State of North Carolina

Minutes

County of Madison

The Madison County Board of Adjustment met on Monday, March 25, 2024, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chairman Robert Briggs; Vice-Chair Hart Barnhill; members Frank Carr, and Tyler Harwood; County Planning and Zoning Attorney John Noor; Development Services Director Brad Guth; and Clerk Mandy Bradley. Member Audra Adams, alternate member Ernie Ramsey, and alternate member Conley Goforth were not in attendance.

The meeting was called to order at 6:35 p.m. by Chairman Briggs.

Item 1: Agenda Approval

Development Services Director Brad Guth noted that the applicant for Item 4.III Respite Care Home Special Use Permit-PIN 8795-79-9372 requested to continue the hearing until the next regular meeting. Upon motion by Vice-Chair Barnhill and second by member Carr, the Board voted unanimously to approve.

Item 2: Approval of February 26, 2024 (Regular) Meeting Minutes

Upon motion by Vice-Chair Barnhill and second by member Harwood, the Board voted unanimously to approve.

Item 3: Public Comment

Vice-Chair Briggs opened the floor for public comment with none being available to be heard by the Board.

Item 4: Public Hearings

Discussion was had regarding the process for member recusal should the need arise due to a conflict of interest. Counsel was provided by Attorney Noor.

I. Application: Special Event Facility Special Use Permit-PIN 9738-63-8352

Member Carr discussed that he had previously had ex parte communication regarding the application prior to becoming a member of the Board. Attorney Noor discussed the information with member Carr and counsel was provided regarding the disclosure of ex parte communication with member Carr not recusing himself.

Chairman Briggs administered the oath to witness Brad Guth, Development Services Director.

a. Presentation of Application-Brad Guth, Development Services Director

Mr. Guth presented the application for the request of a special use permit for a special event facility to be located on Bone Camp Road-PIN # 9738-63-8352. Information discussed included zoning compliance for the Residential Agriculture zoning of the property, applicant narrative, sketch plan, photographs, staff findings, and regulations contained in the County's Land Use Ordinance that must be met. (Exhibit 4.1)

b. Witness Testimony

Counsel was provided by Attorney Noor regarding the process of the hearing.

Chairman Briggs opened the floor for witnesses requesting standing. Witnesses Walter Brosnan, Diane Van Helden, and Toni Brosnan presented for request of standing with Chair Briggs administering the oath to the witnesses and applicant.

Counsel was provided by Attorney Noor regarding the procedure for the hearing and special damages that would be required to apply to witnesses with standing.

Witness Walter Brosnan, neighboring property owner presented testimony to the Board citing safety concerns regarding the location of the applicant's property being in the middle of a turn on the road. Additional information discussed included increased traffic, potential for fire, accidents, and concerns with the parking proposal for the proposed facility were cited as concerns by the witness. Discussion was had by the Board with counsel being provided by Attorney Noor with Dustin Dye, applicant questioning the witness as to how the parking concerns of the proposed facility were damaging. Upon motion by Vice-Chair Barnhill and second by member Harwood, the Board voted unanimously to grant Mr. Brosnan standing.

Witness Toni Brosnan, neighboring property owner presented testimony to the Board citing the dangers of increased traffic on the road and safety for children. Counsel was provided by Attorney Noor and Dustin Dye, applicant stated that he had no questions. Upon motion by Vice-Chair Barnhill and second by member Carr, the Board voted unanimously to grant her standing as well.

Witness Diane Van Helden, neighboring property owner discussed the location of her property in regard to being located an unknown amount of distance from the applicant's property as well as and presented testimony to the Board citing noise concerns from the applicant's property during construction and concerns regarding the entrance and exit to the property being dangerous. Discussion was had regarding the location of Ms. Van Helden's property in regard to the applicant's property with counsel being provided by Attorney Noor. Ms. Van Helden also discussed fire concerns. Dustin Dye, applicant discussed the property distance. Ms. Van Helden provided answers to questions from the Board including the elevation of her property in relation to the applicant's property and the visibility of a structure and lights from the applicant's property. Counsel was provided by Attorney Noor. Upon motion by Vice-Chair Barnhill and second by member Harwood, the Board voted unanimously to grant standing.

Attorney Noor opened the floor for any additional witnesses requesting standing with none being available for consideration of the Board. Counsel was provided by Attorney Noor regarding the process of the hearing.

Witness Diane Van Helden provided questioning to Development Services Director Brad Guth regarding the most recent staff report which Mr. Guth provided to Ms. Van Helden and witness Walter Brosnan during questioning. Mr. Guth also discussed the application review process completed by his office to ensure that the information meets the requirements of the County's Land Use Ordinance noting that the Board of Adjustment is tasked with ensuring correctness of the information submitted by the applicant. The Board clarified the information discussed by Mr. Guth with Mr. Guth noting that distances, footage, etc. contained in the information are not verified by his office. Counsel was provided by Attorney Noor who opened the floor to additional questions for Mr. Guth from other witnesses with none being received.

Applicant Marissa Dye presented testimony to the Board regarding her property and current rental operation. She noted that the loft is rented as a vacation rental and the entire property is rented in the summer and fall with guest requests to hold wedding ceremonies there. She discussed that the intent is not for the property to be turned into a wedding facility, but that those staying there for a rental which requires a three night minimum be allowed to hold a ceremony noting that there would be a maximum capacity of fifty (50) people in a day and that rules for noise would apply. She discussed the closest adjoining property citing it as a vacation rental and provided information regarding the use of landscape buffers on the property, installation of noise monitors, and discussed parking containing twenty-one (21) parking spaces as well as a long driveway for parking and adjacent land that could be utilized if needed. The installation of mirrors for vision safety on the road was also discussed by Ms. Dye who also addressed traffic concerns citing the number of cars that the North Carolina Department of Transportation notes on Bone Camp Road daily and that visits to her property would not affect the neighboring property since they are located past her property. Fire concerns were addressed by Ms. Dye who noted that there have been fires in the area prior to her ownership there and that she would work with neighbors for safety. Counsel was provided by Attorney Noor regarding the process of the hearing. The Board requested additional information regarding parking with applicant Dustin Dye discussing that there is additional area that could be utilized for parking and applicant Ms. Dye discussing the picture contained in the application previously presented as evidence. Information to additional questions of the Board were provided regarding parking requirements. Ms. Dye discussed information received from the fire department regarding someone setting previous fires and she also provided information regarding the closest neighboring property allowing for the property to be rented for events as well. Counsel was provided by Attorney Noor regarding the process of the hearing. Witness Diane Van Helden objected to the applicant presenting hearsay regarding fires being set and the neighbor previously discussed by Ms. Dye. Counsel was provided by Attorney Noor and Chairman Briggs ruled to sustain the objection regarding the fire department evidence of who set the fire, but not the other part.

Witness Walter Brosnan discussed the parking plat included in the application noting that the available land area does not allow for the number of spaces as included in the application at the required specifications as outlined in the County's Land Use Ordinance. Applicant Mr. Dye discussed that the plat is a rough layout and additional parking would be available with applicant Marissa Dye noting that there would be no congestion ensured.

Witness Diane Van Helden provided questioning to the applicant regarding the photos contained in the application packet. Applicant Marissa Dye provided information regarding the origins of the photos including County GIS, Google Earth maps, personal photos. Discussion was had by Ms. Van Helden regarding the applicant ensuring that the information contained such as measurements for parking and additional information obtained from the sources was factual. Ms. Dye discussed how the measurements were obtained and provided information regarding proposed parking, discussing that the information contained will be changed with Ms. Van Helden noting that the information is not complete. Ms. Van Helden also discussed information including structures on the property and previous construction of them, past uses of the property, hours of operation, the need for a local contact, advertising forums, previous business and occupancy taxes of the applicant, and income.

Additional questioning of the applicant was provided by witness Walter Brosnan regarding how the property would be utilized if the applicant were issued the requested special use permit.

Attorney Noor called for additional questions for the applicant with none being received.

The Board took recess from 8:01 p.m. to 8:10 p.m.

Discussion regarding inaccuracy of the measurements of the proposed parking area was had by the Board and applicant Dustin Dye who noted that the area between the barn and the road could be used for parking. Vice-Chair Barnhill requested that the applicant provide a comprehensive survey and site plan including roads and accurate distances with septic and water identified. Counsel was provided by Attorney Noor regarding the requirements of the sketch plan as outlined in the County's Land Use Ordinance with the Board requesting that the plan be to scale. Discussion was also had by the Board regarding other provisions required for the application as set forth in the Land Use Ordinance with the Board requesting that information including a local contact be provided. Ms. Dye discussed that fifty people would be allowed at events and that the application would be updated to reflect as such. Counsel was provided by Attorney Noor regarding additional information and special conditions.

Applicant Marissa Dye requested a continuance so testimony could be addressed adequately. Discussion was had by the Board regarding hearing the testimony from those with standing with counsel being provided by Attorney Noor and Ms. Dye requesting to withdraw her request for continuance at this time.

Witness Diane Van Helden requested to continue the hearing from now until April so additional information can be presented with objection from applicant Marissa Dye.

Counsel was provided by Attorney Noor regarding the hearing process.

Motion was placed on the floor by member Carr and second to the motion was provided by Vice-Chair Barnhill to continue. Discussion was had regarding the date for continuance and counsel was provided by Attorney Noor regarding the procedure to continue and the advance receipt of information for the hearing with Mr. Guth, Development Services Director noting one week in advance as acceptable. Attorney Noor noted that the hearing could be continued until April 22, 2024, with information being provided one week prior, by April 15th. Discussion was had by the applicant Marissa Dye regarding the timing for gathering of evidence. Attorney Noor discussed the continuance process and clarified the motion to include that the hearing would be continued until the next regular meeting on April 22, 2024, with information presented by April 15, 2024. Member Carr reaffirmed the motion to include information upon counsel by Attorney Noor with reaffirmation of the second being provided by member Barnhill and the Board voting unanimously to approve.

II. Application: Protected Ridge Building Variance-PIN 9739-96-4086

Discussion was had by member Carr regarding his request for recusal due to a close personal relationship with the applicant's representative, Anthony Willis, noting that he would not be able to remain impartial and counsel was provided by Attorney Noor.

Member Carr recused from hearing at 8:35 p.m.

Chairman Briggs discussed ex-parte communication that he had previously had regarding discussion of the project and counsel was provided by Attorney Noor and Chairman Briggs noted that he had not formed an opinion on the project.

Member Carr exited the Board at 8:40 p.m.

The Board took recess from 8:41 p.m. until 8:47 p.m.

Counsel was provided by Attorney Noor who discussed that the current composition of the Board does not allow for the requirement as set forth in the N.C.G.S. voting requirement for quasi-judicial hearings to be met at this time and that the hearing would require continuation until the next meeting on April 22, 2024.

Upon motion by member Harwood and second by Vice-Chair Barnhill, the Board voted unanimously to continue to April 22, 2024.

Member Carr returned to the Board at 8:52 p.m.

III. Application: Respite Care Home Special Use Permit-PIN 8795-79-9372

No discussion was had, previous vote taken to continue the hearing until the next regular meeting which will be held on April 22, 2024, as reflected in Item 1.

Announcements/Updates

Mr. Guth provided information regarding upcoming considerations of the Board.

Attorney Noor provided information regarding upcoming training available to the Board.

Discussion was had by the Board regarding the processes for hearings, general information contained in applications, and meeting agendas with counsel being provided by Attorney Noor.

Item 6: Adjournment

Upon motion by Vice-Chair Barnhill and second by member Harwood, the Board voted unanimously to adjourn at 9:13 p.m.

This the 25th day of March 2024.

MADISON COUNTY

4.1

Madison County Board of Adjustment

STAFF REPORT

Special Use Permit Application: The applicant seeks to use their property as a Special Event Facility. This is an outdoor use which also falls under the Special Event Facility definition in the ordinance.
Applicant: Marrisa Dye
Representative: Marissa Dye
Property Address: 1761 Bone Camp Road
Property PIN# 9738-63-8352
Property Size: 14.37 Acres
Existing Land Use: Residential|Vacation Rentals
Existing Zoning: [RA] Residential Agriculture
Special Use Requested: Special Event Facility
Date: 3/25/2024
Report Prepared By: Brad J. Guth

Summary of the Request

The Applicant requests a special use permit to operate a Special Event Facility. This use is allowed in the [RA] Residential Agricultural Land Use District with approval from the Board of Adjustment for a Special Use Permit.

Ordinance Criteria

Narrative
Sketch Plan
Elevation Drawings|Photos
Landscaping Buffers
Use Separation

Noise Level
Structural Requirements
Parking
Signage
Fireworks
Local Contact Person

Staff Comments

The applicant has provided the required information to be considered for a Special Use Permit. Clarifications are needed regarding meeting the parking requirements or limiting the number of guests based on the available parking.

Attachments and Supporting Documents

1. Special Use Application
2. Narrative
3. Site Plan
4. Ordinance Standards
5. Aerial Map

SPECIAL USE PERMIT WORKSHEET

Finding 1: The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.

Reasons/Evidence:

- **True:** [If the statement is true, list the evidence supporting this conclusion.]
- **False:** [If the statement is false, list the evidence supporting this conclusion.]

Finding 2: The proposed use will not be detrimental to the public welfare.

Reasons/Evidence:

- **True:** [If the statement is true, list the evidence supporting this conclusion.]
- **False:** [If the statement is false, list the evidence supporting this conclusion.]

Finding 3: The proposed use will not injure property or public improvements in the neighborhood.

Reasons/Evidence:

- **True:** [If the statement is true, list the evidence supporting this conclusion.]
- **False:** [If the statement is false, list the evidence supporting this conclusion.]

PAID 1/18/2024

RECEIVED
JAN 18 2024
BY: Sylvia Shelton

P.O. Box 873
Marshall, N.C. 28753

COUNTY OF MADISON
ZONING APPLICATION

Check Appropriate Item(s):

*AMENDMENT TO ZONING MAP -- ZONING CHANGE REQUEST
*CONDITIONAL USE or SPECIAL USE
*APPEAL OF ADMINISTRATIVE DECISION
*VARIANCE

To be completed by staff
Date Received: 1/18/2024
Fees Rec'd $500.00

PART 1 – To be completed by ALL Applicants

1-A **IDENTIFICATION OF PROPERTY**

1) Number and Street: 1761 Bone Camp Rd Marshall NC 28753

2) Present Zoning: RA 3) Acres: 14.37 4) Pin Number: 9738-63-8352

5) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
TP 3 Bone Camp Road 14.37 acres portion of DK 505/411 Tract 2 portion of BB 7/116

1-B **PROPERTY**

1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached): if NONE so state:
none

2) (a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning Map before? *YES (*NO)

(b) Date: —

(c) What was the disposition of the case? —

(d) Former Applicant Name: —
Former Applicant Address:
Former Phone:

1-C **IDENTIFICATION OF APPLICANT** – All applicants must have standing (an interest in property that will be directly affected by requested action)

1) Applicant:

Name: Dustin Rye
Address: 1761 Bone Camp Rd Marshall NC 28753
Phone: 904-826-9045

Agent (if any):

Name: Marisa Rye
Address: same
Phone: 801-376-0774

2) Owners of all property included in this application:
Name: Same as above
Address:
Phone:

3) If the applicant is a Land Trust, Partnership, Corporation, or LLC, etc.. or if the subject property is owned or controlled by a Land Trust, Partnership, Corporation or LLC. List name and interest of all Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

	NAME/ADDRESS	PHONE	INTEREST
Trustee/Partner:	NA		
Beneficiary/Partner:			
Beneficiary/Partner:			
Beneficiary/Partner:			

5) Does the applicant have a proprietary interest in the land or land improvements? *YES *NO

If YES, state interest and attach documentation: owner

If NO, state what interest otherwise qualifies the applicant to apply:

6). Names of the owners of the improvement(s) on the property in this applicant if different from above:

NAME — Address

7). If the applicant is a corporation or LLC etc.., attach evidence that the person submitting the application on behalf of the corporation is authorized to do so.

NA

Part 2 - Request Type

2-A **REZONING – (AMENDMENT TO THE ZONING MAP)** – Application for amendments to the Zoning District Map are heard by the Planning Board which makes a recommendation to the County Commissioners. Only the County Commissioners has authority or grant or deny amendments to the Zoning District Map.

1) (a) Existing Zoning:_____

(b) Proposed Zoning:_____

(c) Existing Use:_____

(d) Proposed Use:_____

Zoning Designations:

AO	Agriculture Open-Space District	**RA**	Residential Agriculture
R-1	Residential District	**R-2**	Residential-Resort District
I-D	Industrial District	**C**	Commercial
N-C	Neighborhood Commercial	**CMU**	Commercial Mixed Use

2) The following must be submitted with this application:

*Preliminary Site Plan - prepared by a register design professional
*Rendering or Perspective – depicting possible uses
*Other – please describe

3) Please list names, addresses, and phone numbers of the adjoining property owners.

2-B **SPECIAL USE REQUEST or CONDITIONAL USE**– Conditional Use requests are heard by the Board of Adjustment which will make a decision. Special Use requests are heard by the Planning Board.

1) Are development plans submitted with this application? *YES *NO

2) Parking requirements:
a) Proposed number of parking spaces to be provided: ~~[illegible]~~ 38

b) Number of parking spaces required of Zoning Ordinance:

Other
a) Attach tabulation of total land area and percentage thereof designated for various uses

b) Are there any land use intensity requirements? *YES *NO If yes, attach data.

2-C VARIANCE

To the Madison County Board of Adjustment:

I, hereby petition the Board of Adjustment for a Variance from the provisions of the Madison County Ordinance because, under the interpretation given to me by the Zoning Administrator, I am Prohibited from using the parcel of land described in the application in a manner shown by the plot plan attached. I request a variance from the following provision(s) of the ordinance:

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The board must find there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter if the ordinance, that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit, and that in granting of the variance the public safety and welfare have been assured and substantial justice has been done. Please attach any proof, evidence or other documentation to show why this variance is being applied for.

2-D Appeal of an Administrators Decision

An appeal must be taken within 30 days after the date of the decision or order appealed from.

I, the undersigned, do hereby respectfully make application and petition the Board of Adjustment of Madison County as hereinafter requested, and in support of this application, the following facts are shown:

1. Reasons for appeal.
2. Decision rendered by Zoning Office

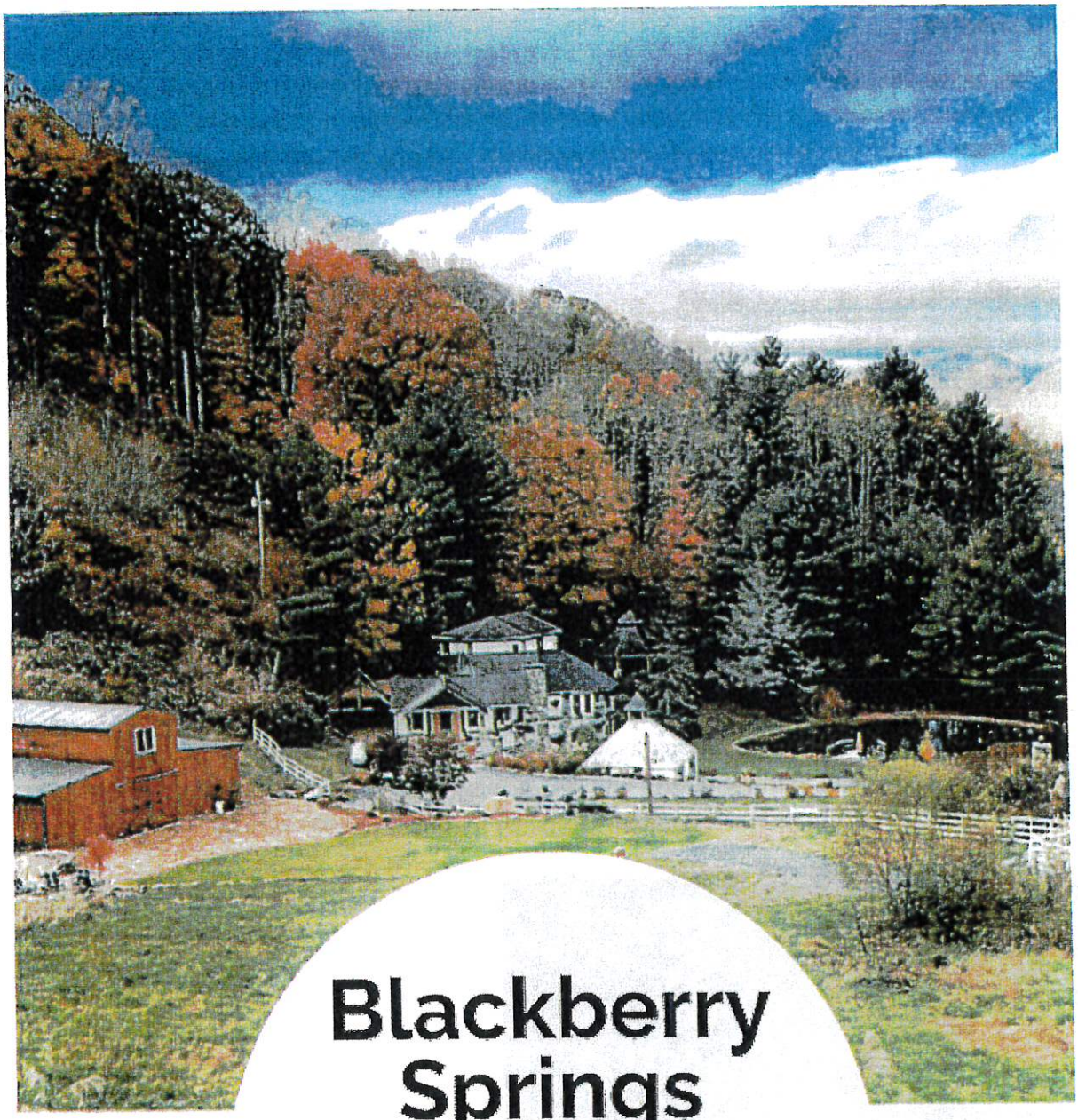
PART 3 – TO BE COMPLETED BY ALL APPLICANTS

To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true and accurate:

a) Signature of Applicant: _____

b) Signature of Agent (if any): _____

c) Date 1/18/24



Blackberry Springs

SPECIAL USE PROJECT PROPOSAL

Narrative

We are currently a short-term vacation rental property with two rentals on the property applying for a special use permit to allow people the ability to hold events on the property. Areas they could currently use for these special events would be: having their wedding in front of the pond or having a dinner setup in front of the barn, etc.

Specific Hours of Operation

Guests staying at the property have 24/7 access to the property. However, any events on the grounds outside have a noise policy with no amplified noise outside of 7:00 am-10:00 pm.

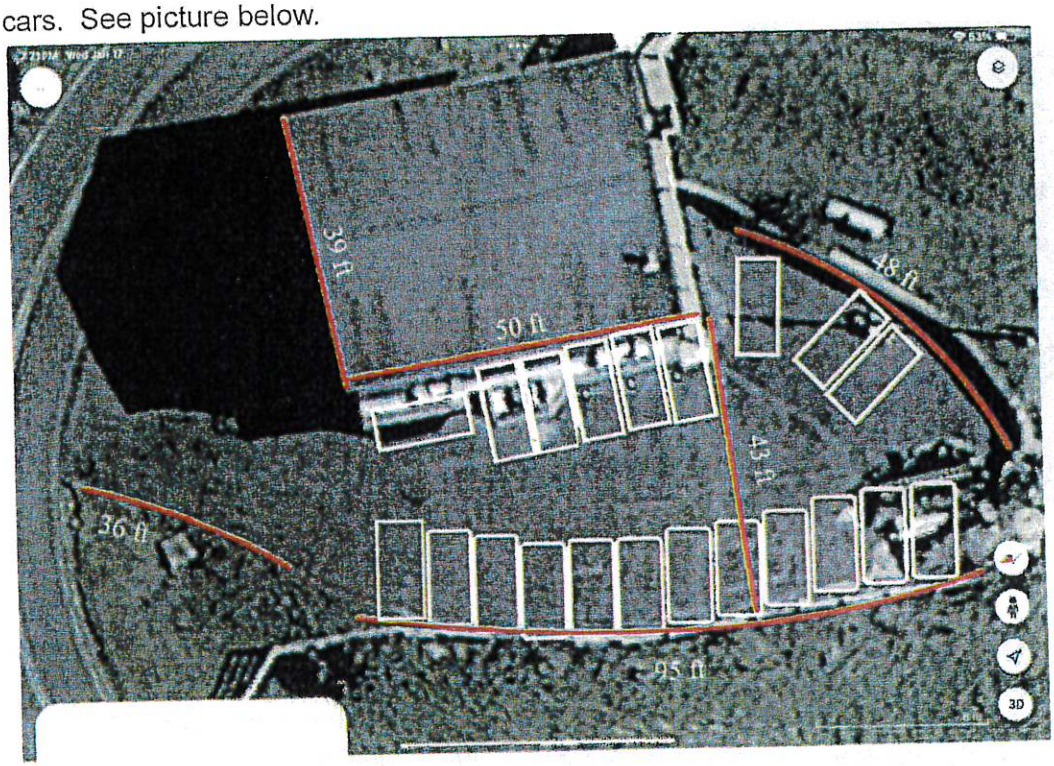
Acoustic Impacts

The three closest homes to our property are a minimum of 860 feet away. Please see picture below showing our property, our neighboring properties, and the distance to those properties.

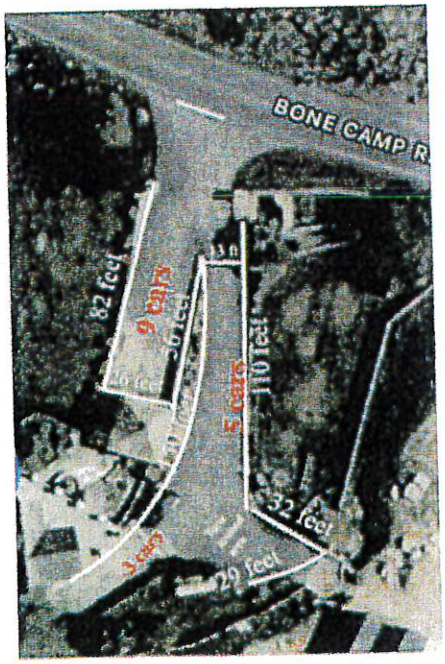
In addition, our guest rules do require guests to have no amplified noise before 7:00 am and after 10:00 pm. Anticipated noise may include music and dancing at a reception. To prevent noise violations we will be installing Noiseaware.com monitors inside and outside of the property to monitor noise volume. This service allows us instant actionable alerts so we are the first to know what's happening at our property and can contact guests asap to prevent problems. In addition, we do have outdoor video cameras on site to monitor guest activity.

Parking

We estimate that currently we can park at least 38 cars just in the parking lot and driveway of the house. 1661 Bone Camp Road has a paved parking lot. According to standard parking measurements of 9x18 and the square footage of the parking lot below, this parking lot will fit 21 cars. See picture below.



In addition, 1761 Bone Camp has two long driveways where an additional 17 cars can be parked. See picture with measurements below.



Buffer Strips

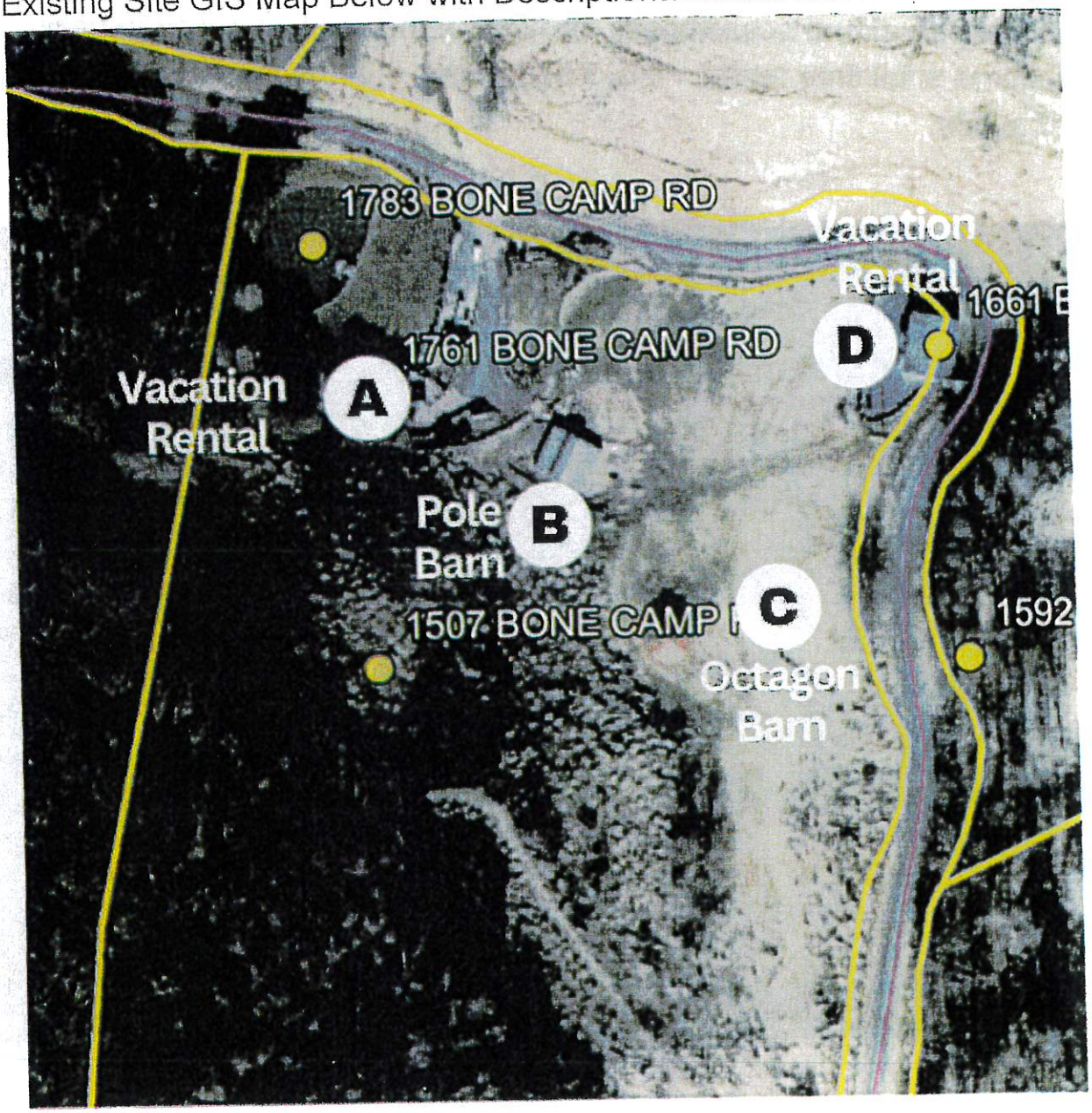
There are no adjoining properties with residential structures that would require a buffer strip. There is extensive distance, vegetation and landscape features between properties See GIS map below.

Bathrooms

According to the NC State Building/Plumbing Code section 403.1 we need one Men's room and one Women's room for the occupancy we will allow. In the smaller vacation rental we have 3 1/2 bathrooms and in the larger one we have 3 full bathrooms and 2 half bathrooms. If necessary, we can also contract with a bathroom trailer service such as https://www.luxuryloosrental.com.

Site Plan

Existing Site GIS Map Below with Descriptions/Measurements Following

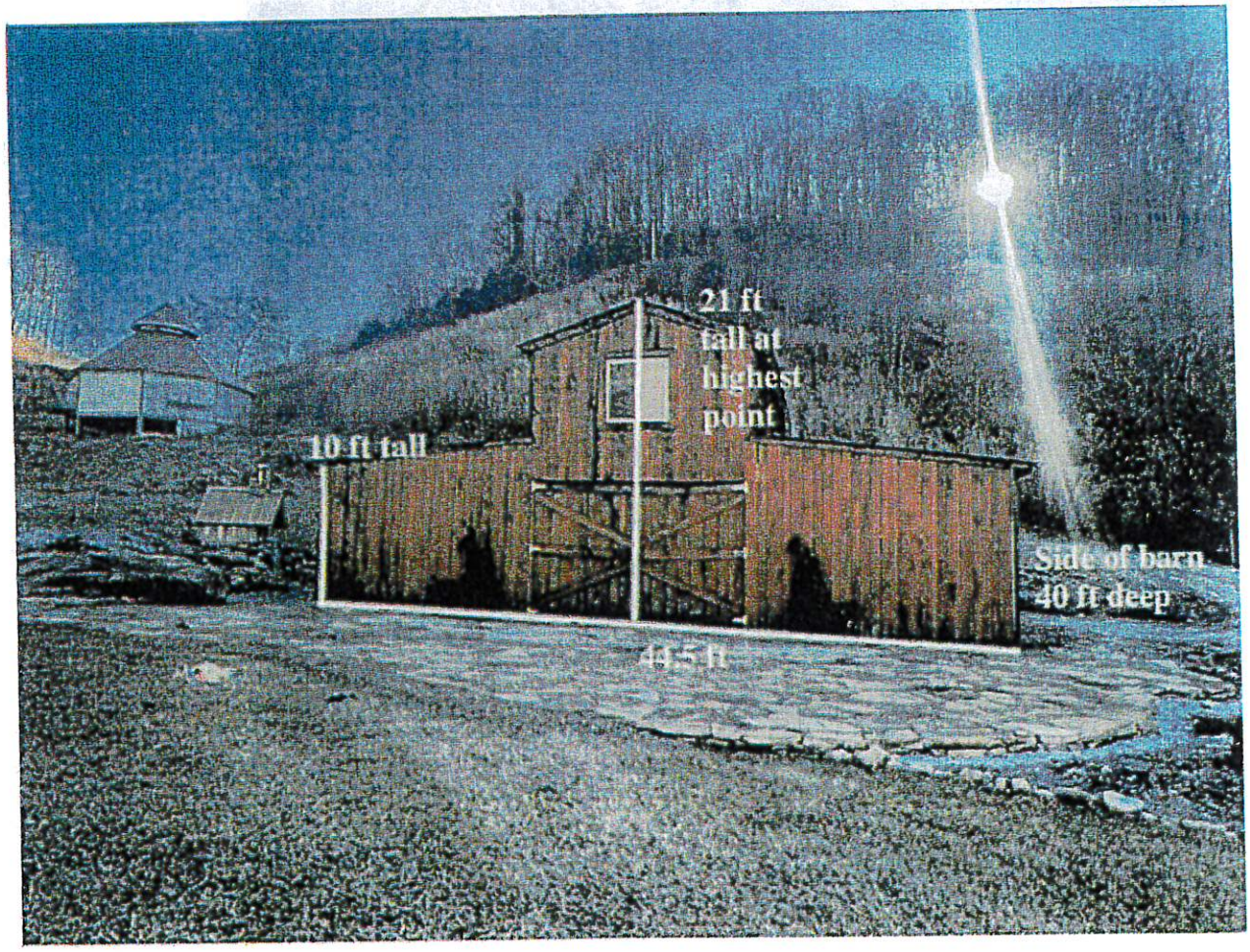


A: 1761 Bone Camp Road

This is our family's residence that we live in most of the year and is used as an airbnb occasionally throughout the year. It will eventually become a full time rental. It is 5 bedrooms, 5,000 sq ft that can sleep 10 adults.

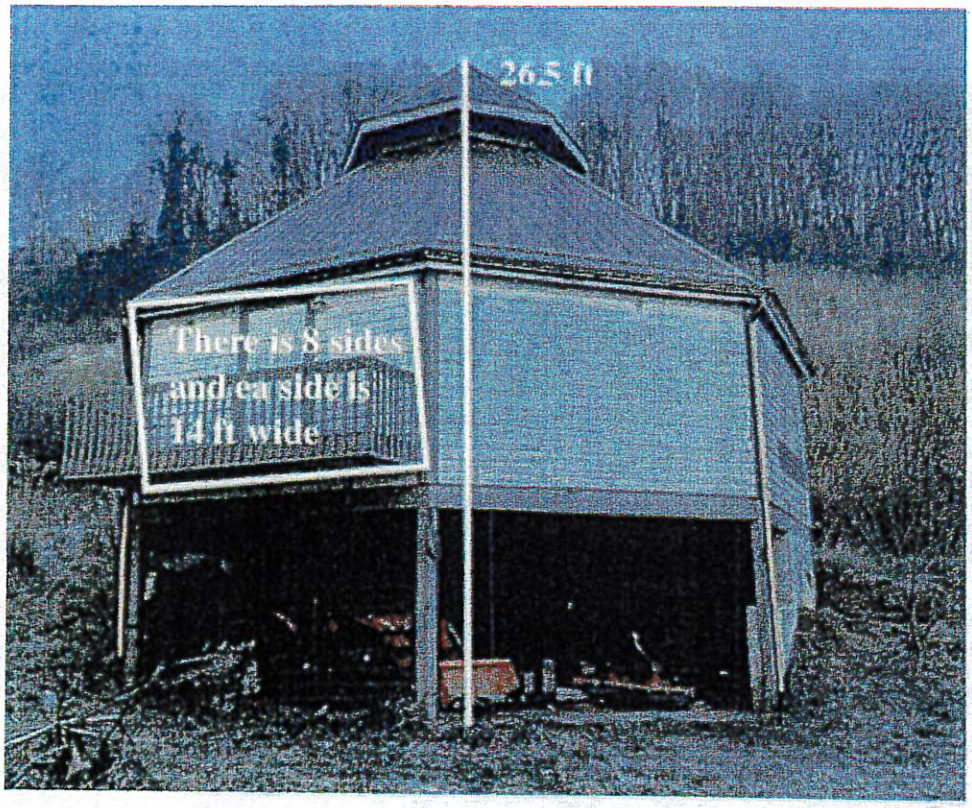
B: Pole Barn

This is a pole barn that is used to store things (i.e. tractors, building supplies, etc.). Currently guests are not given any access to the inside of the barn. However, the exterior of the barn will be a popular back drop to hold dinners and post-wedding events. There is a flagstone patio in front of the barn where dinners and events can take place.



C: Copper Roof Barn

This barn is currently unfinished. We eventually plan to finish the top part of the barn to be used as an event space, and the bottom floor of the barn into a commercial kitchen. These future projects have not had any work done yet for them, we currently don't have any contractors, building plans, septic plans in place.



D: 1661 Bone Camp Road

1661 Bone Camp is an short term rental with 3 bedrooms, approx 1700 sq ft that sleeps 6 adults.

Other property features

- Gazebo with outdoor dining tables
- A pond
- A small greenhouse that is mostly used to store outdoor toys like inflatables
- Pizza Oven

Contact People/ Owners

Dustin Dye-
904-826-9045
dustindye@gmail.com

Marisa Dye
801-376-0774
marisadye@gmail.com

PAID 1/18/2024

RECEIVED
JAN 18 2024
BY: Sylvia Shelton

P.O. Box 873
Marshall, N.C. 28753

COUNTY OF MADISON
ZONING APPLICATION

Check Appropriate Item(s):

*AMENDMENT TO ZONING MAP -- ZONING CHANGE REQUEST
*CONDITIONAL USE or SPECIAL USE
*APPEAL OF ADMINISTRATIVE DECISION
*VARIANCE

To be completed by staff
Date Received: 1/18/2024
Fees Rec'd $500.00

PART I – To be completed by ALL Applicants

I-A **IDENTIFICATION OF PROPERTY**

1) Number and Street: 1761 Bone Camp Rd Marshall NC 28753

2) Present Zoning: RA 3) Acres: 14.37 4) Pin Number: 9738-63-8352

5) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
TP 3 Bone Camp Road 14.37 acres portion of bk. 505/411 Tract 2 portion of PB 7/116

I-B **PROPERTY**

1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached): if NONE so state:
none

2) (a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning Map before? *YES (*NO)

(b) Date: —

(c) What was the disposition of the case? —

(d) Former Applicant Name: —
Former Applicant Address:
Former Phone:

Madison County Land Use Ordinance
Chapter 8 Section 10
Special Event Facility
Fact Sheet

8.10 Special Event Facility

The development of a Special Event Facility shall go before the Board of Adjustment for a special use permit and shall conform to all applicable standards. Any property used for a special event facility shall also comply with the following standards:

8.10.1 Purpose. The purpose of this section is to establish a set of regulations applicable to Special Event Facilities. These regulations are in addition to all other provisions of this

ordinance. In adopting these standards, Madison County finds that Special Event Facilities have the potential to be incompatible with surrounding residential uses, thereby having the potential for a deleterious effect on adjacent residents. Special regulations for Special Event Facilities are necessary to ensure they will be compatible with surrounding residential uses and will not act to harm or alter the neighborhoods they are located in.

8.10.2 Permit

Any person, firm, or corporation wanting to construct or expand a Special Event Facility shall first submit an application and sketch plan to the Madison County Zoning Office. Applications shall contain all information this ordinance requires and any additional information requested by the Zoning Administrator. An application will not be complete until it contains all required and requested information. After an application is complete, the Madison County Zoning Office shall forward the application to the Madison County Board of Adjustment for a special use hearing.

8.10.3 Requirements for Applications/ Sketch Plan

8.10.3.1 Narrative

A narrative describing the proposed Special Event Facility, including an overview of the project with specific hours of operation and the anticipated acoustic impact (including volume) of events and attendees;

8.10.3.2 Sketch Plan and Photos

A sketch plan showing the proposed location, height, and dimensions of all existing and proposed structures, screening, fencing, retaining walls, property lines, existing and

proposed parking, access roads, and the location of any residence within 100 yards of the property line of the Lot;

8.10.3.3 Elevation Drawings or Photos

An elevation drawing or photos of the existing or proposed buildings and a material list to show the structural details of the building, communicate exterior design choices, and give an idea of what the finished building will look like.

8.10.4 Landscaping Buffers

The facility and area associated with the use shall be screened from adjoining properties by a buffer strip. The buffer strip shall comply with the requirements in the definition of a buffer strip.

8.10.5 Use Separation

All equipment, structures, and parking shall be a minimum of thirty feet from all property lines and one-hundred feet from any occupied residential structure on adjacent properties.

8.10.6 Noise Level

All Special Event Facilities shall adhere to the Madison County Noise Ordinance. Additionally, any sound or noise originating from a Special Event Facility shall not exceed 45db as measured from any property line.

8.10.7 Structural Requirements

The facility shall meet all North Carolina State Building Code requirements and any Environmental Health requirements for sewage disposal and water supply.

8.10.8 Parking

Special Event Facilities shall comply with the parking requirements of the Madison County Land Use Ordinance and the maximum occupancy according to the North Carolina State Building Code. Parking surfaces are not required to be paved. Parking requirements can be met with a written agreement or lease for offsite parking.

8.10.9 Signage

One On-Premise sign is allowed in accordance with the Madison County Land Use Ordinance.

8.10.10 Existing Special Event Facilities|Non-conforming Uses

All Special Event Facilities legally in existence and use prior to the adoption of Section 8.10 may continue to operate during an amortization period of one year without being subject to the terms

and conditions of Section 8.10. However, all Special Event Facilities, regardless of their existence prior to the adoption of Section 8.10, shall comply with Sections 8.10.6 and 8.10.13 upon adoption of Section 8.10.

All Special Event Facilities must comply with Section 8.10 and its subparts within one year after adopting Section 8.10, including applying for and obtaining a special use permit from the Board of Adjustment.

8.10.11 Fireworks

Fireworks are not permitted except for sparklers, fountains, and novelty fireworks items that do not explode or are not intended to spin or leave the ground and fly through the air and are legal for individual purchase in North Carolina.

8.10.12 Local Contact Person

All Special Event Facilities shall designate a local contact person who shall provide their contact information, including email and phone number for business and emergency contact.

8.10.13 Violation of Special Use Permit or Section 8.10

Except as specifically provided herein, if at any time after a special use permit has been issued for a Special Event Facility and it is determined that the conditions imposed and the agreements made in the special use permit have not been or are not being fulfilled or there has been a violation of Section 8.10, the zoning administrator may issue a warning and the permit holder will have ten (10) days to come into compliance with all permit and ordinance requirements. Upon any subsequent violation, the County shall issue a notice of violation. Notices of violation may be appealed to the Board of Adjustment consistent with the procedures provided in this ordinance. If a special use permit is terminated due to the issuance of a notice of violation, it may be reinstated only after a public hearing is held before the Board of Adjustment, and the notice is either reversed or, in the event the notice is either affirmed or not appealed, a new special use permit is applied for and approved by the Board of Adjustment.