



**Town of Rutherfordton
Planning Board Meeting
Regular Meeting
June 11, 2026
7:00 PM
Town Hall, Council Chambers**

AGENDA

- 1. CALL TO ORDER**
- 2. CITIZEN'S CONCERNS & COMMENTS**
- 3. CONSENT AGENDA**
- 4. OLD BUSINESS**
 - A. Text Amendment - Ordinance Modernization/Neighborhood Infill Residential Overlay District
[RDO Selected Changes](#)
- 5. NEW BUSINESS**
- 6. ADJOURN**

AN ORDINANCE AMENDING
THE “RUTHERFORDTON DEVELOPMENT ORDINANCE”
OF THE TOWN OF RUTHERFORDTON, NORTH CAROLINA

Ordinance Number ZTA 2026-

WHEREAS, on March 4, 2021 the Town Council’s newly adopted “Rutherfordton Development Ordinance”, also known as the “RDO”, became fully effective; and,

WHEREAS, the continuous **modernization of the RDO is consistent** with Sections 5.2.1, objectives 1 & 2; Section 5.2.2; Section 5.2.3, Objective 2; and Section 5.2.9, Objectives 1 & 2 appearing in *Town Plan 2040 Comprehensive Land Use & Master Plan* adopted December 2, 2020 by ensuring the RDO reflects standards and specifications for a growth-oriented municipality;

THEREFORE BE IT ORDAINED by the Town Council that the Rutherfordton Development Ordinance be amended as follows:

PART 1. **Repeal of Certain Ordinances**, or parts thereof, amending the RDO as follows:

Town of Rutherfordton Ordinance No. 18-24, adopted February 7, 2024, enacting certain amendments to RDO Article 7, known as **Part 1** of said ordinance, and RDO Article 8, known as **Part 2** of said ordinance, are hereby repealed in their entirety with any and all such amendments to said articles hereby removed and/or reversed to their original form unless otherwise amended by this Ordinance; and

Town of Rutherfordton Ordinance No. 06-26, adopted October 1, 2025, enacting certain amendments to RDO Articles 8, 10 and 21 is hereby **repealed in its entirety** with any and all such amendments to said articles hereby removed and/or reversed to their original form unless otherwise amended by this Ordinance.

PART 2. Article 2, Section 2.2(C) **appearing on page 2** is hereby amended to read as follows:

“Up to **eight (8) residential lots may be served by a private access drive.**”

PART 3. Article 2, Section 2.17-1 appearing on page 14 of said article is hereby amended to add the following to the end of the current language:

“Driveway connections to a new lot-of-record after July 1, 2026 shall maintain a minimum separation of 47 linear feet, measured at the right-of-way along streets, within the Single-Family Residential (SFR-2, and SFR-3), Mixed Use (MU-1 and MU-2) and Traditional Neighborhood Development Overlay (TNDO) district to enable adequate on-street parking area between driveways without encroaching into the required clearance for residential driveways. Shared driveways are encouraged.”

PART 4. Article 3 is hereby amended to add the following:

Definition in its respective alphabetical position appearing on page 24 of said article: “**LOT, FLAG.** A lot that is composed of a narrow strip being less than the required minimum lot width, hereafter known as the "flagpole", extending from the street and much wider section lying beyond the flagpole section hereafter known as the "flag" configured immediately behind another lot or lots having the required street frontage for the adjacent fully compliant conventional lot(s). In the case of a *Flag Lot*, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for determining setbacks.”

Abbreviation in its respective alphabetical position appearing on page 47 of said article: “**NIRO** – Neighborhood Infill Residential Overlay District”

PART 5. Article 5, Section 5.3-4 entitled “Waiting period for subsequent applications” appearing on page 7; and Article 7, Section 7.8-7 “Resubmission of Denied Applications” appearing on page 12 are deleted in their entirety by act of the General Assembly signed into law as Session Law 2025-94.

PART 6. Article 7 is hereby amended to perform each of the following:

1. Edit Section 7.7-1(G)(1)(e) appearing on page 8 of said article to add the phrase “, basement, ” to the phrase “crawl space and/or stem-wall construction” thereby reading “crawl space, basement and/or stem-wall construction”.
2. Edit Section 7.11-1(G)(1)(e) appearing on page 20 of said article to add the phrase “, basement, ” to the phrase “crawl space and/or stem-wall construction” thereby reading “crawl space, basement and/or stem-wall construction”.

3. Edit the certifications supplement for major subdivisions to require the owner's engineer certification of standards and compliance construction of streets, related infrastructure, water and sewer systems.
4. Edit the plat certifications supplement to the RDO to require owner's engineer certifications, E-911 Coordinator's approval, and add exempt plat certification language to read as stated in the attached hereto.

PART 7. Article 8 is hereby re-written in its entirety to read as stated in the respective replacement article attached hereto.

PART 8. Article 8, Table 8.1 Section 1 Table of Uses is hereby amended to perform each of the following:

1. Add a new use category entitled "Recreational Vehicle Park and/or Campground" in the respective alphabetical order and insert the reference to the use as a "Use Listed with Additional Standards" reference: "A (10.1-39)" applicable to the AG and MHO districts.
2. Add a new use category entitled "Solar Energy System for energy production to grid" in the respective alphabetical order and insert the reference to the use as a "Use Listed with Additional Standards" reference: "A (10.1-40)" applicable to the IND district.
3. Edit terminology without changing district applicability of these Residential Uses (Dwellings) in the following categories by deleting the word "dwelling" at the beginning of each listing and insert a separate line item for "Duplex (2-family) divided into separate lots" with use listed in columns where the "Detached Single-Family" use is listed:
 - a. Accessory Dwelling Unit (ADU)
 - b. Attached Single-Family (incl. term "Townhouse")
 - c. Detached Single-Family, includes Modular Construction per Art. 3
 - d. Duplex (2-family) divided into separate lots with no minimum lot area in either or both of the resulting duplex lots
 - e. Manufactured Home (see sub-sections 22.5-2 & 10.1-36 for replacement units)
 - f. Manufactured Home Park (see sub-sections 2.20 & 22.5-1)
 - g. Multifamily 8 Units or Less
 - h. Multifamily (apartments or condominiums)
4. Add a new district column to Article 8, Table 8.1, Section 1 General Uses as "Neighborhood Infill Residential Overlay (NIRO)", insert the reference "L" to the following Residential Uses (dwellings) on their corresponding rows: Detached Single-Family and Duplex, and insert the reference "A(10.1-36)" to the Manufactured Home row.

PART 9. Article 9 is hereby amended to perform each of the following:

1. Edit Section 9.2-2(A)(6) appearing on page 2 of said article to add the phrase “, basement, ” to the phrase “crawl space and/or stem-wall construction” thereby reading “crawl space, basement and/or stem-wall construction”.
2. Edit Section 9.3-2(A)(5) appearing on page 5 of said article to add the phrase “, basement, ” to the phrase “crawl space and/or stem-wall construction” thereby reading “crawl space, basement and/or stem-wall construction”.
3. Edit Section 9.4-2(A)(6) appearing on page 10 of said article to add the phrase “, basement, ” to the phrase “crawl space and/or stem-wall construction” thereby reading “crawl space, basement and/or stem-wall construction”.

PART 10. Article 10, Section 10.1-3(B)(4) appearing on page 1 of said article is hereby amended to read as follows:

“(4) The maximum gross floor area for the *Accessory Dwelling Unit* shall be 1,200 SF or 80% of the gross floor area of the principal structure, whichever is greater. Variances shall not allow the gross floor area of the *Accessory Dwelling Unit* to exceed 80 percent of the gross floor area of the principal dwelling unit.

PART 11. Article 10, Section 10.1-3(B)(7) is hereby deleted in its entirety.

PART 12. Article 10, Section 10.1-17(7) is hereby deleted in its entirety.

PART 13. Article 10, Section 10.1 appearing on page 25 of said article is hereby amended to add the following to the end of the current language:

“10.1-39 Recreational Vehicle Park and/or Campground.

(A.) Zoning District: AG and MHO

(B.) Standards:

(1.) Minimum area: Two (2.0) acres.

(2.) The minimum number of spaces shall be 15 and the maximum number of spaces shall be 180.

(3.) Minimum setback: 70 feet from all public rights-of-ways and property lines.

(4.) Occupancy: No more than one recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.

(5.) Duration: No individual Recreational Vehicle or camper may occupy any one or more spaces within the Recreational Vehicle and/or Campground Park for more than six (6) consecutive calendar months, with a minimum of seven (7) consecutive days between occupancy of the space with an RV unit and/or tent and/or vehicle within which sleeping occurs.

(6.) Access standards:

(a.) No space shall have direct vehicular access to a public street;

(b.) All spaces shall directly abut a private street in the park;

(c.) Each space shall have adequate access, with a minimum access width of 20 feet.

(7.) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:

(a.) A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and

(b.) One or more playgrounds for school-age children (5-12), teens and adults, containing a minimum of one acre per 40 spaces;

(c.) Recreation areas shall not be in an area used for septic tank fields.

(8.) There shall be no sales of recreational vehicles in the park, other than units established and previously occupied for a minimum of 90 consecutive days on-site.

(9.) Drainage and Grading:

(a.) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the park.

(b.) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the recreational vehicle pad.

(c.) The surface slope of the stand or pad shall not exceed 3%.

(d.) No banks, except along drainage ditches, shall have a slope steeper than three feet to one foot (3:1).

(10.) Garbage and Refuse Disposal: All refuse shall be stored in conveniently located, leak-proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. The containers, racks, and/or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. All refuse shall be collected at least weekly, or more often if the need is indicated.

(11.) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:

(a.) Name, address and space number of each occupant;

(b.) The date the recreational vehicle and/or camping vehicle entered the park;

(c.) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, makes, and type of vehicle.

(12.) The operator shall keep the register available at all times for inspection by the Code Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(13.) Park Manager Residence: A single-family detached dwelling may be provided for the manager of the park.

(14.) Pre-existing Dwellings: Pre-existing dwellings on the site may remain.

(15.) Design Requirements Applicable to Recreational Vehicle and/or Campground Parks: The following design requirements apply to Recreational Vehicle and/or Campground Parks:

(a.) Minimum Recreational Vehicle Space Size: A space shall consist of a minimum of 1,800 square feet and shall have a width of at least 25 feet along the full length and location of the pad hosting the Recreational Vehicle.

(b.) Every Recreational Vehicle and/or Campground space shall be clearly numbered and established on the ground by permanent monuments or markers.

(c.) Each Recreational Vehicle space shall contain:

(i.) a properly graded and compacted surface no less than 14 feet by 48 feet

constructed of concrete, brick, flagstone or other hard surface material a minimum of 672 square feet in area;

(ii.) a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road;

(d.) Additions: Prefabricated structures specifically designed by the manufacturer for extensions and any other addition such as awnings, racks, steps, portable porches and furnishings may be added to any space provided they are removed when the Recreational Vehicle/Camper departs the site for more than 24 hours.

(e.) Construction and Design of Private Streets:

(i.) Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum design standards for private streets as set forth in the Town of Rutherfordton Technical Standards and Specifications Manual for rural (ditch type) cross-sections;

(ii.) One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 Recreational Vehicle and/or Campground spaces) shall have a 20-foot minimum clear emergency vehicle access easement with 12-foot minimum paved surface;

(iii.) all private streets shall have signage in accordance with Town standards for safety and identification;

(iv.) Private streets shall be lighted at night with cut-off fixtures to avoid light more than twelve (12) linear feet into any Recreational Vehicle or Campground tent space.

(f.) Park Access: If a Recreational Vehicle and/or Campground park has more than one (1) direct access to a public street, such access points shall be no less than 200 feet apart and no closer than 300 feet to a public street intersection.

(g.) Parking:

(i.) One parking spaces, a minimum of 10 feet by 20 feet, shall be provided within each Campground tent site space;

(ii.) All parking spaces shall be paved or covered with four inches (4") of crushed stone;

(iii.) No parking shall be allowed on private entrance and collector streets.

(h.) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

(i.) Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be or removed from the Recreational Vehicle and/or Campground park.

(j.) Utilities Installation: Each space located within a park shall comply with the current North Carolina Regulations for utility services for appurtenance manufacture and installation and must be inspected to assure compliance prior to occupancy.

- (i.) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
- (ii.) Placement of utilities serving the Recreational Vehicle and/or Campground space shall comply with the NC Building Code for Plumbing.
- (iii.) Minimum electrical service of 50 ampere, 120-volt single phase shall be provided to each Recreational Vehicle space. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
- (iv.) Each Recreational Vehicle and/or Campground park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Rutherford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual Recreational Vehicle and/or Campground space shall be obtained only from faucets or other plumbing connections located within each Recreational Vehicle and/or Campground space.
- (v.) Each Recreational Vehicle and/or Campground Park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Rutherford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the Recreational Vehicle and/or Campground Park sewage disposal system.
- (k.) Liquefied Propane (LP gas) Tanks: Each Recreational Vehicle and/or Campground space that requires the use of LP gas shall be furnished with a painted, prefabricated metal stand. Said stand may be attached to or provided by the person registered to occupy the space.”

10.1-40 Solar Energy System (SES).

- (A.) This section applies to the construction of any new SES within the zoning jurisdiction of the Town.
- (B.) An SES established prior to the effective date of this chapter shall be exempt. Exception: Modification to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subject to this chapter.
- (C.) Maintenance and repair are not subject to this section.
- (D.) This chapter does not supersede regulations from local, state, or federal agencies.
- (E.) Aviation notification. The following requirements apply only to Level 1, Level 2, and Level 3 systems over one-half an acre in size:

(1.) A map analysis showing a radius of five nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

(2.) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 30 days before for Level 3 SESs and at least 45 days before starting construction for applicable Level 1 and Level 2 SESs. Notification shall include location of SES (i.e. map, coordinates, address, parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, and the like), and the area of system (e.g. five acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.

(3.) The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the Zoning Administrator, shall be sent to the authority indicated below at least 30 days before for Level 3 SESs and at least 45 days before starting construction for Level 1 and Level 2 SESs. Proof of delivery of notification and date of delivery shall be submitted with permit application.

(a.) Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina.

(b.) Airport operations at airports not in the NPIAS, including military airports, within five nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.

(4.) Any applicable SES design changes (e.g. module tilt, module reflectivity, and the like) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in divisions (E)(3)(a) and (E)(3)(b) above for accurate records of the as-built system.

(F.) Level 1 SESs are a permitted use provided they meet the applicable height, setback, aviation notification, and related district standards.

(G.) Level 2 and Level 3 solar energy system requirements. These requirements are in addition to height, setback, aviation notification, and applicable district standards.

(1.) Site plan. A site development plan in accordance with Section 7.7 of this Ordinance shall be submitted to the Planning, Zoning & Subdivision Administrator demonstrating compliance with setback and height limitations, applicable zoning district requirements such as lot coverage, and applicable requirements of this section.

(2.) Visibility.

(a.) Level 1 SESs shall be constructed with buffering as required by the applicable zoning district or development standards.

(b.) Level 2 & 3 SESs shall be constructed with buffering as required by the applicable zoning district or development standards such that a complete visual separation is achieved from adjoining uses of a lower intensity (or residential uses).

(c.) Public signage (i.e. advertising, educational, and the like) as permitted by local signage ordinance, including appropriate or required security and safety signage.

(d.) If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

(3.) Decommissioning.

(a.) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application.

(i.) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, and the like).

(ii.) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.

(iii.) Restoration of property to condition prior to development of the SES.

(iv.) The timeframe for completion of decommissioning activities.

(v.) Description of any agreement (e.g. lease) with the landowner regarding decommissioning.

(vi.) The party currently responsible for decommissioning.

(vii.) Plans for updating this decommissioning plan.

(b.) Prior to the issuance of a building permit, the owner of a SES site shall provide a surety or performance bond that renews automatically or irrevocable letter of credit in favor of the Town in an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to construction. A bond certificate must be submitted to the Land Management Department each year verifying the bond has been properly renewed. If the SES owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in central North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the conditional use permit.

(c.) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Register of Deeds.

(4.) Parcel line setbacks. Dimensional requirements and setbacks to SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, must comply with the underlying zoning district requirements in § 155.054. However:

(a.) Sight distance. Ground-mounted SES must also not impair sight distance for safe access to or from the property or other properties in the vicinity.

(b.) Screening. Level 1 SESs are subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, and the like).

(c.) Height. The height of systems will be measured from the highest natural grade below each solar panel. Height limitations exclude utility poles and any antennas constructed for the project.

(i.) Roof-mounted. Per underlying zoning district.

(ii.) Ground-mounted Level 1. Ground-mounted Level 1 systems shall be limited to ten feet maximum height.

(iii.) Ground-mounted Level 2 & 3. Ground-mounted Level 2 & 3 systems shall be limited to 20 feet maximum height.

(d.) The parcel line setback to ground-mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility shall be as required for Principal Structures in all districts.

(5.) Prevention of clustering.

(a.) No new SES shall be allowed within one geodesic mile of an existing or previously permitted SES within the corporate limits of the Town or within the Town's extraterritorial jurisdiction.

(b.) No new SES will be allowed inside the corporate limits of the Town or within the Town's extraterritorial jurisdiction, within 400 feet of a main entrance into the Town.”

PART 14. Article 10, Section 10.2-10 , subsections 10.2-10(B).(1.), (2.), and (3.) are hereby re-written to read as follows:

(1.) Minimum area: Two (2) acres.

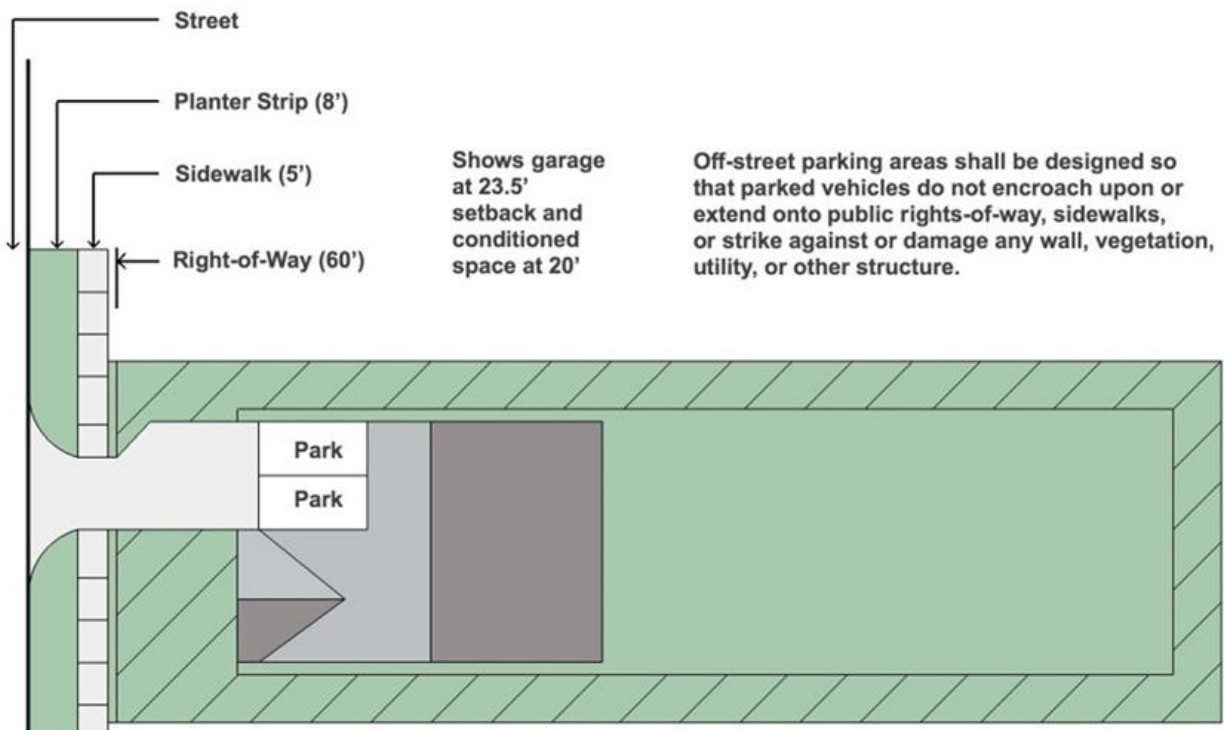
(2.) The minimum number of spaces shall be fifteen (15) and the maximum number of spaces shall be 180.

(3.) Minimum setback: Seventy (70) feet from all public rights-of-ways and property lines.

PART 15. Article 12, Section 12.3, subsections 1, 2 and 3 appearing on page 1 of said article are hereby re-written to read as follows:

“12.3 Standards for Parking in Residential Districts

12.3-1 Medium and Low-Density Lots. To enable emergency access to occupant area on Lots of Record equal to or greater than sixty (60) feet in width, but less than 120 feet in width, established after January 1, 2018, minimum required off-street parking space(s), whether enclosed or not, shall be recessed at least 3.5 feet behind the primary front plane of the Conditioned Space of a residential structure. (Ex. SFR-3)



12.3-2 High Density Lots. To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, alley access by a “privately maintained public access and utility easement” is required if on-site parking is provided except as provided in Section 12.3-4 below. Existing Lots of Record are exempt.

12.3-3 Front or Side Entry Parking on High Density Lots. To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, attached and detached single-family homes may be permitted to have front or side entry parking access if the following conditions are met:

(1.) Driveways connected to the street shall be a minimum of 47'-0" apart, as measured at the right-of-way line. Existing Lots of Record are exempt.

(2.) For attached single-family homes, the minimum required off-street parking space(s), whether enclosed or not, may not abut one another unless connected to an alley in a privately maintained public access and utility easement.

(3.) Single or double bay side-loading off-street parking spaces, whether enclosed or not, shall be permitted for the end unit of an attached house provided the minimum required off-street parking space(s), whether enclosed or not, is recessed at least 1.5 feet behind the primary plane of the conditioned space of a residential structure."

PART 16. Article 13 is hereby re-written in its entirety to read as stated in the respective replacement article attached hereto.

PART 17. Article 16, Section 16.2-3(M.) shall be rewritten to read as follows:

(M.) "Flag lots. Flag lots shall be permitted subject to the following standards:

- (1.) A flag lot shall serve only residential uses;
- (2.) The maximum flagpole length shall be 300 feet;
- (3.) The minimum flagpole width shall be 25 feet;
- (4.) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. The flagpole portion of the lot is not included in the measurement of lot area, width, depth, coverage, and setbacks of the lot or to provide off-street parking;
- (5.) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet in any direction; and;
- (6.) Use of a single driveway to serve a flag lot and an adjoining lot is permitted. The driveway shall be located on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.
- (7.) Not more than 4% of the total number of lots in a subdivision or development shall be flag lots.

PART 18. This Ordinance shall be effective at 12:01 AM EST on _____, 2026.

ADOPTED on this the ___th day of _____ 2026.

s/ _____

Jimmy Dancy, Mayor

s/ _____

Jeanie Hall, Town Clerk

APPROVED AS TO FORM:

s/ _____

Elizabeth T. Miller, Town Attorney

DRAFT for Planning Board Review - 11 June 2026

- (C.) Up to eight (8) residential lots may be served by a private access drive.
- (D.) A site specific development plan may be considered for approval in the Main Street (MS) District, Traditional Neighborhood Development Overlay (TNDO) District where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 3, where adequate access by emergency vehicles is maintained by way of a street or *alley* and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.
- (E.) A site-specific development plan may be considered for approval in the Residential Main Street Transition (RMST) District, Main Street (MS) District, Mixed-Use (MU) Districts, US Highway 221 Commercial (C-221) District, US Highway 74 Commercial (C-74) District, Vehicle Service and Repair (VSR) District, Mixed Use (MU) Districts, Civic (CIV) District, or Industrial (IND) District to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the development front upon a public street or are buffered in accordance with this Ordinance. Non-residential subdivisions should be primarily served by public streets and use of private drives should be minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative. Private drives serving uses in the Residential Main Street Transition (RMST) District, Main Street (MS) District, Mixed-Use (MU) Districts, US Highway 221 Commercial (C-221) District, US Highway 74 Commercial (C-74) District, Vehicle Service and Repair (VSR) District, Mixed Use (MU) Districts, Civic (CIV) District, or Industrial (IND) District shall be constructed in accordance with the standards for streets as found in the Town of Rutherfordton Standards and Specifications Manual and sidewalks shall be provided on at least one side of the private drive.
- (F.) To access a lot or lots in the Residential Main Street Transition (RMST) District, Main Street (MS) District, Mixed-Use (MU) Districts, US Highway 221 Commercial (C-221) District, US Highway 74 Commercial (C-74) District, Vehicle Service and Repair (VSR) District, Mixed Use (MU) Districts, Civic (CIV) District, or Industrial (IND) District, where factors beyond developer control, such as a “limited access” highway along the divided cross-sections, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

- 2.16-2 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.
- 2.16-3 Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.

2.17 General Standards for Driveway Permitting (*Amended* [REDACTED], 2026)

- 2.17-1 Driveway Permit Required. No driveway or other point of access to a street maintained by either the Town of Rutherfordton or the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from either the Town of Rutherfordton or the North Carolina Department of Transportation. The applicant shall comply with the standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the Town of Rutherfordton prior to construction of the driveway. All driveways shall be paved surfaces within the public right-of-way. **Driveway connections to a new lot-of-record after July 1, 2026 shall maintain a minimum separation of 47 linear feet, measured at the right-of-way along streets, within the Single-Family Residential (SFR-2, and SFR-3), Mixed Use (MU-1 and MU-2) and Traditional Neighborhood Development Overlay (TNDO) district to enable adequate on-street parking area between driveways without encroaching into the required clearance for residential driveways. Shared driveways are encouraged.**
- 2.17-2 Projects Composed of Multiple Buildings and Lots. For development projects composed of multiple buildings and lots, access to the predevelopment existing public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area without first having secured the approval in sub-section 2.17-1 above.
- 2.17-3 Access to Subdivision Lots. In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each Zoning Compliance Permit is issued.
- 2.17-4 Location and Design of Access. Determination of the location and design of access to the public street system shall be made by the *Planning, Zoning & Subdivision Administrator, Town Engineer* and other regulatory and professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special

ARTICLE 8 (Amended [REDACTED] 2026)

DISTRICTS

8.1 Purpose

In order to provide for the orderly development of Rutherfordton, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes districts and their associated standards and specifications.

8.2 Districts Created (Amended [REDACTED] 2026)

The following Primary General-Use Districts are created. This listing is in order of intensity of development listed within the district, from least intense to most intense:

- (1.) Agriculture (AG)
- (2.) Single-Family Residential (SFR-1)
- (3.) Single-Family Residential (SFR-2)
- (4.) Single-Family Residential (SFR-3)
- (5.) Residential Main Street Transition (RMST)
- (6.) Main Street (MS)
- (7.) Civic (CIV)
- (8.) Mixed Use (MU-1)
- (9.) Mixed Use (MU-2)
- (10.) US Highway 221 Commercial District (C-221)
- (11.) US Highway 74 Commercial District (C-74)
- (12.) Vehicle Service and Repair (VSR)
- (13.) Industrial (IND)

In addition to the Primary General-Use Districts above, the following Overlay Districts are created to provide for more creativity in the development of land and/or to protect unique environmental features of the Town:

- (14.) Traditional Neighborhood Development Overlay (TNDO)
- (15.) Scenic Corridor Overlay (SCO)
- (16.) Heavy Industry Overlay (HIO)
- (17.) Mini Farm Overlay (MFO)
- (18.) Manufactured Home Overlay (MHO)
- (19.) Neighborhood Infill Residential Overlay (NIRO)

network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted Town Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

The Traditional Neighborhood Development Overlay District (TNDO) provides an alternative opportunity applicable only upon request for a Zoning Map Amendment for the development of new neighborhoods and the revitalization or extension of existing neighborhoods.. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Rutherfordton's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the Town by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

The Heavy Industry Overlay District (HIO) is established to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations.

The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than one unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Town and its extraterritorial jurisdiction. Allowed building/lot type is Detached House.

The Manufactured Home Overlay District (MHO) is established to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-909.

The Neighborhood Infill Residential Overlay (NIRO) is established to provide an alternative applicable only upon request for a Zoning Map Amendment to utilize opportunities for small scale infill development at increased overall density where smaller dwellings may be grouped onto an individual parcel and sold individually without individual lot minimums or street frontage requirements. The NIRO district requires careful but creative planning and design with careful attention paid to the relationship of the dwellings to others on the same project site and those adjacent and/or contiguous to the project site.

8.5-1 Traditional Neighborhood Development Overlay (TNDO) (Amended [REDACTED] 2026)

- (A.) Intent: The Traditional Neighborhood Development Overlay District (TNDO) provides an alternative opportunity applicable only upon request for a Zoning Map Amendment for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.
- (B.) Applicability. Application for a TNDO District shall serve as consent per G.S. 160D-702(b) to the standards & specifications applicable to TNDO District development. A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood Development Overlay (TNDO) District applications and apply to all projects within the TNDO District.
- (C.) Listed Uses:
- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
 - (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
 - (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2
- (D.) Listed Building and Lot Types: Urban Workplace, Shop-front Commercial, Multi-family Building, Detached House, Attached House and Civic Building
- (E.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:
- (1.) Single-Family Detached: 7 units/acre
 - (2.) Single-Family Attached: 12 units/acre
 - (3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits
- (F.) General Standards & Specifications:
- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Traditional

8.5-5 Manufactured Home Overlay (MHO) (Amended [REDACTED] 2026)

(A.) Intent. The Manufactured Home Overlay District (MHO) is established as an alternative opportunity applicable only upon request for a Zoning Map Amendment to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-909.

(B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Manufactured Home Park Overlay District, to properties with a minimum size of two (2) acres in either the Single-family Residential (SFR-3) district, or the Mixed Use (MU) district.

(C.) Listed Uses:

(1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article

(2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1

(3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2)

(D.) Listed Building and Lot Type: Detached House

(E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

(1.) Compliance with the provisions of Section 10.2-10 of this Ordinance.

(2.) Maximum density shall be three (3) dwellings per gross acre of the Tract(s) within the MHP district.

(3.) There shall be a minimum separation of 24 feet between all enclosed structures.

8.5-6 Neighborhood Infill Residential Overlay (NIRO) (Amended 2026)

(A) Intent. The Neighborhood Infill Residential Overlay (NIRO) is established to provide an alternative applicable only upon request for a Zoning Map Amendment to utilize opportunities for small scale infill development at increased overall density where smaller dwellings may be grouped onto an individual parcel and sold individually without individual lot minimums or street frontage requirements. The NIRO district requires careful but creative planning and design with careful attention paid to the relationship of the dwellings to others on the same project site and those adjacent and/or contiguous to the project site.

(B.) Applicability. Application for a NIRO District shall serve as consent per G.S. 160D-702(b) to the standards & specifications applicable to NIRO District development herein. NIRO districts shall be limited to a maximum of two (2) acres. The provisions set forth below may be applied, upon designation of the property to Neighborhood Infill Residential Overlay District as a Conditional Zoning District, requiring the applicable standards of Article 5, Section 5.4 of this Ordinance in any of the following districts:

- (1.) Residential Main Street Transition (RMST)
- (2.) Single-Family Residential (SFR-3) and/or
- (3.) Mixed Use (MU-1 and MU-2)

(C.) Listed Uses: Detached House, Duplex (two-family dwelling divided into separate lots)

See underlying Primary General-Use District for Listed Uses.

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2)

(D.) Listed Building and Lot Type: Detached House, Duplex (two-family dwelling divided into separate lots, with no minimum lot area)

(E.) Residential Density Limits shall be twelve (12) dwelling units per acre, including Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

(F.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

- (1.) No minimum lot area or street frontage required for newly created lots as part of the establishment of the NIRO.
- (2.) Buildings shall be setback from the overall parcel boundary in accordance with the provisions of the underlying Primary Zoning District standards.

- (3.) There shall be a minimum separation of eight (8) feet between all enclosed structures.
- (4.) Common areas shall be maintained by predetermined designated responsible party appearing on the plat and/or deeds of each unit deeded separately, such as an individual parcel and/or dwelling owner within the NIRO District development or an association of property owners consisting of all such owners within the NIRO District.
- (5.) The minimum number of parking spaces for each unit shall be provided in accordance with the provisions of Article 12 of this Ordinance and shall be proposed on the requisite Site Development Plan and/or Preliminary Plat per Article 16 of this Ordinance as a condition of the Conditional Zoning District upon common or private unit ownership areas. In any event, provisions for private maintenance of common infrastructure upon the site shall be in accordance with NCGS 47(F).
- (6.) Each development shall be served by a “privately maintained public access and utility easement” within which a paved driveway providing a minimum width of sixteen (16) feet for two-way circulation and/or twelve (12) feet for one-way circulation shall be constructed prior to occupancy of any new dwelling(s) erected upon the site.

DRAFT for Planning Board Review

ARTICLE 10 (Amended [REDACTED], 2026)

USES WITH ADDITIONAL STANDARDS AND SPECIAL USES

10.1 Uses with Additional Development Standards

10.1-1 Purpose. Certain uses provide services and benefits for residents of and visitors to the Town of Rutherfordton. The convenient location of these uses is necessary to their success and the function of the community. Due to the potential impacts of these uses, certain additional standards are necessary to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require additional standards and establishes the standards they must meet.

10.1-2 Standards Established. The following Uses with Additional Standards and the standards they must meet are hereby established.

10.1-3 Accessory Dwelling Units. (Amended [REDACTED] 2026)

(A.) Zoning Districts where additional standards below apply: “AG”, “SFR”, “RMST”, “TNDO”, “CIV”, and “MU”; however, this use is also listed without supplemental standards in “MS”.

(B.) Standards.

(1.) One (1) *Accessory Dwelling Unit* shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district.

(2.) The *Accessory Dwelling Unit* shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

(3.) Home occupations may be located within the *Accessory Dwelling Unit*.

(4.) The maximum gross floor area for the *Accessory Dwelling Unit* shall be 1,200 SF or 80% of the gross floor area of the principal structure, whichever is greater.

Variations shall not allow the gross floor area of the *Accessory Dwelling Unit* to exceed 80 percent of the gross floor area of the principal dwelling unit.

(5.) The *Accessory Dwelling Unit* may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the *Accessory Dwelling Unit* may have a separate entrance. If the *Accessory Dwelling Unit* is located in a separate structure, the following standards shall apply:

(a.) The accessory structure housing the *Accessory Dwelling Unit* must be located behind the principal dwelling. On corner lots, the accessory structure housing the *Accessory Dwelling Unit* may be located on the corner street side of and behind the principal dwelling but must be oriented to the front street (same

orientation as principal dwelling).

(b.) Vehicular access to the *Accessory Dwelling Unit* shall be via the same drive that provides access to the principal structure unless the *Accessory Dwelling Unit* is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the *Accessory Dwelling Unit*, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.

(6.) One (1) parking space may be provided for the *Accessory Dwelling Unit*. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the *Accessory Dwelling Unit*.

(7.) RESERVED

(8.) The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an *Accessory Dwelling Unit* is prohibited.

(9.) The *Accessory Dwelling Unit* shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

10.1-4 Automobile/Boat/Equipment Repair Service.

(A.) Zoning Districts where additional standards below apply: “C-221”, “VSR”, and “IND”

(B.) Standards.

(1.) Vehicles awaiting repair shall not be parked in public right-of-way.

(2.) No outdoor automobile/boat work areas are to be located in front yard setback area.

(3.) All outdoor automobile/boat work areas and/or vehicle storage areas shall be screened from adjacent uses with a six (6) foot tall opaque fence and a type D buffer (see Article 11); plantings shall be on the exterior side of the fence.

10.1-5 Automobile Towing and Storage Service.

(A.) Zoning Districts where additional standards below apply: “VSR”, and “IND”

(B.) Standards.

(1.) No more than 30 automobiles shall be stored at an automobile towing and storage service at a time.

(2.) The automotive storage area must be screened with a six-foot-tall opaque fence and a type C buffer (see Article 11); plantings shall be on the exterior side of the fence.

(3.) No outdoor disassembly or salvaging is permitted.

(B.) Exclusions include licensed motor vehicles titled to a resident and/or occupant of the property, provided such vehicles are not in violation of the provisions of Section 10.1-22 of this Article.

(C.) Standards:

- (1.) In all zoning districts where storage of bulk materials, inventory, customer owned property, and/or equipment is stored outdoors more than three (3) consecutive calendar days the site shall:
 - (a.) consist of a minimum of five (5) acres for uses other than Utility Substations;
 - (b.) provide for the screening and buffering along all site perimeter of the area designated for Outdoor Storage on an approved site plan with a Type D Buffer Yard, except where the site abuts an adjacent Zoning District requiring the provision of a Buffer Yard in accordance with Table 11.1 appearing in Article 11 of this Ordinance.

10.1-38 Tattoo and/or Body Piercings Studio

(A.) Zoning Districts where the additional standards for this use below are applicable are identified in Article 8, Table 8.1 of this Ordinance.

(B.) Standards.

- (1.) Tattoo and/or body piercing establishments shall have designed store layouts that prevent the act of tattooing and/or piercing from being visible from storefront windows.
- (2.) Tattoo and/or body piercing establishments shall have no window tinting, drapery, or dark covering of windows.
- (3.) The structure in which the tattoo and/or body piercing establishment is located shall contain no sleeping quarters.

10.1-39 Recreational Vehicle Park and/or Campground. (Amended [REDACTED], 2026)

(A.) Zoning District: AG and MHO

(B.) Standards:

- (1.) Minimum area: Two (2.0) acres.
- (2.) The minimum number of spaces shall be 15 and the maximum number of spaces shall be 180.
- (3.) Minimum setback: 70 feet from all public rights-of-ways and property lines.
- (4.) Occupancy: No more than one recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.
- (5.) Duration: No individual Recreational Vehicle or camper may occupy any one or more spaces within the Recreational Vehicle and/or Campground Park for more than six (6) consecutive calendar months, with a minimum of seven (7)

consecutive days between occupancy of the space with an RV unit and/or tent and/or vehicle within which sleeping occurs.

(6.) Access standards:

(a.) No space shall have direct vehicular access to a public street;

(b.) All spaces shall directly abut a private street in the park;

(c.) Each space shall have adequate access, with a minimum access width of 20 feet.

(7.) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:

(a.) A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and

(b.) One or more playgrounds for school-age children (5-12), teens and adults, containing a minimum of one acre per 40 spaces;

(c.) Recreation areas shall not be in an area used for septic tank fields.

(8.) There shall be no sales of recreational vehicles in the park, other than units established and previously occupied for a minimum of 90 consecutive days on-site.

(9.) Drainage and Grading:

(a.) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the park.

(b.) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the recreational vehicle pad.

(c.) The surface slope of the stand or pad shall not exceed 3%.

(d.) No banks, except along drainage ditches, shall have a slope steeper than three feet to one foot (3:1).

(10.) Garbage and Refuse Disposal: All refuse shall be stored in conveniently located, leak-proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. The containers, racks, and/or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. All refuse shall be collected at least weekly, or more often if the need is indicated.

- (11.) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
- (a.) Name, address and space number of each occupant;
 - (b.) The date the recreational vehicle and/or camping vehicle entered the park;
 - (c.) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, makes, and type of vehicle.
- (12.) The operator shall keep the register available at all times for inspection by the Code Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
- (13.) Park Manager Residence: A single-family detached dwelling may be provided for the manager of the park.
- (14.) Pre-existing Dwellings: Pre-existing dwellings on the site may remain.
- (15.) Design Requirements Applicable to Recreational Vehicle and/or Campground Parks: The following design requirements apply to Recreational Vehicle and/or Campground Parks:
- (a.) Minimum Recreational Vehicle Space Size: A space shall consist of a minimum of 1,800 square feet and shall have a width of at least 25 feet along the full length and location of the pad hosting the Recreational Vehicle.
 - (b.) Every Recreational Vehicle and/or Campground space shall be clearly numbered and established on the ground by permanent monuments or markers.
 - (c.) Each Recreational Vehicle space shall contain:
 - (i.) a properly graded and compacted surface no less than 14 feet by 48 feet constructed of concrete, brick, flagstone or other hard surface material a minimum of 672 square feet in area;
 - (ii.) a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road;
 - (d.) Additions: Prefabricated structures specifically designed by the manufacturer for extensions and any other addition such as awnings, racks, steps, portable porches and furnishings may be added to any space provided they are removed when the Recreational Vehicle/Camper departs the site for more than 24 hours.
 - (e.) Construction and Design of Private Streets:
 - (i.) Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum design standards for private streets as set forth in the Town of Rutherfordton Technical Standards and Specifications Manual for rural (ditch type)

cross-sections;

(ii.) One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 Recreational Vehicle and/or Campground spaces) shall have a 20-foot minimum clear emergency vehicle access easement with 12-foot minimum paved surface;

(iii.) all private streets shall have signage in accordance with Town standards for safety and identification;

(iv.) Private streets shall be lighted at night with cut-off fixtures to avoid light more than twelve (12) linear feet into any Recreational Vehicle or Campground tent space.

(f.) Park Access: If a Recreational Vehicle and/or Campground park has more than one (1) direct access to a public street, such access points shall be no less than 200 feet apart and no closer than 300 feet to a public street intersection.

(g.) Parking:

(i.) One parking spaces, a minimum of 10 feet by 20 feet, shall be provided within each Campground tent site space;

(ii.) All parking spaces shall be paved or covered with four inches (4") of crushed stone;

(iii.) No parking shall be allowed on private entrance and collector streets.

(h.) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

(i.) Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be or removed from the Recreational Vehicle and/or Campground park.

(j.) Utilities Installation: Each space located within a park shall comply with the current North Carolina Regulations for utility services for appurtenance manufacture and installation and must be inspected to assure compliance prior to occupancy.

(i.) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

(ii.) Placement of utilities serving the Recreational Vehicle and/or Campground space shall comply with the NC Building Code for Plumbing.

(iii.) Minimum electrical service of 50 ampere, 120-volt single phase shall be provided to each Recreational Vehicle space. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

(iv.) Each Recreational Vehicle and/or Campground park shall obtain water from a public water supply when available, and when unavailable, from a

source approved by the Rutherford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual Recreational Vehicle and/or Campground space shall be obtained only from faucets or other plumbing connections located within each Recreational Vehicle and/or Campground space.

(v.) Each Recreational Vehicle and/or Campground Park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Rutherford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the Recreational Vehicle and/or Campground Park sewage disposal system.

(k.) Liquefied Propane (LP gas) Tanks: Each Recreational Vehicle and/or Campground space that requires the use of LP gas shall be furnished with a painted, prefabricated metal stand. Said stand may be attached to or provided by the person registered to occupy the space.

10.1-40 Solar Energy System (SES).

(A.) This section applies to the construction of any new SES within the zoning jurisdiction of the town.

(B.) An SES established prior to the effective date of this chapter shall be exempt. Exception: Modification to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subject to this chapter.

(C.) Maintenance and repair are not subject to this section.

(D.) This chapter does not supersede regulations from local, state, or federal agencies.

(E.) Aviation notification. The following requirements apply only to Level 1, Level 2, and Level 3 systems over one-half an acre in size:

(1.) A map analysis showing a radius of five nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

(2.) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 30 days before for Level 3 SESs and at least 45 days before starting construction for applicable Level 1 and Level 2 SESs. Notification shall include location of SES (i.e. map, coordinates, address, parcel ID), technology

(i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, and the like), and the area of system (e.g. five acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.

(3.) The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the Zoning Administrator, shall be sent to the authority indicated below at least 30 days before for Level 3 SESs and at least 45 days before starting construction for Level 1 and Level 2 SESs. Proof of delivery of notification and date of delivery shall be submitted with permit application.

(a.) Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina.

(b.) Airport operations at airports not in the NPIAS, including military airports, within five nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.

(4.) Any applicable SES design changes (e.g. module tilt, module reflectivity, and the like) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in divisions (E)(3)(a) and (E)(3)(b) above for accurate records of the as-built system.

(F.) Level 1 SESs are a permitted use provided they meet the applicable height, setback, aviation notification, and related district standards.

(G.) Level 2 and Level 3 solar energy system requirements. These requirements are in addition to height, setback, aviation notification, and applicable district standards.

(1.) Site plan. A site development plan in accordance with Section 7.7 of this Ordinance shall be submitted to the *Planning, Zoning & Subdivision Administrator* demonstrating compliance with setback and height limitations, applicable zoning district requirements such as lot coverage, and applicable requirements of this section.

(2.) Visibility.

(a.) Level 1 SESs shall be constructed with buffering as required by the applicable zoning district or development standards.

(b.) Level 2 & 3 SESs shall be constructed with buffering as required by the applicable zoning district or development standards such that a complete visual separation is achieved from adjoining uses of a lower intensity (or residential uses).

(c.) Public signage (i.e. advertising, educational, and the like) as permitted by local signage ordinance, including appropriate or required security and safety signage.

(d.) If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

(3.) Decommissioning.

(a.) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application.

(i.) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, and the like).

(ii.) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.

(iii.) Restoration of property to condition prior to development of the SES.

(iv.) The timeframe for completion of decommissioning activities.

(v.) Description of any agreement (e.g. lease) with the landowner regarding decommissioning.

(vi.) The party currently responsible for decommissioning.

(vii.) Plans for updating this decommissioning plan.

(b.) Prior to the issuance of a building permit, the owner of a SES site shall provide a surety or performance bond that renews automatically or irrevocable letter of credit in favor of the town in an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to construction. A bond certificate must be submitted to the Land Management Department each year verifying the bond has been properly renewed. If the SES owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in central North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the conditional use permit.

(c.) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Register of Deeds.

(4.) Parcel line setbacks. Dimensional requirements and setbacks to SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, must comply with the underlying zoning district requirements in § 155.054. However:

(a.) Sight distance. Ground-mounted SES must also not impair sight distance for safe access to or from the property or other properties in the vicinity.

(b.) Screening. Level 1 SESs are subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, and the like).

(c.) Height. The height of systems will be measured from the highest natural grade below each solar panel. Height limitations exclude utility poles and any antennas constructed for the project.

(i.) Roof-mounted. Per underlying zoning district.

(ii.) Ground-mounted Level 1. Ground-mounted Level 1 systems shall be limited to ten feet maximum height.

(iii.) Ground-mounted Level 2 & 3. Ground-mounted Level 2 & 3 systems shall be limited to 20 feet maximum height.

(d.) The parcel line setback to ground-mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility shall be as required for Principal Structures in all districts.

(5.) Prevention of clustering.

(a.) No new SES shall be allowed within one geodesic mile of an existing or previously permitted SES within the corporate limits of the town or within the Town's extraterritorial jurisdiction.

(b.) No new SES will be allowed inside the corporate limits of the town or within the Town's extraterritorial jurisdiction, within 400 feet of a main entrance into the Town.

DRAFT for Planning Board Review 11.26.26

(this space left blank intentionally)

care facility unless located within the Civic (CIV) district and/or specifically approved within a Traditional Neighborhood Development Overlay (TNDO) district.

- (2.) The facility shall be limited to no more than thirty (30) persons.
- (3.) Buildings shall be of a type permitted in the zoning district.

10.2-9 Junkyards and/or Salvage Yards, Auto Parts.

(A.) Zoning District where the conditions appearing below apply: “IND” with “HIO”

(B.) Conditions:

- (1.) The minimum area required to establish a salvage yard shall be five (5) acres.
- (2.) A six-foot-tall opaque fence of uniform construction and a type A buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.
- (3.) No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

10.2-10 Manufactured Dwelling Park. (Amended [REDACTED], 2026)

(A.) Zoning District: MHO

(B.) Conditions:

- (1.) Minimum area: Two (2) acres.
- (2.) The minimum number of spaces shall be fifteen (15) and the maximum number of spaces shall be 180.
- (3.) Minimum setback: Seventy (70) feet from all public rights-of-ways and property lines.
- (4.) No more than one manufactured dwelling or recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.
- (5.) Access standards:
 - (a.) No space shall have direct vehicular access to a public street;
 - (b.) All spaces shall directly abut a private street in the park;
 - (c.) Each space shall have adequate access, with a minimum access width of 20 feet.
- (6.) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:
 - (a.) A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and