbury, NC 28144

Office Phone: 704-216-8697

Cell Phone: 704-239-5631

Email: sam.towne@rowancountync.gov

Fax: _____

FIN Code: _____

GPC Info: _____

Amy Hill

Government & Fleet Sales

605 Warsaw Road

Clinton, North Carolina 28328

ahill@ramclinton.com

(336) 687-7964 Cell

Gene Daniel

Government Sales Manager

605 Warsaw Road

Clinton, North Carolina 28328

gdaniel@ramclinton.com

(910) 592-5337 Dealership





ROWAN COUNTY PURCHASE ORDER

130 West Innes Street
Salisbury, NC 28144
Phone (704) 216-8170 Fax (704) 216-8110
Federal Tax ID No. 56-6000336

NOT VALID WITHOUT NUMBER
PURCHASE ORDER #
For Finance Dept use only

VENDOR NAME:	Performance Chrysler Dodge Jeep Ram	VENDOR #:	17595
DEPARTMENT:	Sheriff's	PREPARED BY:	Angie Estepp
SHIP TO:	232 N Main St Salisbury, NC 28144	DATE:	8/13/2019

DATE REQUIRED: ASAP

Submit with packing slip and invoice

ACCOUNT NUMBER	QTY	DESCRIPTION	UNIT PRICE	TOTAL
1154410-575035	4	2019 DODGE CHARGER, RWD, V6	23,133.70	92,534.80
		6-CYLINDER FOR CIVIL OFFICERS		
	1	2019 DODGE DURANGO PURSUIT, 5.7L	31,142.00	31,142.00
		ENGINE, ALL WHEEL DRIVE		
		GENE DANIEL		
		PERFORMANCE CHRYSLER DODGE JEEP RAM		
		605 WARSAW ROAD		
		CLINTON, NC 28328		
		(910) 592-5337		
SUBTOTAL				123,676.80
SHIPPING				-
TOTAL				123,676.80

ORDER WILL BE PLACED BY: (check one) ☐ FAX ☐ MAIL ☐ PHONE ☐ INTERNET

ORDERS \$5,000.00 AND OVER MUST HAVE THREE (3) INFORMAL QUOTES

(Enter preferred quote information above)

VENDOR NAME:	VENDOR NAME:	VENDOR NAME:
VENDOR #:	VENDOR #:	VENDOR #:
PHONE #:	PHONE #:	PHONE #:
TOTAL QUOTE:	TOTAL QUOTE:	TOTAL QUOTE:

COMMENTS: THESE QUOTES ARE ON THE NC SHERIFFS ASSOCIATION VEHICLE
PROCUREMENT NCSA CONTRACT 19-05-0911 SPEC 149

By signing below, I verify there are sufficient funds in the designated account(s) for the purchase.

X
AUTHORIZED PERSONNEL

8-13-19
DATE

BILLING INSTRUCTIONS: Separate invoices must be rendered for each order or shipment to individual Dept. Monthly statements are to be mailed to Finance Dept. 130 W. Innes St., Salisbury, NC. Applicable North Carolina sales and/or use tax to be invoiced as a separate item on each invoice. Rowan County is not sales tax exempt.

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

Finance Director
NOT VALID WITHOUT SIGNATURE

Purchasing Agent
NOT VALID WITHOUT SIGNATURE

This certifies the above apparatus, supplies, materials and/or services have been received and payment is requested.

AUTHORIZED PERSONNEL

DATE

PERFORMANCE

AUTOMOTIVE

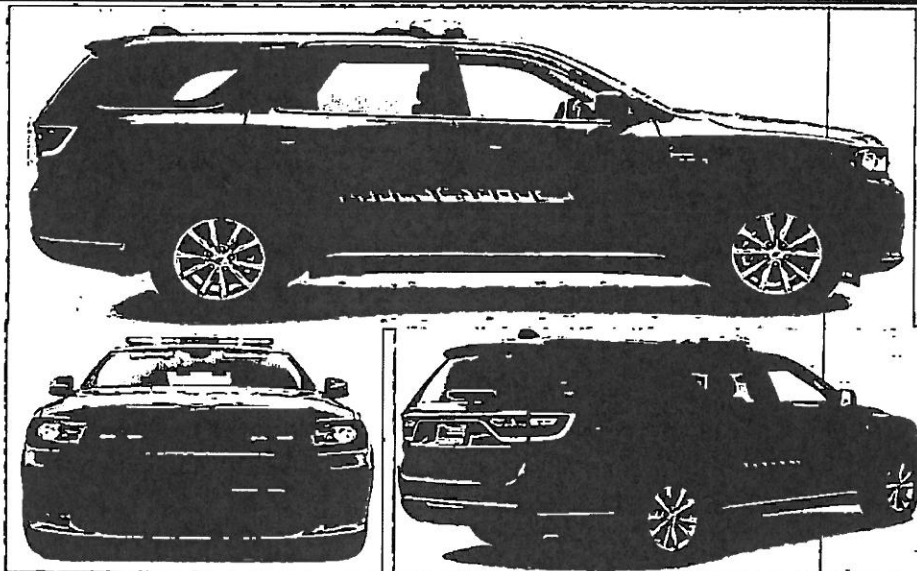


2019 Dodge Durango Pursuit

WDEE75 - Durango 5.7L Hemi All Wheel Drive

NCSA Contract 19-05-0911 Spec 149

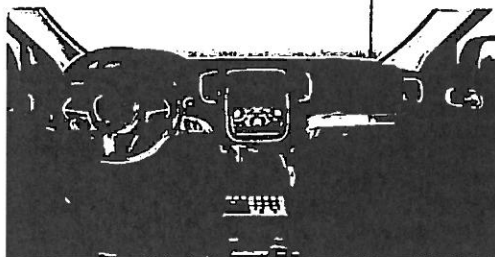
North Carolina Sheriff's Association Vehicle Contract



Emergency Lighting for illustrative purposes only

Package 22Z 5.7L V-8 Hemi AWD - Standard Features

- 5.7L Hemi V-8 MDS Engine
- 8 Speed Auto 8HP70 Transmission
- 265/60R18 BSW Michelin Tires
- 18X8 Painted Aluminum Rims
- Deep Tint Sunscreen
- Front & Rear Interior LED Lamps
- Heavy Duty Engine Cooling
- Integrated Voice Command w/Bluetooth
- Remote Proximity Key with Keyless Go
- Power 8-Way Driver Seat
- Power Windows/Door Locks
- Rear Load Leveling Suspension
- Cruise Control
- Tilt/Telescoping Steering Wheel



Shown with optional Havis Console

NCSA Base Vehicle Specifications

CODE	DESCRIPTION	STD / OPTION
WDEE75	Dodge Durango Special Service	STD
AZ1	Durango Pursuit Vehicle	STD
*K7	Cloth Low-Back Bucket Seats	STD
LNQ	Spot Lamp Wiring Prep	STD
CFN	2nd Row 60/40 Folding Seat	STD
EZH	5.7L V8 HEMI engine	STD
MDA	Front License Bracket	STD
XAC	Factory Installed Parkview Camera	STD
4 Key Fobs, 5yr/100,000 mile Powertrain Warranty		

NCSA Zone Information

SPEC	Durango SSV Base Vehicle	Base Price
<input checked="" type="checkbox"/>	149 Dogwood Zone (Piedmont and Triad)	\$ 30,733
<input type="checkbox"/>	149 Cardinal Zone (Charlotte to Wilmington)	\$ 30,703
<input type="checkbox"/>	149 Longleaf Zone (North East Counties)	\$ 30,743

Dodge Durango Special Service Vehicle Available Options

Powertrain Options

<input type="checkbox"/>	AHX	Trailer Tow Group IV	\$ 794.00
<input checked="" type="checkbox"/>	LM1	Daytime Running Lights, Low Beam	\$ 37.60
<input type="checkbox"/>	WGG	Wrap Around Grille Guard - Dealer Installed	\$ 799.00
<input type="checkbox"/>	ADL	Skid Plate Package	\$ 277.30
<input type="checkbox"/>	NHK	Engine Block Heater	\$ 89.30
<input type="checkbox"/>	RSD	Sirius XM Satellite Radio	\$ 183.30
<input type="checkbox"/>	RH1	Single Disc Remote CD Player	\$ 465.30
<input checked="" type="checkbox"/>	XAN	Blind Spot & Cross Path Protection	\$ 371.30

Graphics Options

<input type="checkbox"/>		White Graphics - Front Doors, Vinyl Wrap	\$ 325
<input type="checkbox"/>		White Graphics - All Doors, Vinyl Wrap	\$ 425

Standard Colors:

		Quantity
<input type="checkbox"/>	PSC	Billet Silver Metallic Clear Coat
<input checked="" type="checkbox"/>	PXJ	Black Clear Coat
<input type="checkbox"/>	PDN	Destroyer Grey Clear Coat
<input type="checkbox"/>	PAU	Granite Clear Coat
<input type="checkbox"/>	PRM	Redline 2 Coat Pearl
<input type="checkbox"/>	PW7	White Knuckle Clear Coat
<input type="checkbox"/>	PWD	VICE WHITE (Pearl Coat) \$560 EXTRA

Emergency Equipment/Lighting Upfit

<input type="checkbox"/>	Legacy	Whelen Inner Edge Slicktop - Factory Console	\$	3,741
<input type="checkbox"/>	InnerEdge	Whelen Inner Edge Slicktop - Police Style Console	\$	4,271
<input type="checkbox"/>	SODHH	Sound Off Slicktop - Factory Console	\$	3,505
<input type="checkbox"/>	SODPC	Sound Off Slicktop - Police Style Console	\$	4,074

Emergency Equipment Options

ADD/DELETE

<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Upfit Video Links:

2017 Granite Durango SSV, Whelen Slicktop

2017 White Durango SSV, Whelen Slicktop

Total Unit Price: \$ 31,142

Number Units This Spec:

Total: \$ 31,142

Warranty Information

I. 2019 Durango Pursuit

5 Year / 100,000 Mile Powertrain Warranty

3 Year / 36,000 Mile Bumper to Bumper Warranty

Notes & Instructions:

Agency Information:

Agency Name: Rowan County Sheriff Office

Contact: Sam Towne

Position: Captain

Address 1: 232 N. Main Street

Address 2:

City, State, Zip: Salisbury, NC 28144

Office Phone: 704-216-8697

Cell Phone: 704-239-5631

Email: sam.towne@rowancountync.gov

Fax:

Amy Hill

Government & Fleet Sales

1555 Old Dairy Road

Columbia, South Carolina 29201

ahill@ramclinton.com

(336) 687-7964 Cell

Gene Daniel

Government Sales Manager

605 Warsaw Road

Clinton, North Carolina 28328

gdaniel@ramclinton.com

(910) 592-5337 Dealership





ROWAN COUNTY PURCHASE ORDER

130 West Innes Street

Salisbury, NC 28144

Phone (704) 216-8170 Fax (704) 216-8110

Federal Tax ID No. 56-6000336

NOT VALID WITHOUT NUMBER

PURCHASE ORDER #

For Finance Dept use only

VENDOR NAME:	PIEDMONT TRUCK	VENDOR #:	14608
DEPARTMENT:	Sheriff's	PREPARED BY:	Angie Estepp
SHIP TO:	232 N Main St Salisbury, NC 28144	DATE:	08/13/2009

DATE REQUIRED:	ASAP
----------------	------

Submit with packing slip and invoice

ACCOUNT NUMBER	QTY	DESCRIPTION	UNIT PRICE	TOTAL
1154410-757036	1	2020 FORD TRANSIT 350 LOW ROOF CARGO	34,095.20	34,095.20
575035		VAN. 148" WB/3.5L ECOBOOST FOR		
		DETENTION CENTER TRANSPORT.		
	1	2020 FORD TRANSIT 350 HIGH ROOF CARGO	36,589.30	36,589.30
		VAN. 148" WB/3.7L V6 GASOLINE ENGINE		
		FOR CRIME SCENE DETECTIVE.		
		SPENCER WOOD		
		PIEDMONT TRUCK CENTER, INC.		
		412 SOUTH REGIONAL RD		
		GREENSBORO, NC 27409		
		SUBTOTAL		70,684.50
		SHIPPING		-
		TOTAL		70,684.50

ORDER WILL BE PLACED BY: (check one) ☐ FAX ☐ MAIL ☐ PHONE ☐ INTERNET

ORDERS \$5,000.00 AND OVER MUST HAVE THREE (3) INFORMAL QUOTES

(Enter preferred quote information above)

VENDOR NAME:	VENDOR NAME:	VENDOR NAME:
VENDOR #:	VENDOR #:	VENDOR #:
PHONE #:	PHONE #:	PHONE #:
TOTAL QUOTE:	TOTAL QUOTE:	TOTAL QUOTE:

COMMENTS: THESE QUOTES ARE FROM THE NC SHERIFFS ASSOCIATIO VEHICLE
PROCUREMENT PROGRAM 19-05-0911R

By signing below, I verify there are sufficient funds in the designated account(s) for the purchase.

X	Capt. John Lyford	8-13-19
AUTHORIZED PERSONNEL		DATE

BILLING INSTRUCTIONS: Separate invoices must be rendered for each order or shipment to individual Dept. Monthly statements are to be rendered to Finance Dept. 130 W. Innes St., Salisbury, NC. Applicable North Carolina sales and/or use tax to be invoiced as a separate item on each invoice. **Rowan County is not sales tax exempt.**

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL C

Finance Director
NOT VALID WITHOUT SIGNATURE

Purchasing Agent
NOT VALID WITHOUT SIGNATURE

This certifies the above apparatus, supplies, materials and/or services have been received and payment is requested.

AUTHORIZED PERSONNEL	DATE
----------------------	------

2019-2020 North Carolina Sheriff's Association
Police Rated, Administrative, Utility Vehicles, Trucks Vans
Bid 19-05-0911R

DETENTION

Item 88 - 2020 Ford Transit 350 Low roof 130"wb cargo van	OPTION CODE	NCSA PRICING
STANDARD ITEMS: 9,500lb GVWR, Exterior Color: Oxford White, XL Trim Package, 3.5L V6 gasoline engine, automatic transmission, air conditioning (front only), AM/FM radio, Power windows, door locks, mirrors, tilt steering wheel, Spare tire/wheel, (2) keys, interior dome lights, rear view camera, Vinyl seats, vinyl flooring (front only), 60/40 passenger side cargo doors	W1Y-101A	\$25,217.00
CAB CONFIGURATION		
148"wb	148	\$2,532.00
POWERTRAIN		
3.5L EcoBoost V6 - Includes Auto Start-Stop technology	99G	\$1,405.30
SEATS & SEAT TRIM		
Dark Palazzo Gray Vinyl, 2-way manual Driver and 2-way manual Passenger seats	21P	\$42.30
OTHER OPTIONS		
Dual AGM Batteries. (70 amp-hr each).	63E	\$277.30
Front license plate bracket	153	\$0.00
Reverse sensing system	43R	\$277.30
Cruise Control with message center	60C	\$305.50
2 Additional keys	86F	\$70.50
EXTERIOR COLOR OPTIONS - Additional charge		
Ingot Silver - Metallic	UX	\$188.00
UPFIT OPTIONS		
Blue/White Light package-Includes Federal Signal Blue/White 24 LED Dual Color Light head - (8) lights total, (2) mounted front grille, (2) front side area, (2) rear side area, (2) rear doors, Federal Signal PA640 Siren System 100 Watt Programmable Slide switch & Light Controller, Havis 18" console with side mount arm rest, internal cup holder, deep accessory pocket, Mic Clip & mounting bracket	BWLP-C	\$3,780.00
Total for cargo van & options	8.9.019	\$34,095.20

Rowan County Sheriff Office - Detention Center
Captain Sam Towne
704.216.8697bp sam.towne@rowancountync.gov

**2019-2020 North Carolina Sheriff's Association
Police Rated, Administrative, Utility Vehicles, Trucks Vans
Bid 19-05-0911R**

Item 88 - 2020 Ford Transit 350 Low roof 130"wb cargo van	OPTION CODE	NCSA PRICING
STANDARD ITEMS: 9,500lb GVWR, Exterior Color: Oxford White, XL Trim Package, 3.5L V6 gasoline engine, automatic transmission, air conditioning (front only), AM/FM radio, Power windows, door locks, mirrors, tilt steering wheel, Spare tire/wheel, (2) keys, interior dome lights, rear view camera, Vinyl seats, vinyl flooring (front only), 60/40 passenger side cargo doors		
	W1Y-101A	\$25,217.00
CAB CONFIGURATION		
High roof height 148"wb	W1X	\$6,795.00
POWERTRAIN		
4.10 Limited slip rear axle	X4L	\$0.00
SEATS & SEAT TRIM		
Dark Palazzo Gray Vinyl, 2-way manual Driver and 2-way manual Passenger seats	21P	\$42.30
OTHER OPTIONS		
Keys (2) additional	86F	\$70.50
Heated Power Mirrors with Turn Signals & Short Arm	54S	\$150.40
Reverse sensing system	43R	\$277.30
Running board	68H	\$291.40
Cruise control	60C	\$305.50
Vinyl sun visors	85C	\$70.50
High Capacity Upfitter Switches. Includes Large Center Console with Integrated Shifter (67E) and Auxiliary Fuse Panel with High Spec Interface Connector (87E), Includes Dual Batteries	67C	\$573.40
Heavy Duty Trailer Tow Package-includes 4-pin & 7-pin trailer connector, receiver hitch	53B	\$455.90
Trailer Brake Controller	67D	\$216.20
Fixed rear door glass	17A	\$70.50
Privacy Glass-includes rear window defogger	92E	\$282.00
Front/Rear Aux A/C and Heater (Driver controlled)	57G	\$808.40
EXTERIOR COLOR OPTIONS - Additional charge		
Ingot Silver - Metallic	UX	\$188.00
UPFIT OPTIONS		
Vinyl flooring in cargo area	VGCA	\$775.00
Total for cargo van & options	8.9.019	\$36,589.30

Rowan County Sheriff Office - Crime Scene
Captain Sam Towne
704.216.8697bp sam.towne@rowancountync.gov

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Shane Stewart, Assistant Planning Director
DATE: August 23, 2019
SUBJECT: Public Hearing for ZTA & STA 01-19

Planning Staff propose a series of amendments to Zoning and Subdivision Ordinance to incorporate recommendations from adopted land use plans primarily related to rural home occupations, permitted uses with special requirements, Neighborhood Business standards, and the Table of Uses. These changes primarily involve the following ordinance sections:

- Sec. 21-4: Definitions
- Sec. 21-32: Districts Purpose & Intent
- Sec. 21-52 through 56: Special Requirements
- Sec. 21-60: Conditional Use Requirements for Specific Uses
- Sec. 21-65: General Criteria for NB District
- Sec. 21-113: Table of Uses
- Sec. 21-361: Text Amendments
- Sec. 21-362: Map Amendments
- Sec. 22-6: Subdivision Defined

1. Receive staff report
2. Conduct public hearing
3. Close hearing & discuss
4. Motion to adopt statement of consistency
5. Motion to Approve / Deny / Table request

ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Proposed Ordinance Changes	8/23/2019	Ordinance
Proposed Table of Use Changes	8/23/2019	Ordinance



Rowan County Department of Planning & Development
402 North Main Street – Suite 204 – Salisbury, NC 28144
Phone: (704) 216-8588 – Fax: (704) 216-7986
www.rowancountync.gov/planning

MEMORANDUM

TO: Rowan County Board of Commissioners
FROM: Shane Stewart, Assistant Planning Director
DATE: August 23, 2019
RE: **ZTA & STA 01-19**

SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report
- ☐ Conduct public hearing
- ☐ Close hearing & discuss
- ☐ Motion to adopt statement
- ☐ Motion to Approve / Deny / Table **ZTA & STA 01-19**

BACKGROUND

Adoption of the Western (2009) and Eastern (2012) Area Land Use Plans established a series of land use recommendations serving as a “guide” to county boards, staff, and the general public in making future decisions. In addition to providing guidance, the plans include action items such as calls for additional studies and ordinance changes to address identified concerns. Recommendations regarding Highway, Rural, and Home-Based Business uses include qualifying language such as a “encourage” and “consider” with the more absolute “should” in its assessment. References include both specific changes for various aspects of development in certain zoning districts and a broad perspective in future district identification.

Staff also propose new language to address Land Clearing and Inert Debris Landfills (LCID), event centers, wholesale trade of used motor vehicle parts (indoor operations), and modifications to the table of uses both recommended by the land use plans and those identified by staff. Proposed amendments to the statements of consistency and definition of a subdivision are in response to recent adopted changes to the North Carolina General Statutes.

These changes primarily involve the following sections of the Zoning and Subdivision Ordinances:

- Sec. 21-4: Definitions
- Sec. 21-32: Districts Purpose & Intent
- Sec. 21-52 through 56: Special Requirements
- Sec. 21-60: Conditional Use Requirements for Specific Uses
- Sec. 21-65: General Criteria for NB District
- Sec. 21-113: Table of Uses
- Sec. 21-361: Text Amendments
- Sec. 21-362: Map Amendments
- Sec. 22-6: Subdivision Defined

PROPOSED CHANGES

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

AMENDMENTS TO CHAPTER 21: ZONING ORDINANCE

Staff Comments

Article I. In General

- Sec. 21-1. Title.
- Sec. 21-2. Purpose.
- Sec. 21-3. Authority.
- Sec. 21-4. Definitions.
- Sec. 21-5. Jurisdiction.
- Sec. 21-6. Bona fide farms exempt.
- Sec. 21-7. Severability.
- Sec. 21-8. Abrogation.
- Sec. 21-9. Use or sale of land or buildings except in conformity with chapter provisions.
- Sec. 21-10. Relationship to other ordinances.
- Sec. 21-11. Zoning vested rights.
- Sec. 21-12. Fees.
- Sec. 21-13. Enforcement.
- Sec. 21-14. Violations and penalties.
- Sec. 21-15. Effective date.
- Sec. 21-16. Adoption.
- Secs. 21-17--21-30. Reserved.

Article II. General and Overlay Districts

- Sec. 21-31. Zoning districts established.
- Sec. 21-32. General zoning districts defined; purpose and intent.
- Sec. 21-33. Overlay districts.
- Sec. 21-34. Economic development districts established for I-85.
- Secs. 21-35--21-50. Reserved.

Article III. Site Plans, Special Requirements, **Rural Home Occupations**, Conditional Use Permits, **and Conditional Zoning Districts, and Special Requirements in the NB district.**

- Sec. 21-51. Purpose.
- Sec. 21-52. Site plan required.
- Sec. 21-53. Permitted uses with special requirements.
- Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District.
- Sec. 21-55. General criteria for uses listed as SR in article III.
- Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.
- Sec. 21-57. Review and approval of conditional uses.
- Sec. 21-58. Review procedures.
- Sec. 21-59. Evaluation criteria.
- Sec. 21-60. Conditional use requirements for specific uses.
- Sec. 21-61. Conditional zoning districts.
- Sec. 21-62. Effect of approval for conditional zoning districts.
- Sec. 21-63. Application re-submittal for conditional use permits and conditional zoning districts.
- Sec. 21-64. Reserved.
- Sec. 21-65. General criteria for uses listed as SR in the NB District in section 21-113.
- Secs. 21-66--21-80. Reserved.

Article IV. Dimensional Criteria

- Sec. 21-81. Dimensional requirements; general.
- Sec. 21-82. Measurement of setback or building line.
- Sec. 21-83. Rear yard triangular lot.
- Sec. 21-84. Table of dimensional requirements.
- Secs. 21-85--21-110. Reserved.

Article V. Permitted and Conditional Uses

- Sec. 21-111. Generally.
- Sec. 21-112. Relation to Standard Industrial Classification (SIC) Manual, 1987; executive office of the president, office of management and budget.
- Sec. 21-113. Table of uses.
- Secs. 21-114--21-130. Reserved.

Article VI. Nonconforming Situations

- Sec. 21-131. Purpose and intent.

**Staff
Comments**

Standards moved to
Sec. 21-53

Sec. 21-132. General provisions.
Sec. 21-133. Continuation of nonconforming use of land.
Sec. 21-134. Conditions for continuance for a change in nonconforming situation.
Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.
Sec. 21-136. Repairing damaged nonconforming structures.
Sec. 21-137. Abandonment and discontinuance.
Sec. 21-138. Miscellaneous nonconforming situations.
Sec. 21-139. Nonconforming signs.
Sec. 13-140. Projections into required setbacks.
~~Sec. 21-141. Nonconforming family businesses in the RA District.~~
Secs. 21-~~142~~ **141**--21-160. Reserved.
Article VII. Parking
Sec. 21-161. Purpose.
Sec. 21-162. General design requirements.
Sec. 21-163. Parking areas.
Sec. 21-164. Parking space requirements.
Sec. 21-165. Flexibility of administration.
Sec. 21-166. Table of parking requirements.
Secs. 21-167--21-180. Reserved.
Article VIII. Signs
Sec. 21-181. Applicability.
Sec. 21-182. Lighting of signs.
Sec. 21-183. Off-premises signs.
Sec. 21-184. Prohibited signs.
Secs. 21-185--21-210. Reserved.
Article IX. Screening and Buffering
Sec. 21-211. Purpose.
Sec. 21-212. Applicability.
Sec. 21-213. Buffer requirements.
Sec. 21-214. Letter of compliance.
Sec. 21-215. Required screening type.
Sec. 21-216. Screening and buffering.
Sec. 21-217. Alternative buffers and screening.
Sec. 21-218. Existing vegetation.
Sec. 21-219. Applicability of screening and buffering requirements.
Secs. 21-220--21-240. Reserved.
Article X. Nuisances
Sec. 21-241. Noise.
Sec. 21-242. Fumes and odors.
Sec. 21-243. Vibration.
Sec. 21-244. Junked motor vehicles.
Sec. 21-245. Standards for junked motor vehicles stored at nonconforming automobile repair facilities.
Sec. 21-246. Standards for automobile salvage yards.
Sec. 21-247. Nonconforming salvage yards existing on February 16, 1998.
Sec. 21-248. Removal of junked or abandoned vehicles.
Sec. 21-249. Order to remove, disposal by county.
Secs. 21-250--21-270. Reserved.
Article XI. General Development Standards, Exceptions and Modifications
Sec. 21-271. Generally.
Sec. 21-272. Issuance of building permits.
Sec. 21-273. Type and number of uses permitted in all zones.
Sec. 21-274. Visibility at intersections.
Sec. 21-275. Antennae.
Sec. 21-276. Skirting of manufactured homes.
Sec. 21-277. Exceptions and modifications.
Sec. 21-278. Skirting in existing manufactured home parks.
Sec. 21-279. Exceptions for certain turkey shoots.
Sec. 21-280. Construction trailers.
Sec. 21-281. Temporary uses.
Sec. 21-282. Reserved.

Sec. 21-283. Maintenance of manufactured home parks.
 Sec. 21-284. Location of manufactured homes not provided in the table of uses.
 Sec. 21-285. Accessory structures.
 Secs. 21-286--21-310. Reserved.
 Article XII. Administration and Hearing Requirements
 Sec. 21-311. Board of commissioners.
 Sec. 21-312. Planning board.
 Sec. 21-313. Zoning board of adjustment (ZBA).
 Sec. 21-314. Planning department.
 Sec. 21-315. Hearing procedures for zoning map and text amendments, conditional use permits and variances and interpretations.
 Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning.
 Secs. 21-317--21-330. Reserved.
 Article XIII. Appeals, Variances and Interpretations
 Sec. 21-331. Appeals.
 Sec. 21-332. Variances.
 Sec. 21-333. Recordation of variances and conditions.
 Sec. 21-334. Interpretations.
 Sec. 21-335. Variance from watershed overlay.
 Sec. 21-336. Judicial review of ZBA decisions.
 Secs. 21-337--21-360. Reserved.
 Article XIV. Text and Map Amendments
 Sec. 21-361. Text amendments.
 Sec. 21-362. Map amendments (rezoning).
 Sec. 21-363. Hierarchy of districts.

Staff Comments

Definition from NCDEQ administrative code. Pairs with LCID definition to distinguish different types of material.

Sec. 21-4. Definitions.

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

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 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 uses holding a tasting rooms permit** defined by G.S. 18B-1000 **1001** or this ordinance.

Modification in favor of generic "tasting" permit.

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

Definition for new use. Operations on a bona fide farm would not be subject to this definition.

Home occupation means a business, profession, occupation, or trade for the economic gain or support of a resident of the dwelling **which is completely contained**

Clarifies operation must be within dwelling.

Staff Comments

RHO definition will be combined with standards from Sec. 21-53 to have one set of standards.

Definition from NCDEQ Administrative code. Clarifies how this use would be administered.

Specific definition to be removed in favor of specific "tasting permit" referenced in drinking place.

within the dwelling, and which The use is operated by the resident of the dwelling, incidental and secondary to the residential use of the lot, and which does not adversely affect the character of the lot or surrounding area.

Home occupation, rural (RHO) means **an a non-residential accessory** use subordinate to the primary residential use of the property **owned and** operated by **the resident of the dwelling, persons residing in the principal building which is located** on the same **or an adjacent** parcel of land. **upon which the home occupation is located.** In general, RHOs are more intensive land uses than home occupations and are therefore subject to the requirements of Article III. Based on the use and occupancy classification, a RHO is subject to the North Carolina Building Code for non-residential use unless otherwise determined by the Rowan County Building Inspection Department. The use would not generate conspicuous traffic or nonresidential levels of odor, glare or dust. The use shall not exceed two thousand (2,000) square feet. Outside storage is sited to the rear of the building and is within the required setbacks. All parking must be provided off street.

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

NCDEQ means the North Carolina Department of Environmental Quality.

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

Winery refers to a manufacturing facility or establishment engaged in the processing and bottling of grapes to produce wine or wine-like beverages as defined by the **North Carolina General Statutes G.S. Facilities may include incidental activities such as wine tasting and associated retail sales.** The facility or establishment must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership. **Operations used for bona fide farm purposes as defined by the G.S. are exempt from zoning.**

Wine Tasting Room refers to a facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include small-scale associated gift/retail sales, dining and catering facilities and a restaurant facility. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.

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

- (a) **Rural Agricultural, RA.** This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for **agriculture agricultural purposes** or in fields and forest land, **and with some**

**Staff
Comments**

instances of non-residential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of **less intensive land uses. home-based business opportunities and other non-residential uses deemed appropriate through a conditional use permit process.** It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed non-residential uses. The most intensive land uses would not be allowed in this district.

Description includes areas referenced in adopted land use plans public investment areas.

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

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

Replacing district description language with strikethroughs with similar text in red.

(h) *Neighborhood Business, NB.* This district is **primarily** designed **to provide rural business opportunities typically in the form of small retail, service, office, and light manufacturing uses to serve the community’s existing and future needs for goods, services, and employment opportunities. Standards within the district are intended to promote context sensitive development appropriately scaled and organized in a manner that would not be detrimental to the surrounding area. Development within this district would contain impacts inherently more intensive than those associated with uses permitted with special requirements in the RA district but significantly less than those in CBI**

**Staff
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Description includes areas referenced in adopted land use plans and a general statement regarding the application in all areas.

zoned areas. for retail, limited small manufacturing facilities and service oriented business centers which serve small trading areas. As a result the list of allowed uses is more limited than those in the CBI district. The development standards for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development. This district is also designed to provide opportunities for potential development within the NB district. Areas zoned NB shall be so located as to conveniently serve the community population. The establishment and subsequent development of this district shall not create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood oriented business areas limitations on gross floor area is established. Limitations on total impervious surface are established to minimize the adverse impacts of this type of development on adjacent residential areas.

The NB district is generally appropriate in areas identified by an adopted land use plan for rural businesses located on identified minor and major thoroughfares and within community nodes. However, additional consideration may be necessary as some thoroughfare segments would not be conducive to NB designation due to surrounding land use and / or potential negative impacts such as traffic, noise, and visual impacts. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.

ARTICLE III. SITE PLANS, SPECIAL REQUIREMENTS, RURAL HOME OCCUPATIONS, CONDITIONAL USE PERMITS, AND CONDITIONAL ZONING DISTRICTS, AND SPECIAL REQUIREMENTS IN THE NB DISTRICT.

Sec. 21-51. Purpose.

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

(Ord. of 1-19-98, § IV)

Sec. 21-52. Site plan required.

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

- (1) Zone lot with dimensions and development setbacks;
- (2) Tax parcel number;

- (3) Property address;
- (4) Adjoining deeded properties and their uses;
- (5) Existing structures;
- (6) Proposed structure with size;
- (7) Proposed use;
- (8) Number of employees, if applicable;
- (9) Hours of operation, if applicable;
- (10) Off-street parking, loading and unloading, access to existing streets;
- (11) Easements and rights-of-way;
- (12) All pertinent development requirements of this chapter;
- (13) Any additional information required by the zoning administrator to assess the merits of the application, including but not limited to **a commercial driveway permit**, traffic impact analysis, environmental impact statements;
- (14) Floodplains;
- (15) Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable;
- (16) Screening & Buffering, if applicable;
- (17) Zoning District;
- (18) Proposed phasing, if applicable;
- (19) This required site plan shall be in sufficient detail to allow the zoning administrator to reasonably understand the proposed development. The scale shall be one (1) inch equals one hundred (100) feet or greater for zone lots three (3) acres or less in size, or one (1) inch equals two hundred (200) feet for zone lots more than three (3) acres in size.

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

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

~~All uses~~ **Uses** listed as SR (Special Requirements) in ~~article III~~ **section 21-113, except those in the NB zoning district, which are subject to section 21-65**, shall comply with the pertinent regulations listed in the following subsections. Site plan approval by the zoning administrator shall be required unless expressly provided otherwise prior to issuance of a zoning permit and such approval shall be given if all requirements herein are met. The plan shall become part of the building permit. ~~The regulations for specific uses listed as SR in article III are located in sections 21-54–21-56.~~

(1) Rural Home Occupations [RHO].

Creation of RHO specific language in special requirement section. Subsections (1) and (2) distinguish RHO from other uses.

Staff
Comments

- a. **Purpose and Intent.** Rowan County recognizes the important role RHOs offer residents and the community in creating business opportunities to fulfill or supplement the resident's employment needs. Standards are established herein to protect adjoining properties from potential adverse impacts associated with these uses.
- b. **Development Standards.** All proposed operations are subject to general standards identified in sections 21-54 through 55, applicable specific standards in section 21-56, and other pertinent requirements of this chapter.
- c. **Combination Use.** In addition to the principal residential use, development of a RHO may constitute a second principal use whose occupancy classification is subject to the North Carolina Building Code for non-residential use as determined by the Rowan County Inspections Department.
- d. **Change in Operation.** RHOs permitted to comply with the provisions of section 21-55(2)b shall be classified as non-conforming if a change in association between the residence and business operator occurs. As such, applicants should consider potential investment in the development of land and / or structures for RHOs and the inherent future limitations should the use become non-conforming. Many RHO locations would not adhere to the purpose and intent or land use recommendations for rezoning to a non-residential district.

This section will replace the existing Sec. 21-141

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

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

Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District RHOs.

Standards would apply to all uses.

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

- (1) **Applicable uses.** The requirements of this section apply to the following:

- a. All construction uses listed as SR;
- b. All manufacturing uses listed as SR except sawmills (SIC 242);
- c. All wholesale trade uses listed as SR except farm supplies (SIC 5191);
- d. All retail trade uses listed as SR;

Proposed change would include the RR district.

e. ~~All finance, insurance and real estate uses listed as SR; and~~

f. ~~All services uses listed as SR except recreation facilities, membership and non-membership.~~

- (2) (1) *Building size.* The maximum allowable building size for uses listed in **section 21-113 subsection (1), above, as “SR” in the RA and RR districts** shall not exceed ~~ten (10)~~ **five (5)** [recommended to remain 10% by Committee B] percent of the gross acreage of the lot, excluding right-of-way **with a maximum of 12,000 sq. ft. in the RA district and 2,000 sq.ft. in the RR district. Existing accessory structures for personal use not associated with uses permitted in this section must be considered within the maximum allowable building size for the property listed in section 21-285.**

- (3) (2) ~~Maximum size and buffering~~ **Building setbacks.** Maximum square footage and ~~buffering~~ **related setback** requirements ~~for the following uses~~ shall be **determined as specified** below.

<i>Building Square Footage</i>	<i>Setback, Front (in feet)</i>	<i>Setback, Side, Side Street, and Rear Yards (in feet)</i>
0--2,000	30	40 20
2,001--4,000	30 40	20 30
4,001--8,000	30 50	40
8,001--12,000	30 60	60 50
12,001--20,000	40	80
20,001 and over	50	100

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

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

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

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

- (1) *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings.
- (2) *Location.* The **RHO** must be located on property which meets the following criteria:
 - a. The property must ~~be a lot with~~ **have at least** thirty-five (35) feet of state road frontage. **Properties that do not meet the requisite road frontage requirement are limited to a maximum building size of 2,000 sq. ft. and must comply with all other applicable standards herein.**
 - ~~b. The property must be owned by the business owner.~~

Staff Comments

Both East & West plans reference a size reduction. Staff recommends reduction to 5%, which for example would permit a 2,178 sq.ft. structure on 1 Ac. Committee B recommends maintaining current 10%. 12,000 sq.ft. limit was chosen based on a somewhat common limitation in building code where fire suppression (sprinkling) is required. This was an attempt to determine when 1 or more structures devoted to comm. use total a sq.ft. that would exceed a residential “scale” and require rezoning.

This provision continues the standard from the current definition of a RHO allowing 2k sq.ft. devoted to the “use”

Special provision requiring land ownership can be problematic. Replacing with business owner / operator.

- b.** The business must be on or adjacent to the **primary** residence of the business owner / operator **but nonetheless shall be located on a lot containing required road frontage in subsection (a).**
- (3) *Lighting.* The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (4) *Square footage.* The maximum square footage allowed for a use shall include all buildings used for retail sales of any type on that property.
- (5) *Parking.* Parking shall be **provided off-street subject to as prescribed in** article VII for that use.
- (6) *Signage.* Signage shall be as prescribed in article VIII for the underlying district.
- (7) *Noise.* Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.
- (8) *Outdoor storage.* All outside storage areas including dumpsters shall be:
- Sited to the rear of the building;
 - Not within the required setbacks.
 - Outdoor storage shall be screened as provided in article IX for that use. **However the requirements of article IX shall not apply to the business structure or outdoor display.**
- (9) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.
- (10) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
- (11) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this chapter.
- (12) *Activities.* Manufacturing activities are confined to the building.
- (13) *Outdoor display.* Outdoor display shall be limited to two thousand five hundred (2,500) square feet unless otherwise provided.
- (14) Screening. Any structures and operational areas used for the business must be screened in accordance with Article IX [Committee B recommends applicability based on a 100' separation instead of 200' referenced in Article IX]. This requirement does not apply to a residence(s) on the same parcel or an adjacent parcel if in the same ownership as the land on which the RHO is located or is owned by an immediate family member as defined by this ordinance.**

**Staff
Comments**

Screening will be required as per the below.

Both East & West plans reference visual separation provided by the business.

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

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

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

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

a. *Veterinary services (SIC 074 0742) and Animal Shelters, Boarding Kennels, Dog Pounds (SIC 0752 pt).*

1. *Site plan.* A site plan shall be provided showing the lot and all existing and proposed buildings as well as all runs and/or training facilities.
2. *Siting.* Kennels not wholly enclosed by a security fence at least six (6) feet in height; and all kennels not wholly enclosed within a building shall be located at least one hundred (100) feet from the lot line of any residentially developed lot.
3. *Runs.* No run area is allowed with the setback.

a. *Reserved.*

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

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

1. *Minimum lot size.* The minimum lot size is one (1) acre.
2. *Storage.* All storage shall be a minimum of fifty (50) feet from adjoining residentially developed property lines.

b. *Reserved.*

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

a. ~~*Meat packing plants (SIC 201).*~~

- ~~1. *Location.* No building, structure, storage or animal holding area shall be located within three hundred (300) feet of any lot line.~~
- ~~2. *Minimum lot size.* The minimum lot size is five (5) acres.~~

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

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

b. *Winery.*

Staff Comments

Removed from table
of uses for RA

Adding similar uses
to saw mills

1. **Setbacks.** The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
 2. **Screening.** The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
 3. **Licenses and permits.** All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.
- (6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*
- (7) Additional standards applicable to specific uses listed as SR in the wholesale trade group.**
- a. Motor vehicle parts, used (indoor) in the CBI and IND districts (SIC 5015).**
1. **Operation.** Operations including but not limited to dismantling of motor vehicles and storage of motor vehicle parts must be completely contained within a building enclosed on all sides. No junked or wrecked motor vehicles, motor vehicle parts, or junk may be kept outside an enclosed building for any period of time other than periodic unloading of received vehicles and loading of parts or dismantled motor vehicles for off-site delivery completed in a timely manner. Uses that comply with the standards of this subsection are not subject to the specific standards from section 21-246
- ~~(7)~~ **(8) Additional standards applicable to specific uses listed as SR in the retail sales group**
- a. Automotive dealers and gasoline service stations (SIC 55).**
- ~~(8)~~ **(9) Additional standards applicable to specific uses listed as SR in the services group.**
- b. ~~Recreation facilities, membership and nonmembership~~ **Membership sports and recreation clubs (7997 pt.).****
1. **Required licenses and permits.** The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.
 2. Recreational facilities located within a major subdivision used exclusively by resident members and their guests in the RA, RR, and RS districts are exempt from the **locational** requirements of Section 21-55 (2). **All other facilities shall be subject to section 21-60(7)(d).**
- d. Archery and shooting range (indoor) (SIC 7999pt.).**
1. **Operation.** All discharged shots or arrows must occur within a building enclosed on all sides designed for such use.

**Staff
Comments**

Moving existing text from unclassified to manufacturing section.

Adding standards for indoor wholesale trade of parts in CBI and IND.

Changing from generic reference to specific use in 7997.

New use option for indoor archery range.

~~(9)~~ **(10)** *Additional standards applicable to specific uses listed as SR in the unclassified uses group.*

a. *Multitenant developments.*

1. *Application.* An application shall be provided with:
 - i. Site plan as provided in section 21-52; and
 - ii. Development name, name(s) and address(es) of owners and park designers.
2. *Board of commissioners review of the development proposal.* The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected.
3. *Uses allowed.* Uses are limited to those provided in the district the multitenant development is located. Uses requiring conditional use permits shall obtain the required approval prior to issuance of a building permit.

~~b. Winery, Wine Tasting Room~~

- ~~4. *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)~~
- ~~5. *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)~~
- ~~6. *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.~~

Standard moved to manufacturing section.

~~(10)~~ **(11)** *Residential storage facilities.*

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.

(2) ***Manufacturing trade group.***

a. *Manufacturing group: Pulp mills (SIC 261); paper mills (SIC 262); chemicals and allied products (SIC 28); petroleum refining and related products (SIC 29); leather and finishing (SIC 3111); hydraulic cement (SIC 324); structural clay products (SIC 325); concrete, gypsum and plaster products (SIC 327); abrasives, asbestos, non-metallic mineral products (SIC 329); primary metal industries (SIC 33); ammunition except for small arms (SIC 3483), ordinance and accessories (SIC 3489); power, distribution and specialty transformers (SIC 3612); and wholesale trade group: chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).*

~~a.~~ **(1)** *Minimum lot size.*

- ~~4.~~ **i.** Five (5) acres for manufacturing group uses regulated under this

subsection.

- 2. ii.** Ten (10) acres for wholesale trade group uses regulated under this subsection.
- b. (2) Location of structures, storage of materials.** The location of principal structures and storage of flammable or hazardous materials shall be two (2) times the required buffer area in article IX. However, parking, storage of nonflammable and nonhazardous materials, etc. may be placed up to the required additional buffer.
- c. (3) Site location.** Site shall have primary access to arterial or major collector street. This requirement is not applicable to expansions of facilities regulated under this subsection, which are contiguous to facilities existing prior to August 16, 2004.
- d. (4) Security restrictions.** Access shall be controlled through the use of gates, fences, etc. to prevent entrance to the operational area by unauthorized persons. Fencing standards shall be as specified in section 21-215(2)(b)2.
- e. (5) Dust, odor, glare.** Dust, odor, and glare shall not be noticeable at adjacent residential property lines.
- f. (6) Removal and reclamation.** Applications for new facilities classified in SIC 28, 29, 3612, 516 & 517 & temporary use permits for facilities classified as SIC 2951 & 3241 seeking approval pursuant to section 21-281(2) of this chapter may be required to provide written documentation substantiating that the applicant or operator has and will maintain a surety bond payable to Rowan County sufficient to disassemble and remove any outdoor equipment, stockpiles, etc. or reclaim any excavated areas once the facility ceases production for a period of three hundred sixty (360) days. The bond amount shall be based on an estimate provided by a registered professional engineer or architect having professional credentials, recognized expertise or specialization in construction and removal of similar facilities. Renewable bonds are expected to provide updated estimates and reflect increases due to labor costs, demolition practices, addition of equipment, etc. The requirements of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.
- g. (7) Screening.** Screening standards for new facilities and expansions to existing facilities regulated under this subsection shall be as follows:
- 1. i. New facilities.** When a new facility shares a common property line(s) with a more restrictive zoning district, Type B screening requirements established in section 21-215(2)(b)1.--3. of this chapter are applicable to the portion of the facility's operational area bordering that property line(s). New facilities sharing a common property line with an identical zoning district are subject to the screening requirements based on the land use relationships established in section 21-216. However, Type B screening may be necessary in some instances to provide visual separation from the side and rear property lines when characteristics of the site such as

topography, vegetation, line of sight with adjacent developed properties, etc. prevent effective screening when employing the standards of section 21-216. Type A screening requirements established in section 21-215(1)(b)1.-- 4. are applicable to the front yard of the operational area of the facility. Notwithstanding the screening requirements of this section, the preservation of existing vegetation as outlined in section 21-218 shall be depicted of the site plan as appropriate. Applicability of screening and buffering standards of this section are not preempted when adjacent tracts are in common ownership or a tract is subdivided in an attempt to circumvent these requirements.

2. ii. Expansions to existing facilities. Contiguous expansions of facilities regulated under this subsection, which existed prior to August 16, 2004, are subject to the land use relationships established in section 21-216.

h. (8) Separation. The facility shall be no closer than one-half (1/2) mile from a church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling. The distance shall be measured from any portion of the property dedicated or utilized for the function of the church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling including but not limited to buildings, recreation and parking areas, etc. and the nearest point of the operational area of the proposed facility. The standards of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.

b. Winery. Facilities must be operated in association with an on-site vineyard sufficient to serve as the primary crop source in the production.

- 1. Setbacks. The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)**
- 2. Screening. The facility shall meet the screening requirements of Article IX. (Screening and Buffering)**
- 3. Licenses and permits. All required licenses and permits (i.e. Environmental Health, ABC, etc.) shall be obtained prior to operation of the facility.**

Option for non bona-fide farm and ones that do not meet SR standards.

(4) Electric, Gas, and Sanitary Services.

a. Electric, ~~gas and water~~ services (SIC 491), all except Solar Energy Systems, Gas Production and Distribution (SIC 492), Combination electric and gas and other utility (SIC 493, 494), sewerage systems (SIC 4952), ~~dumps, sanitary land fills, rubbish collection and disposals~~ refuse systems (SIC 4953 pt.), and Land Clearing and Inert Debris Landfill [LCID] (SIC 4953 pt.).

- 1. Setbacks.** All improved areas, including disposal areas, shall be at least two hundred (200) feet from a zone lot line.
- 2. Separation.** Improved areas shall be at least three hundred (300) feet from any residence, church, or school.

Clarification of uses and inclusion of LCID use.

Staff
Comments

3. *Dust, odor, glare.* All access roads and storage areas shall be at least twenty (20) feet from any property line constructed with a paved, gravel, or crushed stone surface; and maintained in a dust-free manner.
4. *Operation.* An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator, types of material accepted, and hours of operation.
5. *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent unregulated dumping of materials.
6. *Other special conditions.* Proof of a permit issued by the state in accordance with applicable provisions of the General Statutes.

7. LCID operations. The following LCID landfill operations are not subject to the specific standards of this subsection but shall nonetheless adhere to applicable NCDEQ standards:

- i. Landfills with a disposal area of .50 acre or less; or**
- ii. Beneficial fill used to improve the property's land use potential where no excavation of soil is proposed or has occurred within the area receiving fill.**

b. *Ground mounted solar 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 surface of the AZO shall provide an approved FAA form 7460-1.

(5) *Wholesale trade group.*

a. *Motor vehicle parts (outdoor), used in the IND district (SIC 5015).*

1. **Operation. Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection.**

~~1.~~ **2. Setbacks.** No material shall be stored closer than one hundred (100) feet to a public right-of-way.

~~2.~~ **3. Security fencing.** Security fencing, a minimum of six (6) feet in height, shall be provided and maintained to preclude unauthorized access.

b. *Motor vehicle parts (outdoor), used in the RA district (SIC 5015).*

1. **Operation. Operations, including but not limited to, storage of dismantled motor vehicles or motor vehicle parts or keeping of junk which are not fully contained within a building enclosed on all sides shall be subject to the standards of this subsection and section 21-246.**

~~1.~~ **2. Front yard setback.** The facility shall be one hundred (100) feet from the edge of the right-of-way.

LCID standards applicable if over ½ acre.

Adding the indoor option requires modification to these sections.

**Staff
Comments**

2. 3. Separation from certain uses. The facility shall be a minimum of one thousand (1,000) feet from a school, residence, church or place of public assembly. The separation shall be measured from the closest point of the structure containing the school, residence, church or place of public assembly and the nearest point of the operational area of the automobile salvage yard. This requirement shall not apply to residences owned by the operator of the facility.

3. 4. Side and rear yard buffering and screening. The facility shall be completely surrounded by type B buffer and screening, as provided in article IX.

4. 5. Operational area. No operations shall occur in the required buffer.

c. *Livestock yard.*

1. *Setbacks.* One hundred (100) feet between improvements such as buildings, animal enclosures, and storage areas and any zone lot line.

2. *Dust, odor, glare.* All access roads and storage areas shall be maintained in a dust-free manner.

~~d. *Chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).* This item was repealed effective August 16, 2004. Refer to section 21-60(2) for requirements regulating these uses.~~

No need for reference.

(7) *Services group.*

a. **Archery ranges, Shooting shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots (outdoor) (SIC 7999 pt).** The requirements for all facilities requiring a conditional use permit are as follows. Turkey shoots operated by churches, civic groups or similar nonprofit organizations are exempt from these requirements.

Combining existing standards for different types of ranges.

1. *Shot containment.* Shooting range facilities shall be designed to contain all the bullets, shot, or arrows or any other debris on the range facility.

2. *Noise mitigation.* Noise levels measured at the property line where the facility is maintained or, in the case of leased land at the property line of any leased parcel shall not exceed the limits as provided in the county noise ordinance.

3. *Setbacks.* Notwithstanding the performance standards above, all shooting stations on a range facility shall be located a minimum of three hundred (300) feet from any zone lot line **for firearm facilities and one hundred (100) feet for archery facilities. All targets shall be a minimum of fifty (50) feet from any property line.**

Target setback from archery range standards.

4. *Warning signs.* Warning signs ~~meeting NRA guidelines for shooting ranges~~ shall be posted at one-hundred-foot intervals along the entire perimeter of the shooting range facility. **The signs shall be constructed of highly visible materials and colors.**

From archery standards.

5. *Hours of operation.* Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended for other purposes as follows:

Staff
Comments

- i. When a permit allowing such activity is issued in advance by the administrator;
 - ii. For operation of the shotgun shooting range; or
 - iii. For purposes of subdued-lighting certification of law enforcement officers; and
 - iv. On Sundays, shooting shall not commence before 12:30 p.m.
6. *Additional site plan information.* Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, projected noise contours **for firearm shooting ranges**, and existing and proposed structures, occupied dwellings within one-fourth mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility.
7. *Additional requirements for pistol/rifle shooting ranges.* Projectiles from pistol/rifle shooting areas shall be contained by an earthen berm **or existing natural topography** a minimum of fifteen (15) feet in height.
8. *Exceptions.* Operational hours may be increased under the following conditions:
 - i. A permit allowing such activity is issued in advance by the administrator; or
 - ii. The hours of operation may be increased no more than six (6) times a year for an official shooting tournament involving thirty (30) or more participants, without requiring a permit from the administrator.
9. **Lighting.** Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
10. **Licenses and permits.** All required and permits shall be obtained prior to operation of the facility.
11. **Trail marking.** All trails for archery ranges shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.
12. **Insurance.** The organization shall maintain a minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.
- c. *Zoological garden (SIC 8422).*
 1. *Site plan.* A site plan shall be provided showing all fencing, exhibit and storage areas, with types of animals specified.
 2. *Minimum lot size.* The minimum lot size is twenty (20) acres.
 3. *Smoke, odors, dust.* Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the property lines.
 4. *Setbacks.* All animal waste storage areas shall be a minimum of two hundred (200) feet from any zone lot line.
 5. *Security restrictions.* Access shall be controlled through the use of gates,

From archery standards.

fences, etc. to prevent entrance by unauthorized persons. Containment of animals shall be sufficient to ensure the safety of the surrounding area and the county.

- d. ~~Nonprofit athletic fields~~ **Membership sports and recreation clubs** (SIC 7997 part). **The requirements of this section shall not apply to uses that comply with section 21-56(9)(b)**

1. *Site plan.* A site plan shall be required as provided in article III, section 21-52.
2. *Buffering.* All parking areas shall be screened by a type A buffer from residentially zoned area.

~~3. *Nonprofit status.* The organization shall be non-profit.~~

- 3. 4. *Lighting.*** Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.

- e. ~~Archery ranges (SIC 7999 pt.).~~

~~1. *Arrow containment.* The range shall be so constructed as to contain all arrows on the site. This shall be accomplished via berms or natural topography.~~

~~2. *Setbacks.* All targets shall be a minimum of fifty (50) feet from zone lot line and all shooting stations shall be a minimum of two hundred (200) feet from the zone lot line.~~

~~3. *Warning signs.* Warning signs shall be posted at one hundred foot intervals along the entire perimeter of the site. The signs shall be constructed of highly visible materials and colors.~~

~~4. *Site plan.* In addition to general site plan criteria the site plan shall include shooting stations and firing lines, target areas existing and proposed structures.~~

~~5. *Trail marking.* All trails shall be clearly marked to the shooting stations and shooting station signs shall be clearly visible.~~

~~6. *Nonprofit status.* The organization shall be nonprofit. For profit archery ranges shall meet the same standards as shooting ranges.~~

~~7. *Lighting.* Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.~~

~~8. *Licenses and permits.* All required and permits shall be obtained prior to operation of the facility.~~

~~9. *Insurance.* The organization shall obtain minimum of one million (1,000,000.00) dollars general premises liability insurance for accident or damage suffered by persons on or near the site.~~

~~10. *Lot size.* Minimum lot size shall be ten (10) acres.~~

~~11. *Zoning district.* The facility shall be located in the RA zoning district.~~

**Staff
Comments**

Changing from generic reference to specific use in 7997.

Consolidated with shooting range.

**Staff
Comments**

f. e. Civic, service and social fraternities (SIC 8641).

1. Location. The facility will be located on and be accessed via a collector minor or major thoroughfare.

1. 2. Buffers. All buildings off street parking and service areas will be separated by a type A buffer from an abutting property in a residential zoning district or abutting a residential use.

2. 3. Site plan. A site plan is required.

3. 4. Lot size. The minimum zone lot size shall be two (2) acres.

4. 5. Setbacks. Structures shall have fifty (50) feet side and rear yard setbacks.

5. 6. Provision of food and refreshments. Provision for food, refreshment and entertainment for club members and their guests may be allowed in conjunction with this use if the board of commissioners determines that said provisions will not constitute a nuisance.

g. f. Model automobile racing. Use of these vehicles on a personal basis shall not be regulated in this section.

1. Minimum lot size. The minimum lot size shall be three (3) acres.

2. Setbacks. A fifty-foot separation from operational area to adjacent properties and road rights-of-way.

3. Screening. Type A screen is required around operational area.

4. Noise. The operation shall not exceed the maximum allowable noise levels as provided in section 21-241.

5. Facility. Track operation must be outdoors. Indoor operations must be located in the NB, CBI, or IND zoning districts. The zoning administrator shall determine elements that constitute indoor.

h. g. Rodeos, horse shows, rental of saddle horses, riding academies and schools, and riding stables and similar uses (SIC 7999 (part)).

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

2. Setbacks. All animals and animal storage areas shall be a minimum of one hundred (100) feet from any zone lot line.

3. Parking. Adequate off-street parking shall be provided for participants and spectators.

4. Noise. Noise shall not exceed the level allowed in the county noise ordinance for residential districts **and Chapter 14 of the Rowan County Code of Ordinance for any associated amplified sound.**

(17) Event center.

a. Minimum lot size. The minimum lot size shall be five (5) acres.

Added similar use list.

Specific standards for event centers.

Staff
Comments

- b. **Public road frontage.** The event center property is required to have at least thirty-five (35) feet of frontage on a publicly maintained road.
- c. **Setbacks.** All operational areas with the exception of the driveway shall be a minimum of one hundred (100) feet from property lines.
- d. **Parking.** Adequate off-street parking shall be provided for all attendees.
- e. **Lighting.** Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
- f. **Noise.** Amplified sound is subject to Chapter 14 of the Rowan County Code of Ordinances.

Sec. 21-65. General criteria for uses listed SR in the NB District in section 21-113.

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

- (1) *Site plan.* A site plan shall be provided showing the existing lot and all existing and proposed buildings. As well as all criteria required herein.
- (2) *Lighting.* The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (3) *Minimum zone lot size.* The minimum zone lot size shall be two (2) acres. ~~The Board of Commissioners may reduce this if the lot is a lot of record existing at the effective date of this ordinance and the property owner does not own contiguous property which may be included in the proposal.~~
- (4) *Building size.* The maximum building size per parcel shall not exceed ten (10) percent of the ~~total zone~~ lot area up to ~~a~~ ten thousand (10,000) square foot ~~building size~~ and five (5) percent of the lot acreage thereafter up to twenty-five thousand (25,000) sq.ft. Multiple buildings may be used in calculating the maximum allowable building size.
- (5) *Impervious surface.* The maximum impervious surface shall not exceed sixty-five (65) percent of the lot.
- (6) *Hours of operation.* Hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.
- (7) *Parking.* Parking shall be as prescribed in article VII, Parking, for that use.
- (8) *Signage.* Shall be as prescribed in article VIII, Signs, for the underlying district.
- (9) *Noise.* Noise shall not exceed the **decibel** levels **during time periods** prescribed in ~~the county noise ordinance for residential districts.~~ **section 21-241 for construction, manufacturing, transportation, communications, electric, gas and sanitary services, wholesale, and service uses.**
- (10) *Outdoor storage.* All outside storage areas including dumpsters shall be:
 - a. Sited to the rear of the building;

The district description contains the strikethrough language, which confuses sec. 21-65 since this is administrative.

Both the East and West plans reference enhancing the district by increasing building size allowance.

Applicability to section 21-241 Noise

**Staff
Comments**

- b. Not within the required setbacks.
- c. Notwithstanding other requirements of this subsection, outdoor storage shall be completely screened from adjacent residentially zoned property

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

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

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

(14) *Screening and buffering.* Screening as required by Sec. 21-216.

(15) *Outdoor display.* Outdoor display shall be limited to ~~two~~ **five** thousand ~~five hundred (2,500)~~ **(5,000)** square feet.

Sec. 21-141. Nonconforming family businesses in the RA District.

~~Businesses created required to comply with the provisions of section 21-55(2)c. shall be classified as a legal nonconforming use if a change in the owners family occurs resulting in noncompliance with the requirement of that subsection.~~

~~(Ord. of 6-29-99)~~

Secs. 21-~~142~~ **141--21-160. Reserved.**

Sec. 21-166. Table of parking requirements.

SIC	MINIMUM PARKING SPACES	DU = Dwelling Unit	SF = Square Feet	ELS = Employee on Largest Shift
Residential				
	Single family dwelling, site built			N/A
	Single family dwelling, modular			N/A
	Manufactured home, individual lot			N/A
	Manufactured home, MHP			2 spaces/MHP space
	Duplex, individual			2 space/DU
	Duplexes, triplexes, quadruplexes, other multi-family developments			2 spaces/DU
	Home occupations			N/A
	Home occupations, rural			N/A

Sec. 21-212. Applicability.

~~Unless expressly stated in this chapter, the requirements of this article shall not apply to uses listed as "SR" in the RA (Rural Agricultural) district, but do apply to uses listed as SR in other districts.~~ The buffering and screening shall be adequate to meet the intent of section 21-211, but shall not exceed one hundred twenty-five (125) percent of the length of the development activity required to install the buffer and screening, unless required on a site plan approved by the board of commissioners. The requirements of this article shall apply to the side and rear yard of the operational area except driveways, sediment ponds, and detention areas unless otherwise indicated

Section removed in favor of 21-53(1)(d)

Parking will be based on the use.

Screening for RHOs will apply.

herein.

Sec. 21-279. Exceptions for certain turkey shoots.

Turkey shoots operated by churches, civic group or similar nonprofit organizations are exempt from the conditional use requirements of ~~this chapter for shooting ranges, skeet ranges, trapshooting facilities and similar establishments including turkey shoots in article III and in~~ section **21-60 (7)(a) and** 21-113, Table of uses.

Sec. 21-285. Accessory structures.

Accessory structures in the RA, RR, RS, MHP and MFR zoning districts shall conform to the following regulations, unless otherwise provided in this chapter:

- (1) Accessory structure footprints **including those used as RHOs** shall not exceed ten (10) percent of the size of the lot on which it is located.
- (2) Setbacks shall be based on building size as provided in the following table:

Building Square Footage	Setback, Side and Rear Yards
0-4,000	10 feet
4,001-8,000	40 feet
8,001 and over	80 feet

- (3) Accessory structures shall not be allowed in the required front setback.
- (4) These regulations shall not apply to fences, mailboxes, landscaping features, gazebos and similar structures.

ARTICLE XIV. TEXT AND MAP AMENDMENTS

Sec. 21-361. Text amendments.

- (a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. Proposals to amend, supplement, modify, or repeal the text of this chapter may be initiated by the board of commissioners, the planning board, or any person. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.
- (b) *Planning board action.* Any proposed text amendment shall be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be considered at that time. The planning board may provide a recommendation to the board of commissioners on all such requests within thirty (30) days of first consideration unless the request is assigned to a planning board subcommittee for further review. Failure of the planning board to transmit its recommendation within thirty (30) days after first consideration of an amendment or a referral by the board of county

commissioners may allow the board of commissioners to proceed in its consideration of the amendment without the planning board recommendation.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency **in accordance with options indicated in subsection (c)** and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners.

- (c) *Board of commissioners action.* The board of commissioners shall hold a public hearing to consider any ordinance amendment and the planning board recommendation in accordance with Article XII. Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt **a one of the following statements which shall not be subject to judicial review:**

(1) A statement approving the zoning amendment and statement describing whether its action is consistent its consistency with an adopted comprehensive plan and explaining why the board considers the action taken to be is reasonable and in the public interest. That statement is not subject to judicial review.; or

(2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or

(3) A statement approving the zoning amendment and containing at least all of the following:

a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and

b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and

c. Why the action was reasonable and in the public interest.

After adopting the consistency statement, the board of commissioners shall take one (1) of the following actions:

(1) Grant the amendment as requested or modified;

(2) Continue the request;

(3) Refer the application, with modifications, back to the planning board for further study and consideration; or

(4) Deny the amendment request.

Statement
development
language from SB
131 from Session
Law 2017.

- (d) *Record of amendments.* All approved text amendments shall be recorded in the county zoning ordinance. The administrator shall provide copies of all amendments to the Water Supply Watershed (WS) Overlay provisions upon adoption to the division of water quality.

(Ord. of 1-19-98, § XV; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 3-5-12)

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

- (a) *Generally.* The board of county commissioners may amend the terms of this chapter in accordance with this section. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the board of county commissioners.
- (b) *Purpose and intent.* It is the purpose of this section to set forth the procedures whereby the board of commissioners may change the zoning district classification of land after consideration of such factors as changing conditions in the area where the property is located or changes in county plans or policies.
- (c) *Rezoning criteria.* When deciding whether to adopt a proposed rezoning, the primary issue before the planning board and board of commissioners is whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance. Information related to other issues which do not directly affect the public health, safety, or welfare may be declared irrelevant by the chairman and excluded from presentation at the public hearing. In particular, when considering proposed map amendments:
- (1) *Proposed uses.* The planning board and board of commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one (1) of the possible range of uses allowed in the requested zoning district classification. Rather, the boards shall consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of uses allowed in the existing district.
- (2) *Impact of zoning map change.* The boards shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed zoning change on the public at large.
- (d) *Initiation.* The rezoning of property may be initiated by the board of commissioners, the planning board, or by petition of the legal property owner(s) or designated representative.
- (e) *Filing of petition.* Except when initiated by the board of commissioners or the planning board, each petition to rezone a separate, noncontiguous property shall be submitted to the administrator on an approved application form and shall be accompanied by any nonrefundable, applicable fees as established by the board of commissioners.
- (f) *Deadline for submittal of application.* The completed application package shall

be submitted to the planning department at least fifteen (15) working days prior to the next regular meeting of the planning board if to be scheduled for consideration at that time.

- (g) *Withdrawal of petition.* Any petitioner shall have the right to withdraw the rezoning petition, in writing, at any time prior to a final decision by the board of commissioners.
- (h) *Content of application package.* Each rezoning petition shall be accompanied by:
 - (1) Two (2) copies of a map, to scale, which clearly illustrates the subject property to be rezoned; or
 - (2) Written metes & bounds legal description for property(ies) proposed for rezoning;
 - (3) Any other pertinent information as may be required by this article;
 - (4) Requests for conditional zoning districts shall be accompanied by a site plan as specified in section 21-52.
- (i) *Staff review.* The administrator shall review the rezoning application package, ensure its completeness, and prepare a written staff recommendation concerning the proposed rezoning request. The administrator may consult with other appropriate agencies, including, but not limited to, the NCDOT, the county board of education, and the environmental health division of the county health department, when evaluating rezoning requests. The staff report shall, at a minimum address the following:
 - (1) Relationship and conformity with any adopted plans and policies;
 - (2) Consistency with this article and requested zoning district's purpose and intent;
 - (3) Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity; and
 - (4) Potential impact on facilities such as roads, utilities, and schools.
- (j) *Planning board action.* The planning board shall provide a recommendation to the board of commissioners on each rezoning request. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency **in accordance with options indicated in subsection (k)** and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners. Rezoning requests for conditional districts or other small-scale rezonings shall also include a statement of reasonableness analyzing the request as a recommendation for adoption by the board of commissioners. Failure of the planning board to

transmit its recommendation within thirty (30) days after first consideration of a rezoning or a referral by the board of county commissioners may allow the board of commissioners to proceed in its consideration of the rezoning without the planning board recommendation. The planning board shall make one (1) of the recommendations as provided in this subsection:

- (1) Grant the rezoning as requested;
 - (2) Grant the rezoning with modifications, including a recommendation to rezone to a more restrictive district than requested; or
 - (3) Deny the rezoning request.
- (k) *Board of commissioners action.* The board of commissioners shall consider any rezoning petition and the planning board recommendation at an advertised public hearing. **Prior to adopting or rejecting any rezoning petition, the board of commissioners shall adopt one of the following statements which shall not be subject to judicial review:**
- (1) A statement approving the rezoning petition and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or**
 - (2) A statement rejecting the rezoning petition and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest; or**
 - (3) A statement approving the rezoning petition and containing at least all of the following:**
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan; and**
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community; and**
 - c. Why the action was reasonable and in the public interest.**

Additionally, rezoning requests for conditional zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.

After ~~the public hearing is closed~~ **adopting the required statement(s)**, 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

Statement
development
language from SB
131 from Session
Law 2017.

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 zoning districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.~~

- (l) *Notification of decision.* Within five (5) working days of any action by the board of commissioners on a rezoning request, notice of such action shall be sent by first class mail to the rezoning petitioner and any other persons who have indicated to the zoning administrator, in writing, that they would like the decision mailed to them. Additionally, within fifteen (15) days after the effective date of a zoning change to commercial or industrial zones within six hundred sixty (660) feet of the rights-of-way of an interstate or primary highway, written notice by registered mail shall be sent to the Raleigh offices of the NCDOT in accordance with G.S. 136-136 and 136-153.
- (m) *Petition resubmitted.* If a rezoning request is denied by the board of commissioners, the zoning administrator may not accept a new rezoning petition within the one (1) year period unless the administrator determines that:
- (1) There has been a significant change in the zoning district classification of an adjacent property;
 - (2) A new or updated land use plan which changes public policy regarding the property is adopted by the county;
 - (3) Public facilities such as roads, water lines, sewer lines, or other infrastructure are constructed or expanded to serve the property and enable the proposed development to be accommodated; or
 - (4) There has been some other significant change, other than a change in ownership of the property, which might justify waiving the one-year restriction on submitting a new petition.
- (n) *Recording of zoning change.* All rezoning map amendments shall be recorded on official zoning maps which are a part of this chapter and are maintained for public inspection in the office of the county planning department.

**Staff
Comments**

Revised statement from the below strikethrough.

Chapter 22: SUBDIVISION REGULATIONS

Section 22-6. "Subdivision" Defined.

For the purpose of this ordinance, "Subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building

development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance.

- (a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Rowan County as shown in this ordinance.
- (b) The division of land into parcels greater than ten (10) acres where no street or private or public street right-of-way dedication is involved.
- (c) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (d) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Rowan County as shown in this ordinance.
- (e) The division of a tract into plots or lots used as a cemetery.
- (f) Land divided by a will, **intestate succession defined by Chapter 29 of the NCGS**, or the courts for the purpose of dividing up a deceased persons property.

(Amend. of 2-20-06(2))

PROCEDURES

The BoC must develop a statement of consistency describing whether its action is consistent with any adopted comprehensive plans and indicate why their action is reasonable and in the public interest [sec. 21-362 (j)].

COMMITTEE B MEETINGS

Committee B met on March 12th and April 3rd to consider the staff initiated text amendments. Other than the building percentage of 10% and screening requirement threshold of 100 feet for RHO uses, Committee B unanimously recommended approve of the proposed text changes.

JUNE 24, 2019 PLANNING BOARD MEETING

No public comments were received during the courtesy hearing. The Planning Board voted unanimously (7-0) to recommend approval of the staff proposed text amendments with the exception of retaining the 10% structure size standard for RHOs subject to the following statement of consistency:

“The proposed amendments are appropriate and meet the needs of Rowan County not provided in the Eastern and Western Land Use Plan. The updated definitions

From SB 131 from
Session Law 2017.

of the different zoning types protect and provide specifics to a business on residential properties which allows staff to provide better clarification.”

STAFF COMMENTS

The proposed changes result from a collection of recommendations from adopted land use plans, NCGS changes, and staff initiated changes.

Sec. 21-113. Table of uses.

P - Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C - Conditional Use		Zoning Districts								
		Residential					Non-residential			
		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
SIC	Use									
Residential										
	Single family dwelling, site built	P	P	P	P	P	P	P		
	Single family dwelling, modular	P	P	P	P	P	P	P		
	Manufactured home	P Type I (1)	P Type I (1)		P Type I, II, III	P Type I (1)	P Type I (1)			
(1) Refer to section 21-284 for exception to this criteria, section 21-137 for replacement of non-conforming manufactured homes and section 21-281 for temporary uses.										
	Duplex, individual	P	SR			P	P			
	Duplexes, triplexes, quadraplexes, other multi-family developments					C				
	Temporary family health care structure	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)		
	Home occupations	P	P	P	P	P	P	P		
	Home occupations, rural	P	P				P	P		
	Residential clustering	C	C	C		C	C	C		
	Family care homes	SR	SR	SR	SR	SR	SR	SR	SR	
	Manufactured home park				C					
	Manufactured home park, family	SR	SR		SR	SR				
	Major Subdivisions for residential use	P	P	P	P	P				
Agriculture, Forestry, Fishing and Hunting										
1	Agricultural Production - Crops	P	P	P	P	P	P	P	P	P
2	Agricultural production livestock and animal specialties, all except	P	P	P	P	P	P	P	P	P
213	Hog lots									
7	Agricultural services, all except	P	P	P	P	P	P	P	P	P
74	Veterinary services	SR					P	P		P
0741	Veterinary Services for Livestock	SR or C	SR or C				P	SR		P
0742	Veterinary Services for Animal Specialties	SR	SR				P	SR		P
0751	Livestock services, except veterinary, all except	SR or C	SR or C				P	SR		P
0751(pt)	Slaughtering, custom	C					P	SR C		P
0752	Animal specialty services, except veterinary, all except	SR or C	SR or C				P	SR		P
0752(pt)	Boarding horses, training horses, except racing	P	P				P	P		P
0752 (pt)	Animal Shelters, Boarding Kennels, Dog Pounds, Dog-grooming, showing pets, training pets, vaccinating pets	SR					P	P		P
0752(pt)	Animal Shelter, Boarding Kennel, and Dog Pound	C					P	C		P
0782	Lawn and garden services	SR	SR				P	P SR		P
0783	Ornamental Shrub and Tree Services	SR	SR				P	P SR		P
8	Forestry	P	P	P	P	P	P	P	P	P
9	Fishing, hunting and trapping	P	P	P	P	P	P	P	P	P
	Greenhouses	P	P				P	P		P
Mining										
10	Metal mining									C
12	Coal mining									C
13	Oil and gas extraction									C
14	Mining and quarrying of non-metallic minerals except fuels, all except									C
1442	Common sand mining	SR	SR				P			P
Construction										
15	Building construction- general contractors and operative builders	SR	SR				P	SR		P
16	Heavy construction other than building construction – contractors	SR	SR				P	SR		P
17	Construction – special trade	SR	SR				P	SR		P
Manufacturing										
20	Food and kindred products, all except	SR	SR				P	SR		P
201	Meat products	SR					P			P
205	Bakery products						P	SR		P
207	Fats and oils									P
208(pt)	Winery	SR or C	SR or C				P	SR		P
2091	Canned and cured fish and seafood						P			P
2092	Prepared fresh or frozen fish and seafood						P			P
21	Tobacco products	SR	SR				P	SR		P
22	Textile mill products, all except						P			P
226	Dyeing and finishing textile									P
23	Apparel & other finished products made from fabrics & similar material	SR	SR				P	SR		P
24	Lumber and wood products, except furniture, all except	SR	SR				P	SR		P
241	Logging	P	P	P	P	P	P	P	P	P
242 2421	Sawmills and planing mills, general	SR								P
2426(pt)	Dimension, hardwood	SR								P
2429(pt)	Sawmills, special product	SR								P
2491	Wood preserving									P
25	Furniture and fixtures	SR	SR				P	SR		P
26	Paper and allied products, all except						P			P
261	Pulp mills									C
262	Paper mills									C
27	Printing, publishing, allied industries	SR	SR				P	SR		P
28	Chemicals and allied products									C
29	Petroleum refining, related products									C
30	Rubber and miscellaneous products	SR	SR				P	SR		P
31	Leather & leather products, all except	SR	SR				P	SR		P
311	Leather and finishing									C
32	Stone, clay, glass and concrete products, all except	SR	SR				P	SR		P
324	Hydraulic cement									C
325	Structural clay products									C
327	Concrete, gypsum, plaster products									C
329	Abrasives, asbestos, non-metallic mineral products									C
33	Primary metal industries									C
34	Fabricated Metal products, except machinery and transportation equipment, all except	SR	SR				P	SR		P

P - Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C - Conditional Use		Zoning Districts								
		Residential					Non-residential			
		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
SIC	Use									
3483	Ammunition except for small arms									C
3489	Ordnance and accessories									C
35	Industrial and commercial machinery and computer equipment	SR	SR				P	SR		P
36	Electronic and other electrical equipment and components, except computer equipment, <i>all except</i>	SR	SR				P	SR		P
3612	Power distribution and specialty transformers						P			C P
37	Transportation equipment	SR	SR				P	SR		P
38	Measuring, analyzing and controlling instruments	SR	SR				P	SR		P
39	Miscellaneous manufacturing industries	SR	SR				P	SR		P
Transportation, communications, electric, gas and sanitary services										
40	Railroad transportation									P
41	Local & suburban transit, interurban highway passenger transportation	SR	SR				P	SR		P
42	Motor freight transportation and warehousing, <i>all except</i>	SR	SR				P	SR		P
421	Trucking	SR	SR				P	SR		P
4221	Farm product warehousing and storage	SR or C	SR or C				P	SR		P
	Mini warehouse warehousing	SR					P	SR		P
	Dead storage of manufactured homes	SR	SR		SR	SR	SR			SR
4226(pt)	Automobile dead storage									C
4226(pt)	Oil and gasoline storage caverns for hire and petroleum and chemical bulk stations and terminals for hire						P			P
43	U.S. Postal Service	P	P	P	P	P	P	P	P	P
44	Water transportation, <i>all except</i>						P			P
4493(pt)	Marinas						P	SR		P
45	Transportation by air						P			P
46	Pipelines, except natural gas	C	C	C	C	C	C	C	C	C
47	Transportation services, <i>all except</i>						P			P
472	Arrangement of passenger transportation	SR	SR				P	SR		P
48	Communications, <i>all except</i>						P			P
	Transmission tower & Wireless support structures	C	C				C	C		C
	Co-location of wireless facilities	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Eligible facilities request	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Alternative tower structures	SR	SR	SR	SR	SR	SR	SR	SR	SR
	Public safety tower	SR	SR	SR	SR	SR	SR	SR	SR	SR
4832	Radio broadcast towers	C								
4833	Television broadcast towers	C								
49	Electric, gas, water services (SIC 491,492,493,494), <i>all except</i>						C			C
	Electric and water distribution lines, natural gas pipelines	P	P	P	P	P	P	P	P	P
491(pt)-	Ground Mounted Solar Energy Systems 6,000 sq.ft. or less	SR	SR	SR	SR	SR	SR	SR	SR	SR
491(pt)-	Ground Mounted Solar Energy Systems over 6,000 sq.ft.	C	C				C	C		C
494	Water supply	P	P	P	P	P	P	P	P	P
495	Sanitary services									
4952	Sewerage systems	C	C				P			C P
4953	Refuse systems, all prohibited <i>except</i>									
	Dumps: operation of	C								C
	Garbage: collect, destroy & process									C
	Land clearing and inert debris landfill (LCID)	C								C
	Landfills, sanitary: operation of	C								C
	Refuse systems									C
	Rubbish collection and disposal	C								C
	Sludge disposal sites	C								C
4959	Sanitary services, not elsewhere classified	C					P			P
496	Steam and air conditioning supply						P			P
Wholesale trade										
50	Wholesale trade, durable goods, <i>all except</i>	SR	SR				P	SR		P
5015	Motor vehicle parts, used (outdoor)	C								C
5015	Motor vehicle parts, used (indoor)						SR			SR
5032	Brick, stone & construction materials						P	SR		P
505	Metal & minerals, except petroleum						P			P
5083	Farm & garden machinery & equipment	SR	SR				P	SR		P
5093	Scrap and waste materials									C
51	Wholesale trade, nondurable goods, all except	SR	SR				P	SR		P
5153	Grain and field beans	SR or C	SR or C				P	SR		P
5154	Livestock (wholesale)									P C
5159	Farm product raw materials, NEC	SR or C	SR or C				P	SR		P
516	Chemical and allied products									C
517	Petroleum and petroleum products									C
5191	Farm supplies	SR or C	SR or C				P	SR		P
Retail trade										
52	Building material, hardware, garden supplies and mobile home dealers	SR	SR				P	SR		P
53	General merchandise stores	SR	SR				P	SR		P
54	Food stores	SR	SR				P	SR		P
55	Auto dealers, gas service stations	SR	SR				P	SR		P
56	Apparel and accessory stores	SR	SR				P	SR		P
57	Home furniture, furnishings & equipment stores	SR	SR				P	SR		P
58	Eating and drinking places, <i>all except</i>	SR	SR				P	SR		P
5813	Drinking places (alcoholic beverages)						C			P
59	Miscellaneous retail	SR	SR				P	SR		P
Finance, insurance and real estate										
60	Depository institutions	SR	SR				P	SR		P
61	Non-depository institutions	SR	SR				P	SR		P
62	Security and commodity brokers	SR	SR				P	SR		P
63	Insurance carriers	SR	SR				P	SR		P
64	Insurance agents, brokers & service	SR	SR				P	SR		P
65	Real estate	SR	SR				P	SR		P
67	Holding and other investment offices	SR	SR				P	SR		P
Services										
70	Hotels, rooming houses, camps and other lodging places, <i>all except</i>	SR	SR				P	SR		

P - Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C - Conditional Use		Zoning Districts								
		Residential					Non-residential			
SIC	Use	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
7011	Cabins	C					C	C		
7032	Sporting and recreational camps	C	C				P	SR	P	P
7033	Campgrounds and RV parks	C					C	C		
72	Personal services, all except	SR	SR				P	SR		P
7261(pt)	Crematories						P			P
73	Business services	SR	SR				P	SR		P
75	Auto repair, services and parking	SR	SR				P	SR		P
76	Misc repair services	SR	SR				P	SR		P
78	Motion pictures	SR	SR				P	SR		P
79	Amusement, recreational services, <i>all except</i>	SR	SR				P	SR		P
7948(pt)	Racetrack operations, including speedways, go-kart tracks and dragstrips						C			C
7941	Sports clubs and promoters						C			C
7992	Public golf courses	C	C				P			
7996	Amusement parks						C			C
7997	Nonprofit athletic fields	€					P			
7997	Membership sports and recreation clubs, all except	SR or C	SR or C	SR			P	SR		P
7997(pt)	Gun clubs, shooting clubs	C					C			C
7999	Amusement and recreation services, NEC, all except						P	SR		P
7999(pt)	Archery ranges, shooting range, skeet shooting, and trapshooting facilities (outdoor)	C					P C			C
7999(pt)	Archery and shooting range (indoor)	SR					SR	SR		SR
	Shooting ranges	€					P			
	Skeet shooting facilities	€					P			
7999(pt)	Horse shows, rental of saddle horses, riding academies and schools, Riding stables, rodeo operation	C	C				P	SR		P
	Trapshooting facilities	€					P			
7999(pt)	Boat / canoe rental for pleasure or fishing, operation of fishing pier and lake	C	C				P	SR		P
7999(pt)	Day camps, sports instructional schools and camps	C	C				P	SR		P
7999(pt)	Model automobile racing	C					P	SR		P
	Public parks	P	P	P	P	P	P	P	P	P
	Recreational facilities, membership & non-membership	SR	SR	SR			P	SR		
80	Health services, all except	SR	SR				P	SR	P	P
8059(pt)	Convalescent homes for psychiatric patients						C		C	C
8063	Psychiatric hospitals						C		C	C
	Alcohol and drug rehab facilities						€		€	€
8063(pt) 8069(pt)	Drug addiction rehab, Alcohol rehab hospitals						C		C	C
8093(pt)	Drug and alcohol treatment, outpatient clinics						P		P	P
81	Legal services	SR	SR				P	SR		P
82	Educational services, <i>all except</i>	P	P	P			P	P	P	P
	Facility providing overnight habitation								SR	
83	Social services, <i>all except</i>	SR	SR				P	SR	P	P
8322	Individual and family social services						P	C	€ P	€ P
8351(pt)	Family child care home	P	P	P	P	P	P	P		
8351(pt)	Child care center in residence	P	P				P	P		
8351(pt)	Child care center	SR	SR				P	SR	P	P
8361	Residential care, all except						C		C	C
8361(pt)	Homes for the aged and rest homes with incidental health care	SR	SR				P	SR	P	P
84	Museums, art galleries and botanical gardens, all except	SR	SR				P	SR	P	P
	Zoological parks	C					C		C	
86	Membership organizations, <i>all except</i>	SR	SR				P	SR	P	P
	Churches	P	P	P	P	P	P	P	P	
8641	Civic, service and social fraternities	C					P	SR	P	P
8661(pt)	Churches	P	P	P	P	P	P	P	P	P
87	Engineering, accounting, res. management and related services	SR	SR				P	SR		P
88	Private households	P	P	P	P	P	P	P	P	
89	Miscellaneous services	SR	SR				P	SR		P
Public administration										
91	Executive, legislative and general government, except finance						P		P	P
92	Justice, public order, safety, <i>all except</i>						P		P	P
9221	Police protection	P	P	P	P	P	P	P	P	P
9224	Fire protection	P	P	P	P	P	P	P	P	P
	Ambulance stations	P	P	P	P	P	P	P	P	P
	Rescue squads	P	P	P	P	P	P	P	P	P
93	Public finances, taxation and monetary policy						P		P	P
94	Administration of human resource programs						P		P	P
95	Administration of environmental quality and housing						P		P	P
96	Administration of economic programs						P		P	P
97	National security and international affairs						P		P	P
	Solid waste and recycling convenience center	P	P	P	P	P	P	P	P	P
Unclassified										
	Adult uses						C			
	Event center	C	C				P	C		P
	Major subdivisions for commercial non-residential use						P	P	P	P
	Model automobile racing	€					P	SR		P
	Multi-tenant developments						SR	SR	SR	SR
	Construction and demolition landfill									C
	Residential storage facility	SR or C	SR or C	SR or C			P	P		
	Winery, Wine Tasting Room	SR, C	€							



Rowan County Department of
Planning & Development
402 N. Main Street Ste 204
Salisbury, NC 28144
Phone (704) 216-8588
Fax (704) 638-3130
www.rowancountync.gov

Case # ZTA 01-19
Date Filed N/A
Received By N/A
Amount Paid N/A

Office Use Only

ZONING TEXT AMENDMENT APPLICATION

APPLICANT INFORMATION

Name: Rowan County Planning & Development

Signature: _____

Phone: 704.216.8588

Email: shane.stewart@rowancountync.gov

Address: 402 N Main St. Suite 204
Salisbury, NC 28144

AGENT INFORMATION:

Name: Same

Signature: _____

Phone: _____

Email: _____

Address: _____

SECTION(S) Multiple. See below.

DESCRIPTION OF REQUESTED CHANGE:

Changes primarily involving sections 21-4, 32, 52 through 56, 60, 62, 113,
361, & 362.

OFFICIAL USE ONLY

1. Signature of Coordinator: _____ 2. Planning Board Courtesy
Hearing: 06/24/19 3. Planning Board Action: Approved 7 Denied 0 4. Board of
Commissioners Public Hearing: 09/03/19 5. Dates Advertised: 1st 08/21/19 2nd 08/28/19
6. BOC Action: Approved _____ Denied _____ 7. Date Applicant Notified: ____/____/____



Rowan County Department of
Planning & Development
402 N. Main Street Ste 204
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Case # STA 01-19
Date Filed N/A
Received By N/A
Amount Paid N/A

Office Use Only

SUBDIVISION TEXT AMENDMENT APPLICATION

APPLICANT INFORMATION

Name: Rowan County Planning & Development

Signature: [Signature]

Phone: 704.216.8588

Email: shane.stewart@rowancountync.gov

Address: 402 N Main St. Suite 204
Salisbury, NC 28144

AGENT INFORMATION:

Name: Same

Signature: _____

Phone: _____ Email: _____

Address: _____

SECTION(S) 22-6

DESCRIPTION OF REQUESTED CHANGE:

Change resulting from revised NCGS definition.

OFFICIAL USE ONLY

1. Signature of Coordinator: [Signature] 2. Planning Board Courtesy
Hearing: 06/24/19 3. Planning Board Action: Approved 7 Denied 0 4. Board of
Commissioners Public Hearing: 09/03/19 5. Dates Advertised: 1st 08/21/19 2nd 08/28/19
6. BOC Action: Approved _____ Denied _____ 7. Date Applicant Notified: ____/____/____

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Scott Shelton
DATE: August 28, 2019
SUBJECT: Request for Approval of Grant Documents - Chewy Sewer Project

The Rowan EDC respectfully requests that the Board of Commissioners approve and authorize the execution of the following documents related to the Chewy sewer grant:

- 1) CDBG Grant Agreement
- 2) Funding Approval Notice
- 3) Signatory Form & Certification (*2 signed – 1 returned to NC Commerce*)
- 4) Vendor Electronic Payment Form
- 5) Request for Release of CDBG Funds
- 6) Categorical Exclusion Certification (*Environmental*)

ATTACHMENTS:

Description	Upload Date	Type
Memo to Commissioners	8/28/2019	Cover Memo
Grant Documents	8/28/2019	Cover Memo
Categorical Exclusion Certification	8/28/2019	Cover Memo

Be an original.

Date: August 28, 2019
To: Greg Edds, Chairman
Cc: Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
Jay Dees, County Attorney
From: Scott Shelton, Vice President
Re: *Request for Commissioners to Approve Grant Documents for Chewy Sewer Project*

Dear Chairman Edds,

As you are aware, Rowan County has been awarded a \$1.5 million Community Development Block Grant (CDBG) to extend sewer to the site of the new Chewy facility which is located at Long Ferry Road and Interstate 85.

There are numerous procedural steps that must be completed as part of the grant award process. The next step is the approval and execution of various documents that were recently received by the County, including a grant agreement with the North Carolina Department of Commerce. The Rowan EDC respectfully requests that the Board of Commissioners approve and authorize the execution of the following documents:

- 1) CDBG Grant Agreement
- 2) Funding Approval Notice
- 3) Signatory Form & Certification (*2 signed – 1 returned to NC Commerce*)
- 4) Vendor Electronic Payment Form
- 5) Request for Release of CDBG Funds
- 6) Categorical Exclusion Certification (*Environmental*)

Once these documents are received by the appropriate state agencies, the Department of Commerce will issue a 'release of funds' which authorizes the Board to execute a contract with its selected contractor to construct the new sewer line.

Please feel free to contact me if you have any questions and thank you for considering this matter.

Sincerely,



Scott Shelton
Vice President

Enclosure: Grant Documents



Rowan County

AUG 20 2019

Commissioners

ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

KENNY FLOWERS
Assistant Secretary

August 8, 2019

The Honorable Gregory C. Edds, Chairman
Rowan County Board of Commissioners
130 West Innes Street
Salisbury, North Carolina 28144

Dear Chairman Edds:

It is my pleasure to officially notify you that Rowan County has been awarded \$1,500,000 of Community Development Block Grant (CDBG) funds for the Economic Development Program. I commend you on your efforts to provide Community Development Assistance.

Please note that under CDBG program regulations, project funds may not be obligated or spent until certain grant conditions are met. Rural Economic Development Division (REDD), which administers the CDBG Program, will contact you about these conditions and help you implement your grant.

Congratulations on this award. We look forward to working with you and other officials. Should you have any questions regarding this grant, please contact Libby Smith, Rural Economic Development Division at (919) 814-4677.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Flowers".

Kenny Flowers
Assistant Secretary



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

KENNY FLOWERS
Assistant Secretary

August 8, 2019

The Honorable Gregory C. Edds, Chairman
Rowan County Board of Commissioners
130 West Innes Street
Salisbury, North Carolina 28144

Dear Chairman Edds:

Subject: Grant Agreement
CDBG 18-E-3052
Chewy Sewer Project (Project Kodiak)

It is my pleasure to notify you that the County has been awarded a CDBG economic development grant in the amount of \$1,500,000 to assist with sewer construction which Building Reuse grant funds are requested, will include installing 4,000 linear feet and 16-inch gravity sewer extension to the construction of the Chewy warehouse and distribution center. For the renovation project, Chewy Sewer Project (Project Kodiak) will commit to hire 385 employees, in the two years with at least 60% of the jobs going to persons in low to moderate income households.

Per CDBG regulations, no project activities can begin and no funds may be obligated or expended until the following conditions on the funding approval are released:

1. The Grant Agreement is executed and returned to the Rural Economic Development Division (REDD).
2. The Funding Approval is executed and returned.
3. Two signatory forms are completed and one is returned.
4. A Vendor Electronic Payment form is completed and returned.
5. An affidavit of publication of the Notice of the Finding of No Significant Impact on the Environment (FONSI), if applicable, submitted to the REDD.
6. Request for Release of Funds is submitted to the REDD.
7. A current W-9 IRS Form is on file with the NC State Office of Budget and Management. The form can be found at: <https://www.irs.gov/forms-pubs/about-form-w-9>

The Honorable Gregory C. Edds, Chairman
August 8, 2019
Page 2

Upon the Department of Commerce receipt and approval of the information requested above, a release of funds letter will be issued. **No CDBG funds will be disbursed until the release of funds letter has been issued to the County.**

Everyone involved in the development of the County's successful application is to be congratulated. We commend the County for its economic development efforts and look forward to working with you on the implementation of the project. If you have any questions regarding this award, please call Libby Smith, the project representative for the Department of Commerce, at (919) 814-4677.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Flowers", with a long horizontal flourish extending to the right.

Kenny Flowers
Assistant Secretary

Enclosures

cc: Aaron Church, County Manager
Libby Smith, CDBG ED Specialist

**NORTH CAROLINA DEPARTMENT OF COMMERCE
FUNDING APPROVAL**

Small Cities Community Development Block Grant Program

1. NAME AND ADDRESS OF RECIPIENT:

Rowan County
130 West Innes Street
Salisbury, North Carolina 28144

2. CDBG GRANT NUMBER: 18-E-3052

Approval Date: August 8, 2019

3. APPROVED PROJECT:

<u>DOC Project Number</u>	<u>Project Name</u>	<u>Grant Amount</u>
E-1	Chewy Sewer Project Project Kodiak	1,500,000.00

4. ENVIRONMENTAL CONDITION: No funds can be obligated or expended on any activity in the grant until the Rural Economic Development Division receives and approves the affidavit of Publication of the Notices of the Finding of No Significant Impact on the Environment (FONSI) and the Request for Release of Funds.

5. ADDITIONAL CONDITIONS:

No funds can be obligated or expended on any activity in the grant until the following conditions are released in writing by the Rural Economic Development Division:

1. The grant agreement is executed by the authorized local official and is returned.
2. The funding approval is executed and is returned.
3. Two signatory forms are executed and one is returned.
4. A Vendor Electronic Payment form is completed and returned.

**6. SIGNATURE OF AUTHORIZED
DEPARTMENT OF COMMERCE OFFICIAL**


Kenny Flowers, Assistant Secretary

**7. SIGNATURE OF AUTHORIZED
RECIPIENT OFFICIAL**

(Name and Title)

Date: August 8, 2019

Date: _____

**NORTH CAROLINA
DEPARTMENT OF COMMERCE**

GRANT AGREEMENT

**COMMUNITY DEVELOPMENT BLOCK PROGRAM
ECONOMIC DEVELOPMENT**

Recipient Name: Rowan County

Grant No. 18-E-3052

Project Name: Chewy Sewer Project (Project Kodiak)

Upon execution of this grant agreement, the North Carolina Department of Commerce (DOC) agrees to provide to the recipient the Community Development Block Grant assistance under Title I of the Housing and Community Development Act of 1974, as amended (P.L. 93-383) authorized by the DOC funding approval, the North Carolina Community Development Block Grant administrative rules, applicable laws and all other requirements of DOC now or hereafter in effect. The grant agreement is effective on the date the grant agreement and funding approval are signed by the recipient. The approved application, including the certifications, maps, schedules and their submissions in the application, any subsequent amendments to the approved application and funding approval and the following general terms and conditions are fully incorporated into and form a part of this grant agreement (this "agreement"):

1. **Definitions.** Except to the extent modified or supplemented by the agreement, any term defined in the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 1 K shall have the same meaning when used herein.

(a) Agreement means this grant agreement, as described above and any amendments or supplements thereto.

(b) Recipient means the entity designated as a recipient for grant assistance in the grant agreement and funding approval.

(c) Certifications mean the certifications submitted with the grant application.

(d) Assistance provided under this agreement means the grant funds provided under this agreement.

(e) Program means the community development program, project, or other activities, including the administration thereof, for which assistance is being provided under this agreement.

(f) Private entity means the corporation, partnership, proprietorship or other entity, which has entered into an equally binding commitment with the recipient to create and/or retain jobs as part of this program.

2. **Obligations of the Recipient.** The recipient shall perform the program as specified in the application approved by DOC. The recipient shall also comply with all other lawful requirements of DOC, all applicable requirements of the General Statutes of the State of North Carolina and any other applicable laws, rules, regulations, requirements, policies and Executive Orders currently or hereafter in force. The recipient shall be responsible for ensuring that all project jobs are created or retained in accordance with the approved CDBG application, that such jobs are filled by low and moderate income persons in the proportion presented in the application, and that all parties incur the full level of private investment committed to in the application. In the event of a finding by the recipient or by DOC that a participating private entity has failed to

fulfill its responsibilities under the project application and any legally binding commitment between a participating private entity and the recipient (the "LBC"), including the responsibilities to create and/or retain jobs and invest private funds, the recipient shall promptly exercise its rights and remedies to require repayment of CDBG funds, or to assess such other penalty as provided by the LBC and applicable state and federal laws.

3. **Obligations of Recipient with respect to Certain Third Party Relationships.** DOC shall hold the recipient responsible for complying with the provisions of this agreement even when the recipient designates a third party or parties to undertake all or any part of the program. The recipient shall comply with all lawful requirements of DOC necessary to ensure that the program is carried out in accordance with the recipient's application.

4. **Conflict of Interest.** None of the following or their immediate family members, during the tenure of the subject person or for one year thereafter, shall have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work to be performed in connection with the program assisted under this agreement: employees or agents of the recipient who exercise any function or responsibility with respect to the program, and officials of the recipient, including members of the governing body. The same prohibition shall be incorporated in all such contracts or subcontracts.

5. **Reimbursement to DOC for Improper Expenditures.** The recipient will reimburse DOC for any amount of grant assistance improperly expended. In addition, in the event of a finding by the recipient or by DOC that a participating private entity has failed to fulfill its responsibilities under the project application or LBC to create and/or retain jobs, the recipient shall repay to DOC the amounts set forth in Paragraph I.A. of the LBC, whether or not such amounts are collected from the participating private entity.

6. **Access to Records.** The recipient shall provide any duly authorized representative of DOC, the North Carolina State Auditor, the North Carolina Office of Budget and Management, HUD and the Comptroller General at all reasonable times access to and the right to inspect, copy, monitor, and examine all of the books, papers, records, and other documents relating to the grant for a period of three years following the completion of all close-out procedures.

7. **Project Savings.** The recipient is obligated to contribute 100 percent of its pledged cash contribution to the CDBG project even if the project experiences a savings after authorized activities are completed. Any project savings accrue to the CDBG program.

8. **Payment of Income Generated by the Grant.** The recipient shall have the responsibility to collect and pay to DOC certain income generated by the CDBG and earned by the recipient. Such income includes but is not limited to the following: (1) payment of principal and interest on loans made using CDBG funds; (2) proceeds from the lease or disposition of real property acquired with CDBG funds; (3) any late fees associated with loan or lease payments in (1) and (2) above; (4) sale of utility lines; and (5) interest earned on the income in this part pending disposition of such income. Payments of income included in this part shall be made to DOC within fifteen (15) days of receipt of same by the recipient.

The assistance provided under this agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining DOC approval of the application for such assistance, or DOC approval of applications for additional assistance, or any other approval or concurrence of DOC required under this agreement, or the North Carolina Community Development Block Grant Administrative Rules, with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

Upon execution of this agreement by DOC and the recipient in the spaces below, the recipient hereby accepts the assistance on the terms of this grant agreement, effective on the date indicated below, and further certifies that the official signing below has been duly authorized by the recipient's governing body to execute this grant agreement.

Signature of Department of Commerce
Authorized Official

Date: August 8, 2019

By: 
Kenny Flowers, Assistant Secretary

Date: _____

Rowan County
Name of Recipient Government

By: _____
Signature of Authorized Official

(Title)



SIGNATORY FORM AND CERTIFICATION

CDBG Grant No. _____

Recipient Name _____
Address _____

Signatures of individuals authorized to sign Requisition for CDBG Funds forms. *(Two signatures required on each requisition.)*
Electronic signatures and stamps will not be accepted.

_____ (Signature)	_____ (Type Name and Title)
_____ (Signature)	_____ (Type Name and Title)
_____ (Signature)	_____ (Type Name and Title)
_____ (Signature)	_____ (Type Name and Title)

CERTIFICATION

1. () I certify that the signatures above are of the individuals authorized to sign Requisition for CDBG Funds form for the above recipient.
- _____
Certifying Official and Title
2. () The governing board has passed a resolution authorizing the persons above to sign Requisition for CDBG Funds form for the above recipient.
A copy of the resolution is attached.

I certify that the signatures above are those of the individuals authorized by resolution of the governing board of the recipient to sign Requisition for CDBG Funds form.

Certifying Official and Title

Office of the State Controller

Return to: OSC Support Services Center

Address: 1410 Mail Service Center
Raleigh, NC 27699-1410Email: osc.support.services@osc.nc.gov

Telephone: 919-707-0795

**Vendor Electronic Payment Form**

- ☐ New Add Request
☐ Change/Update Existing Account
☐ Inactivate Existing Account

***Denotes a required field**

The State of North Carolina offers payees the opportunity to receive payments electronically through U.S. based banks. In addition to having the funds deposited electronically, you will also receive remittance information by e-mail.

We require you to submit a copy of a voided check, bank statement, or a letter from your bank for account verification.

***TAX ID # or SSN**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

***PAYEE NAME**

--

***REMITTANCE ADDRESS**(AS PRINTED ON
YOUR INVOICE)

STREET

--

SUITE/ROOM #

--

CITY

STATE

ZIP CODE

***CONTACT**

--

NAME & TITLE

--

PHONE NUMBER

NEW FINANCIAL INFORMATION***FINANCIAL INSTITUTION NAME:**

--

***NAME ON ACCOUNT:**

--

***NEW ROUTING NUMBER:**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

***NEW ACCOUNT NUMBER:**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

***ACCT TYPE:**☐

Checking

☐

Savings

***REMIT E-MAIL ADDRESS**

--

New add requests MUST include contact information for the state agency with which you are doing business.

***Agency Name:**

--

***Agency Contact Name:**

--

***Agency Contact Email Address:**

--

***Agency Contact Phone Number:**

--

PRIOR FINANCIAL INFORMATION (only required for updates)**FINANCIAL INSTITUTION NAME:**

--

NAME ON ACCOUNT:

--

ROUTING NUMBER:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

ACCOUNT NUMBER:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

ACCT TYPE:☐

Checking

☐

Savings

REMIT E-MAIL ADDRESS

--

*******ALL BOXES BELOW MUST BE REVIEWED AND CHECKED**☐

I acknowledge that electronic payments to the designated account must comply with the provisions of U.S. law, and the requirements of the Office of Foreign Assets Control (OFAC). I affirm the entire amount of the payment will not be transferred to a foreign bank account.

☐

I authorize the Office of the State Controller to initiate ACH payments, and if necessary, adjustments for any ACH payments in error, to the financial institution and account identified on the attached certification document. This authority will remain in effect until I, the vendor, cancel it in writing or the authority is terminated by the NC Office of the State Controller.

☐I have attached a copy of a **current** voided check, current bank statement or included a bank letter on bank letterhead.***PRINT NAME:*****DATE:*****SIGNATURE:*****PHONE NUMBER:**

Requisition for Community Development Block Grant Program Funds

Part 1: Grant Summary (COMPLETE GREY FIELDS)

1. Name and Address of Grantee:	2. Contact Person for Budget:	3. Grant Number:
	Phone:	4. Grantee Tax ID Number:
	Fax:	5. Requisition Number:
* Grantee DUNS Number:	Email:	6. Amount of funds requested (18):

7. CDBG Grant Agreement Amount		
8. Program Income Received	AS OF __/__/----	
8a. Total Remission to State		\$ -
9. TOTAL BUDGET	(7+(8-8a))	\$ -
10. Program Income Previously "Drawn"	(on previous requisitions)	\$ -
11. Program Funds Previously Drawn	(on previous requisitions)	
12. TOTAL PREVIOUS DRAWS	(10+11)	\$ -
13. Program Income Available	((8-8a)-10)	\$ -
14. Program (Grant) Funds Available	(7-11)	\$ -
15. TOTAL CDBG EXPENDITURES TO DATE	AS OF __/__/----	
16. NEW EXPENDITURES	(15-12)	\$ -
17. PROGRAM INCOME SPENT THIS DRAW	13, UNLESS 16 < 13 IF SO THEN 16	
18. PROGRAM (GRANT) FUNDS REQUESTED	16-17	\$ -

19. CERTIFICATION

I certify that the data presented in this requisition is correct, that this requisition is in accordance with the terms and conditions of the above referenced grant and that the amount requested is not in excess of current needs.

DATE	AUTHORIZED SIGNATURE	TITLE
DATE	AUTHORIZED SIGNATURE	TITLE

FOR STATE CDBG USE ONLY		
	Explanation of Charges	
DATE RECEIVED		
DATE OF CHECK		
CHECK NUMBER		
CONTROL GROUP	REVIEWED BY and DATE	APPROVED BY and DATE

CATEGORICAL EXCLUSION (Subject to 58.5) [24 CFR 58.35 (a)]

Responsible Entity Name: Rowan County EDC
Project Name: Trevey Site – Proposed Sewer Line
Grant Number: N/A

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances [§ 58.2(a)(3)] in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in § 58.5 is required for any categorical exclusion listed below.

- ☒ (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20% (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalk, repaving of streets)
- ☐ (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- ☐ (3) Rehabilitation of buildings and improvements of multifamily residential buildings when:
 - a. Unit density is not changed more than 20 percent;
 - b. The project does not involve changes in land use from residential to non-residential; and
 - c. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
- ☐ (4) Rehabilitation of buildings and improvements of non-residential structures, including commercial, industrial, and public buildings when:
 - a. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - b. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another
- ☐ (5) Rehabilitation and improvements of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland
- ☐ (6) An individual action on a one- to four-family four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between.
- ☐ (7) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.
- ☐ (8) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.
- ☐ (9) Combination of the above activities.

If there are circumstances that require compliance with any of the Federal laws and authorities cited in 24 CFR §58.5 you must complete consultation or mitigation requirements, publish a Notice of Intent to Request Release of Funds and obtain Authority to Use Grant Funds per 24 CFR §58.70 and §58.71 before drawing down funds.

If there are no circumstances that require compliance with any of the Federal laws and authorities cited in 24 CFR §58.5 the project converts to Exempt per 24 CFR §58.34(a)(12); therefore, you do not have to submit a Request for Release of Funds and no further approval from the State is needed before drawing down funds. The recipient remains responsible for carrying out any applicable requirements under § 58.6 and the Environmental Review Record (ERR) must contain a well organized written record of the process and determinations made under this section.

I hereby certify that the activities selected above comprising **Small Cities CDBG** Program have been reviewed and determined to be categorically excluded per 24 CFR 58.35 (a).

Responsible Entity Certifying Official Name and Title (Please Print)

Responsible Entity Certifying Official Signature and Date

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Anthony Vann, Assistant Superintendent of Operations, Rowan-Salisbury School System
DATE: August 27, 2019
SUBJECT: 2019 Needs-Based Public School Capital Fund Grant Application

Mr. Anthony Vann, Assistant Superintendent of Operations is seeking approval to submit the 2019 Needs-Based Public Schools Capital Fund Grant application.

Since the Board of Education just approved submitting the application last night (August 26, 2019), we are working on getting the information entered and will have it completed prior to the meeting.

We will need Chairman Edds to sign the application at the Sept. 3rd meeting.

ATTACHMENTS:

Description	Upload Date	Type
Request	8/27/2019	Cover Memo
2019 NBPSCF Grant Application	8/27/2019	Cover Memo
2019 Needs Based Public Schools Capital Fund Grant Application	8/27/2019	Cover Memo

Barger, Carolyn M

From: Robin B. Shoe <Robin.Shoe@rss.k12.nc.us>
Sent: Tuesday, August 27, 2019 9:35 AM
To: Barger, Carolyn M
Cc: Anthony Vann
Subject: Commissioner Agenda - Sept. 3rd
Attachments: 2019 NBPSCF Grant Application.pdf; 2019 Needs Based Public Schools Capital Fund Grant Application.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails by clicking the "**Report Phish**" button.

Carolyn,

Attached is the 2019 NBPSCF Grant Application. Please post the grant application, as well as the other information document to the Commissioner agenda.

Recommendation:

Mr. Anthony Vann, Assistant Superintendent for Operations is seeking submittal approval of the 2019 Needs Based Public Schools Capital Fund Grant application.

Since the BOE just approved submitting the application last night, we are working on getting the information entered and will have it completed prior to the meeting. We will need Greg Edds to sign the application at the Sept. 3rd meeting.

Robin B. Shoe
Administrative Assistant for Athletics & Operations
Rowan Salisbury Schools
(o) 704-630-6003
(c) 704-762-7253



North Carolina State Superintendent

Needs-Based Public School Capital Fund

2019 Grant Application

Application Deadline: September 13, 2019

Grant Award Announcements: October 1, 2019 (or later)*

Submit Application to: nathan.maune@dpi.nc.gov

* Announcement of Grant Awards will occur following certification of the 2019-21 State Budget

Description of NBPSCF Grant Program

The Needs-Based Public School Capital Fund was established by S.L. 2017-57, Sec. 5.3., modified by S.L. 2017-212, Sec. 1.1, and modified by S.L. 2018-5, Sec. 5.3. The purpose of the Fund is to assist lower wealth counties (development tier one and tier two counties) with their critical public school building capital needs. Grant funds must be used for construction of new school buildings only, and cannot be used for real property acquisition.

	FY 2019-20	FY 2020-21
Timeline:		
Guidance Issued	Aug. 2, 2019	+/- Aug. 1, 2020
Application Deadline	Sep. 13, 2019	+/- Aug. 31, 2020
Awards Announced	Oct. 1, 2019 (or later)	+/- Oct. 1, 2020
County Eligibility: ¹	Tier 1 Counties Tier 2 Counties County cannot have received an aggregate amount greater than \$8.75 M from the Public School Building Capital Fund from FY 2012-13 to FY 2016-17, inclusive. ² No county may receive Needs-Based Capital Grant Funds more than once every five (5) years.	Tier 1 Counties Tier 2 Counties
Project Eligibility:	Projects must be “new school buildings,” defined as new facility construction. Only projects that address critical deficiencies will be considered.	
Available Funding:	\$75 M ³	\$75 M ⁴
Maximum Award:	\$15 M (Tier 1) / \$10 M (Tier 2)	\$15 M (Tier 1) / \$10 M (Tier 2)
Matching Funds Required:	Tier 1 --- \$1 in local funds for every \$3 in grant funds Tier 2 --- \$1 in local funds for every \$1 in grant funds	

¹ Tier 2 Counties are eligible beginning in 2018-19, per S.L. 2018-5, Sec. 5.3.

² For purposes of this determination, the total funding of the county LEA plus the city LEA(s) will be calculated. Records of these allotments are available on the School Planning website at: https://www.schoolclearinghouse.org/otherinf/ADMFund/Monthly_County_Report_FY_Totals.pdf.

³ Anticipated total available grant funding for FY 2019-20.

⁴ Anticipated total available grant funding for FY 2020-21.

NOTE: If a county receives a grant fund award from the Needs-Based Public School Capital Fund, that county will be ineligible to receive allocations from the Public School Building Capital Fund that are appropriated during a five-year period beginning with the fiscal quarter following grant award.

For FY 2019-20 Grant Recipients, this five-year period will run from Oct. 1, 2019 through Sep. 30, 2024.

Program Criteria and Guidelines

For 2019-20, projects will be evaluated based on narrative and budget detail submitted by the applicant and based on the following measures of county characteristics:

Measures	Definition/Calculation/Data Source
Ability to Generate Tax Revenue	Total revenue generated by a one-cent per \$100 valuation increase in the county property tax rate, based on FY 2017-18 tax rates and assessment valuation. (Source: State Treasurer, Analysis of Debt of North Carolina Counties 6-30-2018, Revised: 01/17/2019)
Ratio of Existing Debt to Tax Revenue	<u>Debt</u> : Sum of County Debt from [General Obligation Bonds, Installment Purchase Debt, Special Obligation Bonds, QZABs and QSCBs, Certificates of Participation] (Source: State Treasurer, Analysis of Debt of North Carolina Counties 6-30-2018, Revised: 01/17/2019) <u>Revenue</u> : Sum of County Revenues from Property Taxes, Other Taxes, and Sales Tax, FY 2017-18 (Source: State Treasurer, County Revenues and Expenditures Financial Profile, 6/30/2018)
Critical deficiency	Project addresses a deficiency identified in the 2015-16 School Needs Survey in the five-year horizon, or other equivalent documentation and an explanation as to why the project was not included in the 2015-16 School Needs Survey

Required Reporting

Grant recipients are required to submit a report by April 1 each year, with each grant funds distribution request, and upon completion of the project, detailing: the use of grant funds, progress on the project, and impact of the project on the county's school capital plan.

Grant funds will be disbursed in a series of payments based on the progress of the project. To receive a distribution, the grant recipient must submit a request for distribution, along with documentation of the expenditures for which the distribution is requested, and evidence that the matching requirement has been met. DPI will provide grant recipients with Reporting and Distribution Request forms following announcement of awards.

Required Agreement

A county receiving Needs-Based grant funds is required to enter into an agreement with the Department of Public Instruction detailing the use of grant funds, in accordance with S.L. 2018-5. DPI will provide grant recipients with Agreement forms following announcement of awards.

APPLICATION – CONTACT INFORMATION
NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND

Date: _____

SUBMIT ONE APPLICATION PER SCHOOL CAMPUS – A PROJECT MAY INCLUDE MULTIPLE BUILDINGS

County: _____

Primary Contact: _____

Title: _____

Address: _____

Phone: _____

email: _____

School Unit: _____

Primary Contact: _____

Title: _____

Address: _____

Phone: _____

email: _____

Required Application Materials

Completed applications must include the below-listed materials and be submitted by 5:00 p.m. on Friday, September 13, 2019 via email to:

Nathan Maune | School Planning Section Chief | 919-807-3560 | nathan.maune@dpi.nc.gov

Application Materials Checklist

- Contact Information
- Application Form
- Project Narrative
- Budget Estimate
- Additional Documentation (as appropriate)
- Signed Assurance Page

APPLICATION – NARRATIVE

NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND

Date: _____

Project Title:

Location:

Type of Facility:

Short Description of School Construction Project:

Describe the critical need this project addresses and the impact on student outcomes:

(please attach additional information as necessary)

APPLICATION – NARRATIVE
NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND

Date: _____

Was this project identified in the 5-year plan in the 2015-16 Facility Needs Survey? ☐ YES ☐ NO

If not, provide explanation and attach equivalent information:

Will this project replace any existing facilities? ☐ YES ☐ NO

If YES, which school(s): _____

How many students will be served by this project? _____

Has Advanced Planning been done for this project? ☐ YES ☐ NO

Have Construction Documents been completed for this project? ☐ YES ☐ NO

Anticipated or Actual Bid Date: _____

Estimated Start Date of Construction: _____

Estimated Completion Date of Construction: _____

APPLICATION – BUDGET
NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND

Date: _____

Estimated Project Costs	Local (non-State)	NBPSCF Grant Funds	Total
Planning	\$ _____	\$ _____	\$ _____
Construction	\$ _____	\$ _____	\$ _____
Other Costs*	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____

*Project costs normally categorized as ‘owner’s direct costs’ on a construction project – may include items such as site surveys, materials testing, site utilities, geotechnical reports, etc. Land acquisition costs are not eligible.

Source(s) of required Local Matching Funds:

Have any of the Local Matching Funds been expended at the time of application? ☐ YES ☐ NO

If YES, provide amount expended: _____

If YES, provide description of work: _____

Estimated Project Expenditures by Fiscal Year (show estimated period over which funds will be spent by Fiscal Year)

Total Expenditures	2018-19 or earlier	2019-20	2020-21	2021-22 or later	Total
Local Match (Non-State Funds)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Requested NBPSCF Grant Funds*	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

*Total requested grant funding cannot exceed \$15 M (Tier 1) or \$10 M (Tier 2)

Additional Documentation Prior to Disbursement of Funds

Any project funded with a grant from the Needs-Based Public School Capital Fund must follow the same review process as any other LEA capital project.

- A registered Architect and/or registered Engineer shall prepare the drawings and specifications in accordance with G.S. 133-1 through 133-4.1, as applicable.
- School Planning review is required for new school buildings. Design documents shall be submitted at appropriate phases of the design; neither the LEA nor the County shall invest any funds in construction of the project until the review process is completed.
- Transmittal of drawings and specifications to School Planning shall include the form at <https://www.schoolclearinghouse.org/pubs/DPI%20Project%20Transmittal%20Sheet.doc>
- Design of the project should be in compliance with Guidelines published on the School Planning website at: <https://www.schoolclearinghouse.org/>.
- The overall document can be found at: [https://www.schoolclearinghouse.org/pubs/FacilityGuidelines%20\(September%202014\).pdf](https://www.schoolclearinghouse.org/pubs/FacilityGuidelines%20(September%202014).pdf).
- Some criteria are mandatory; for example, those involving safety in school science laboratories at: [https://www.schoolclearinghouse.org/pubs/ScienceFacilitiesPlanner%20\(2013-07-11\).pdf](https://www.schoolclearinghouse.org/pubs/ScienceFacilitiesPlanner%20(2013-07-11).pdf).
- If the project involves the closing of an existing school, the LEA shall follow the procedures described in: <https://www.schoolclearinghouse.org/pubs/SchoolClosingProcedure.pdf>.
- If the project involves the demolition of an existing school building, the LEA shall follow the procedure noted above and submit the form at: <https://www.schoolclearinghouse.org/pubs/COSTFEAS.doc>.

Assurance Page

By signing below, we assure NCDPI that we are officials of the organization and authorized to bind the organization. We certify the following:

- The information provided in this proposal is correct and complete.
- The project herein described is within the parameters of the Needs-Based Public School Capital Fund established in S.L. 2017-57, modified by S.L. 2017-212, and modified by S.L. 2018-5, and that all of the required local funding is available and designated as a match for this project.
- All funds will be used for the construction project described in the approved application.
- We will work cooperatively with the North Carolina Department of Public Instruction in monitoring and evaluating the project to meet reporting requirements. We will report on project progress and State and local funds expended by April 1 of each year, at the time of each distribution request, and upon project completion.
- Upon receiving a Needs-Based grant award, we will enter into an agreement with the Department of Public Instruction detailing the use of grant funds, in accordance with S.L. 2018-5.
- All applicable federal and state laws will be adhered to, including promotion of equal opportunity without regard to race, color, religion, gender, age, disability, political affiliation, or national origin.
- Fiscal control and accounting procedures for proper disbursement of and accounting for the grant funds will be established and followed.

(Signature – Chair, County Commissioners)

(Date)

(Signature – Chair, Board of Education)

(Date)

2019 Needs Based Public Schools Capital Fund Grant Application

The Rowan Salisbury School Board of Education approved the following at the August 26, 2019 business meeting:

- Submit the grant.
- The facility type is a K-5 elementary school, which will be located on Hwy 29 in China Grove, NC. (South Rowan Elementary School).

Other Information:

- The maximum grant award for a Tier 2 county is \$10,000,000. For Tier 2 counties, the grant is a dollar-for-dollar match.
- The application deadline is September 13, 2019.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: County Manager Aaron Church
DATE: August 23, 2019
SUBJECT: Landscape Design Airport Task Order

ATTACHMENTS:

Description	Upload Date	Type
Option #1 Fee Proposal for Landscaping Improvements	8/23/2019	Cover Memo
Option #2 Fee Proposal for Landscaping Improvements	8/23/2019	Cover Memo

TALBERT, BRIGHT & ELLINGTON
Engineering & Planning Consultants

August 6, 2019

Mr. Aaron Church
County Manager
Rowan County
130 W. Innes Street
Salisbury, N.C. 28144

Re: Fee Proposal
Landscaping Improvements
Mid-Carolina Regional Airport

Dear Mr. Church:

Talbert, Bright and Ellington (TBE) would like to thank you for the opportunity to submit this proposal for landscape architecture services for your commercial landscape project located at the Mid-Carolina Regional Airport in Rowan County, NC. Based on the resources and experience of our firm, along with Urban Design Partners (UDP), we are prepared to offer land development consultation services as we work together towards a successful project. Hereinafter, the Client shall be defined as Rowan County.

PROJECT DESCRIPTION

The site is approximately 375 acres and is further described as parcel numbers 470-001000001 & 461077 in Rowan County, North Carolina. The site is located just North of the intersection of Airport Road and Airport Loop. TBE is in possession of a base map illustrating parcel lines, existing roadways, buildings, structures and impervious areas within the project area, and shall act as the base plan for the conceptual design work of the project. This proposal covers conceptual landscape architectural services associated with the development program presented to TBE and UDP by representatives of Rowan County government and Mid-Carolina Regional Airport officials. This proposal includes services as described within the site planning and the landscape architecture design development phases listed below. Prior to the commencement of work, TBE requests details describing the Client's development criteria and budgetary constraints. For clarity, we have delineated our proposed services more specifically as outlined in the following sections:

SCOPE OF SERVICES

I. PRELIMINARY SITE PLANNING

Design team shall assist the Client with initial site due diligence and conceptual site landscape design. Research will include discussions with property managers and stake holders associated with the proposed improvements within the project area. Once a comprehensive understanding of proposed improvements has been established, the team shall provide design consultation service addressing the Client's development program. Preliminary site base plans will be utilized as the basis of design for creating conceptual landscape design. Tasks to be performed during this phase include the following:

- a. Meet with Client and Stakeholders (as applicable) to discuss and review project program.
- b. Create a usable functional base map to be utilized for site design including all identified improvement areas.

- c. Review local jurisdictional land use policies and FAA policies that may affect planning and design of the project.
- d. Prepare a critical path schedule for the design process and provide anticipated dates of critical milestones during the project timeline.

II. LANDSCAPE ARCHITECTURE: DESIGN DEVELOPMENT

Design team shall provide conceptual landscape design services for identified areas within the project boundaries. The areas of study include, but are not limited to, monumentation foundation planting at the corner of Airport Road and Airport Loop, streetscape along the West side of Airport Loop including a study of masonry walls and materials to be incorporated along the roadway. Additional areas of study include streetscape design along the arrival terminal driveway, proposed landscape improvements in the area of the existing modular wall adjacent Airport Loop, foundation plantings adjacent existing arrival and departure terminal and other identified potential areas of improvement including foundation plantings, stormwater drainage improvements and hardscape patio areas. Team shall provide one (1) conceptual design of each area, plans shall be hand drawn and schematic in nature; they will include general information regarding construction materials and plantings in order to convey design intent. Conceptual designs shall be accompanied by color precedent image boards including landscape material selection images and materials boards. The Client shall review, comment and provide direction towards refinement of final amenity site construction documents, not included within this scope of services. Client requested revisions to conceptual design development drawing set shall be provided on an hourly basis.

III. MEETINGS

Relating to ongoing project coordination, TBE and UDP shall attend meetings with the development team including the Client, sub-consultants, vendors, jurisdictional representatives, and other project specific stakeholders as necessary. This project phase will also include the ongoing exchange of information via email, telephone calls, and conference calls with the multiple project stakeholders, review agencies, and service providers. For budgetary purposes, three (3) different meetings have been accounted for. Additional meetings can be held for additional compensation, and will be billed on a time and materials basis with a not to exceed amount.

PROJECT EXCLUSIONS

- a. Changes in Scope of Services or Services not specifically listed under the Scope of Services presented herein
- b. Design modifications requested by Client after Client's site plan approval or regulatory permit submittal
- c. Revisions resulting from modifications to County ordinances
- d. Structural Engineering
- e. Geotechnical services
- f. Construction administration and/or documentation
- g. Irrigation design
- h. Site lighting (photometric plan) this will be provided by Duke Energy or others and will be coordinated and included in the plan set for permitting
- i. Cost estimating, bidding, and negotiation services
- j. Traffic studies and offsite road improvements not specifically included above.
- k. Permit application fees
- l. Wetland or stream studies

COMPENSATION

The Client shall compensate TBE for the Scope of Services described above and in accordance with the Standard Terms and Conditions of this Agreement as follows (refer to descriptions above for scope inclusions):

Item	Description	Amount
I.	Preliminary Site Planning	\$1,900.00
II.	Landscape Architecture: Design Development	\$13,025.00
III.	Meetings	\$1,380.00
Total Fee:		\$16,305.00

SCHEDULE

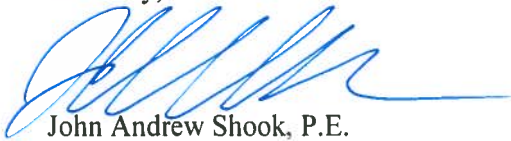
Design team does not guarantee a schedule for an approval process and will not be responsible for delays based on review agency delays. Team will respond fully and promptly to any review comments.

In the event of default by Client, Client shall pay all costs of collection and enforcement of this instrument by TBE, including reasonable attorney fees.

All work will be performed according to our standard Terms and Conditions of Master Contract, with a new Work Authorization based on this proposal.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



John Andrew Shook, P.E.

JAS/sps

TALBERT, BRIGHT & ELLINGTON

Engineering & Planning Consultants

August 13, 2019

Mr. Aaron Church
County Manager
Rowan County
130 W. Innes Street
Salisbury, N.C. 28144

Re: Revised Fee Proposal
Landscaping Improvements
Mid-Carolina Regional Airport

Dear Mr. Church:

Talbert, Bright and Ellington (TBE) would like to thank you for the opportunity to submit this proposal for landscape architecture services for your commercial landscape project located at the Mid-Carolina Regional Airport in Rowan County, NC. Based on the resources and experience of our firm, along with Urban Design Partners (UDP), we are prepared to offer land development consultation services as we work together towards a successful project. Hereinafter, the Client shall be defined as Rowan County.

PROJECT DESCRIPTION

The site is approximately 375 acres and is further described as parcel numbers 470-001000001 & 461077 in Rowan County, North Carolina. The site is located just North of the intersection of Airport Road and Airport Loop. TBE is in possession of a base map illustrating parcel lines, existing roadways, buildings, structures and impervious areas within the project area, and shall act as the base plan for the conceptual design work of the project. This proposal covers conceptual landscape architectural services associated with the development program presented to TBE and UDP by representatives of Rowan County government and Mid-Carolina Regional Airport officials. This proposal includes services as described within the site planning and the landscape architecture design development phases listed below. Prior to the commencement of work, TBE requests details describing the Client's development criteria and budgetary constraints. For clarity, we have delineated our proposed services more specifically as outlined in the following sections:

SCOPE OF SERVICES

I. PRELIMINARY SITE PLANNING

Design team shall assist the Client with initial site due diligence and conceptual site landscape design. Research will include discussions with property managers and stake holders associated with the proposed improvements within the project area. Once a comprehensive understanding of proposed improvements has been established, the team shall provide design consultation service addressing the Client's development program. Preliminary site base plans will be utilized as the basis of design for creating conceptual landscape design. Tasks to be performed during this phase include the following:

- a. Meet with Client and Stakeholders (as applicable) to discuss and review project program.
- b. Create a usable functional base map to be utilized for site design including all identified improvement areas.

- c. Review local jurisdictional land use policies and FAA policies that may affect planning and design of the project.
- d. Prepare a critical path schedule for the design process and provide anticipated dates of critical milestones during the project timeline.

II. LANDSCAPE ARCHITECTURE: DESIGN DEVELOPMENT

Design team shall provide conceptual landscape design services for identified areas within the project boundaries. The areas of study include (Area A) monumentation foundation planting at the corner of Airport Road and Airport Loop, (Area B) streetscape along the West side of Airport Loop including a study of masonry walls and materials to be incorporated along the roadway, (Area C) streetscape design along the arrival terminal driveway, (Area D) proposed landscape improvements in the area of the existing modular wall adjacent to Airport Loop, (Area E) foundation plantings adjacent to existing terminal building and other identified potential areas of improvement including foundation plantings and also stormwater drainage improvement recommendations and potential hardscape patio areas. Design team shall provide three (3) conceptual designs of each area. Plans shall be hand drawn and schematic in nature; they will include general information regarding construction materials and planting in order to convey design intent. Conceptual designs shall be accompanied by color precedent image boards including landscape material selection images and materials boards. The Client shall review, comment, and provide direction towards refinement of final amenity site construction documents, not included within this scope of services. Client requested revisions and production of a final design concept rendering drawing document set/exhibit shall be provided on an hourly basis in addition to the noted fixed fee associated with the scope of services phase.

III. MEETINGS

Relating to ongoing project coordination, TBE and UDP shall attend meetings with the development team including the Client, sub-consultants, vendors, jurisdictional representatives, and other project specific stakeholders as necessary. This project phase will also include the ongoing exchange of information via email, telephone calls, and conference calls with the multiple project stakeholders, review agencies, and service providers. For budgetary purposes, three (3) different meetings have been accounted for. Additional meetings can be held for additional compensation, and will be billed on a time and materials basis with a not to exceed amount.

PROJECT EXCLUSIONS

- a. Changes in Scope of Services or Services not specifically listed under the Scope of Services presented herein
- b. Design modifications requested by Client after Client's site plan approval or regulatory permit submittal
- c. Revisions resulting from modifications to County ordinances
- d. Structural Engineering
- e. Geotechnical services
- f. Construction administration and/or documentation
- g. Irrigation design
- h. Site lighting (photometric plan) this will be provided by Duke Energy or others and will be coordinated and included in the plan set for permitting
- i. Cost estimating, bidding, and negotiation services
- j. Traffic studies and offsite road improvements not specifically included above.
- k. Permit application fees
- l. Wetland or stream studies

COMPENSATION

The Client shall compensate TBE for the Scope of Services described above and in accordance with the Standard Terms and Conditions of this Agreement as follows (refer to descriptions above for scope inclusions):

Item	Description	Amount
I.	Preliminary Site Planning	\$1,900.00
II.	Landscape Architecture: Design Development	\$32,565.00
III.	Meetings	\$1,380.00
<hr/> Total Fee:		\$35,845.00

SCHEDULE

Design team does not guarantee a schedule for an approval process and will not be responsible for delays based on review agency delays. Team will respond fully and promptly to any review comments.

In the event of default by Client, Client shall pay all costs of collection and enforcement of this instrument by TBE, including reasonable attorney fees.

All work will be performed according to our standard Terms and Conditions of Master Contract, with a new Work Authorization based on this proposal.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John Andrew Shook, P.E.

JAS/sps

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: County Manager Aaron Church
DATE: August 27, 2019
SUBJECT: West End Plaza Renovations - Next Steps

A financial presentation will be made by Finance Staff regarding debt capacity.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Finance Department
DATE: August 26, 2019
SUBJECT: Budget Amendment

Please see the attached budget amendment.

Please approve the attached budget amendment.

ATTACHMENTS:

Description

Budget Amendment

Upload Date

8/27/2019

Type

Budget Amendment

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Carolyn Barger, Clerk to the Board
DATE: August 27, 2019
SUBJECT: Consider Approval of Board Appointments

ATTACHMENTS:

Description

Board Appointments - September

Upload Date

8/27/2019

Type

Cover Memo

**MONTHLY BOARD APPOINTMENTS
SEPTEMBER 3, 2019
COMMISSION MEETING**

ATWELL VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER

David Jones applied for reappointment for a two (2) year term that will be effective retroactively to July 1, 2019 and will expire on June 30, 2021.

ENOCHVILLE VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER

- Debra Currie applied for reappointment for a two (2) year term.

According to the Secretary for Enochville VFD, the Department has been unable to find other interested applicants at this time. Ms. Currie has served two (2) terms and in order to be reappointed, the Board is asked to consider waiving the term limits set forth in the Resolution that governs the board appointment process.

If reappointed, the term will expire on August 31, 2021.

- Mitchell Rousey applied for reappointment. The term would expire August 31, 2021.

TOWN OF GRANITE QUARRY PLANNING BOARD

- The Town of Granite Quarry requested the reappointment of Ronald L. Jacobs as an ETJ member of its Planning Board. The term will expire July 31, 2020.
- The Town also requested the reappointment of Howell Kesler, Jr. and Kelly Smith as ETJ members to its Zoning Board of Adjustment. Both terms will expire July 31, 2022.

BOARD OF HEALTH

James Fuller applied to fill a vacancy for the Pharmacist seat. The term would expire December 31, 2021.

HISTORIC LANDMARKS COMMISSION

Jody A. Taylor applied to fill a vacancy on the Historic Landmarks Commission. The term will expire January 31, 2022.

JUVENILE CRIME PREVENTION COUNCIL

The Board is asked to appoint Justan Mounts as the County Manager's designee. This position has no term limits.

LOCKE VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER

Selina Sells Hamrick applied to fill a vacancy for a two (2) year term that will expire June 30, 2021.

TOURISM DEVELOPMENT AUTHORITY

There are two (2) vacancies and applications were received to fill the vacant seats as follows:

- Michelle Patterson applied to fill the Chamber seat.
- John Ketner applied to fill the County Tourism seat.

These appointments would be for two years, effective September 1, 2019 through August 31, 2021.

ZONING BOARD OF ADJUSTMENT

Michael Harrill applied to fill one vacant At Large seat. The term would expire June 30, 2022.

****Please note there remains approximately 45 vacancies on various County Boards.**

Atwell Township Volunteer Fire Department Fire Commissioners

Commission

Name	Date	Boards	Address	Contact	Status
Mr. David Wayne Jones	8/14/2019	Atwell Township Volunteer Fire Department Fire Commissioners BoC Meeting	8275 Unity Church Rd Kannapolis, NC 28081 Resident: Yes Ward/District: Atwell	Phone: 7047928600 Email: dwjones@vnet.net	Validated

Enochville Volunteer Fire Department Fire Commissioners Board

Name	Date	Boards	Address	Contact	Status
Debra McCorkle Currie	8/20/2019	Enochville Volunteer Fire Department Fire Commissioners BoC Meeting	9695 Unity Church Rd Mooresville, NC 28115 Resident: Yes	Phone: 704-857-9443 Email: dmcCurrie2000@yahoo.com	Validated
Mitchel Wayne Rousey	8/27/2019	Enochville Volunteer Fire Department Fire Commissioners BoC Meeting	2825 Countryside Dr. Kannapolis,, NC 28081	Phone: 7049381505 Email: amrcamper@gmail.com	Validated

Health Board Board

Name	Date	Boards	Address	Contact	Status
James Michael Fuller	8/24/2019	Health Board BoC Meeting	425 South Fulton Street Salisbury, ND 28144 Resident: Yes Ward/District: West Square	Phone: 704-633-0425 Email: mfuller50unc@gmail.com	Validated

Historic Landmarks Commission Board

Name	Date	Boards	Address	Contact	Status
Mr. Jody Aaron Taylor	8/16/2019	Historic Landmarks Commission BoC Meeting	195 Morrowfield Place Mount Ulla, NC 28125 Resident: Yes	Phone: 704-418-5398 Email: jodyataylor@outlook.com	Validated

Juvenile Crime Prevention Council Board

Name	Date	Boards	Address	Contact	Status
Justan Mounts	8/13/2019	Juvenile Crime Prevention Council BoC Meeting	China Grove, NC 28023 Resident: Yes	Phone: 704-216-8139 Email: justan.mounts@rowancountync.gov	Validated

Locke Volunteer Fire Department Fire Commissioners Board

Name	Date	Boards	Address	Contact	Status
Selina Sells Hamrick	8/8/2019	Locke Volunteer Fire Department Fire Commissioners BoC Meeting	4003 Mooresville Rd Salisbury, NC 28147	Phone: 7042026752 Email: hamrick62@yahoo.com	Validated

Tourism Development Authority Board

Name	Date	Boards	Address	Contact	Status
Mr. John Ketner	8/21/2019	Tourism Development Authority BoC Meeting	4346 Columbine Circle Charlotte, NC 28211	Phone: 7047989030 Email: john.ketner@rowaninvestment.com	Validated

Michelle Patterson	8/21/2019	Tourism Development Authority BoC Meeting	10470 Caldwell Road Mount Ulla, NC 28125 Resident: Yes	Phone: 704-636-4005 Email: michelle@pattersonfarminc.com	Validated
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Zoning Board of Adjustment Board

Name	Date	Boards	Address	Contact	Status
Mr Michael Harrill	8/27/2019	Planning Board Pending Zoning Board of Adjustment BoC Meeting	130 Dockside Dr Salisbury, NC 28146 Resident: Yes	Phone: 704-766-2000 Email: mike.harrill@gmail.com	Validated

Barger, Carolyn M

From: Clerk <clerk@granitequarrync.gov>
Sent: Tuesday, August 06, 2019 9:41 AM
To: Barger, Carolyn M
Cc: Planner; Admin
Subject: RE: Town of Granite Quarry Planning Board - Rev. David Trexler
Attachments: Scanned Document from the Town of Granite Quarry; Planning Board Members.docx; Zoning Board of Adjustment Members.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails by clicking the "Report Phish" button.

Thanks Carolyn! Attached are the following documents:

Rowan County Board of Commissioners Applications for the following persons:

- a. **Ronald L. Jacobs** – Planning Board (ETJ) reappointed last night by the Board. **Term expires 7/31/2020**
- b. **Howell W. Kesler, Jr.** – Zoning Board of Adjustment (ETJ) reappointed last night by the Board. **Term expires 7/31/2022**
- c. **Kelly Smith** – Zoning Board of Adjustment (ETJ) reappointed last night by the Board. **Term expires 7/31/2022**

Granite Quarry Listing of Planning Board Members

Granite Quarry Listing of Zoning Board of Adjustment Member

If you have any questions or need anything else please let me know.



Tanya Maria Word, CMC | Town Clerk/HR Director

Town of Granite Quarry | 143 N. Salisbury Avenue GQ | PO Box 351 | Granite Quarry, NC 28072

Office: (704) 279-5596 | Fax: (704) 279-6648

clerk@granitequarrync.gov | www.granitequarrync.gov

From: Barger, Carolyn M <Carolyn.Barger@rowancountync.gov>

Sent: Tuesday, August 6, 2019 9:15 AM

To: Clerk <clerk@granitequarrync.gov>

Subject: Town of Granite Quarry Planning Board - Rev. David Trexler



Rowan County Board of Commissioners
130 West Innes Street
Salisbury, NC 28144
704-216-8180
FAX: 704-216-8195

APPLICATION FOR NOMINATION TO COUNTY BOARDS AND COMMITTEES

****This application is a public record and must be fully completed to be considered****

<u>NAME:</u> Ronald L Jacobs	<u>DATE:</u> 8.1.2019
<u>ADDRESS</u> 916 N. Main GQ Street	<u>HOME AND/OR CELL PHONE:</u> 704.363.6769
<u>CITY, STATE, ZIP:</u> SALISBURY, NC 28146	<u>COUNTY OF RESIDENCE:</u> ROWAN
<u>EMAIL ADDRESS:</u> rjacobs@lewismarketinginc.com	<u>WORK PHONE:</u> 704.376.0262
<u>EDUCATION:</u> Degree CPCC Business, Sales and Marketing	
<u>CURRENT EMPLOYER:</u> Lewis Marketing, Inc.	<u>OCCUPATION:</u> VP ½ owner
<p align="center">I AM INTERESTED IN THE FOLLOWING BOARD/COMMISSION:</p> <p><u>Planning Board</u></p>	
<p align="center"><u>RECENT COMMUNITY ACTIVITIES:</u></p> <p>Have owned my business that does over 30 million per year in sales for 12 yeears and have worked with same company for 32 years. Have also served on condo association board for 10 years with the job of president for 5 years. Have worked with my employees for 32 years to help them grow and prosper thru proper motivation working in a happy work enviorment.</p> <p align="center"><u>WHY DO YOU FEEL YOU ARE QUALIFIED FOR THIS APPOINTMENT?</u> (ATTACH ADDITIONAL SHEETS IF NEEDED)</p> <p><u>HAVE YOU EVER BEEN CONVICTED OF A FELONY?</u> YES ___ NO ___ N ___</p> <p>IF THE ANSWER IS YES ABOVE, PLEASE EXPLAIN (ATTACH ADDITIONAL SHEET IF NECESSARY):</p> <p>I have reviewed the information contained in this application, and by signing below certify that the information is true and correct.</p> <p align="center"></p>	



Rowan County Board of Commissioners
130 West Innes Street
Salisbury, NC 28144
704-216-8180
FAX: 704-216-8195

APPLICATION FOR NOMINATION TO COUNTY BOARDS AND COMMITTEES

****This application is a public record and must be fully completed to be considered****

NAME: HOWELL W KESLER, JR.	DATE: 7-30-2019
ADDRESS: 380 CANTIBERRY DR.	HOME AND/OR CELL PHONE: 704-279-5940
CITY, STATE, ZIP: SALISBURY, N. C. 28144	COUNTY OF RESIDENCE: ROWAN
EMAIL ADDRESS: SMILESI@EARTHLENK.NET	WORK PHONE: CELL RETIRED 704-640-1897
EDUCATION: RCCC BUSINESS ADMINISTRATION	OCCUPATION: RETIRED DUKE ENERGY DEALERSHIP DRIVER
CURRENT EMPLOYER: RETIRED DUKE ENERGY DEALERSHIP DRIVER	
I AM INTERESTED IN THE FOLLOWING BOARD/COMMISSION: ETJ MEMBER ON GRANITE QUARRY ZBA BOARD	
RECENT COMMUNITY ACTIVITIES: NONE AT THIS TIME, VERY ACTIVE IN PAST YEARS, WIFE SERIOUS HEALTH CONDITION	
WHY DO YOU FEEL YOU ARE QUALIFIED FOR THIS APPOINTMENT? (ATTACH ADDITIONAL SHEETS IF NEEDED) 1. LIVED IN ROWAN COUNTY ENTIRE LIFE 2. MANY ACTIVITIES WITH SCHOOLS, CHURCHES & CIVIC GROUPS TOWN PROJECTS	
HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES ___ NO <input checked="" type="checkbox"/>	
IF THE ANSWER IS YES ABOVE, PLEASE EXPLAIN (ATTACH ADDITIONAL SHEET IF NECESSARY):	
I have reviewed the information contained in this application, and by signing below certify that the information is true and correct.	
<div style="text-align: center;"> Applicant Signature</div>	



Rowan County Board of Commissioners
130 West Innes Street
Salisbury, NC 28144
704-216-8180
FAX: 704-216-8195

APPLICATION FOR NOMINATION TO COUNTY BOARDS AND COMMITTEES

*****This application is a public record and must be fully completed to be considered*****

NAME: Kelly Smith	DATE: 7/29/19
ADDRESS: 640 Dunn's Mountain Church Road	HOME AND/OR CELL PHONE: 704-637-7322/704-640-1424
CITY, STATE, ZIP: SALISBURY, NC 28146	COUNTY OF RESIDENCE: ROWAN
EMAIL ADDRESS: kelly.smith@retailbusinessservices.com (Work) knsmith0704@gmail.com (personal)	WORK PHONE: 704-310-3660
EDUCATION: East Rowan High School (Diploma) – Catawba College – (Bachelor of Business Administration)	
CURRENT EMPLOYER: Retail Business Services, LLC (formerly Food Lion, LLC – 32 years of service)	OCCUPATION: Compliance Records Manager

I AM INTERESTED IN THE FOLLOWING BOARD/COMMISSION:
Granite Quarry Zoning Board of Adjustments

RECENT COMMUNITY ACTIVITIES:

- Board of Directors, Rowan Vocational Opportunities
- Volunteer at Rowan Helping Ministries
- Former United Way Allocations Panel member
- Current member of the Veterans and Military Business Resource Group and the Abilities Resource Group at Retail Business Services, LLC (formerly Food Lion, LLC)

WHY DO YOU FEEL YOU ARE QUALIFIED FOR THIS APPOINTMENT?
(ATTACH ADDITIONAL SHEETS IF NEEDED)

I HAVE SERVED NUMEROUS TERMS ON THE GQ ZBA. I LIVE WITHIN ONE MILE OF THE GRANITE QUARRY CITY LIMITS. I HAVE ALSO BEEN A MEMBER OF THE GQ PLANNING AND EVENTS COMMITTEE AND FEEL LIKE I AM ADEQUATELY EDUCATED AND QUALIFIED TO SERVE IN THIS CAPACITY.

HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES ___ NO X

IF THE ANSWER IS YES ABOVE, PLEASE EXPLAIN (ATTACH ADDITIONAL SHEET IF NECESSARY):

I have reviewed the information contained in this application, and by signing below certify that the information is true and correct.



Applicant Signature

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: Carolyn Barger, Clerk to the Board
DATE: August 26, 2019
SUBJECT: To Consider Approval of Closed Session Minutes: March 18, 2019, July 1, 2019 and August 19, 2019

The Board is asked to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(a)(1) to consider approval of the minutes of the Closed Sessions held on March 18, 2019, July 1, 2019 and August 19, 2019.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



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

MEMO TO COMMISSIONERS:

FROM: County Manager Aaron Church
DATE: August 26, 2019
SUBJECT: For Attorney-Client Privileged Communication Regarding Pending Litigation

The Board is asked to enter into Closed Session pursuant to North Carolina General Statute §143-318-318.11(a)(3) for attorney-client privileged communication regarding pending litigation.

ATTACHMENTS:

Description

Upload Date

Type

No Attachments Available